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Floor Debate  
January 19, 2018

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[LB321 LB714 LB747 LB805 LB810 LB1017 LB1054 LB1059 LB1071]

PRESIDENT FOLEY PRESIDING

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

SENATOR QUICK: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Senator Quick. I call to order the eleventh day of the One Hundred Fifth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There's a quorum present, Mr. President.

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

ASSISTANT CLERK: No corrections this morning.

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

ASSISTANT CLERK: There are, Mr. President. An announcement that various agency reports have been filed during the past week and are available through the Nebraska Legislature's Web site. In addition to that is a listing of registered lobbyists for the current week. Amendments to be printed to LB321 from Senator Bostelman and a notice of hearing from the Agriculture Committee. That's all I have at this time. (Legislative Journal pages 359-360.) [LB321]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Speaker Scheer.

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. As I did last year, my Friday morning chat with you, next week, Monday through Thursday, we will just be working again off of General File. I have not had anything that's been prioritized that is out of committee and able to come to the floor. So Monday through Thursday, we will just work on General File as we have done this week. On Friday, my hope is that we will have everything that we have accomplished so far this session back from the E&R and will do Select on those 20 or so bills that we've worked on so far this year and be able to move those over. The only other thing that I would like

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to mention to you has to do with the consent agenda and I will make an announcement when I'll accept those requests. But as we're starting hearings and you'll start having Exec Sessions, I want you to remember, you do what you've got to do, but when you vote for a bill out of committee, because someone says, well, I just want it to come out clean so I can make...get to consent, the bill probably doesn't belong on consent. And if you do that, that is one more bill that you will contend with if you have a bill for consent. So just please bear in mind as you're execing on all the bills this year that when people are asking for just a vote of yes, even though you don't like it, that's okay, just I want to try to get it on consent, that will also compete against your bills in the same manner. So just a little thought for you to have over the weekend as we all progress during the session. Have a great weekend. Thank you, Mr. Lieutenant Governor.

PRESIDENT FOLEY: Thank you, Mr. Speaker. Moving to the agenda, motion to withdraw. Mr. Clerk.

ASSISTANT CLERK: Mr. President, prior to the motion to withdraw LB805, I do have a Reference report for LB1034 through LB1083, plus LR288 and LR289. Mr. President, the first motion this morning, Senator Brasch would move to withdraw LB805 pursuant to Rule 5, Section 12. (MO172, Legislative Journal pages 326.) [LB805]

PRESIDENT FOLEY: Senator Brasch, you're recognized to open on your motion. [LB805]

SENATOR BRASCH: Thank you, Mr. President, and good morning, colleagues. This morning I would like to motion to withdraw LB805. What it would have done is inserted an annual reporting requirement for the Nebraska Potato Development Program, very similar to other checkoff programs that annually report receipts collected and provide an accounting of how the checkoff proceeds were utilized. Last year, I agreed with the consensus of the Ag Committee to honor the wishes to producers to indefinitely postpone a bill that would have effectively ended that program. However, I wrote the department shortly after the session encouraging the Potato Development Committee to focus planning efforts to explore opportunities, to utilize the funds, and to notify our committee of decisions the committee reached during future directions of this program. We had anticipated the Potato Committee would meet over the interim, and we had intended LB805 as a form for the department and the committee to outline their vision. But due to conditions, a difficult harvest for the Potato Committee last year, some organizational issues that had occurred, they did not have the opportunity to meet and consider our request. However, when we met with Director Wellman, he provided our committee with accounting of projects, of their spending, that was very thorough, and it met questions that we had. And upon more research, we decided that the potato industry did not have the opportunity to fulfill that request. But I do believe that LB805 is premature at this point because we do have accounting available

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and Director Wellman assured us that that would be available in future months coming forward. So colleagues, I would ask for you to vote green to withdraw this form. Thank you. [LB805]

PRESIDENT FOLEY: Thank you, Senator Brasch. Discussion is now open on the withdrawal motion. Seeing no one wishing to speak, Senator Brasch you're recognized to close. She waives closing. The question for the body is the adoption of the motion to withdraw LB805. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB805]

ASSISTANT CLERK: 36 ayes, 0 nays on the motion to withdraw the bill, Mr. President. [LB805]

PRESIDENT FOLEY: The motion is adopted. Next motion, please. [LB805]

ASSISTANT CLERK: Mr. President, Senator Burke Harr would move to withdraw LB810 pursuant to Rule 5, Section 12. (MO169, Legislative Journal page 318.) [LB810]

PRESIDENT FOLEY: Senator Harr, you're recognized to open on your motion. [LB810]

SENATOR HARR: Thank you, Mr. President. This is a very simple bill whose time is ready. Unfortunately, or fortunately, Senator Wayne and I brought two very similar bills. Judiciary is already overburdened with the number of bills, so I got together with Senator Wayne. He is going to carry the issue behind LB810 and I fully support what he is doing and so for that reason, I am going to ask that the body allow me to withdraw LB810. [LB810]

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Chambers. [LB810]

SENATOR CHAMBERS: Thank you, Mr. President and members of the Legislature. I believe I'm going to support Senator Harr's motion, but before I do that, I want to recite for him a little rhyme that I learned many, many years ago when I was a wee lad in grade school. If a task is once begun, never leave it until it is done, for be the labor great or small, do it well or not at all. Does that make sense to you? Just on its own. [LB810]

PRESIDENT FOLEY: Senator Harr, would you yield to a question? [LB810]

SENATOR HARR: Yes, it does and that's why I'm going to do not at all. [LB810]

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SENATOR CHAMBERS: And Mr. President, that's the way it seemed to me when I was a child, but then I read something in the "Bible." Paraphrasing. When I was a child, I thought as a child, I spoke as a child, I behaved as a child. When I became a man, I put away childish things. So as a man, I'm going to do a little analysis of what I just told you was taught to me as a child. The first two lines. If a task is once begun, never leave it until it is done. Then the next two. For be the labor great or small, do it well or not at all. Well, if you're not going to do it well, you shouldn't do it at all. But the first two lines said if it's once begun, never leave it until it is done. So there is a contradiction or a conflict between the first two lines and the second two lines. If you are not to leave it until it is done, that...there was a period after that, that statement. Then do it well or not at all. Well, if you're not doing it well, you shouldn't do it at all. But you have to continue to the very end because that's what you were admonished to do. So even though Senator Harr is offering something that would be beneficial to the body's overall work and on its own it makes sense, he has just helped demolish something that I was taught as a child. If he were going to follow what he said made sense when I asked him about that rhyme, he cannot withdraw that bill. He can never leave it until it is done. So I'd like to ask him another question if he would yield. [LB810]

