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Transcriber's Office

Floor Debate
February 26, 2013

[LB7 LB52 LB156 LB180 LB225 LB311 LB376 LB428 LB434 LB510 LB615 LB643
LR74 LR75 LR76 LR77 LR78]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the thirty-second day of the One Hundred Third Legislature, First Session. Our chaplain for today is Senator Bloomfield. Please rise.

SENATOR BLOOMFIELD: (Prayer offered.)

SENATOR GLOOR: Thank you, Senator Bloomfield. I call to order the thirty-second day of the One Hundred Third Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

SENATOR GLOOR: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR GLOOR: Thank you. Are there messages, reports, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review reports LB7, LB156, LB180, LB225, and LB311 as correctly engrossed. I also have a hearing notice from the Transportation Committee and a new resolution, LR74, by Senator Howard. That's a resolution that will be laid over at this time. Mr. President, an announcement: the Agriculture Committee will have an Executive Session at 1:00 in Room 2022; Agriculture Committee at 1:00 in Room 2022. That's all that I have at this time, Mr. President. (Legislative Journal pages 525-526.) [LB7 LB156 LB180 LB225 LB311 LR74]

SENATOR GLOOR: Thank you, Mr. Clerk. We'll now proceed to the first item on the agenda.

CLERK: Mr. President, LB52, was a bill introduced by Senator Christensen. (Read title.) The bill was introduced in January, reported to General File. The bill has been considered on February 12 and February 20. Committee amendments have been adopted. An amendment from Senator Christensen has been adopted to the committee amendments. When the Legislature left the issue, Mr. President, Senator Chambers had offered FA8. That motion was defeated. Subsequent to that, Senator Chambers moved to reconsider that vote. So the pending motion, Mr. President, is by Senator Chambers to reconsider the negative vote with respect to FA8. [LB52]

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SENATOR GLOOR: Senator Chambers, would you refresh the body's memory on your motion to reconsider. [LB52]

SENATOR CHAMBERS: Thank you. Mr. President, in order that I may stay on target I would ask the Clerk to refresh my memory on what the text of that amendment is. [LB52]

SENATOR GLOOR: Certainly. [LB52]

CLERK: Senator, your amendment that was defeated, FA8, was page 2, line 24, strike the words "nonprofit corporation." [LB52]

SENATOR CHAMBERS: Thank you, Mr. Clerk. Members of the Legislature, I believe in being straightforward. If you all want to take the next three hours off, then you can do so either here or in your offices. And since you have a closed circuit television you'll be able to follow the activities on the floor. But I intend to take all of the time that's necessary to kill this bill. I don't want there to be any misperceptions about my intentions. I've already told the introducer of LB52, Senator Christensen, that I'm not willing to compromise. I'm going to do all I can to kill the bill. I think it's horrible policy. But along the way, on the chance that he may be able to enthrone the members of the Legislature and persuade at least 25 to go along with a bad bill, I will offer amendments which I think could improve a bad bill from my perspective, but I doubt that all of you would agree on my judgment in that regard. In this particular amendment, as mentioned by the Clerk, on line 24, "nonprofit corporation" would be eliminated. I would like to ask Senator Christensen a question or two. [LB52]

SENATOR GLOOR: Senator Christensen, would you yield? [LB52]

SENATOR CHAMBERS: Reluctantly. Thank you, Senator Christensen. [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: Oh. Mr. President, I'm going to ask Senator Christensen a question. Senator Christensen, you had indicated some time back when we were on this bill that you were contacted by people in the area of this work camp to offer legislation of this kind. Is that more or less correct? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: Did they mention the three items that you have, namely charitable, fraternal, or nonprofit corporations; or did you supply those words? [LB52]

SENATOR CHRISTENSEN: I put the three words in there because that was the way

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that Corrections had been operating in the past, previous to LB83 from Senator Synowiecki. [LB52]

SENATOR CHAMBERS: Now when the words "nonprofit corporation" were put in, had you thought at all about what types of operations those words would include? [LB52]

SENATOR CHRISTENSEN: Well, I think, yeah, I realized what all it's going to include, because it could be a nonprofit hospital, it could be Red Cross, it could be a number of these organizations. Yes. [LB52]

SENATOR CHAMBERS: Could it be a church? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: So you're not opposed to entangling the government with religion? [LB52]

SENATOR CHRISTENSEN: But it has to be for a public benefit. [LB52]

SENATOR CHAMBERS: And that's a matter of opinion as to whether churches provide that. You might can show that they call themselves nonprofit based on the definition of that term, but when you look at how much money they beg and how much money they take in, they are hardly nonprofit. [LB52]

SENATOR GLOOR: One minute, Senators. [LB52]

SENATOR CHAMBERS: And I think they avoid paying taxes because they're religious operations rather than nonprofit. So do you still want to include churches in that term? [LB52]

SENATOR CHRISTENSEN: I'm fine with including it. They've not worked at them in the past, but I don't have a problem with all nonprofits. [LB52]

SENATOR CHAMBERS: And you said the hospital. What kind of work would they do in the hospital? Would they perform surgery? [LB52]

SENATOR CHRISTENSEN: No. This would be the outside cleanup if there was a storm went through. [LB52]

SENATOR CHAMBERS: Flunky work, more or less. [LB52]

SENATOR CHRISTENSEN: What's that? [LB52]

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SENATOR CHAMBERS: Flunky, f-l-u-n-k-y. Flunky work, in other words. [LB52]

SENATOR CHRISTENSEN: Depending on what all you call flunky work. [LB52]

SENATOR CHAMBERS: Well, does menial come closer to meeting with your approval and your idea of accuracy? [LB52]

SENATOR CHRISTENSEN: I guess it would. I look at it this way. You know, they helped Southwest Public Schools move from one building to another building. They helped NCTA move from one building to another building. [LB52]

SENATOR GLOOR: Time, Senators. Thank you, Senator Chambers and Senator Christensen. (Doctor of the day introduced.) Members, we now continue discussion on the motion to reconsider. Senator Lautenbaugh, you are recognized. [LB52]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I wonder if Senator Chambers would yield to a question. [LB52]

SENATOR CHAMBERS: Yes. [LB52]

SENATOR GLOOR: Senator Chambers, will you yield? [LB52]

SENATOR CHAMBERS: Yes, I will. [LB52]

SENATOR LAUTENBAUGH: Senator, I'm just wondering if, succinctly put, you could give us a thumbnail sketch of why you oppose this bill. [LB52]

SENATOR CHAMBERS: I think it is very bad policy to farm out convict labor to private operations no matter how they are denominated. If you're going to put it in connection with a work release program where a decent wage is paid and the regulations that govern that particular program, I don't have a problem with that in the way that I do this one. But to put them out in the way that this bill contemplates I think is very bad policy. [LB52]

SENATOR LAUTENBAUGH: Thank you, Senator Chambers. Senator Christensen, will you yield to a question? [LB52]

SENATOR GLOOR: Senator Christensen, would you yield? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR LAUTENBAUGH: Senator Christensen, do you wish you had a seat closer to the front of the Chamber? [LB52]

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SENATOR CHRISTENSEN: No. [LB52]

SENATOR LAUTENBAUGH: Senator, did you hear Senator Chambers' remarks a moment ago? [LB52]

SENATOR CHRISTENSEN: No, I didn't. Sorry. [LB52]

SENATOR LAUTENBAUGH: I just asked Senator Chambers a question as to why he opposed this bill. Did you hear his comments? [LB52]

SENATOR CHRISTENSEN: I did not. [LB52]

SENATOR LAUTENBAUGH: Okay, thank you, Senator Christensen. [LB52]

SENATOR GLOOR: Senator Chambers, you are recognized. [LB52]

SENATOR CHAMBERS: Thank you. Mr. President, I would like to ask Senator Christensen a question. [LB52]

SENATOR GLOOR: Senator Christensen, would you yield? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: Senator Christensen, based on the way this discussion has proceeded, if you had heard my remarks in response to Senator Lautenbaugh's question, do you think they would have made any difference to you? [LB52]

SENATOR CHRISTENSEN: In not hearing the comment, that's very difficult to answer. [LB52]

SENATOR CHAMBERS: That is a very wise response. I'm going to pry into your affairs now only as they pertain...only as they pertain to activities on the floor of the Legislature. My colleagues need to elevate their mentality. After all, we have a committee called Urban Affairs and that doesn't raise an eyebrow. What comes to the mind of a private citizen if you talk about urban affairs? But anyway, Senator Christensen, are you in the process of trying to see if you can garner 33 votes for cloture? And you don't have to answer if you choose not to, naturally, because you're grown. [LB52]

SENATOR CHRISTENSEN: Yes, I am. [LB52]

SENATOR CHAMBERS: And are you having success? [LB52]

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SENATOR CHRISTENSEN: I'm doing very well. [LB52]

SENATOR CHAMBERS: And does very well mean you are at least one-third of the way there? [LB52]

SENATOR CHRISTENSEN: Probably halfway. [LB52]

SENATOR CHAMBERS: Halfway to one-third, or have you got... [LB52]

SENATOR CHRISTENSEN: I'm halfway to the votes I need. [LB52]

SENATOR CHAMBERS: So you've got 16.5 votes. [LB52]

SENATOR CHRISTENSEN: Well, I wouldn't have a half. I was just estimating. [LB52]

SENATOR CHAMBERS: Well, then are you below halfway or above halfway? Because you can't be halfway. [LB52]

SENATOR CHRISTENSEN: I'm getting very close. I just added them up; I'm getting very close. I need less than 10 more. [LB52]

SENATOR CHAMBERS: So you...okay. Thank you, Senator Christensen. And I wish you well but not success. Members of the Legislature, I'm serious when I say this bill in my view is bad policy. If I did not think it were bad policy, and I just didn't like the idea of these particular types of organizations, I would make the best presentation I could, hope that my words would carry conviction to you, and you would vote with me against the bill. But this is a matter of principle. And since I touched on the matter of cloture, that's what's going to have to be attempted. If Senator Christensen moves for cloture and he fails to get 33 votes, that succeeds in killing the bill for this session. If he gets 33 votes, then a vote will be taken and he might get some sympathy votes or there might be some negative votes to show me something. Then a vote will be taken to see if he can get 25 votes to move the bill. And if he gets 25 votes to move it, then my work has been made more difficult for me because I've got to make it as hard as possible for us to get to this bill again. So that means that all the other bills, between if this bill moves and the time it comes up again, I've got to take time on those bills. And I will. I'm doing this so that you know what my approach is going to be. This bill in my opinion is not worth that. It's not worth giving a cloture motion a successful vote. But if the body decides that's the way they want to proceed, that's what legislative assemblies are about. Whoever can get the requisite number of votes required to achieve whatever is before the body, then that person gets it. And as I state,... [LB52]

SENATOR GLOOR: One minute. [LB52]

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SENATOR CHAMBERS: ...you get what you ask for but it may not be what you want. And I want to demonstrate that when a bill or a position involves a principle with me, I will do everything under the rules to stop it. I'm looking at the harm that this kind of thing can do to the people who are involved in it, not the ones who are going to get the cheap labor, not the ones who don't want to hire people at at least minimum wage to do this kind of work, but the ones who have to perform the work. Thank you, Mr. President. [LB52]

SENATOR GLOOR: Thank you, Senator Chambers. The Chair recognizes Senator Chambers. [LB52]

SENATOR CHAMBERS: Mr. President, members of the Legislature, who are the people involved? I'm going to take you all on a little excursion back into your history which impacted very negatively on me and my people, because I'm going to quote the words of a slaveholder, Patrick Henry, who believed in property rights in people such as myself, that people such as myself could be owned like a cow, pig, or chicken, and bred like animals. Those who deal with canines know that a female canine is a bitch. And my people, females were considered to be bitches to be bred, or sows, brood sows, and they were bred not only slave among slaves but the white Christian slave owners produced children. And when that guy de Tocqueville who came here and talked so wonderfully and glowingly about America and everybody quotes him, he had indicated that one remarkable thing he noticed on the plantations, that the children bore a remarkable and almost startling resemblance to each other except that they differed in color. There were the white ones and there were the nonwhite ones. And the nonwhite ones obviously had the same father as the white ones, such as Patrick Henry, whom you all lionize in school and teach black children to look up to. So that's why I'm going to quote your white slave owner. You know what he said? Liberty or death. Give me liberty or give me death. And he talked about all the wonderful things involved in freedom, in liberty. Caesar had his Brutus. Well, I'll let you Google what he said. And then he got to the point of mentioning King George III, and somebody yelled: treason. And he said if this be treason, make the most of it. "I know not what course others may take but as for me, give me liberty or give me death," even though I want to hold people as slaves. The Declaration of Independence: All men are created equal. They're endowed by their creator with certain unalienable rights. Among these are life, liberty...and the ones who signed it held slaves; showed their hypocrisy and why they were ridiculed by their British masters. They said these slave masters are always yapping about liberty. Lafayette, who helped America during the American Revolution get their freedom from Britain said: Had I known that slavery was going to be in such flower I never would have raised my sword to help America. They don't teach that in history, do they, because they want little black children such as I was in the white schools to lionize these people who treated my people like property. Honor a flag that flew over a land that even to this day was a slaveholding operation longer than it has been nonslaveholding. So if freedom means

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so much to white people, maybe that's why they decided that the way to punish somebody who violated a law is to deprive that person of his or her freedom. And that is the punishment. Not to misuse that person to put him and her in a position that is below that of a human being whose dignity is going to be respected. So when you've taken their freedom, don't start farming them off...farming them out to these private operations because they don't want to pay a decent wage for the work that they're going to extort from these people. And when people in prison do things, it is not without coercion. [LB52]

SENATOR GLOOR: One minute. [LB52]