PRESIDENT FOLEY: Senator Harr, would you yield, please? [LB810]

SENATOR HARR: Of course. [LB810]

SENATOR CHAMBERS: Senator Harr, as far as the life of this particular bill, do you feel it now is done? [LB810]

SENATOR HARR: Of LB810, yes, of the concept, no. [LB810]

SENATOR CHAMBERS: The bill. I'm talking about just the bill that we're talking about allowing you to withdraw. [LB810]

SENATOR HARR: It's not over until we say it's over as a body. [LB810]

SENATOR CHAMBERS: As far as you are concerned because you're requesting that we do this, in your view, this specific bill is now done as far as you're concerned and the operation of this session. Is that true? [LB810]

SENATOR HARR: That would be correct. [LB810]

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SENATOR CHAMBERS: Thank you. You just salvaged that little rhyme for me because he is not leaving it until it is done, but it now is done. So we can leave it where it stands, which means it's the subject of this motion, we can vote for the motion, and Senator Harr did not leave this task once begun until it was done and now it is done. And with that, I would say no more. [LB810]

PRESIDENT FOLEY: Thank you, Senator Chambers and Senator Harr. Senator Krist. [LB810]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, good morning, Nebraska. This has absolutely nothing to do with Senator Harr's motion to withdraw, but it does have to do with motions to withdraw in general and the referencing process. No process that is created by a man is perfect. But no process created by a man can also not be manipulated. And what we've seen in the last few years, and take it from somebody who was part of the referencing process as both the Chair of the Exec Board and the Vice Chair of the Exec Board and on the Exec Board, what's been referenced and has come out in the last few years has been tampered with, has been disorganized, and to that end, one of the things that you individual senators have the power to do--and I'm sorry there's a couple of individuals missing today that really need to hear this message--but one of the things that you have the power to do is not allow your bill that should go to a particular committee to get a fair hearing, to go to another hearing, another committee, that has demonstrated the capability or the lack of capability in doing due diligence and sending to this floor garbage. That's a technical term. Garbage. I have a bill that has been referenced as such and on Monday or the next day when the Speaker decides to put them up there, I will withdraw it because the substance and the essence of that bill has no place other than the Judiciary Committee in this body. The standing committee of the Judiciary Committee needed to see that bill because there are some ramifications that no other committee, no other committee, no other standing committee has the capability that the Judiciary Committee has, to look at matters...in such matters as you will see come up. So you have the power not to make...to make sure that your bill does not go to an inappropriate committee. It means that something that might mean a lot to you doesn't get done. But better it not be done than done incorrectly and we have problems down the road either constitutionally or damaging the reputation of this Legislature. With that, I hope you support whatever Senator Harr wants to do with LB810. Thank you. [LB810]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers. [LB810]

SENATOR CHAMBERS: Thank you, Mr. President, and members of the Legislature. What Senator Krist touched on is an issue of such import that I think it is germane to anything that we do on this floor, and I'm glad he brought it up because it's in the context of his own bill. That Reference Committee has so corrupted the system that I cease contaminating myself by going

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there. There is a clique of those senators, and they know who they are and I can read off their names if...I don't have them all right here and I don't want to put an innocent person among that clique who send bills to their buddy's committee, or to another committee, because they know what that committee will do. Gun bills go to Senator Murante's bill...committee. And then I read in the paper where he is such a purist that now he wants to follow the words of the Constitution literally and not allow any noncitizens to be counted for the purpose of redrawing legislative districts. That has never bothered him before. But now as I've stated on this floor, he wants to complete the work of the racist white people and for some reason, he thinks it will add to his stature. There was a person whose name ended in an e, who called me the other day, and said he had not even thought about names that ended in e. Then he looked it up and he said what I've said and especially about the person on the floor is correct because he is a vet derivation. And he didn't know this individual was doing the kind of things that I'm saying. But he's seeking higher office and people lose their way. They lose what little integrity they may have had and I say about him what Thomas Paine said about George Washington, I don't know if he's a man who lost all principle or if he ever had any. That's what I see. And those on that Reference Committee have corrupted the system and they know it. And I've said it during the committee hearings and our referencing and I told them, I'm not going to waste my time in this committee, I'm going to take that time on the floor. I attempted last session to re-refer some bills and the Legislature didn't want to do it. Fine. With a majority, you can do anything you want to, or you can at least take a position that will lead to certain things not happening in the Legislature. But I want you fools to know that you can vote by a majority of 48 to 1, because I will always maintain my integrity. That the earth is the center of the universe. Of the universe. I didn't say just the solar system. That won't make it so. You can vote that water without the assistance of any kind of mechanism can flow uphill, but it won't. You can vote that the earth can be suspended from a rope of sand, but it won't. You can try to pretend that what you're doing is ethical, but it is not. I'm not going to give you the name of this person, but he was dealing with religious people when he said it. Power corrupts. Absolute power corrupts absolutely. What little modicum of power that adheres in this legislative body has been corrupted by a few wrongdoers and they're members of the Republican party,... [LB810]

PRESIDENT FOLEY: One minute. [LB810]

SENATOR CHAMBERS: ...they're friends of the Governor. They are locked into people that the Governor has appointed, and they have indicated that all bets are off and everything is open for discussion on this floor, including connection to somebody with the Governor who may be pulling strings on that senator in here. What would you think of me if I...I won't ask you what you would think of me because there is only one thing you think of me no matter what the analogy is that I might draw. But having spoken twice, I'm going to speak one more time on this bill, then I'm going to speak a great deal more this morning. [LB810]

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PRESIDENT FOLEY: You may continue, Senator Chambers. [LB810]

SENATOR CHAMBERS: Let's say that I decided to disregard what was suggested by a verse in the "Bible." The "Bible" is a very racist book. It directed slaves to obey their master for such as pleasing in the sight of the white Christian God, which is a false god. But it also asks the question, and it was in a racist context. Can the leopard change his spots or the Ethiopian his skin? I'm not a leopard. I come from the continent where Ethiopia is located, but I can change. So suppose I would decide to join you all who ask these prayers all the time and say I'm a Christian. So as a Christian, I condemn gay and lesbian people. As a Christian, I fulminate against same-sex marriage and I emphasize and put in writing that marriage is between one man and one woman and that marriage is forever. You'd agree with that. Then that would mean I cannot get a divorce. I've got to stay married. But suppose I look over somewhere and I see a fine young thing ankling down the street, so I get a divorce. And not only do I get a divorce, but I want to remarry. I want to remarry after I have fulminated against divorce and emphasized that marriage is between one man and one woman and that it's permanent. Then I violate the very thing that I said that I believe. Now, the fact that I said those things doesn't mean they're true, but I was trying to give the impression that they are true for me. They comprise the standard according to which I will conduct my life. And then not only do I get a divorce, but I'm going to marry...say I see a politician, a female politician. I'm going to marry a female politician who is in good with Donald Trump, the pumpkin man. (singing) Oh, do you know the pumpkin man, the pumpkin man, the pumpkin man? Yes, I know the pumpkin man who lives on Pennsylvania Avenue. Oh, I'm going to have fun this session and I hope those who give me the grist for my mill also have fun. I wish...and I'm not just saying this because Senator Lowe is looking at me. He looks back at what's going on on the floor to be engaged and he always does it. But Senator Lowe, I genuinely wish that things had not happened that put me in a position I'm in with reference to your bill which is up this morning. If we could reach a compromise, I will not take time talking on the bill if you will agree to withdraw it. I'm not going to ask you. I want you to think about that. Let it percolate or marinate. But this last word that I'll say on Senator Harsh's...Senator Harr's bill. There are things in the "Bible" which were declared by Jesus, which were written by various people and one of the statements was, He for whom this is intended will understand. The words that I say will be understood by those for whom they are intended. For others... [LB810]

PRESIDENT FOLEY: One minute. [LB810]

SENATOR CHAMBERS: You said time or one minute? [LB810]

PRESIDENT FOLEY: One minute. [LB810]

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SENATOR CHAMBERS: Thank you. It would be like the Tower of Babel where supposedly all people's languages were garbled. To show how stupid God is, they were...they said they were going to build a tower to heaven. They're going to build a tower to heaven and they had built the tower so far about as tall as this desk that I'm standing behind because people were very small in those days. They were like Lilliputians. And here God is sitting way up where they say he's sitting and he's looking down at these Lilliputians and he says, unless...lest these people succeed in what they're doing, we have to garble their languages so they can't talk to each other. What kind of craziness is that? It is the craziness of religion. I'm going to support what Senator Harr wants to do and then I will decide what I'm going to do with Senator Lowe's bill. Thank you, Mr. President. [LB810]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Schumacher. [LB810]

SENATOR SCHUMACHER: Thank you, Mr. President, and members of the body. I always listen when Senator Chambers speaks. And he said something that I found curious. He said that the earth was not the center of the universe. Senator Chambers, would you yield to a question? [LB810]

PRESIDENT FOLEY: Senator Chambers, would you yield, please? [LB810]

SENATOR CHAMBERS: Yes, I will. [LB810]

SENATOR SCHUMACHER: Did I understand you right, Senator Chambers, that you said the earth is not the center of the universe? [LB810]

SENATOR CHAMBERS: I said that the Legislature could vote that the earth is the center of the universe, but that would not make it so. [LB810]

SENATOR SCHUMACHER: So you...but you did say that you would vote against that proposition? [LB810]

SENATOR CHAMBERS: And to answer your question directly, I do not believe the earth is the center of the universe. And then I said I'm not just talking about the solar system, but the entire universe. [LB810]

SENATOR SCHUMACHER: Senator, is every point at rest with respect to itself? [LB810]

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SENATOR CHAMBERS: Say it again. [LB810]

SENATOR SCHUMACHER: Is every point at rest with respect to itself? [LB810]

SENATOR CHAMBERS: Is every point...what? (Laughter) [LB810]

SENATOR SCHUMACHER: Is every point at rest with respect to itself? [LB810]

SENATOR CHAMBERS: Is every point at rest. [LB810]

SENATOR SCHUMACHER: With respect to itself. [LB810]

SENATOR CHAMBERS: With respect to itself. Oh, just that point. The point you're talking about, not with relationship to anything else? [LB810]

SENATOR SCHUMACHER: With respect to itself. [LB810]

SENATOR CHAMBERS: It may be and it may not be. It depends on whether it's moving. [LB810]

SENATOR SCHUMACHER: If it's...how can it move with respect to itself? [LB810]

SENATOR CHAMBERS: Well, there are things in heaven and earth that are not dreamed of in your philosophy and we're talking about heaven and earth. [LB810]

SENATOR SCHUMACHER: Oh, we're getting into religion now. But Senator, one of the things that Einstein said in formulating the general theory of relativity is that any point in the universe is equally good for observation of the rules and the laws of the universe. [LB810]

SENATOR CHAMBERS: Yes. [LB810]

SENATOR SCHUMACHER: It's all equal. There is no center of the universe. [LB810]

SENATOR CHAMBERS: Well, because there is a theory that has been advanced as to what constitutes or comprises the universe and that may not be accepted by me and since we're in the realm of theory and speculation, you say it's A, I say it's B. [LB810]

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SENATOR SCHUMACHER: I'm just pointing out that we may not know if there is a center of the universe or whether we're there. But we know that we don't move with respect to ourselves. [LB810]

SENATOR CHAMBERS: I will agree with what you have said in that last statement. I don't know where the center of the universe is or if there is a center or even what the universe is in reality. I know that there are words of limited meaning and definition that we apply to things so that they can be discussed. But the fact that we've defined them a certain way and restricted them to the meaning of the words with which we define them does not mean that the object we're dealing with is only what those words embrace. [LB810]