SENATOR CHAMBERS: People outside the walls want to tell themselves that. They want to listen to what the heads of Corrections will tell them, because it soothes their conscience in the way it soothes a slave owner's conscience to say that I and my people are not quite human. And that's how you can own us because we're not human beings, so they had to try to reduce us to the level of a beast. But if they took the breaking all the way, then we would be of no value, so they took us halfway. But when you take a man and put him to the level halfway between a beast and a human being, you wind up with a Nat Turner who feels that I have the right to kill every one of them that I can. They've taken my freedom. They've raped my children--children--I mean just what I said; and my women. The sentence of death should be on those people and I will inflict it, but you don't teach me about Nat Turner... [LB52]

SENATOR GLOOR: Time, Senator. [LB52]

SENATOR CHAMBERS: ...because you want me to be easygoing. Thank you, Mr. President. [LB52]

SENATOR GLOOR: Thank you, Senator Chambers. Senator Schumacher, you're recognized. [LB52]

SENATOR SCHUMACHER: Thank you, Mr. Chairman, members of the body. I think Senator Chambers has made it abundantly clear that this presentation on these issues are going to go on for at least another four hours or so until probably there's some type of cloture vote and that we are going to participate in this discussion. Senator Chambers suggests that we maybe just go down to our offices and watch television. What a terrible waste of time. If we're going to sit here in this Chamber for another four hours and maybe on another bill for another four hours and we're going to abide by our rules rather than suspending them, then maybe we should take advantage of the situation. Maybe there is some good that can come of this. If you listen intently to what Senator Chambers is saying, I think I hear him saying that this is a problem with our criminal justice system. And if we're going to sit here for four hours, maybe we should talk about our criminal justice system. Maybe we should talk about the laws that we pass and how

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and when we should invoke the penal system. It occurs to me that in McCook, Nebraska, at this work farm, the folks that are being asked to volunteer to paint a church steeple or a picket fence or something like that are probably not murderers and rapers and robbers and violent folks that are apt to accost children. They're not the kind of things that in ancient England you would consider felons. But because of our social conditions and our hesitancy to tick off certain interest groups, we've made certain nonviolent actions to be felonies and then we put them into penitentiaries. And then we say the penitentiary isn't a good place; we should put them into a work camp. And then we put them into a work camp and we say, jeez, can't we let these people out on the street to paint church steeples? So maybe this is an opportunity if we're going to be here anyway to do something that I think the Legislature should do a whole lot more of and that is discuss fundamental policy, hear each other out on ideas on the issue, and in this particular topic, the issue of criminal justice. What should we criminalize? What should we not criminalize? What is an effective use of our law enforcement and courts and penitentiaries? There's no reason that Senator Chambers gets to talk for all of the four hours. There's 49 of us that should tune in a little bit and give our ideas and make a meaningful debate of this particular issue; and then if we vote for cloture, we vote for cloture and move on. But why waste the time? I think that this is a worthy thing to talk about our criminal justice philosophy; why we just feel compelled to do things and sometimes make things criminal that really we all privately say, you know, probably shouldn't be criminal but, you know, politics is politics and we've got to get elected again. Even those who are term-limited seem to think they've got to be elected again, or at least behave that way. So I...rather than condemning Senator Chambers on this endeavor, I think we should see it as an opportunity to discuss the criminal justice program. To each of us, talk a little bit about why we think we should do some of the things why we think... [LB52]

SENATOR GLOOR: One minute. [LB52]

SENATOR SCHUMACHER: ...that we can appropriate resources or where would be a better place than penitentiaries to appropriate resources to. Maybe there is no better place. I don't know. But it's an opportunity for us to discuss. And if the rules permit this extended debate on the topic before we move for cloture, then let's take advantage of it. And so I think maybe I'd like to invite the body to participate in a discussion on the issue of criminal justice, maybe cluing in the Judiciary Committee of what some of the consensus are on the major issues of our time in criminal justice. We certainly spend a lot of money on it. Thank you, Mr. Chairman. [LB52]

SENATOR GLOOR: Thank you, Senator Schumacher. Seeing no further senators in the queue, Senator Chambers, you're recognized to close on your motion to reconsider. [LB52]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Schumacher. If

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you all leave the floor, I don't think it's a waste of time for me because I'm not just talking to the people in this Chamber. What we say goes all over the state and I find out it goes to other states also. So I know out there in that universe there are people with more understanding than I've encountered during all of my years in this Legislature, all of my years on this earth in Nebraska. They just don't happen to sit in this body and vote on issues. So I am going to make the best use I can of the time that I have here, and everything that I do is what I think is the best use I can make of my time at that point. Senator Schumacher did steal from me something I was going to talk about on one of my other amendments. If these people...and I asked Senator Christensen what kind of organizations he had in mind. I have a reason for what I ask. They're good enough to go to the church and work for the church, aren't they? They're good enough to go to all these fraternal organizations and work for them, aren't they? And all of the nonprofits, good enough and safe enough to go there. Then why are they locked up? Not everybody has to be locked up and there need not be an overabundance of people of my complexion, but it's easier to enslave us either in fact or by practice than people who look like you all. Because when you get up in the morning, you look at your little baby; that little baby looks like you and you don't want your little baby to have a criminal record for some nonsense. And if your little baby grows into a teenager and does certain things, your little baby gets diversion; and if he or she is nice, everything is expunged. And I know this happens. I know it. Or they're giving them probation if they can't just let them have diversion and suffer nothing. So Mr. A's white child and Mr. B's black child go before a white judge, and Mr. A's white child is cut loose and the black child goes to jail. We watch it in the courtroom. You don't care and you'll never care, but I'm going to make you listen to me one way or the other; or, if you don't listen, I'm going to take the time one way or the other and I will not be silenced and I will speak on every bill that comes before us this session. All you're doing is spending 90 days here. You might feel like you're in jail but you're not. We get 90 days because of what we are. We are black. And as Roman Catholic Chief Justice of the U.S. Supreme Court Roger B. Taney said, black people have no rights which a white man is bound to respect; and he stated what America's policy was then and what it is now. What do you think racial profiling applies to? When people talk about illegal immigrants, they're talking about people who look something like me, not those white Canadians who have been coming over that northern border forever. But those people who talk about illegals know that you hate them just like he hates them. And as long as he will be the point man and say it, you don't have to say but you can vote with him; and I'm not going to let you get away with it. Now if Jesus was what you all said, he was the son of God, didn't he spend all his time preaching? Didn't he spend all his time talking? Who paid attention to him? They crucified him but you all worship him, so words do mean something. Even if the people in the immediate audience don't pay attention, I don't care whether you listen or not. [LB52]

SENATOR GLOOR: One minute. [LB52]

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SENATOR CHAMBERS: There is a charge to keep I have, and I'm going to do it. You all didn't put me in this Legislature. People like you all put me out through term limits. But I came back, didn't I, because I will not quit and I will not give my enemies the pleasure of walking on me--and they are my enemies. Look how they treat us. And I'm supposed to say, like Martin Luther King, I love them. My name is not Martin Luther King. My name is Ernie Chambers and I'm not Martin Luther King. I am me. And as Popeye said...what does that mean, "I am what I am and that's all that I am." Thank you, Mr. President. [LB52]

SENATOR GLOOR: Thank you, Senator Chambers. Members, the question is, shall FA8 to LB52 be adopted? Those in favor vote aye; those opposed vote nay. Sorry. Shall FA8 to LB52 be reconsidered? Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB52]

CLERK: 3 ayes, 23 nays, Mr. President, on the motion to reconsider. [LB52]

SENATOR GLOOR: The motion is not adopted. Mr. Clerk for an amendment. [LB52]

CLERK: Mr. President, I have a new amendment. Senator Chambers would move to amend with FA14. (Legislative Journal page 526.) [LB52]

SENATOR GLOOR: Senator Chambers, you're recognized to open on your amendment. [LB52]

SENATOR CHAMBERS: Mr. President and members of the Legislature, this amendment would be found on page 2, if you're interested, in lines 4 and 5. This is in the existing language of the statute. These words would be stricken--"and to reduce the cost of operating the facilities." Those words would be stricken. Then on line 4 after the first comma would be inserted the word "and." The current sentence reads in this fashion. They're talking about why you put these people to work. "To establish good habits of work and responsibility, to foster vocational training, and to reduce the cost of operating the facilities, persons committed to the department shall be employed, eight hours per day, so far as possible in constructive and diversified activities in the production of goods, services, and foodstuffs to maintain the facilities, for state use, and for other purposes authorized by law." I am striking the words "and to reduce the cost of operating the facilities." The cost of operating the facilities should be borne by the society which created those facilities. The facilities are designed to house those people from whom this society has determined to take freedom; and supposedly the only ones who wind up in these facilities are those who committed an act which has been criminalized. And annexed as punishment to that act is the possibility of being locked up. For black people, it's a virtual certainty. For white people it's maybe so, maybe not. So if a society felt as it did and as it does that there should be these warehouses where you put an overrepresentation of black people and other nonwhite groups, then let the

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society pay for it. But they're going to fix you twice. They're going to put you in there, then they're going to farm you out to make money to pay the cost of the facility where you're being deprived of your freedom. And when they talk about working eight hours a day to the extent possible in constructive work, cutting grass for white people is constructive? Is it constructive if that's what your child is doing? Scraping the paint off the sides of buildings and not being paid for it. Is that constructive? That's how you teach good work habits? What do you teach me when you're going to put me out there doing this menial work and I don't get a decent pay in exchange? What are you teaching me? You're not teaching me how to be a productive, good citizen. You're teaching me that you are my enemy, and if I fall into your hands you'll do bad things to me. And what I ought to be spending my time trying to do is figure how not to fall into your hands but how to clip you every way that I can and try not to get caught. That's what you teach me. And if I'm smart, that's what I will learn. Nature is what they talk to us about in school. In church, they use the term "God," and they say that God created differing orders of living beings: plants, animals, humans. And within the animal kingdom there are different species, and they create a scale. And as you go higher up that scale the more these animals act in accord with what would be considered intelligence, if they had intelligence. But since the churches teach that animals exist for the use and pleasure of human beings, you cannot say they have intelligence. You have to say they don't think; they're just food on the hoof and they stay alive only to stay fresh until you decide to kill them and do whatever else you want to do with them. Then you cross that barrier between the kingdom to "thingdom" to human beings, to the wise, upright, two-footed predator, Homo sapiens. But when I look at the antigay sentiments in this society, we need to change that word. Why do you call people Homo sapiens when you hate people you call homosexuals? Shouldn't they be called "hetero sapiens?" Where's the logic to your language? They're "hetero sapiens," aren't they? At any rate, they are called rational animals. They share physical existence with the animals. They eat, they sleep, they procreate. But in addition to that, they have a brain which allows them to think. That brain makes it possible for them to be conscious of self--to be conscious of self. If you put a human child in front of a mirror, it doesn't take long for that human child to realize that what that mirror is throwing back to that child is a reflection of the child's self. And the child will entertain himself or herself by playing with the mirror, knowing that's not another child. But if you took a member of the lower kingdom and put that creature in front of a mirror, that creature will see a reflection but you don't know for sure how it's going to react. But the scientists, the psychologists, the others who know far more about these things than we do, or pretend that they do, or convince us that they do, say that that animal has no consciousness of itself. Human beings also have a consciousness of their own mortality. They are aware of death. They are aware that a point will come when they will exist no more. But as they grow up and they're socialized, taught to do certain things, allowed to do certain things, they begin to love being here. They want to stay here. So as they accept the notion that they've got to die, because everybody else has died, then they create something in their mind to make it bearable. They create in their minds a make-believe place which will exist after you leave here or,

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as Shakespeare says, you "shuffle off this mortal coil" and you live again. But you don't live in the way that you live here. You still have consciousness. You know who you are. You recognize people who have gone before you and you all get together again. Well, that's what they teach you and that's what they tell you; and because of all those notions, the rational animal is supposed to be able to understand and know the difference between right and wrong. And you don't need anybody to give you a prayer book or preach you sermons or write you anything in a book. You know what's right, they tell us, because you know what it is that you want for yourself. And knowing what you want for yourself informs you as to how you ought to treat other people. And if you treat somebody contrary to the way you want to be treated, that's not good; that's bad. What makes you happy when you're very little they tell you that's good. What makes you sad, that's bad. So the child sees where you put the cookies in the cookie jar, so having a cookie makes the child happy. But when the child goes in the cookie jar and takes out the cookie... [LB52]

SENATOR GLOOR: One minute. [LB52]

SENATOR CHAMBERS: ...the child finds out you didn't tell the whole story. What makes you happy is good if I tell you that that particular thing is good, so you will not know what's good until I tell you. And I as an adult will tell you one thing is good and another adult over here will tell you the same thing is bad, and I may even change my mind from time to time and what was good today is bad tomorrow depending on how I feel. I'm working my way around to showing you why it's so horrible to deprive a human being of freedom. Thank you, Mr. President. [LB52]

SENATOR GLOOR: Thank you, Senator Chambers. (Visitors introduced.) Members, you've heard the opening on FA14. Are there senators who wish to be heard? Senator Chambers, you're recognized. [LB52]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, picking up more or less from where I left off. A society supposedly comes into existence because living in what is called the state of nature is not good enough. There are people who are not going to respect the rights of others, so you have to have an organized structure whereby you can control those who are not going to do what the others by a majority vote decide will be allowed and what will not be allowed. But since not all people see things the same way, a majority over here saying one thing is right and another thing is wrong will be disagreed with by a majority over there. So if you travel around you're going to see that society, so-called civilization, is a ball of confusion. You're left to try to figure out for yourself what is it you ought to do and what ought you not to do. So in trying to establish a general rule that you can guide your life by, you say what I ought to do is the thing that will not make those people who have power over me do bad things to me. So whatever I can do which will not cause them to harm me is what I'm going to do, and if they're not attentive and there's something I want to do that

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they don't want me to do but I think I can do it without getting caught, then I'm going to do that also. And they make living in a society a war of wits, not what is really good and what is bad but who's strong enough to impose his or their will on everybody else. And then the cat and mouse comes in and you're trying to overcome, get around, or get away with something. And then you have people who say, because that's going to be done and we can't watch these people all the time who do what we don't want them to do, we're going to build a room or a box, a cave or a hole in the ground, and we're going to put them in there and not let them out. Then we won't have to watch them anymore. But if there's somebody we like who's done the same thing, we won't put them in the box, we won't put them in the cave, we won't put them in a hole in the ground. And right there you begin to see that a difference is made in so-called society. If you're on the good side of those who decide what is right and wrong and they decide because they have the power to force people to do what they say, if you're on their good side you can do anything you want to and nothing is going to happen to you. If you're the child of a rich person, your daddy and your mamma got connections downtown, you don't go to jail. If you do something in school, they don't deal with you the same way they deal with a child who is poor, the child may have run-over shoes, the child in need of understanding and empathy, which would be the case in a civilized, humane society, but what do they get? Ridicule, ostracism, bullying, not just by the students but by the teachers too. You see, teachers walk light around those children whose mammas and daddies have influence, but the poor child who is there alone, who is entitled to some kind of protection, some kind of support, is the ones that the teachers will bully because they can get away with it. And I observed this when I was going to school and it's been that way. It's that way now. And then we come up to now, 2013, where you have iPads, IHOP, Facebook, "spacebook," ... [LB52]

SENATOR GLOOR: One minute. [LB52]

SENATOR CHAMBERS: ...all these kind of things. Pretty soon it's going to be like Captain Kirk and the people did on Star Trek. They'll be able to say, beam me up or down, Scotty. You'd be disassembled, sent someplace, reassembled someplace else. But you still don't know how to treat people. You don't know how to show kindness. You don't know how to show understanding. You don't know how to extend to others the forgiveness that you want when you've done something far worse than those you're going to punish have done. Thank you, Mr. President. [LB52]

SENATOR GLOOR: Thank you, Senator Chambers. The Chair recognizes Senator Krist. [LB52]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. I was wondering if Senator Chambers would yield for one question. [LB52]

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SENATOR GLOOR: Senator Chambers, would you yield? [LB52]

SENATOR CHAMBERS: Yes, I will. [LB52]

SENATOR KRIST: Senator, is there anything that we could possibly do to make this bill more palatable in the end of the day? [LB52]

SENATOR CHAMBERS: Senator Krist, you managed to ask a question that does not allow for a yes or no answer. If the bill were going to pass no matter what I did, there would be things that could make it more palatable and less objectionable. But since that is not going to happen if I'm able to prevent it from happening, I suppose the only answer I can give you with what I've said is no. [LB52]

SENATOR KRIST: And I asked the question just that way, Senator, so thank you for that answer. Given that I feel compelled to take a moment to do some instruction, both for the students that just left and have asked me several questions and those that are here with us today. Many times on this floor as Senator Chambers has been so successful in the past and will continue to be successful doing, many times on this floor opinions, matters of policy, matters of personal conviction, will not allow us to see something move forward without making a statement which would tell you where we are in life, who we are, and what we believe in. And Senator Chambers is making that. So if you take his comments today as an attack, a personal attack, I'm not sure that's the way they're meant. It is a matter of policy, procedure of this particular issue, and the Senator is not going to be satisfied with this particular subject matter, so we will debate it until it comes time to dispose of it, potentially. But given that and given the time that I have left on the mike, I would just like to once again honor Ardyce Bohlke for her service here in this Legislature. I think if we're going to fill up time it's appropriate that we recognize someone who did a lot for the state, more than her fair share. During her time in the Legislature, Bolke...and I'm quoting the Lincoln Star, "During her time with the Legislature, Bohlke served seven years on the Education Committee, including as Chairwoman, and also on other committees: Revenue, Business and Labor, Government, Military and Veterans Affairs, and Urban Affairs." Most of you were here yesterday to meet my daughter. We'll have more daughter-daddy days in the future. If it not had been for Ardyce Bohlke, some of the special needs academic money, support for people, persons of special needs would have never gotten to the level that it did. Between Senator Bohlke and Senator Raikes, there was much, much help. And I know there were others here and Senator Chambers could probably elaborate on those who have. But I honor her today; 11:00 will be her service in the Hastings area. I honor her today not because I want to divert from time spent on killing this bill, but to really honor a woman who was a grandam of this Legislature, and there have been many, don't get me wrong, but also to bring to mind that my thanks, personal thanks, for her and others who helped persons of special needs, of special educational needs, in this state. Thank you, Mr. President. [LB52]

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SENATOR GLOOR: Thank you, Senator Krist. The Chair recognizes Senator Chambers. [LB52]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Krist. And when one thing is important but something more important arrives, then that which is less important stands aside. I agree with everything Senator Krist said about Senator Bohlke. I was here before she came and I was here after she left, and during the time she was here she did cut a swath when it came to educational matters that has made it better for I think all children in school, even if a specific program does not bear on each specific child. Those programs were designed to create an environment where all children would have the opportunity to learn. If what she gave her time to in this Legislature were to come to fruition, then no child would be told, you can't do this, you can't do that. We as adults may have an idea of what a child's limitations are, but we're not fortune tellers and mind readers and we don't really know. So we shouldn't treat children as though they have limitations. We should treat each child as though he or she can reach the moon or find a way for those of us who want to go there to do so. We could tell them things that a child can understand in terms of how powerful the mind is, how we can always learn more. Ask a child who understands what numbers are, is it possible to write a number so large that you cannot add another one to it? And the child will tell you no. If you are awake, will you ever have your mind so full that you cannot learn another person's name? And the child will say no. You tell them, well, if you put your mind to other things you understand that there's no limit to what your mind can grasp. Other people may not present to you the types of things that would really develop your mind and expand your understanding, so you go to books. And in those books find companionship. You will be put in touch with people you will never meet in real life, and they will tell you things. If you pay attention when you read a book, the person and the book will talk to you. You will be drawn into that person's world and you will become smarter. You will become wiser. And one thing you'll learn is to treat people the way that you want to be treated. And Senator Bohlke did all that she did here with the gentleness of spirit which somebody such as myself could especially appreciate because that is not my experience during the time I've been in this world. Abraham Lincoln once said that he loved gingerbread more than anybody else because he liked it more than anybody else and got less of it than anybody else; so when a little piece came his way, he relished it more than anybody else. So when you're unaccustomed to encountering kindness, compassion, respect, then when it is given at first the automatic reaction is to be skeptical and suspicious and say, what is this person trying to get from me; because that's the way it's always been. Then you might find out when you're around that person long enough that this is a different kind of person, and that's the way Senator Bohlke was. Now I'm going to come back to what I was talking about and tailgate on that. [LB52]

SENATOR GLOOR: One minute. [LB52]

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SENATOR CHAMBERS: When animals have been bred by these breeders and mistreated and they wind up in an animal shelter, there's a process called resocialization in order for this animal to overcome all of the negative traits and practices that were inculcated in that animal because of mistreatment have to be eradicated. Thank you, Mr. President. [LB52]

SENATOR GLOOR: Thank you, Senator Chambers. (Visitors introduced.) There are no additional members in the queue. Senator Chambers, you are recognized to close on FA14. [LB52]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm not through with this amendment because after you vote against it I'm going to move to reconsider and I'm going to do that on and on. I'm going to take all three hours that we have here today. But I'm going to relate it to what this bill touches on. The resocialization of these animals consists in treating that creature entrusted to human beings because human beings are supposed to use their intelligence and not be abusive. To teach that creature that not every human being is harmful, you begin to do things toward the animal which will not alarm the animal, which will not put the animal in fear. When you see the little creature, or big one, trembling when you come, then you don't do anything to aggravate that condition. And after a period of time, the animal will recognize that you at least are not going to be harmful and the process can go on. If it's necessary to resocialize an animal, why are you going to lock human beings in a cage and do everything to convert that human being into a wild beast; release that person who has been desocialized by what you all did by putting him and her in cages, release that person out here? And then when the person behaves in a way that you can anticipate and expect and plan for and build more cells for, then you act surprised and you're indignant; and you have created a word recidivism. Yeah, you put them in, you let them out and they're going to do it again. You know why? Because that's all you let them be. You are responsible. This society does bear the blame. If you put a tiger in a cage and the tiger is wild, the tiger is wild. But do you know how can make the tiger worse? Bait him. Take a sharpened stick and poke him with it, and if he puts his paw outside the cage, strike his paw. You can make him more wild than he is. You can make him ferocious. You can put in him a desire to get out of that cage and do to you what you deserve. But he can't get out of the cage. So you create a prison system. You don't put programs in it to rehabilitate people. You don't put anything in it to show that person that what he or she did is wrong because you're treating that person worse than what that person did on the outside. So if you've got dirt all over your hands, you've got axle grease and sludge on your hands; and you're going to put them on me and teach me how to be clean and you have unclean hands? There is a disconnect in this society and people want to look away from it. No assumption of societal responsibility for what society does. These prisons are what they are because you all want them to be that way. You want to build more of them to continue to be that way. You want them to mistreat people. And to show how

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little respect, you put this kind of thing in where you can farm out their labor. And you say, well, that's not so bad because they could be sitting in a jail cell. All right. So you give me mashed up crickets and hog snot and frog spit to eat and you say, you ought to be glad to get that because I could give you strychnine and arsenic. What kind of a choice is that? And that's what you do. Because you're not locked in a cell all day, you ought to be happy to go out here and do semi-slave menial labor for people who don't want to pay you,... [LB52]

SENATOR GLOOR: One minute. [LB52]

SENATOR CHAMBERS: ...for people who don't like you, for people who don't respect you, but they will exploit you and use you. And if they you were the human beings they say you're not, they would show, by the way they treat you, a better example. They would show you by their conduct how you ought to act. And the one you all worship told you: As you would that others do unto you, do you unto them likewise. But you don't do it. Mr. President, I'm going to ask for a call of the house and a roll call vote. [LB52]

SENATOR GLOOR: Thank you, Senator Chambers. There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB52]

CLERK: 22 ayes, 0 nays, Mr. President, to place the house under call. [LB52]

SENATOR GLOOR: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Nordquist, Crawford, Davis, and Kintner, please return to the Chamber and record your presence. Thank you, Senator Chambers. Members, the question is, shall the amendment to LB52 be adopted? Mr. Clerk, call the roll, reverse order. [LB52]

CLERK: (Roll call vote taken, Legislative Journal page 527.) 5 ayes, 36 nays, Mr. President, on the amendment. [LB52]

SENATOR GLOOR: The amendment fails. Raise the call. Mr. Clerk for a motion. [LB52]

CLERK: Mr. President, I have a priority motion. Senator Chambers would move to reconsider the vote just taken with respect to FA14. [LB52]

SENATOR GLOOR: Senator Chambers, you're recognized to open on your motion to reconsider. [LB52]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, for the

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record the amendment that you voted to reject would have removed the words "to reduce the cost of operating the facilities." So obviously you think that these people, through their work, ought to pay the cost of running the prisons. That's what you think and I'm glad to know what it is you think, and that's what these motions and offerings of amendments will teach me. And since all of you are intelligent, I'm going to concede that no matter what I might say at another time on another occasion, I believe you're treating what I'm offering the way you want me to treat what you offer. So you'll get from me what you're giving me because you're teaching me the way you want me to deal with you. And everybody has bills. And if I don't know whose name is on the bill from memory, all I have to do is look at the agenda. And we're going to fight like scorpions in a bottle and I will make you defend your bills. Every bill, it depends on how I feel, and right now I don't feel very kindly. But in reality that's probably the way I feel all the time anyway, so you're no worse off now than you were before I started. And I'm not at all surprised by the votes that are occurring, because you've been socialized to think ill of those who are convicted of crimes and locked up, that once they're locked up they're not entitled to anything in the way of proper consideration. So since you all are so coldhearted and cruel, don't expect me to join you. You all will do the cruel things. You all will do the crushing down things. You all will do the bullying things. Let me be the one who will say there is a better way. And there ought to be a better way and we ought to employ that better way. And whether you do it or not, it's no more than I expect. When I was a little boy going to church because I had to go to church, I was under my parents' dominion and I was a very obedient child. If they said do this, I did it and I never complained about anything--outwardly. But I did have a lot of turmoil inside. And if a child could be convinced that he or she would go to hell for bad thoughts, I wouldn't have thought what I did, or every time I thought it I would have asked for forgiveness, because my parents are lucky that my thoughts didn't become reality. But I didn't think that way and feel that way about them all the time. But there were things that were said in church that I did pay attention to because they were in the nature of a joke. This old woman came to church for the first time, and she heard the preacher just going on and on about Jesus; and she had never heard about Jesus before but she thought he must be pretty popular and well-known in the city and it's just like any of a number of people she had never heard of. So then when the preacher said "and Jesus died," she hunched the woman sitting next to her and she said: He did? And the woman said: Yes, he did. She said: And I didn't even know he was sick. That's the kind of thing that happened in church. So the preacher would go on and this old woman was listening to the preacher talking about faith. "If you have faith as a grain of mustard seed, you can move mountains." So she asked her seatmate: What is a mustard seed? And the woman explained to her that it's a little tiny thing. And she said: Well, what is this faith? And her seatmate told her: Well, that's where you believe that you think something can happen. So she took that home with her and she meditated on it. Then she came back to church the next Sunday, and when they had what they called testifying service, she stood up, because you can talk. She said: You didn't tell the truth. He said: What do you mean I didn't tell the truth?--the preacher. She said: You told me that if I had faith as a grain of