SENATOR SCHUMACHER: We're not even sure that there is such a thing as motion, are we? [LB810]

SENATOR CHAMBERS: I'm not sure there is such a thing as motion. [LB810]

SENATOR SCHUMACHER: And there can't be if everything is at rest with respect to itself. [LB810]

SENATOR CHAMBERS: And that's why what you said is something that I will not concede right now, but at another time, I will use that very point to make a point. But you're right, with reference to itself, there can be no motion. It is what it is and that's all that it is. [LB810]

SENATOR SCHUMACHER: Kind of like Popeye? [LB810]

SENATOR CHAMBERS: It shows that Popeye's range in laying out his mantra was in sync with not only Descartes, but Einstein. That's why I follow his mantra. There is a lot in it and you're bringing it out. [LB810]

SENATOR SCHUMACHER: Thank you, Senator Chambers. [LB810]

SENATOR CHAMBERS: No, thank you, "Professor." [LB810]

SENATOR SCHUMACHER: Gosh, we only have 49 days left of this fun. [LB810]

SENATOR CHAMBERS: And we're going to make the most of them. [LB810]

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SENATOR SCHUMACHER: We are. Thank you, Mr. President. [LB810]

PRESIDENT FOLEY: Thank you, Senator Schumacher and Senator Chambers. Senator Bolz. [LB810]

SENATOR BOLZ: Thank you, Mr. President. Respectfully, Senator Schumacher, on behalf of all Nebraskans, I have to ask the question, isn't Memorial Stadium the center of the universe? Thank you, Mr. President. [LB810]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Harr, you're recognized to close on your motion. [LB810]

SENATOR HARR: Thank you. I got lost in a little song of Ebony and Ivory right there. You know, Senator Chambers, from a guy your age, you really know how to connect with the younger generation. I don't think I've ever heard the term anking before. So thank you for introducing that to me. And I will google it after this. This is a withdrawal motion. I want to thank Senator Wayne for working with me to help find a solution and a way forward that makes sure that the idea behind this bill does go forward, but that we don't waste our precious time in Judiciary because there are so many bills there. With that, I would ask for your support for the motion to withdraw. [LB810]

PRESIDENT FOLEY: Thank you, Senator Harr. Members, you heard the debate and the motion to withdraw LB810. Those in favor vote aye; those opposed vote nay. Record, please. [LB810]

ASSISTANT CLERK: 33 ayes, 1 nay on the motion to withdraw the bill, Mr. President. [LB810]

PRESIDENT FOLEY: LB810 is withdrawn. Next motion, please. [LB810]

ASSISTANT CLERK: Mr. President, Senator Wayne would move to withdraw LB1059. (MO177, Legislative Journal page 345.) [LB1059]

PRESIDENT FOLEY: Senator Wayne, you're recognized to open on your motion. [LB1059]

SENATOR WAYNE: This is a simple withdrawal motion. We have a very similar...it encompasses the same concepts of bill in LB1128...or LB1188, I believe, but it's my bill. We had a couple different drafts going around and in essence of putting the correct one down, I put this

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one in by mistake, so I'm withdrawing this one and leaving the correct one up. I would ask for a green vote. [LB1059]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Chambers. [LB1059]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I would like to ask Senator Wayne a question and it may sound pointless initially. Senator Wayne, have you heard the expression--and I know you have--don't put all your eggs in one basket? [LB1059]

SENATOR WAYNE: Yes, I have. [LB1059]

SENATOR CHAMBERS: Have you noted--I'm not going to ask to you specify--that things in the Legislature sometimes become what Elmer Fudd might describe as screwy? In other words, the train goes off the track and things happen that maybe shouldn't? [LB1059]

SENATOR WAYNE: Yes, I've noticed that. [LB1059]

SENATOR CHAMBERS: Now, are you the introducer of the other bill that you're talking about? [LB1059]

SENATOR WAYNE: Correct. [LB1059]

SENATOR CHAMBERS: That would give you two bites at the apple if you did not withdraw this one. Isn't that correct? [LB1059]

SENATOR WAYNE: Correct. [LB1059]

SENATOR CHAMBERS: Okay, and that's all I will ask you. But I wanted to be sure that what I'm going to say was based on the real situation. If I had two bills and they do substantially the same thing, this is for me. Senator Wayne has not developed in the minds of the people on this floor the negativity that I have. So by him withdrawing one of these bills, it really does not hurt what it is he's trying to do. But for me, if they killed one in malice, I'd say, well, there's another one out there, and I'm going to give you a chance to redeem yourself. If do you what is fair with that bill, then I will do what you might call fair with the rest of the session. But if you kill the second one, then nobody can tell me that their vote on the first one was a mistake. If it's not a mistake, that means it is intentional, or as the criminal law said, man...mens rea, or that intent is there. And I would then chart my course accordingly. I'm saying this only because what Senator

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Wayne is offering this moment is a teaching moment. And it may be disregarded, but sometimes things that seem to have no relevance at the time you hear it, may become extremely relevant at a point farther down the line. I'm going to support what Senator Wayne is asking that we do. In most cases, I will go along with whatever the introducer of a bill wants to do, unless that bill is going to serve a purpose of mine and I will make that clear. So on Senator Wayne's bill, that's all that I will have to say. Although I am tempted to go after Senator...or "Professor" Schumacher, but I'm going to yield not to temptation, even though a man that I read regularly and I respect a lot said the only sure way to get rid of temptation is to yield to it. But I'm going to disregard what Oscar Wilde said. And one of these days I'm going to give you all of the names that Oscar Wilde had in his given name. Oscar Wilde is not all that he was working with. That's all for now though. Thank you, Mr. President. [LB1059]

PRESIDENT FOLEY: Thank you, Senator Chambers. Seeing no further discussion, Senator Wayne, you're recognized to close. He waives closing. The question for the body is the adoption of the motion to withdraw LB1059. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1059]

ASSISTANT CLERK: 37 ayes, 0 nays on the motion to withdraw the bill, Mr. President. [LB1059]

PRESIDENT FOLEY: The motion is adopted. Items for the record, please. [LB1059]