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mustard seed, then I could move a mountain; you said that. He said: Yes, I did, because my Lord and savior said that. She said: Then both of you are liars because I got a great big rock in my backyard and I went home and I believed when I went to bed that night that it would be gone in the morning, and when I got up in the morning it was still there; so you lied to me. He said: Well, what does that make you think? She said: Well, now that I know you're a liar, it ain't no more than I expected. And that's what I've come to do around here. It's no more than I expect. I hear beautiful glowing words when it's on a subject that you all care about. And you talk about things to tug at people's heartstrings, how much you care about those who have this disadvantage and that disadvantage. But they're the ones that you care about. Because it has to be something you can see. But Senator Lathrop knows better than all of you, because he knows a person can have a disability that ought to be compensated for if there's no physical evidence of it. You don't see it but it's there. So if you all don't see it in those you care about it, it doesn't exist. Senator Krist is not the only one in his family who has somebody who would be called special. But in the old days it would be called...the term "idiot" would be applied. He's not the only one. We all have people in our family...maybe not. But we know because we can see it and we see how people look at that person and we see how they treat that person. But if it's something you can see, if their conduct...as the institution out there calls it, if you broadcast symptoms of mental illness then you'll get some treatment. But if you've been diagnosed by any number of doctors as having mental illness, you will not get treatment for it at the Department of Corrections headed by Mr. Houston who told Senator Christensen he'd support him on this bill. But he does not support giving mental healthcare to people who have been diagnosed with mental illness. And you're not listening now, are you? But let Senator Krist stand up or any of the others who have got a family member, then you're all sympathy and you care. You care only when they're like you. You ought to go to the ones who have nobody for them. Do you care about people that you've locked up who are mentally ill and have been diagnosed and they can't get treatment in your institution? But you're all so fired up to send these people to work free for these churches, for these fraternal organizations. Well, I'm going to talk about it. I can't make you do anything. Unlike Jesus. He could have made them do what they were told by him they ought to do if he was who they say he was. The reason I say "they" said, he never said it. He never said he was a god. They said it and they wanted him to be that. But then the devil may have accepted it too, because Jesus was fasting 40 days and 40 nights. And when he was weak and hungry, the devil took him on a high place and showed him all the kingdoms of the world, and said: Fall down and worship me and I'll give you all that. And he said: No, I won't do that. He said: Then jump off this cliff because your daddy has given his angels charge over you and they'll pick you up and catch you lest you dash your foot against a stone. And he said: I won't do that. Well, everything the devil told him was true. You all believe the devil on that, don't you? Or do you say you reject it because the devil said it? So you agree with the devil on occasion. Think about it. But he didn't say those things. Other people said it. But I wish you'd believe some of it. I wish you'd believe when he told you to look after those who needed help, and said remember the prisoner

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as though in prison with him. [LB52]

SENATOR GLOOR: One minute. [LB52]

SENATOR CHAMBERS: I wish you would remember and take to heart that little yarn he told you about the good Samaritan. I wish you'd do that, but you're not going to do it, but you're going to have somebody up there preaching and praying every morning, "hypocriting" around here, playing like it means something to you. And when you've got a chance to do something, you're not going to do it and I know it, so I'm going to talk about it. I'll call it like it is and say it's what it is. [LB52]

SENATOR GLOOR: Thank you, Senator Chambers. (Visitors introduced.) Senator Chambers, you're recognized. [LB52]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, a man with whom I served four years on the Learning Community is now a state legislator and I'm going to draw him out this morning. I'd like to ask Senator Kolowski a question. [LB52]

SENATOR GLOOR: Senator Kolowski, would you yield? [LB52]

SENATOR KOLOWSKI: Yes, sir. I would be happy to. [LB52]

SENATOR CHAMBERS: Senator Kolowski, do you think inmates ought to be farmed out to do this kind of work in order to reduce the cost of operating the prison facilities? Do you think that's what they ought to be doing? [LB52]

SENATOR KOLOWSKI: In order to operate the facilities cheaper, is that what you're saying, sir? [LB52]

SENATOR CHAMBERS: Yes. To reduce the costs of operating the facilities, this is part of what they'll do. They'll be farmed out to do this free work. Do you think... [LB52]

SENATOR KOLOWSKI: Basically, no, I don't believe in that. [LB52]

SENATOR CHAMBERS: Thank you. That's all I was going to ask you. [LB52]

SENATOR KOLOWSKI: Thank you. [LB52]

SENATOR CHAMBERS: Make it easy for you. Just stick your toe in the water. Now I'd like to ask Senator Scheer a question if he will yield. [LB52]

SENATOR GLOOR: Senator Scheer, will you yield? [LB52]

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SENATOR SCHEER: Yes, I will. [LB52]

SENATOR CHAMBERS: Senator Scheer, this amendment says get rid of the language that says, in conjunction with what this bill is providing, it's to help "reduce the cost of operating the facilities." Do you think they ought to be farmed out to do this kind of work for whatever they're going to get to reduce the cost of operating the facility? [LB52]

SENATOR SCHEER: If it will help reduce the overhead of the facility, yes. [LB52]

SENATOR CHAMBERS: You do? [LB52]

SENATOR SCHEER: Yes. [LB52]

SENATOR CHAMBERS: Thank you. We've got two different opinions. See, they sit right next to each other but see how civilized they are? Neither one has done anything to harm the other. That's the way civilized people behave. And even though they expressed differing opinions, neither one looks at the other in anger because they are a part of a body comprising equals, in a sense; so in dealing with each other, civilized treatment, but when we have a bill before us that mistreats others, no. Senator Scheer doesn't even like people to be taken advantage of by insurance agents. They ought to be smart enough not to be taken advantage of. The state shouldn't be regulating that. Let these grown people take care of themselves. But I signed on with a bill. I think he's...didn't I sign on a bill with you? He's nodding yes, because he convinced me he cares about people. I should have waited till I got a little more insight. But having made the promise, I will keep it. But I do have principles that guide me not just in one area, and that's why I will try to work in all kinds of areas where people are being mistreated. The people who don't like what I'm saying here today and wish I'd shut up are going to have a bill where they're going to be in a very small minority and they're going to wish...and if I respond that way they'll be happy to have me use my voice to support them and what they're talking about. And it's not them that I'm trying to help. It's the people that their effort is designed to assist, and that's what I will do. That's why despite the way that because of my complexion people look down on me and want to treat me like I'm an inferior. But I won't accept it. I'm probably the freest person in the universe because nobody can make me do anything. Nobody can tell me I'm angry at you. So what. Anger rests in the bosom of a fool. You going to let me make a fool out of you? Then so be it. Do you wish I were dead? Well, if wishes were meat, the poor would eat. [LB52]

SENATOR GLOOR: One minute. [LB52]

SENATOR CHAMBERS: So wish whatever you want to, it doesn't bother me. I don't get heartaches from what other people think. I give them, because people allow me to own

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them; but I don't really own them. Their conscience owns them. You all know better and you know how to do better than what it is you're doing on the floor of this Legislature. You've got all of these special interest groups whipsawing you and slapping you around and telling you what to do, and you do it. And you know that and I know it, and I'll talk about it. Thank you, Mr. President. [LB52]

SENATOR GLOOR: Thank you, Senator Chambers. The Chair recognizes Senator Wallman. [LB52]

SENATOR WALLMAN: Thank you, Mr. President and members of the body. Good morning, everybody. And this is a contentious issue, I realize, with Senator Chambers. And maybe I can...may I ask him a question? May I ask Senator Chambers a question? [LB52]

SENATOR GLOOR: Senator Chambers, would you yield? [LB52]

SENATOR CHAMBERS: You may ask me as many as three or four. [LB52]

SENATOR WALLMAN: Thank you, Senator. I see where you're coming from on this reimbursement and using the prisoners as slaves. I would hope we would reimburse the prisoners instead of the institution. How would you feel about that? [LB52]

SENATOR CHAMBERS: If they gave them a decent wage, then I would feel entirely different about it, because then maybe you are teaching a good work habit by showing a person that if you do an honest day's work you'll get an honest day's wage for it. So if they pay them I'd feel differently. [LB52]

SENATOR WALLMAN: Thank you, Senator. I think that's a very good point and we are probably sticking way too many people in jail, I feel. And I know people in prison and I've dealt with them and got scolded by the warden. And so I know where Senator Christensen is coming from and where Senator Chambers is coming from, and there has to be a better way how we treat our prisoners and so they become productive members of our society. Because they are people just like we are in here and they vary in intelligence. You know, they have addictions; they have all these problems which the general populace has. So I would hope we could get something out of this bill that really, truly helps the prisoners and so we wouldn't have this recidivism. And this is a problem for me, and because if you know somebody in prison, it's not nice. And so you hope they get rehabbed. A rehab program I think is very iffy. So if Senator Christensen could work out something on the salary issues here, I would appreciate it, because it would make it a lot more palatable for me as well. And I'd yield the rest of my time to Senator Chambers. [LB52]

SENATOR GLOOR: Senator Chambers, 2 minutes 45 seconds. [LB52]

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SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Wallman. They have a program called work release where some inmates are allowed to go on a job and they work regular hours and they get compensation. You're not talking about that with this. I'd like to tell Senator Sullivan that let's don't pay teachers or let's pay a minimum wage. Let's do that. But that wouldn't be done and I wouldn't be the one to make such an offer, but I'd do it to try to make a point. You identify with those who are like yourself. Am I saying that I identify with criminals because I'm a criminal? If I didn't identify with them I would be a criminal. I identify with them because I'm a human being. That's why. Not a Christian, not a Jew, not a Muslim, not a Buddhist, none of them. None of them. And that's why I'm better than all of them because I don't have a dogma to hold up to. Catholics sitting in here and you've got a pope who read a report that is so horrible that it's believed that what he saw in that report, that priests and high-ranking Catholic officials are doing, that broke his heart and made him decide he needed to get out of that snake pit. You've got a cardinal in England who is not going to the cardinals' conclave and twitter with them with the other twittering birds... [LB52]

SENATOR GLOOR: One minute. [LB52]

SENATOR CHAMBERS: ...while they select a pope, because he's involved with sexual scandals. And you've got a cardinal in America named Roger Mahoney who hid and covered up for priests who were raping little boys. Those are the religious people that you all relate to when you ought to be looking at these people in prison who do bad things to people who come among them, and they're there for having raped little children. But you don't. If I had to be associated with somebody, I'd rather be associated with criminals than members of the Catholic church who rape little boys and the other ones who hide them. The rapists. The pedophiles. And then these people with these tainted hands are now going to elect somebody that they say is Christ's representative on earth. This is reality. You mad at me? [LB52]

SENATOR GLOOR: Time, Senator. Thank you, Senator Chambers. Senator Johnson, you are recognized. [LB52]

SENATOR JOHNSON: Thank you, Mr. Chairman. Good morning to the body. When I turned my light on I had a question for Senator Chambers but he has answered part of that question in the work release program. I will confess, not because of anything I did, but a former employee of mine is on work release and he served me coffee the other morning at the Governor's Mansion. I would like to ask if Senator Christensen would yield to question. [LB52]

SENATOR GLOOR: Senator Christensen, will you yield? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

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SENATOR JOHNSON: The term "work release" has been used and I have a question dealing with the difference between those that are in McCook...I used to live in McCook. I know a little bit about that. Is it the nonprofits, the charity and fraternal are not willing to give them a wage, or has this not been considered? [LB52]

SENATOR CHRISTENSEN: It's not been considered there. The way this camp was set up is you voluntarily agree to go to this camp, and then going there you know that you are agreeing to go out and do work release. It is a minimum security. It is a, hopefully, a transition period. They can continue their schooling. There's other training they can take. There's a welding course you can take they originally set up through Valmont and to learn skills to weld, and they guaranteed you a job at the beginning; but they ended up with so many people they didn't have enough need for all the welders. Other companies can get the same employees out from this program. They have a technology program there now. It's just a program to help people develop self-esteem, be able to hold a job when they get out, and they get to sign up whether they want to go cook in the kitchen or clean up or work in the garden, work for the city, paint benches or curbs, or clean up road ditches. Or if they're going up...Senator Hansen has talked about how they went up and worked in some state buildings up there; and before they were done, one of the prisoners said, you know, some of these in the museum, tractors and things, needed painting, and he started painting them because he was wanting something to do and capable. That's just the way the program is set up. I don't want to take all your time, but that's just the way the program was set. [LB52]

SENATOR JOHNSON: Thank you for your answer. Thank you. [LB52]

SENATOR COASH PRESIDING

SENATOR COASH: Thank you, Senator Johnson and Senator Christensen. Senator Chambers, you're recognized. [LB52]

SENATOR CHAMBERS: Thank you, Mr. Chair. And, Senator Johnson, some people may say the old gray mare ain't what he used to be. I say the old gray mare is better than what he used to be. That was a good exchange. But here is what was brought forth from the exchange. I had mentioned earlier that if you tell somebody that the conditions under which you're going to be confined are not as bad as they would be over here, then you will agree to go over there not because you choose to uncoerced. The incentive is that you're not going to be treated as badly over there as you are over here. So it's not as though this is just something that is good, freestanding, and people want to go there because of all the good; it's a chance to get away from something. But they are indicating that if you are willing to get away from there, in order to do it you're going to have to let us put you in a different subhuman position. And I'm the one who says it's subhuman because I wouldn't want it. It's not good enough for me; then why should it

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be good enough for somebody who has no choice? But I have an amendment that I'm going to offer up there that will reinstate some language that Senator Christensen struck from the existing law, and maybe he had it put someplace else but I don't see it. Oh, it is put someplace else and I knew that. But I see him up there. If he was back there, I was going to just leave it and then he would have put his light on to show me that it was someplace else. I'm acknowledging it and I thought you were back there. Oh, for the sake of the transcribers I was kibitzing with Senator Christensen as he walked down the aisle. But here is the language that was stricken and nobody paid attention. "Nothing in this subsection shall be construed to effect a reduction in the number of work release positions." Now if somebody had read the bill, they would say, now if this language that said you can't reduce the number of work release positions, then this bill is bad. But people don't read bills. Senator Christensen, if he's back there, I do read bills, so I'm not going to do that to you this morning. But I'm going to ask you this question if you're back there, if you will yield. [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: Senator Christensen, would these charitable, fraternal, or nonprofit corporations who want to use this for them free labor, do they feel that these people who are doing the labor are good enough to do that kind of labor? In other words, do they feel that these are upstanding enough citizens to at least do free labor for them? [LB52]

SENATOR CHRISTENSEN: Well, they agree they can do the job that they're being asked to do. But they do have a sponsor out there every time they're out working. [LB52]

SENATOR CHAMBERS: Do they feel that these are people who don't pose a danger? [LB52]

SENATOR CHRISTENSEN: These are the least risk prisoners we have, yes. So they're not a...there's no rapists, there's no murders or anything that way, so there's... [LB52]

SENATOR CHAMBERS: As far as they know. They haven't been convicted of that, because there are some priests who you don't know what they've done, but they've done it. Do you think that one of these fraternal organizations who are willing to accept this man's free labor would allow him to be a member of that organization when he gets out? What do you think? [LB52]

SENATOR CHRISTENSEN: I don't know why they wouldn't. [LB52]

SENATOR CHAMBERS: Be honest with me. You're a man like I am man. You know something about the world. Would they want that person to be a member of their

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organization? [LB52]

SENATOR CHRISTENSEN: I believe they would. [LB52]

SENATOR CHAMBERS: Thank you, Senator Christensen. I understand now why Senator Christensen brought this bill. He's totally divorced from reality. These fraternal organizations are going to... [LB52]

SENATOR COASH: One minute. [LB52]

SENATOR CHAMBERS: ...have one of these people as a member. There are fraternities on these campuses where another college student can't get in. Woodmen of the World is going to have one of these guys join their organization? How many of you all believe that? Do you see when you bring bad legislation what you are put in a position that you've got to say? People who ordinarily are intelligent have to give answers that don't make sense and that we all know such answers are not true. But then I don't know what kind of fraternal organizations they have out there in Senator Christensen's country. But it says that what they're doing has to have a public benefit. So you presume that the Dalton Brothers wouldn't be such a fraternity, or maybe you would, because I understand that they've never had a problem of unemployment. [LB52]

SENATOR COASH: Time, Senator. [LB52]

SENATOR CHAMBERS: Thank you, Mr. President. [LB52]

SENATOR COASH: Thank you, Senator Chambers. Seeing no other lights on, Senator Chambers, you're recognized to close on your motion to reconsider. [LB52]

SENATOR CHAMBERS: On my motion to do what? [LB52]

SENATOR COASH: Reconsider. [LB52]

SENATOR CHAMBERS: Thank you. I didn't quite hear what you said but that is correct. And I do have another amendment or another motion. Going back to what I had been talking about earlier about how we get around to having prisons and I cut through a lot just to get to the point where you do put people in cages. There is so much being said now about not having bullying in school. That occurs when people in groups will take advantage of and harm psychologically or physically or in both ways somebody who is weak, vulnerable, and should not be mistreated. Well, society gangs up on people and makes scapegoats out of them if society wants to excuse itself for the wrong that it has done. And a scapegoat is that creature which the Jews would perform ceremonies over, then either let it go out and be killed or else kill it. So the scapegoat is the one on whom everybody places blame and sins, and when you kill the scapegoat then everybody's

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sins are taken care of. So in this society it's the prisoners. But the right people don't go to prison. There are all kinds of statements you read where judges are held to a higher standard, lawyers are held to a higher standard, public officials are held to a higher standard. You can find court cases saying that. Then when one of those people will do something wrong, then everybody says, don't even talk about it and certainly don't punish them. But your Jesus said: Where much is known much is required. But you turn it the other way. The more they know, the higher the position of trust, the less you require of them. They get away literally sometimes with murder. And that's the problem with the Legislature. There is something of this kind which as Senator Schumacher said, and although he's the one who said we ought to take advantage of the opportunity to talk about it, he said what he had to say and I guess he exhausted his wad because he sat down and has been as quiet as a church mouse. But at any rate, we all conduct our affairs in the way we think that we should. If Senator Christensen genuinely believes that these fraternal organizations would have one of these people who was in that work camp be a member of the fraternal organization, if he genuinely believes that, then he needs to talk to some people and see if they can explain to him why I doubt that such is the case and why I doubt it that what he said was being completely frank with me. But I have some other amendments that I'm going to offer. But before I do that I'm going to offer a motion and I'm going to offer a motion which would give Senator Christensen an alternative. I don't push a person in a corner without a way out and I'm printing up my motion now. And it's hard to do two things at the same time so I hope I don't misspell this, but I think I can get enough of the letters in order so you'll know what I mean this motion to say. And if it fails then we'll just go on for another couple of hours or so. I had said I would tell you why I sympathize so much with prisoners, and if I haven't made it clear before, let me be very specific. I don't think people come into the world as bad people. I don't think people come into the world with genes that predispose them to steal or to kill or to pillage or any of those things. [LB52]

SENATOR COASH: One minute. [LB52]

SENATOR CHAMBERS: The circumstances under which they live will influence them and sometimes provide an almost irresistible imperative. They will yield and do things that if a family member is talking about it would say is a bad decision; but if the law is talking about it they'll call it a crime. The family member will try to explain to everybody that this was not intentional. And you have an example of that in South Africa right now where a man who has a lot of guns--he could fit right into American society--goes to the range and shoots these guns a lot, shot four times through a bathroom door and killed a woman; and his family is saying he didn't mean to do it, that it was an accident. So he's got people... [LB52]

SENATOR COASH: Time, Senator. [LB52]

SENATOR CHAMBERS: ...on his side. My time you said? [LB52]

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SENATOR COASH: Time, Senator. [LB52]

SENATOR CHAMBERS: Thank you. [LB52]

SENATOR COASH: Thank you, Senator Chambers. Members, you've heard the closing to the motion to reconsider the last vote taken. The question before the body is, shall the vote last taken be reconsidered? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB52]

CLERK: 5 ayes, 20 nays, Mr. President, on the motion to reconsider. [LB52]

SENATOR COASH: The motion to reconsider is not adopted. [LB52]

CLERK: Mr. President, the next motion I have with respect to LB52 is a motion by Senator Chambers. Senator Chambers would move to indefinitely postpone. Senator Christensen, you'd have the option to lay the bill over at this time, Senator. [LB52]

SENATOR CHRISTENSEN: No. Take it on. [LB52]

SENATOR COASH: Senator Chambers, you're recognized to open on your motion to indefinitely postpone LB52. [LB52]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I'd like to ask Senator Christensen a couple of questions. [LB52]

SENATOR COASH: Senator Christensen, will you yield? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: Senator Christensen, if one of these organizations...let's start out with a charitable organization. If they discriminate against people because of their sexual orientation should they be allowed to take advantage of this program? [LB52]

SENATOR CHRISTENSEN: Well, I don't think they do, so. [LB52]

SENATOR CHAMBERS: I'm asking you, if they do, do you think they should be allowed to take advantage of this program? You're hesitating too long. Do you believe in discrimination? [LB52]

SENATOR CHRISTENSEN: I think we have laws and things to take care of that. That's a whole... [LB52]

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SENATOR CHAMBERS: No, you don't. [LB52]

SENATOR CHRISTENSEN: ...different situation. [LB52]

SENATOR CHAMBERS: No, you don't, because this Legislature defeats every time I bring a law that says you cannot discriminate against people based on sexual orientation in the realm of employment. So if these charitable organizations...then let me put it like this: You don't think they do it anyway. Right? [LB52]

SENATOR CHRISTENSEN: No. [LB52]

SENATOR CHAMBERS: Then if I were to offer an amendment that said no charitable organization which discriminates because of sexual orientation can participate in this program, would you support that amendment? [LB52]

SENATOR CHRISTENSEN: See, I'm not one of them that supports the sexual orientation amendment anyway because we have individual rights that... [LB52]

SENATOR CHAMBERS: That's not what I'm asking you. You're bringing a bill. Would you support my amendment that says that a state program cannot be...give benefit to an organization that discriminates because of sexual orientation? This is a state-run program. Should they be allowed to discriminate on the basis of sexual orientation and still take advantage of this program? Do you think they should, or should not? Come on. [LB52]

SENATOR CHRISTENSEN: Well, I don't think they should discriminate against them but I don't see that occurring. [LB52]

SENATOR CHAMBERS: Let me ask it a different way because I'm not going to let you go. I've got ten minutes to open. If there is an organization--charitable--and they discriminate, the organization discriminates against people because of their sexual orientation, should that charitable organization be allowed to take advantage of this program that your bill is asking the Legislature to enact? [LB52]

SENATOR CHRISTENSEN: Well, they're following the law that we have here, so I don't...you're trying to get me to commit to something that isn't even the law in this state, Senator. [LB52]

SENATOR CHAMBERS: Senator Christensen, do you understand English? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: Do I speak English so that it can be understood? [LB52]

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SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: I'm not going to let you get away and your partners feel like you do. Why can't you answer the question? You ought to have enough backbone, gumption, and honesty to answer the question. Would you support an amendment that would say any charitable organization that discriminates based on sexual orientation cannot participate in this program? Would you support such an amendment? [LB52]

SENATOR CHRISTENSEN: I'm trying to think of the consequences however I answer this question because... [LB52]

SENATOR CHAMBERS: There are no consequences. Be honest. If you're an honest man, it doesn't matter. Do you consider yourself to be an honest man? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: Then you can answer the question. Now if you want to tell me you don't want to answer, that will bring this line of questioning to a close on charitable organizations. You don't want to answer the question? [LB52]

SENATOR CHRISTENSEN: I really don't want to answer the question because I'm afraid of where it's going. [LB52]

SENATOR CHAMBERS: You're afraid. Fear. Perfect love casteth out all fear. You're afraid. Don't be afraid, my son. Listen to me. I will cast that fear demon out of you this morning. Do you believe in exorcism, Senator Christensen? [LB52]

SENATOR CHRISTENSEN: Yes, it occurs. [LB52]

SENATOR CHAMBERS: Do you think I'm able to perform an exorcism right here this morning? [LB52]

SENATOR CHRISTENSEN: No. [LB52]

SENATOR CHAMBERS: Do you feel that you have a demon? [LB52]

SENATOR CHRISTENSEN: No. [LB52]

SENATOR CHAMBERS: Is fear a demon? [LB52]

SENATOR CHRISTENSEN: No. [LB52]

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SENATOR CHAMBERS: So... [LB52]

SENATOR CHRISTENSEN: Fear is an emotion. [LB52]

SENATOR CHAMBERS: ...how would you...okay, so you right now feel the emotion of fear, don't you? You're afraid to answer the question. Are you afraid because of how people will react to your answer? [LB52]

SENATOR CHRISTENSEN: I'm afraid of how it may get twisted and used, is how the way I look at it. [LB52]

SENATOR CHAMBERS: It can't be twisted if you make it a very simple yes or no answer. Here is the question and I'm going to keep on until you tell me you don't want to answer it. Or is that what you told me? [LB52]

SENATOR CHRISTENSEN: I told you that. [LB52]

SENATOR CHAMBERS: Okay. You're...now you don't want to. Are you going to refuse to answer it? It's one thing to want not to have to do it, but are you going to refuse to answer it? [LB52]

SENATOR CHRISTENSEN: I'll refuse to answer. [LB52]

SENATOR CHAMBERS: Okay. And I think you gave an answer there. Now let's get to a fraternal organization. If a fraternity discriminates on the basis of sexual orientation should they be allowed to participate in this program? [LB52]

SENATOR CHRISTENSEN: I would just as soon not answer. [LB52]

SENATOR CHAMBERS: So you think they should. [LB52]

SENATOR CHRISTENSEN: I didn't say that. [LB52]

SENATOR CHAMBERS: You think they shouldn't. [LB52]

SENATOR CHRISTENSEN: I didn't say that either. [LB52]

SENATOR CHAMBERS: Are you lukewarm on the question? [LB52]

SENATOR CHRISTENSEN: No, I just... [LB52]

SENATOR CHAMBERS: Well, you're neither hot nor cold, are you? [LB52]

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SENATOR CHRISTENSEN: That's right. [LB52]

SENATOR CHAMBERS: Well, that's lukewarm, isn't it? [LB52]

SENATOR CHRISTENSEN: Yeah. [LB52]

SENATOR CHAMBERS: And what did Jesus say? If you're lukewarm I'll spew you out of my mouth. [LB52]

SENATOR CHRISTENSEN: Correct. [LB52]

SENATOR CHAMBERS: And so you want Jesus to spew you out of his mouth. To spit you out like somebody "chawing" tobacco and they spit you right into the spittoon. That's what you want. [LB52]

SENATOR CHRISTENSEN: No. [LB52]

SENATOR CHAMBERS: Okay. Well, let's go to the next one. If a nonprofit corporation discriminates on the basis of sexual orientation, should that organization be allowed to participate in this state-run program? [LB52]

SENATOR CHRISTENSEN: I'm just not going to answer. [LB52]