ASSISTANT CLERK: Mr. President, I have several notices of committee hearings from the Appropriations Committee. An amendment to be printed to LB1054 from Senator Brewer, and a motion to withdraw LB1017 from Senator Krist. That's all I have at this time. (Legislative Journal pages 362-363.) [LB1054 LB1017]

PRESIDENT FOLEY: Thank you, Mr. Clerk. We'll now proceed on the agenda, General File. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB321 was introduced by Senator Lowe. (Read title.) The bill was introduced on January 12 of last year. It was referred to the Judiciary Committee. That committee placed the bill on General File with no committee amendments. The bill was considered on General File on January 10. An amendment from Senator Schumacher was adopted. A motion to indefinitely postpone the bill was offered by Senator Chambers. That motion failed. We are now considering a motion to reconsider the IPP vote. (MO165, Legislative Journal page 267.) [LB321]

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PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Lowe and Senator Chambers, perhaps you could take a minute or two each to refresh us on where we left off and then we'll proceed to the overall debate. Senator Lowe. [LB321]

SENATOR LOWE: Thank you, Mr. President. LB321 is a bill intended to allow firearms to sports teams, other than rifle teams, to have the option to store, train, or compete with their firearms on campus. With the approval of the college or university administration, right now only rifle team is allowed to do this. LB321 in its original form was intended to do that, but it was too vague in how it was written. I thank Senator Harr, Senator Chambers, Senator Ebke and Senator Schumacher and Senator Bostelman for pointing out this issue and working to improve this bill. And I wish to thank Senator Chambers for slowing us down to think about what we actually do here. My hope is that we can move this bill forward to Select File and once there, we ensure that this bill does as intended and no more. I believe we can get to that point, so I ask you to support LB321 and move it to Select File. Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Thank you, Senator Lowe. Senator Chambers, would you like a minute or two? [LB321]

SENATOR CHAMBERS: Mr. President and members of the Legislature, I'm opposed to any bill that would result in the proliferation of guns anywhere. I believe that a motion of mine is pending and I will discuss that when it comes up. Am I correct, Mr. Clerk? [LB321]

PRESIDENT FOLEY: Your motion to reconsider is now pending, Senator Chambers. [LB321]

SENATOR CHAMBERS: Yes. And I'll wait and take time on that rather than now. Thank you. [LB321]

PRESIDENT FOLEY: Okay. Thank you, Senator Chambers. Debate is now open on the reconsideration motion. Senator Chambers, did you wish to be recognized? [LB321]

SENATOR CHAMBERS: For the record, would you read which motion we're reconsidering? [LB321]

ASSISTANT CLERK: The motion that is under consideration and it was considered the other day is to reconsider the IPP vote. [LB321]

SENATOR CHAMBERS: I still didn't understand. Are we reconsidering a motion to bracket? [LB321]

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ASSISTANT CLERK: We had previously considered a motion to indefinitely postpone the bill. That motion failed. At that point you offered a motion to reconsider that vote to indefinitely postpone. [LB321]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I had offered a series of motions and I wanted to be sure that the one that is before us is the one that I will initially address my remarks to. This bill has the intent of leading to a proliferation of firearms on the campus. What I would like to do is strike everything from the existing law that relates to any guns on the campus other than those possessed by law enforcement, sworn officers, or those who function as campus police, whatever their designation. If I had my way, there would be no other guns legally on any campus in this state. Guns serve only one purpose, in my opinion, and that is to kill people. You might shoot at somebody and disable that person because your aim was not straight, but the intent of these lethal weapons is to kill and that's what the term lethal means. We have gone far afield on this bill, but the thing that we all have talked about, in whatever way, is guns. Senator Hilgers made some comments that led into a discussion of what the term constitutional means. Does it mean simply, and only, those items explicitly provided in the Constitution itself, or does that term apply to acts, regulations and rules that are put in place and do not violate the Constitution and therefore in a broader sense, are constitutional. It was good to have those kinds of discussions and we ought to have them more. But the ultimate result does not change. The NRA rules this Legislature. I for one believe that when you have the devil play the fiddle for you, then a time comes when you must pay the fiddler. If he plays the pipe, you must pay the piper. And right now the Legislature, as far as a majority, is dancing to the tune played by the NRA. Too often, people in politics will take a very short range narrow-view. They look at their particular interest, whether it is self-generated or it's to get along with the political party, or do the work of a lobbyist. And they do not take the time to see, or consider even, what impact down the line their action, or inaction in some cases, will be. Some people think that when you get rid of the pumpkin man in the White House, things are going to be better. But some forces are being set in motion now, which are not going to cease simply because he no longer is there. It's like if a skunk leaves his or her calling card someplace, the skunk could be dead or long gone, but that aroma lingers. Or a more delicate way to say it is, the song is ended, but the melody lingers on. The damage done to the relationship between the United States and the rest of the world is not going to be undone simply because you get rid of pumpkin head. Other countries will see America... [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: ...as a nation, as being unreliable, untrustworthy, too volatile to enter into any agreements with. But I want my position to be clear. It is that this bill should be killed because it will lead to a proliferation of guns and it will lead to a greater proliferation than the bill might have led to in its original form. And I think if Senator Lowe would mention it,

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although he has before, there is a contemplation, as far as this bill is concerned, with other types of firearms, shotguns, pistols, and I don't know whatever others might pop into somebody's head. [LB321]