SENATOR CHAMBERS: Thank you, Senator Christensen. And people have seen things like this happen on news stories and in dramatic productions. But you know what has to be added? "I decline to answer on the grounds that it might tend to incriminate me." That's what he left off, but that's what he's saying. To give an honest answer would incriminate him. He is afraid to be honest because in the society he moves in to be honest incriminates you. It makes you something that is wrong. That's what we're dealing with here. That's what I've been dealing with and eventually I bring it out. And that's a motion that I'm going to present and I give him fair warning. He's going to bring a bill and get all of the lemmings to go along with him, and you all agree with him. You're glad I asked him the questions instead of you all, because you all believe in discriminating against people based on sexual orientation. There was a senator here who had a gay son and he refused to vote in favor of a bill that I offered, because I offered it almost every year: to prohibit discrimination against people based on sexual orientation. I said: Man, your son is gay. How did you know? I said: Everybody knows it. And he mentioned how long it took for his son to tell him that. I said: You know why your son wouldn't tell you? Because he had a chance sitting at the dinner table listening to how you, his father, degraded people like him. He couldn't tell his father this because his daddy made him know what he would think of him when he didn't know what his own son was. You all don't know what anybody is. You don't know who's in a closet. You don't know whose closet if you opened the door you wouldn't find skeletons rattling

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around in. But there is somebody who knows and you don't know for sure who knows. That's why you cringe and tremble if you think they might pull the cover off you. One thing I liked about Senator Raikes, and I told you how Senator Schumacher sometimes makes me think of him. Senator Raikes had a dry sense of humor... [LB52]

SENATOR COASH: One minute. [LB52]

SENATOR CHAMBERS: ...and he had a deep sense of justice. So when one of my bills was being presented, Senator Raikes was with one of his colleagues...well, there were about three of them going down in the cafeteria. And these people were hot. They said: Boy, these gay people, they're trying to take over everything. And Senator Raikes said: Are we? Oh, we are? And Senator Raikes was not gay but he made a point. And all of them were ashamed. All of them. Because the cover was pulled, not because they had a conscience. Thank you, Mr. President. [LB52]

SENATOR COASH: Thank you, Senator Chambers. Members, you've heard the opening to the motion to indefinitely postpone LB52. The floor is now open for debate. Senator Chambers and Senator Schumacher are in the queue. Senator Chambers, you're recognized. [LB52]

SENATOR CHAMBERS: I'm going to pass for now. [LB52]

SENATOR COASH: Senator Schumacher, you are recognized. [LB52]

SENATOR SCHUMACHER: Mr. Chairman, members of the body, Senator Chambers can't have all the fun today. And I don't want to be a church mouse, Senator Chambers. But you know, when I spoke before, I kind of opened the door to let's have a discussion about the criminal justice system. Undoubtedly we're going to have bills before us in which we're going to vote up or down that impact criminal justice. And as long as we're going to spend the time today talking, maybe it would be a good idea to try to do that thing that's called governance. And governance, in the best definition I've heard of it, is the bringing into being of a will defined by...of a future defined by the collective will. It would be kind of nice to know what the collective will is, where our sentiments are, what kind of philosophical framework we're going to come from in dealing with criminal justice, juvenile justice, those kind of issues. And yet the only one that has spoken on those issues is Senator Chambers. Are we not capable of engaging in that discussion? If we're going to sit here and we're going to spend the time and it's pretty clear that we are, why not discuss something of value? Senator Chambers has now embarked on another issue where we're all hesitant to talk about the collective will. Many of us, like Senator Christensen, don't want to talk about it. There's no good outcome in talking about it. We'll tick off this side or tick off that side. But we just sit in silence. The issue that he raises is a valid one: Are we going to embark on state action which has an overtone of discrimination based upon sexual preference? It's a hot topic. We don't want

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to touch that one. You say, one way, these people zap you; you say another way, that people zap you. And so we do not come to a collective will but we kind of just dripped with the stream. Whatever forces are out there, we're happy to paddle our little canoes and our little boats in that way. Well, maybe we have an obligation to deal with those issues, to deal with our prejudices, which might be good prejudices, they might be bad prejudices. But unless these issues are raised by some mechanism, and I have to compliment Senator Chambers for raising them, we cannot embark on our obligation of governance. And this is not just limited to the area of criminal justice. It's limited to such boring things as banking and insurance regulation. Senator Scheer raised some issues the other day in committee. It deals with who we are as a state, and we cannot divorce those issues from such other issues as economic development. Are we a bit loony just thinking we can throw a credit here and a credit there and a deduction here and an incentive there, and that's economic development; divorce from the way the economy is developing with the kind of mechanisms and tools in other parts of this country? These are the... [LB52]

SENATOR COASH: One minute. [LB52]

SENATOR SCHUMACHER: ...kind of discussions we should be having somewhere. And we have a forum this morning to begin those discussions, to take up the topics of whether or not we want to discriminate on the basis of sexual discrimination. Good or bad, let's hear it. Criminal justice, whether it's smart to spend money on a police system, on a judge system, on a probation system to put people into a jail to say you can get out if you will work for free and help us reduce the cost of this system. What are being raised are not foolish questions. They are questions that deal with the fundamental of our soul, the fundamental of where we want the future to be. Thank you, Mr. President. [LB52]

SENATOR COASH: Thank you, Senator Schumacher. Senator Chambers, you're recognized. [LB52]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, God will not have his work done by cowards--I didn't make that up; I'm familiar with these things. Will not have his work done by cowards. Moral cowards. Sheep. If only once a flock of sheep could behave like a pride of lions. If only once. A flock of sheep led by a lion will defeat a pride of lions led by a sheep. If those who follow take on the nature and characteristics of their leader, then the flock of sheep led by the lion will defeat the pride of lions led by a sheep. What kind of conversation am I having here today? I'm having the kind of conversation that you would have among philosopher/kings and queens. People who want to make a society better than what it is by our example, by the things we say and do when the opportunity presents itself. Nobility is not a word which should be uttered in sarcasm when speaking of the work done by a Legislature. We're not just dealing with, as was pointed out, banks and all

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these other things. We are dealing with humanity. And the issue that I raised relates to the humanity not just of the people I'm interested in trying to get some protection for; it relates to our own humanity. What kind of a human being are you? You go to church. You hear all this talk about Jesus, his courage, his moral standards, his willingness to lay down his life for people who took his life. And it sounds good in church, doesn't it? And it makes you feel good when you hear somebody up and say it, doesn't it? But it means nothing. It's a sounding brass and a tinkling cymbal. I'm going to hold you to what you talk about. You set the standard, not me. You're the Christian, not me. Christian is supposed to mean you're Christlike. I don't carry that title. I don't carry the label Muslim, none of those labels. All of you are better morally than I am, but I would rather be as flawed morally as I am than to have the self-righteous holiness that you all manifest. And I'd venture to say that those who need a friend that they could count on would rather have me than you; somebody who's out there strongly speaking when you're in the majority and everybody is saying what you're saying. But then the person who has to stand alone and has nobody can't look to you because you're going to look around first and see how much company you've got along with you. Do you know what courage is based on the way I view it? And you may not even care but I'm going to tell you anyway for the record. [LB52]

SENATOR COASH: One minute. [LB52]

SENATOR CHAMBERS: Courage doesn't mean fearlessness. Courage would be exercised by somebody like Senator Christensen who is afraid and despite of his fear he does the right thing. That takes courage. To do things when you have no fear might make you brave, it might make you daring, all of those things. But courage is when you do the right thing while you're shaking in your boots and you're afraid. [LB52]

SENATOR COASH: Thank you, Senator Chambers. Senator Chambers, you're recognized. [LB52]

SENATOR CHAMBERS: Thank you, Mr. President. If you don't recognize me when you look out here and see me, I'm the one who stands next to the Speaker, because it took him quite a while to realize and say that I'm recognized. And when I go to give speeches, they will say the man who needs no introduction and then proceed to introduce me. People are illogical. But anyway there's a song...Senator Christensen has probably...Christensen, he doesn't know this song because I think the guy probably is considered...I don't know if it is rock and roll. It doesn't sound like rock and roll to me. But he says: Give me just a little more time. All I'm looking for is a little courage. If Senator Christensen and the rest of you could have courage as a grain of mustard seed, courage as a mustard seed, that's all it takes. I'm not asking you to barehandedly stand up to a roaring, ravaging wolf. I'm not asking you to get into a cage with a crazed gorilla. All I'm asking of you is to let the humanity that you were born with assert itself. When you get as old as we are, not just me but you all...you know what, that idealism,

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the desire to be noble, the determination to do the right thing even in the face of overwhelming odds, is sliced away bit by bit and is squeezed out of you drop by drop, and at this point you are no longer what you were. But you haven't forgotten it. You know how you felt during better times when you indeed were a better person, and all that I'm asking ever is that we show to other human beings what we would want shown to us if we were situated as they are. That's all and we cannot do that. It would take courage to be a human being, courage to say that our fellow creatures ought to be treated with respect, that their dignity should be honored as we want ours to be. Why should it take somebody whose people were owned like I own these eyeglasses to tell the master race how to show what makes them the master race? Just ordinary, common, garden-variety humanity. Is that hard? When you look at the television and see the Humane Society's pleas for money, you see some of these little animals just trembling, trembling, and you want to comfort them if you can; but you can't do it through the television set. You see an animal whose eye has been beaten out. Then under the little dog who's trembling, it will say, why do you beat me? Will you kick me again today? There's a commercial for St. Jude Children's Hospital and they show these little cancer-stricken children. I don't even have a heart and something in me responds to that. You all have hearts. In fact, you have a second heart because you've been born again. You've been given that which is denied to me which I can never know. But do you know what? When I see that little bitty baby rest his trusting little chin on the chest of that adult... [LB52]

SENATOR COASH: One minute. [LB52]

SENATOR CHAMBERS: ...and slowly blink his eyes and open them, trusting that adult to make whatever is wrong, right; little children with these breathing masks over their face and their eyes closed, and you know they might be facing death; what does that make you feel, if anything? I don't see how anybody could watch what's happening with those little children and not resolve to do better in every way. You're not going to heal those children. Maybe St. Jude Hospital can't heal them or cure them, but they do the best that they can and they use what they've got to the greatest extent. I'm not asking you to cure cancer. All I'm asking you to do is give to others what you'd want for yourself. Thank you, Mr. President. [LB52]

SENATOR COASH: Thank you, Senator Chambers. Senator Chambers, you're recognized to close on your motion to indefinitely postpone LB52. [LB52]

SENATOR CHAMBERS: Thank you. And Mr. President, since we're not going to discuss anything on the bill anyway, I'm going to just do what I'm doing but I'm going to give you a break. On this motion, when it's voted down, as it will be, I'm not going to move to reconsider that because I have other pigs in the sty. I have other cows in the pasture. I have other hay in the barn. But I have no quit in me. I know some of you all thought when I said this morning that I'm going to take all three hours, you thought I

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couldn't it, because you put your limitations on me. But I don't want us to stop at noon. I want us to go on and on. I want us to be like Old Man River. He must know something. But unlike Old Man River, I do say something, many somethings, and I'll just keep rolling along. And I'm not about to stop and I'm not about to let go of this issue. These kind of bills invite this kind of discussion because from where I sit with the moral compass that I have, anything that's going to demean, debase, degrade, humiliate, put into a subhuman status another human being. I'm going to talk about everything that makes us human, everything that takes away from our humanity, and everything that makes us act on occasion inhuman, or I should say, unhuman. And you know when human beings are most unhuman? Human beings are most unhuman when they're being kind, when they're being generous, when they're being noble, because to be human as some person talked about is to manifest man's inhumanity to man. That's what you're familiar with, and if you talk about compassion, you feel funny because you're not compassionate yourself. But you want it. Suppose I would say that any nonprofit organization, any charitable organization, any fraternal organization that abuses children will not be allowed to participate in this program. Senator Christensen, I'd like to ask you a question. [LB52]

SENATOR COASH: Senator Christensen, will you yield? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: Senator Christensen, if I were to offer an amendment that said any of these organizations which abuses children cannot participate in this program, would you support that amendment? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: If I said any organization which abuses any other person cannot be in this program, could you support that amendment? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: If I said any organization that discriminates against people because of their sexual orientation, could you now support that amendment? [LB52]

SENATOR CHRISTENSEN: Again... [LB52]

SENATOR CHAMBERS: Or would you still rather not answer? [LB52]

SENATOR CHRISTENSEN: I'd rather not answer... [LB52]

SENATOR CHAMBERS: Thank you. [LB52]

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SENATOR CHRISTENSEN: ...and I can explain why if you want. [LB52]

SENATOR CHAMBERS: You say what? [LB52]

SENATOR CHRISTENSEN: And I'll explain it if you want. [LB52]

SENATOR CHAMBERS: Well, not on my time because I don't have much. But the next time around I will give you that opportunity, and you could stand and take your own time and do it. You want me to do everything for you? I asked you the question and then I've got to give you my time? Senator Christensen, do you have a button in front of you? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: There's a panel. There's a white button at the top, a red one to the right, a green one to the left, and a blue one at the bottom. Do you have a panel like that in front of you? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: If you push that white button, what happens? [LB52]

SENATOR CHRISTENSEN: They call on me to speak. [LB52]

SENATOR CHAMBERS: Now, you can do that, can't you? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: When I sit down are you going to do that? [LB52]

SENATOR CHRISTENSEN: I can. [LB52]

SENATOR CHAMBERS: Not can. Are you...you said you could explain it. Do you want to explain it? [LB52]

SENATOR CHRISTENSEN: I can explain it. Sure, I hit my button. [LB52]

SENATOR CHAMBERS: Okay. So you're going to explain it? [LB52]

SENATOR CHRISTENSEN: Yeah. [LB52]

SENATOR CHAMBERS: Did you...and you said you did hit your button? [LB52]

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SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: I can't wait. Thank you, Mr. President. [LB52]

SENATOR COASH: Thank you, Senator Chambers and Senator Christensen. Senator Chambers, that was your closing. So the question before the body is, shall the motion to indefinitely postpone be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB52]

CLERK: 7 ayes, 18 nays, Mr. President, on the motion to indefinitely postpone. [LB52]

SENATOR COASH: The motion to indefinitely postpone fails. Next item, Mr. Clerk. [LB52]

CLERK: Mr. President, Senator Chambers would move to amend with FA15. (Legislative Journal pages 527-528.) [LB52]

SENATOR COASH: Senator Chambers, you're recognized to open on FA15. [LB52]

SENATOR CHAMBERS: Thank you, Mr. President. And I'm going to read this slowly and as articulately as I can, and I'm going to call on all of my training in English and grammar in the hope that I may be understood. "No organization or entity which discriminates against any person on the basis of sexual orientation shall be permitted to participate in the program initiated pursuant to subsection (3)." And subsection (3) is the one that Senator Christensen has brought to us and he'll have an opportunity to explain it on his own time because I'm putting the issue right before us now. I'm laying my cards on the table and I'm turning them face up. Are you going to fold or are you going to play the game? And if you play the game, Son, you've got to learn to play it right. You've got to know when to hold them and know when to fold them. And when you are at a moral crossroads, that is not the time to hold them or fold them. That's the time to choose which way you're going to go. Right or left, which way will it be? We'll have the opportunity to see. This is a state-run program that's created here. We're not talking about private employees now. We're talking about what you as the representatives of this state will go for. You are going to approve of discrimination? If you took the time to read something, which you won't--and I'm intending to be talking down to you now because I know you haven't read it--the Code of Judicial Conduct says, and I'm paraphrasing, no judge can do or behave in any way that is discriminatory based on sexual orientation. That's in the judges' Code of Judicial Conduct. They've already acknowledged it. Any lawyer who conducts himself in a way that does that violates his lawyer ethics. And you all have the nerve to make fun of lawyers and act like you're so much superior to them morally, and you are a member of the Legislature, you make the laws. And you will agree to pass a law that discriminates against people based on

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sexual orientation? What kind of morality is that? You ought to be ashamed of yourself. If your parents were alive if they're not alive they would be ashamed of you; this is what I brought into the world? And if they are alive they are ashamed of you. And you're going to make laws for other people, and some people are not human beings to you. And I'm the inferior one. I'm from the shallow end of the gene pool. And I can see what this kind of discrimination and hatred does to people. There's a song about they scorned us for being what we are. If God makes everything, God made them. So you think God made a mistake, huh? Pompous, self-righteous hypocrites. That's what Jesus said about the people like those on this floor who would discriminate against these people, and they are people. They are human beings just like you. When you look in the mirror you ought to see every human being who is being mistreated, and when you see your reflection looking back at you, you know you don't want the one you see in that reflection mistreated, so don't you mistreat anybody whom that reflection symbolizes. Why is it so hard? Why? What are you afraid of? Somebody is going to make an ugly face at you?--an uglier face, because they are ugly already. They're ugly inside where it really matters. Oscar Wilde was one of my favorite writers. He was an Irishman. And Oscar Wilde had several other names between his first name and his last name, but I'm not going to tell you what they all were. Look it up if you're interested. And Oscar Wilde wrote a book and I often mention it to people called The Picture of Dorian Gray. And this artist had magical powers in the work that he produced. If he sculpted an animal, the animal's eyes would move. They would follow you around the room. He did a picture of Dorian Gray who at the time was a very handsome young man. But Dorian Gray had some of the propensities that you all have. He knew his master's will but he did it not. But the picture was Dorian Gray's way out. As Dorian Gray did the bad things that he was inclined to do, he remained young, fresh-faced; but then he began to notice that there were changes in the picture. There were shadows around the eyes, lines would deepen running from the mouth around the corners...the nose, around the corners of the mouth, lines across the forehead. And for fear that somebody else might notice it--I'm cutting out a lot of it--he hid it in the attic. He did every imaginable evil thing that he could. And people began to wonder how this man, as old as they were, remained so youthful in appearance and ability while they aged. Well, as they would show you the picture, you would see all of this corruption developing on the portrait: bumps, blisters, all kind of horrendous appearing things. And every wrong deed that Dorian Gray committed was reflected in that picture. And I won't tell you how the story ended, but that in a way is what you've got inside of yourself. You might can put on cosmetics. You might can grow a beard and hide some parts of your exterior. But you can't hide what's inside of you and you can't hide from yourself, because you know what you are. And I don't see how any man in a society where machismo means so much is afraid to answer a question is a moral coward. And how people who took an oath...took an oath, swore to their God. I don't swear, I say I affirm. I don't need a God threatening me. Once I give my word by way of affirmation I'm going to stick by my word. My word binds me more than your oath to your God binds you. I believe everything born of a man and a woman is a human being. They're all my brothers and sisters, and I owe it to them to

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offer protection when they need it and they can't get it from their sworn leaders who are superior to me morally, intellectually, genetically. And yet I'm the leader of the pack. I don't have any fear. None of us should have fear when it comes to helping our brother and our sister. There are people who run into burning buildings if a child was there. Ordinarily, you couldn't get them to do that, but something overcame that desire even for self-preservation, even for personal survival. Something more powerful than that was awakened and that person risked his or her life to go rescue somebody else. And all we have to do is say that if you're going to have this program, no entity that discriminates against people on the basis of sexual orientation can participate. Not only does the Code of Judicial Conduct prohibit discrimination or mistreatment of anybody based on sexual orientation, it's actually in the statute books right now when it comes to hate crimes. The hate crime law--I can tell you don't read anything--the hate crime law... [LB52]

SENATOR COASH: One minute. [LB52]

SENATOR CHAMBERS: ...makes it a hate crime to commit a bad act against somebody based on sexual orientation. Oh, you all didn't know it was already in the statute books? Something got slipped by you in the night when you were doing what you shouldn't have been doing? (Sing) When you were slipping where you shouldn't have been slipping, yeah. Then somebody else was putting things on the books that needed to be there. Thank you, Mr. President. [LB52]

SENATOR COASH: Thank you, Senator Chambers. Members, you've heard the opening to FA15 to LB52. The floor is now open for discussion. Senator Christensen, you are recognized. [LB52]

SENATOR CHRISTENSEN: Thank you, Mr. President. As I told Senator Chambers, I would explain what I...why I didn't answer, and it's very simple. I do agree that all human beings and people are created equal. What I don't see is the language that's before us that has been presented, as Senator Chambers said, in hate crimes, being presented in different cities, alter any of the perception or outcomes that we have before you. Let me give you an example. If you don't have sexual orientation in there, someone gets fired that is a homosexual, let's say, and they're saying that's the reason they got fired and because that isn't in there. So I've owned businesses. I've fired people before. I don't fire them...I don't ask them what church they go to or if they go to church. I don't ask them if they're homosexual or heterosexual. That part don't matter. I'm looking for a good worker. You pass this, you're going to have the reverse discrimination come in as those saying they're discriminated because they are homosexual because they need protection, that's why they were fired. It doesn't even cross my mind. I fire employees that aren't good. You pass this, then you have individuals protected. While you lay that person off, they're now going to claim: I'm fired again because of I'm a homosexual--which had nothing to do with it. It is because of work or because they're

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downsizing. There's multiple reasons why businesses change. And so you're going to have people saying that they are fired because they're homosexual, if you don't have these rights in. You're going to have people saying that I have to keep them on because they're going to claim it the other way. There's perception on both sides of this. It is impossible to get away from the perception that this language put in anywhere is going to cause. It may flip it. Who's got to prove what. But it doesn't change the perception. If you're an employer, as I have been many a times, it all comes down to perception. And if you don't want to work, whether it's a homosexual deal or just a lazy person or whatever, they've got an excuse and they're going to try and find a reason to make you pay for it. And I just feel like this language is just going to flip it the other way and you've still got the same perception of now they can argue they were fired because they're homosexual if you put this language in; where they...it really never comes into the discussion from a business-minded individual because they are looking for workers. It's not anything about who they are. Humans are humans. We all have the same equal rights. We aren't putting special rights in because you are heterosexual the same as we shouldn't put it in if you're homosexual. Sexual orientation should, if it's put in there is going to be perceived both ways. I don't see what it changes. [LB52]

SENATOR COASH: One minute. [LB52]

SENATOR CHRISTENSEN: The whole thing comes down to if you're a great worker nobody is going to get rid of you. My neighbor where I live is a homosexual next door. I speak to him every morning. He's out walking his dog. I speak to him. It does not make a difference. It shouldn't make a difference; they're human beings. I have the race card thrown at me. That part doesn't matter. I'll hire them if they're black, Latino, white. If they meet the needs that I have for the requirements of that job, I hire them. I have never sat back and discriminated against for any of them reasons. And so it doesn't matter what you put in there, there's still going to be the perception on either side that there is special rights for one or not special rights. [LB52]

SENATOR COASH: Time, Senator. [LB52]

SENATOR CHRISTENSEN: Thank you. [LB52]

SENATOR COASH: Thank you, Senator Christensen. Senator Chambers, you're recognized. [LB52]

SENATOR CHAMBERS: Thank you. Members of the Legislature, if I had a heart, Senator Christensen's words would have warmed the cockles of me heart when he said: I have a homosexual neighbor and when he's out walking his dog I speak to him. Doesn't that make you feel better? Now if there was a hard time in front of you today, it's going to be just a little easier for you the rest of the day? He knows what I'm talking about. There is antidiscrimination law on the books now. You can't discriminate based

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on marital condition. To get married or not get married is a voluntary decision. They could say that's why. You can't discriminate based on gender. That's already there. Does he want to get rid of that? When these people take an immoral position--and that's what it is--they do all of this obfuscating, talk all of this time, and conclude by saying: My homosexual neighbor will walk his dog and I'll speak to him, so that means I'm all right. Well, maybe he is all right, but not everybody else is. Senator Christensen, I'm going to ask you a question now based on the amendment that's before us. [LB52]

SENATOR COASH: Senator Christensen, will you yield? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: Senator Christensen, your bill creates a program that allows certain organizations and entities to obtain this convict labor. Isn't that true? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: Isn't that what your bill does? And it's under the control of the state Department of Institutions...or Corrections, isn't that true? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: So it's action by the state that is involved with this program, isn't that true? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: Now here's what my language says: No organization or entity which discriminates against any person on the basis of sexual orientation shall be permitted to participate in the program initiated pursuant to subsection (3). We're not talking about hiring anybody. We're talking about who is going to be allowed to take advantage of this program. Now will you support this amendment? [LB52]

SENATOR CHRISTENSEN: I'm not going to vote on the amendment. [LB52]

SENATOR CHAMBERS: Will you support it? [LB52]

SENATOR CHRISTENSEN: I'm not supporting it and I'm not voting against it. [LB52]

SENATOR CHAMBERS: Are you afraid? [LB52]

SENATOR CHRISTENSEN: I...as I explained, the consequences are just going to shift from one side to the other... [LB52]

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SENATOR CHAMBERS: Not on this amendment. [LB52]

SENATOR CHRISTENSEN: ...and it's not going to change it. [LB52]

SENATOR CHAMBERS: We're not talking about anybody being fired or anything. We're talking about stopping certain people who discriminate from benefiting from a state program. You think that these people, if they discriminate, should be able to take advantage of a state program? That's what you're saying, isn't it? [LB52]

SENATOR CHRISTENSEN: No. I just...you and I are just never going to agree here, Senator, because I just can't see how the perception is going to change... [LB52]

SENATOR CHAMBERS: You should have stopped... [LB52]

SENATOR CHRISTENSEN: ...if that is perceived one way... [LB52]

SENATOR CHAMBERS: You should have stopped when you said: I just can't see. That's what it is. Everybody on the floor knows...everybody knows what we're dealing with here. You brought a bill and you cannot support your bill. You are afraid to support...you're...you shouldn't have brought the bill. See, you've been bringing bills when somebody like me wasn't here, huh? [LB52]

SENATOR CHRISTENSEN: I brought bills when you were here. [LB52]

SENATOR CHAMBERS: People will just swallow spit and go along with it and say it's all right. They don't raise issues that embarrass people because the people hold immoral positions. Your position is immoral. Whenever you want to discriminate against somebody, that is immoral. And to say that a state program ought to be available to people who discriminate, how can you all do that; then you talk about the South... [LB52]

SENATOR COASH: One minute. [LB52]

SENATOR CHAMBERS: ...putting up signs and make it against the law for black and white people to drink out of the same fountain. You felt superior then, huh, because you didn't have signs like that. But you are going to put in state law a program where that discrimination is allowed. And you know that it happens. And that's why some of you are afraid to say that an entity that discriminates can't be in this program, because you know some of the outfits that will benefit under this program do discriminate based on sexual orientation. There are churches that do. You know that. There are fraternities that do. And there are operations that call themselves nonprofit and they say, we have the right to deal with whom we choose. They discriminate. Then don't let them benefit from a

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state program. Let them discriminate on their own. And we've got a senator who brought a bill like this; and he's too cowardly, too chicken-hearted to stand up and say that any program that I create in law... [LB52]

SENATOR COASH: Time, Senator. [LB52]

SENATOR CHAMBERS: ...is not going to be beneficial to somebody who discriminates. [LB52]

SENATOR COASH: Thank you, Senator Chambers. Senator Schumacher, you're recognized. [LB52]

SENATOR SCHUMACHER: Thank you, Mr. Chairman and members of the body. Will Senator Christensen yield to some questions? [LB52]

SENATOR COASH: Senator Christensen, will you yield? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR SCHUMACHER: Senator Christensen, it's my understanding that this bill is a very limited and focused bill to the one institution out in McCook. Is that correct? [LB52]