PRESIDENT FOLEY: Time, Senator. [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Chambers, you're recognized again. [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. I am unable to leave this place and not read the newspaper. I thought that Senator Murante might be here, but he makes himself scarce when we have these discussions. Here is what I wanted to ask him because all of a sudden, he is awakened to the notion that the Constitution of Nebraska is not being followed to the letter when it comes to determining the population for purposes of redistricting legislative districts. And he cited a provision that does say that you take the population--and I'm paraphrasing--minus or less aliens. Well, what is an alien? I don't know that the Constitution defines that. But if you watch the X-Files, they're not talking about people from Mexico or Central America or Latin America or any other country who are not in possession of documents of citizenship or permission to be here under the law. Let's say that it applies only to those people that Senator Murante, whose name ends with an e, would feel comfortable discriminating against openly and notoriously. I would then ask him, what about those same people when it comes to counting the population in Nebraska for the purpose of determining how many representatives Nebraska would have in Congress? But Senator Murante, the expert, is not here this morning, or he's in hiding. But I'm going to make a statement and if I'm incorrect, he ought to correct it. But somebody else might know. I don't know who all is on that godforsaken committee called the Government, Veterans and Military Affairs, but I would ask one of them and I doubt any of them would know. Are these so-called aliens counted for the purpose of determining how many representatives to Congress Nebraska has? Every state has at least one person in Congress. I would ask this question. Do small states have the same number of U.S. Senators as the large states? Are the states as states represented in the Senate and as such, whether it be small or large, it would have the same number of Senators. Well, one way to help arrive at a conclusion, if you know the number of states and you know the number of Senators in the U.S. Senate, you could divide one into the other. But are there any entities which are not states which nevertheless will have somebody sitting in the Senate? You know that might happen in the House because that's where the riffraff are located. But aside from that, when people like Senator Murante bring up things that relate to the Constitution and representation, it makes me think about the U.S. Constitution. And some of these high-bound so-called conservatives like to quote the first words of the

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Preamble, which really are not a part of the Constitution, We the People. We the People. Then they add, of the United States. But they don't consider black people... [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: ...to be people. Do not consider us to be full-fledged citizens. If we were, there wouldn't have to be civil rights bills, presidential proclamations, rules and regulations. We would have the same rights, privileges. We assume the responsibilities as white people, and of those white people who just got off the boat yesterday and became citizens. They have more rights than those of us who have been here and our ancestors have been here longer than you and some of your ancestors have been here. But there are some things that I want to discuss and they're going to tie into this bill because if you push people far enough so that they feel that their very physical safety is involved, you might have me becoming the strongest advocate for everybody, at least everybody black, being well-armed. Not only with weaponry, but much ammunition. Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Senator Chambers, you may speak or close on the motion. [LB321]

SENATOR CHAMBERS: I didn't understand you. [LB321]

PRESIDENT FOLEY: You may speak to the motion or close on the motion at this point. [LB321]

SENATOR CHAMBERS: I'm going to speak to the motion. And then I have others because I intend to take some time. As one of two black people in this Legislature, I have a responsibility to discuss certain issues and that is what I intend to do. I could spend my time talking about these various bills and that is not anything that is going to be enduring or make any difference. But there are ideas, if well-expressed, can make a difference long after I'm gone. The reason these so-called militant groups or terrorist groups or insurgent groups are able to reach people in the population of the country where they find themselves is because they address the day-to-day lives and struggles of the people in that area. It's called fighting to win the minds and hearts of the people. It's difficult for somebody like the pumpkin man to say black people ought to love America when police can shoot us down in broad daylight and be found innocent. We can be convicted of a murder that we had nothing to do with and serve decades in prison. We can be executed falsely and we're supposed to accept that and say it's wonderful. We can listen to white people once a year lionize Martin Luther King, not because in his later years he spoke against the war and he tried to warn people, that whereas his approach is nonviolent, he can understand other black people who would take a different course. White people have not even heard that. They would not talk about it. They want to present to us a man who was docile, who was

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submissive, who says the more you abuse me, the more I love you, that unmerited suffering is redemptive. Those are words of a crazy man, in my opinion. I would never follow what he said. You think I'm going to let somebody slap me and then I just curl up in a ball on the floor and the slap was not hard enough to knock me down? That is insane. White people don't do it. They loved it when we sang, We Shall Overcome. But when they put black men into uniforms and sent them to Korea or Vietnam, or any other place where America was oppressing people, they didn't arm us with Bibles. And we did not march on to the beach to the accompaniment of the Mormon Tabernacle Choir. But that's the way they want us to fight for our rights. They gave us guns. And they wanted us to take the lives of other people who had done nothing to us. We're not in a position to do anything to us. And white Americans foolishly go along. And in exchange for the lives of these young people, they give bits of medal and scraps of ribbon and ascribe tremendous significance to them. And that's why, inside, I marvel at all of this hypocritical talk about doing things for veterans. You should have been doing something for them all of the time if what you say is true about those who go and kill people they don't even know, to places they cannot even pronounce. And they are unable to learn lessons. When the French were pressing the Vietnamese, there was a battle. [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: It was described by a name, Dien Bien Phu. And the French got their European rumps kicked, and they left Vietnam. Then America, the stupid white people said, well, we'll go there and we'll take care of and clean up what you couldn't handle. How many young Americans die for nothing? In every war. They're not fighting so you can go to school. They certainly aren't fighting so black children can go to school. You think somebody who is out there shooting bullets, dodging bullets, is saying I'm doing this so Senator Murante can draw district boundary lines so black people can't vote. So that a pumpkin head man who himself and his children never served a day in the military can deprive us of our rights. [LB321]

PRESIDENT FOLEY: Time, Senator. [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Senator Chambers, you're recognized to close on the motion. [LB321]

SENATOR CHAMBERS: Members of the Legislature, I was told that this bill has 33 votes. If it has, when cloture is invoked, if I decide to carry it that far, then you will be able to stop my extended debate on this bill. But sometimes, actions should be taken with a caution in mind. There's a phrase in the "Bible," actually, it's a sentence, but I think it was the title of a book or maybe a movie, The Sun Also Rises. There will be other bills. I think Shakespeare may have