SENATOR CHRISTENSEN: It is now, yes. [LB52]

SENATOR SCHUMACHER: And it doesn't affect any other state institutions? [LB52]

SENATOR CHRISTENSEN: Correct. [LB52]

SENATOR SCHUMACHER: And the basic philosophy in it is that some fraternal and nonprofit organizations would get free labor from prisoners? [LB52]

SENATOR CHRISTENSEN: Basically, yes. [LB52]

SENATOR SCHUMACHER: Okay. And so that we're not just making mountains out of molehills here, do any of the organizations in McCook, as a practical matter, discriminate on the basis of sexual orientation? [LB52]

SENATOR CHRISTENSEN: Not that I'm aware of. [LB52]

SENATOR SCHUMACHER: Well, so does this amendment hurt then? [LB52]

SENATOR CHRISTENSEN: Again, I'm nervous of the perception and things that way,

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so I'll just abstain. [LB52]

SENATOR SCHUMACHER: Abstain from voting on your bill? [LB52]

SENATOR CHRISTENSEN: From voting. Yes. [LB52]

SENATOR SCHUMACHER: So you won't vote on your bill? [LB52]

SENATOR CHRISTENSEN: I didn't say the bill. I said the amendment. [LB52]

SENATOR SCHUMACHER: Okay. So we have a limited focus thing impacting one institution. Some folks wanting free labor from the state and none of them discriminate on the basis of sex orientation, so it doesn't affect anybody, and you don't care because you're going to abstain. If then the rest of the body says, you know, much to-do about nothing on this amendment and we pass this amendment, will you find it so repugnant that you will pull your bill? [LB52]

SENATOR CHRISTENSEN: I do not know. I haven't made that decision. [LB52]

SENATOR SCHUMACHER: Okay, so basically you don't care whether or not this particular amendment passes or not, as the bill's sponsor. [LB52]

SENATOR CHRISTENSEN: I'd just as soon it did not pass because I do not think it is necessary. As I explained before, I think it just flips the perceived excuses that are used. And I don't care if you are talking about a job or if you're talking about this situation, somebody is going to try and twist something to say: I was mistreated. [LB52]

SENATOR SCHUMACHER: But you don't care enough about this that you will vote no but you'd like the rest of us to vote no. [LB52]

SENATOR CHRISTENSEN: I'm not telling you how you have to vote on this. I can vote no on it if that's what you're asking. I can vote no if that's what you really want. (Inaudible) I don't think it's time for it. [LB52]

SENATOR SCHUMACHER: Can you vote yes? [LB52]

SENATOR CHRISTENSEN: No, I don't think I'm going to vote yes at this point in time. I'm not convinced. [LB52]

SENATOR SCHUMACHER: Well, wait a minute, wait a minute. At this point in time...I mean, aren't we talking a little bit about some conviction, some belief? I mean, we've got all this hedge language. If you can't vote at this point in time, yes, at what point in time might you vote yes? [LB52]

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SENATOR CHRISTENSEN: Well, as I look at it and study it more, I...my situation comes in, all right, I know some of this is all based to the churches. And all right, if you have...if you believe in God, then the Bible is clear if you have that relationship with Jesus Christ, that you're not...that you're not a believer that homosexuality is proper. [LB52]

SENATOR SCHUMACHER: So are you revisiting your thoughts from earlier when you weren't sure about this? Now you're going to take a...you've revisited those thoughts and you're going to take a stand? [LB52]

SENATOR CHRISTENSEN: I really prefer not to take the stand. I want to study it some more and look at it. But the fact is... [LB52]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: One minute. [LB52]

SENATOR CHRISTENSEN: ...when you have... [LB52]

SENATOR SCHUMACHER: But the Bible just told you to take a stand. Why won't you take a stand? [LB52]

SENATOR CHRISTENSEN: I'm just trying to...and I want to call some people and visit with. I'm not...this bill is not going to go away today, and I think I can better answer questions tomorrow, because I want to make sure that I'm not...on the church side of things, yes, I can answer. I'm opposed to given...I don't agree with the lifestyle. I believe it's a chosen lifestyle. [LB52]

SENATOR SCHUMACHER: But should an institution be able to get free labor from prisoners if they discriminate? That's all this asks. And I think I hear you say, yes, they should be able to; a state-sanctioned program should sanction discrimination in this particular area. I'm just trying to find out where you're at. [LB52]

SENATOR GLOOR: Time, Senators. Thank you, Senator Schumacher and Senator Christensen. Senator Chambers, you are recognized. [LB52]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Schumacher. You see my frustration. You built a trap with very tight, small meshes, but you couldn't catch him either, and we've got a slippery fish here. I'd like to ask Senator Christensen a question or two if he will yield. [LB52]

SENATOR GLOOR: Senator Christensen, will you yield? Senator Christensen, will you

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yield? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: Senator Christensen, let's deal with a church. A church is not going to hire somebody to work for the church if that person is a homosexual. Is that your view? [LB52]

SENATOR CHRISTENSEN: I don't think they're going to ask the question... [LB52]

SENATOR CHAMBERS: If they know. If they know the person is a homosexual? [LB52]

SENATOR CHRISTENSEN: To do work I don't think is an issue. It is to be... [LB52]

SENATOR CHAMBERS: Then why are you opposed to this? [LB52]

SENATOR CHRISTENSEN: ...in leadership that would be an issue with the church. [LB52]

SENATOR CHAMBERS: Then I don't see where anything you says has anything to do with my amendment. If this...then tell me, you say if it's not dealing with a position of leadership then the church should not discriminate based on sexual orientation. Is that what you're saying? [LB52]

SENATOR CHRISTENSEN: What I'm saying, I don't think we need to create a special class. [LB52]

SENATOR CHAMBERS: No, I'm asking you a question. You brought up the leadership position. Is it your view that if a leadership position is not involved then the church should not discriminate on the basis of sexual orientation? Is that your view? [LB52]

SENATOR CHRISTENSEN: Well, I would agree they're not going to because they're going to love the sinner and try to lead them to the truth. [LB52]

SENATOR CHAMBERS: Then why did you bring up the church? Because we're not talking about leadership positions in the church. We're talking about the church getting free labor. They'll accept the labor. If every inmate was homosexual on the labor gang, would they say, we don't want this person to perform this free labor for the church? We don't want them to scrape paint off the walls; we don't want them to paint the steeple. Is that your view of what the church will say? Or will they say, we want them to do the work? [LB52]

SENATOR CHRISTENSEN: You know, that could change from church to church. I

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think... [LB52]

SENATOR CHAMBERS: Do you think there's any church that would say that? [LB52]

SENATOR CHRISTENSEN: I'm sure there is. [LB52]

SENATOR CHAMBERS: Then should they be allowed to take advantage of this program? [LB52]

SENATOR CHRISTENSEN: There again that's... [LB52]

SENATOR CHAMBERS: Okay, thank you. That fish is not going to be caught but I think he has let everybody know what he is. Everybody knows. And this is the way I operate. We're dealing with serious issues. We're not playing in the sandbox on the schoolyard. He brought the bill. Then he ought to be man enough to speak up even if he won't stand up. He's on his knees...not his knees. Prone on his belly, laid out flat on his belly. Won't stand up right on two legs like a man. You can take off his arms and his legs and let him slither like the serpent because he doesn't need legs. He doesn't need feet because he's not going to stand for his Lord. He's not going to speak. He's not going to take a position. Then he shouldn't have brought the bill. He ought to withdraw the bill. He cannot stand for it and he ought to, and all the other people like him on this floor. I'm talking about you too. It's not my words that condemn you. It's your conscience. You know who you are and I know who you are. But more important than that, your Lord knows who you are. What do you care what people down here think? What does your Lord think? Did Jesus say...He can't show me where Jesus said that anybody who is homosexual is going to hell. But he pointed out a whole lot of religious people who think they're going to be someplace and they're going to wake up somewhere else if all those things are true. But this amendment, are there 33 of you in here who are against this amendment? Are there 33 of you who will say that an operation that discriminates... [LB52]

SENATOR GLOOR: One minute. [LB52]

SENATOR CHAMBERS: ...on the basis of sexual orientation ought to be able to take advantage of this state-run program? Jesus was betrayed by Judas. How many pieces of silver did Judas get? Thirty. Are there 33 of you? Are there 33 of you? We'll find out, won't we? And are you going to be like him? We're going to find out on this amendment where you are. Thank you, Mr. President. [LB52]

SENATOR GLOOR: Thank you, Senator Chambers. There are no speakers remaining in the queue. Senator Chambers, you're recognized to close on your amendment. [LB52]

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SENATOR CHAMBERS: Thank you. And members of the Legislature, I'm going to ask for a call of the house and I'm going to ask for a roll call vote, and I'm going to see if we're going to stand up and be counted. I'm looking at people. And there's a song that says...Senator Kintner, you probably are familiar with this song, "When the roll is called up yonder where will you be? I'll be there." Isn't that what it says? When the roll is...you probably don't go to church. I'll ask Senator Christensen. Senator Christensen, are you here? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: Senator Christensen, would you yield to a question? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR GLOOR: Senator Christensen, will you yield? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: Senator Christensen, are you familiar with the song that I posed to Senator Kintner here? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: And I'm going to say the first part and I'm going to see if you're really familiar with it. When the roll is called up yonder,... [LB52]

SENATOR CHRISTENSEN: ...I'll be there. [LB52]

SENATOR CHAMBERS: And now here's my next question. Will you? Will you really be there, Senator Christensen? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: Where is the "there" where you will be? [LB52]

SENATOR CHRISTENSEN: Heaven. [LB52]

SENATOR CHAMBERS: (Laugh) I'm going to say, like Johnny Mathis: (singing) And I say to myself, it's wonderful, wonderful. Anybody can go to heaven. All you youngsters who thought that you had to tow the line? Forget that. Everybody goes to heaven. But what I think he really ought to say is not when the roll is called I'll be there; he should say don't call the roll until I get there. And then the roll won't be called at all. That's my view. You all are the ones who flaunt religion in here everyday. And I told you as long as

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you flaunt it in here everyday, I'm going to talk about it everyday. Everything you bring to the Legislature is an issue for legislative consideration. And if everybody else is afraid to deal with it, I'm not. I thrive on it. I thrive on it. There are bacteria so strong they found out they live in the heart of the earth with all of that heat, all of that noxious gas. They live. And scientists were astonished because they put the limitations of the creatures they see and that they've dealt with on creatures that they had never been aware of. So their philosophy was: If I'm unaware of it, it doesn't exist. But there are some things we're all aware of. We know when somebody is shilly-shallying. We know when they're being cowardly. Now you all may vote against this amendment because you don't like me. It doesn't matter why you vote against it. The question is whether you're going to say with your vote that a state-run program should be open to those who discriminate on the basis of sexual orientation. That's what you all condemned the South for. Their laws sanctified segregation and discrimination. Their laws did it and you talked about how wrong they were. Well, now let us see some of that up North, Midwestern morality. Let us see it. That godlike attitude that caused you to have Christian values, as you say. Let us see it. And if your values are consistent with this kind of discrimination, then you're the one telling what you are. This is the polygraph amendment. Are you real or are you Memorex? Memorex puts up a good imitation but then a day comes when the real you has to be exposed. You cannot take a moral position here among mere mortals like yourself and then you're going to face this God who is going to be casting judgments and ask, how did you treat my children; how did you treat your brothers and sisters? And you, Senator Christensen, you think you're going to get in here? Why, you go straight to...well, I don't use that kind of language, but God could if he wants to because he created the language, I guess. [LB52]

SENATOR GLOOR: One minute. [LB52]

SENATOR CHAMBERS: But I wouldn't send anybody to that place. I'm not that cruel. Maybe if I had a heart I could do it because I've heard of people being described as being hardhearted. So you've got to have a heart to do those kind of vicious things. So not having a heart then I'm able to try to do things to improve the plight of our brothers and sisters. But all we're doing here is establishing a policy. We're establishing a legislative policy. Mr. President, I will ask for a call of the house and a roll call vote. [LB52]

SENATOR GLOOR: Thank you, Senator Chambers. There has been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB52]

CLERK: 28 ayes, 2 nays, Mr. President, to place the house under call. [LB52]

SENATOR GLOOR: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber to

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record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Chambers, all members are present. Roll call vote, regular order, Senator? Mr. Clerk...excuse me. Members, the question before us is, shall the amendment to LB52 be adopted? Mr. Clerk, call the roll. [LB52]

CLERK: (Roll call vote taken, Legislative Journal page 528.) 29 ayes, 5 nays, Mr. President, on adoption of the amendment. [LB52]

SENATOR GLOOR: The amendment is adopted. Raise the call. Mr. Clerk, items for the record. [LB52]

CLERK: Thank you, Mr. President. Enrollment and Review reports LB434 to Select File. (Also LB510 reported to Select File.) The Urban Affairs Committee, chaired by Senator McGill, reports LB643 to General File. A series of resolutions: Senator Janssen offers LR75; Senator Bloomfield, LR76, LR77, and LR78. Those will all be laid over. An amendment to be printed, Senator Schumacher to LB615. And, Mr. President, a reminder that the Agriculture Committee will meet in Room 1022 at 1:00. I also have two name adds: Senator Christensen to LB428 and Senator Kintner to LB376. (Legislative Journal pages 528-531.) [LB434 LB643 LR75 LR76 LR77 LR78 LB428 LB376 LB510 LB615]

And I have a priority motion. Senator Schumacher would move to adjourn the body until Wednesday morning, February 27, at 9 a.m.

SENATOR GLOOR: Members, you've heard the motion to adjourn until tomorrow morning at 9 a.m. Those in favor say aye. Those opposed say nay. We stand adjourned.