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said, tomorrow and tomorrow and tomorrow, meaning that whatever happens today is not the end of the story. I can do what I'm doing today every day of the session, and until we have all-day sessions, I would only have to do it until about noon. And I think most of you all know that I'm able to do that. And when I do it, unless I'm in a light-hearted mood, I'm going to talk about some very serious matters. And after you vote down this motion, I have another one, and there will be another one after that, and then I will undertake a discussion of some things in you all's Constitution. Why do I say you all's Constitution? It doesn't apply to us and you all know it. How many amendments are there other than for white women, that pertain to bestowing rights on specific groups of white people. It took a constitutional amendment to end slavery that was sanctioned, but it did not end the vestiges of slavery, which still exist to this day, and it did not remove the scars that are caused and left by slavery. I'm going to say something that sounds like a boast. Because of the abilities and talents that I have, I'm worthy of something better than the Nebraska Legislature. This is a state that is held in contempt by people everywhere. When they stopped having a winning football team, there was nothing about Nebraska that anybody would talk about except to show what fools you are by saying the Nebraska way is to work hard and not ask for very much in terms of salary. Swallow spit and do whatever you're told. You know what they tell you about the good work force that's here. You're against unions, you're against everything that's in your benefit, to your benefit, in your best interests, and that's what lets these companies know how foolish you are. I wouldn't feel complimented by saying, Ernie, the thing I like about your people is that they work hard and you don't have to pay them very much. That's what they say about you white people in Nebraska. You've read it, what a good workforce there is. You don't ever here unions doing anything of substance or of significance. The Governor is anti-union, the Republican party is anti-union, and the people who are members of unions are afraid to speak out. These white people, and especially the politicians, know that in unity there is strength. The salvation of the American worker is the union and I don't belong to a union. I don't belong to anything. I tell you I've got a...what do you call that paper they give you if you don't get in trouble in the military, oh, an honorable discharge. You don't hear me say I'm a veteran. You don't hear me say... [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: ...I belong to some veterans organization. I don't belong to any organization because all of them comprise human beings and no group of human beings are thoughtful enough for me to voluntarily associate my name with them. Why do I say I'm black? Because that's what I am. It's not what I am by virtue of joining something. I am black, and I always will be, and I will never apologize, and I will never swallow spit or take low to get along with any of you all. Why should I? I'm going to explain to you all, next go around, what an Uncle Tom is and show you that you don't respect, and you like to watch them sing and dance and praise the Lord and act like a fool and a clown, but you have no respect for them. Every time

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the pumpkin man is before a camera, he has a Tom over here and an Aunt Jemima on the other side. That's showing the contempt that he has for us, but that's not the way we all are. [LB321]

PRESIDENT FOLEY: Time, Senator. [LB321]

SENATOR CHAMBERS: Thank you. Mr. President, I will ask for a call of the house and a roll call vote. [LB321]

PRESIDENT FOLEY: There has been a request for a call of the house. Those in favor of placing the house under call should vote aye; those opposed vote nay. Record, please. [LB321]

ASSISTANT CLERK: 16 ayes, 0 nays to go under call, Mr. President. [LB321]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please turn to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Chambers and Senator Harr, would you check in, please. Senator Brasch and Senator Groene, the house is under call. Please return to the Chamber. Waiting for Senators Brasch and Groene. The house is under call. Senator Brasch, would you please return to the Chamber and check in. Senator Chambers. Thank you, Senator Chambers. We shall proceed. Senator Chambers has requested a roll call vote on his reconsideration motion. Mr. Clerk, please call the roll. [LB321]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal pages 363-364.) Mr. President, the vote is 1 aye, 42 nays on the motion to reconsider. [LB321]

PRESIDENT FOLEY: The motion is not adopted. We're still under call. Mr. Clerk, is there anything further filed on the bill? [LB321]

ASSISTANT CLERK: I'm sorry. [LB321]

PRESIDENT FOLEY: Is there anything further filed on the bill? [LB321]

ASSISTANT CLERK: Senator Bostelman, the next amendment I had from you is FA87, but I have a note to withdraw that amendment. [LB321]

SENATOR BOSTELMAN: Correct. [LB321]

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ASSISTANT CLERK: Mr. President, I have nothing further on the bill. [LB321]

PRESIDENT FOLEY: Senator Lowe, you're recognized. Excuse me, Senator Chambers, you're recognized. [LB321]

SENATOR CHAMBERS: Thank you. I couldn't let Senator Lowe get away that easily. But even in the process of carrying out an execution, if you're able to give the victim a moment of levity, then that's what you can at least concede because you know the ultimate outcome is going to be what it is. I'm opposed to this bill, and I am drafting a motion, and that motion is to simply recommit the bill to the appropriate committee. And I would like to ask, since I'm speaking on this, Senator Mr. Murante a question. [LB321]

PRESIDENT FOLEY: Senator Murante, would you yield, please? [LB321]

SENATOR MURANTE: Sure. [LB321]

SENATOR CHAMBERS: Senator Murante, did this provision come...did this amendment come out of your committee? [LB321]

SENATOR MURANTE: No. [LB321]

SENATOR CHAMBERS: Do you know which committee it came from? [LB321]

SENATOR MURANTE: This was Education, correct? Judiciary, Judiciary. [LB321]

SENATOR CHAMBERS: Thank you. I just was wondering if you were paying attention. And Senator Lowe being unaware that I'm a member of the Judiciary Committee, and unsure whether I knew what it was, was giving me a cue, which shows that we have a very good working relationship. And you know what I think makes him smile also, that a person who thinks he is the executioner, may in reality, be the one who is going to suffer execution. But what he doesn't know, because there's some things that have many steps to it, there's a fictional character, and it was in a book by Bram Stoker. His name was Abraham, but they shortened it to Bram. That's what they called him when he was growing up, I guess. Called Dracula and it was difficult to keep a good man down. And I've seen movie after movie, and Dracula always comes back, always comes back. And I have been on the losing end of numerous cloture votes, but I always have a way of coming back. And I intend to do it after this cloture vote, and you all are going to keep messing with me, and you're going to make me...you're going to force me to make you take a cloture vote against me. I watched how many times while I was going to the Reference

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Committee meetings, the corruption of the system by the misreferring of bills. They did it over and over and over. And if they, who to my way of thinking are weaklings, can do that, then certainly I, who deem myself to be a strong man, can by analogy do the same thing out here. And I have promised them that I would get my time to do payback on the floor of the Legislature. This is just a small sample, and I wish I had started doing it on a bill that I do not genuinely oppose. I had mentioned something about guns. There was one of those cities down south... [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: ...where the white marauders would come through, and they would shoot guns into people's houses, and at night they would burn crosses, so the black people bought rifles and the next time they came through, they met...the racists met a fusillade and guess what happened? The sheriff, the mayor, and the governor talked to the black people and said, you should be protected by the government and you should give up your guns and let the government protect you. Well, all white people are the same, they were the government, they were the marauders, and black people said no. And lo and behold, there were no more night rider attacks on them. I think there has been a too-easy access to guns in my community. Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Thanks, Senator Chambers. I raise the call. Mr. Clerk. [LB321]

ASSISTANT CLERK: Mr. President, prior to the motion from Senator Chambers, Senator Chambers has moved to recommit the bill to committee. [LB321]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your motion. [LB321]

SENATOR CHAMBERS: Thank you. And Mr. President, now that Senator Murante is here, I want to ask him a question, one question, if he will yield. [LB321]

PRESIDENT FOLEY: Senator Murante, would you yield, please? [LB321]

SENATOR MURANTE: With that I have answered the one question. Thank you, Mr. President. [LB321]

SENATOR CHAMBERS: Now I'm going to ask him, would he yield to take a question other than that one? [LB321]

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PRESIDENT FOLEY: Senator Murante, would you yield, please? [LB321]

SENATOR MURANTE: Yes. [LB321]

SENATOR CHAMBERS: Senator Murante, when population is being reckoned, or tabulated for the purpose of representation in Congress, are...the word that the Constitution used, the Nebraska Constitution, and that you used in your bill that I touched on earlier, was alien. Are aliens counted in the total population of a state, or are they excluded? [LB321]

SENATOR MURANTE: Okay, so you asked me two separate questions, one as it related to congressional districts, and one as it related to the total population of a state. So which...the answer may be different depending on which question is being asked. [LB321]

SENATOR CHAMBERS: Okay. Let's take the broader question. Are they considered in determining the total population of a state? [LB321]

SENATOR MURANTE: For the purposes of congressional apportionment, yes. [LB321]

SENATOR CHAMBERS: So that means if a large number of so-called aliens are counted in the population, it could cause a state which is on the borderline to retain a representative to Congress, which otherwise might not be the case. Are you aware of that ever having happened? [LB321]

SENATOR MURANTE: Of a state retaining a member of Congress because... [LB321]

SENATOR CHAMBERS: Well, if your population goes down, that...you will lose one of your representatives for the House of Representatives, and there are states that were worried about that happening to them. [LB321]

SENATOR MURANTE: Sure, not necessarily true, but yes, as a general rule, if the population of a state does not keep up with the national average, they're more likely to lose a congressional district. [LB321]

SENATOR CHAMBERS: Thank you. And that was the question I really wanted to ask so people wouldn't think I'm playing fast and loose with the way the system works. Now an argument could be made that the supreme law of the country comprises the Constitution, laws by Congress passed pursuant to the Constitution, and treaties. So the federal constitution, federal laws and

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treaties, taken together comprise the supreme law of the land. If so-called aliens are counted by the federal government for purposes of representation, an argument could be made that even if a state constitution went in a contrary direction, that wouldn't matter because what the Constitution also says, any...the provision of any state constitution or law to the contrary notwithstanding. The supreme law of the land is the Constitution, federal laws, and treaties. So, if people are counted for the purpose of representation in Congress, the argument could be made that under the federal law, these people are not to be denied representation when it comes to determining the drawing of district boundaries for the Legislature. And there are provisions other than that. There is one that says, Congress shall guarantee to every state a Republican or representative form of government. If federal law has determined that population for purposes of having a representative government would count all of these people, then even if the Nebraska Constitution would exclude them, the Nebraska Constitution would not prevail. I'm sure that there are people who have law degrees and who watch proposed legislation that could be discriminatory are well-aware of what I'm saying. And they might be crafting something right now to address it. And if they hadn't thought of it, it might be what you can an aha moment. But this Constitution of the United States begins with these words...and I'm going to go ahead and read the entire Preamble. We the People of the United States in Order to form a more perfect Union. First of all, if you look up the word perfect it's that which cannot be improved upon. There is not anything more perfect or what they're talking about is not perfect in the first place. So the syntax is poor and they're grammar is incorrect. But these are white people and since they're the master race, whatever they say is what they say it is, not because it is, but because they say it is. In Order to form a more perfect Union, establish Justice, which means giving people their due. There could not be slavery where there is justice. Insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity. Since they want the blessings of liberty to ourselves, it's clear that ourselves word does not apply to black people. That's your...you white people's Constitution for a white racist, white supremacist country. Do ordain and establish this Constitution for the United States of America. And I'm supposed to stand up and pledge allegiance to a flag of the United States of America? Why anybody who thinks that must be stone crazy. However, we were not ignored by the Constitution...white people's Constitution. If you go to Article I, Section 2, there is a third...they might call it a clause. It's a paragraph. Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding the whole number of free persons. Well, if it's for this kind of nation, isn't everybody free? That doesn't make sense. Your Constitution tells you, it's not considering everybody a person. The whole number of free persons including those bound to service for a term of years. Those are indentured servants, white people bound to service for a terms of years, and excluding Indians not taxed. And here's where we come in. It makes...it warms the cockles of every black man and woman's heart, "mon". Three-fifths of all other persons. Three-fifths, that's known as the infamous three-fifths clause. Three-fifths of the total number of all other persons. The word

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slavery is not put in the Constitution, but they all knew what was being discussed. And who are these other persons which in effect each one comprises three-fifths of a white person? My people. The ones who came from that blank house continent that the pumpkin in a White House notoriously mentioned. So that's the first reference to us in Article I of the white people's, white races, white supremacist Constitution. If you go to Section 9 of Article I of the white people's Constitution, it says the following: The migration or importation of such persons as... [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: ... any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person. That's the slave trade. That's protecting the slave trade and it cannot be touched prior to the year one thousand eight hundred and eight. And there's another provision of you all's white racist constitution that I will read, which says, that provision cannot be amended. My time is just about up on that, isn't it? [LB321]

PRESIDENT FOLEY: Yes, it is, Senator. [LB321]

SENATOR CHAMBERS: Okay. [LB321]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Debate is now open on the motion to recommit the bill to committee. Senator Chambers. [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. As I said this warms the cockles of me heart. That's the second provision that relates to black people. The first one, we are the equivalent of three-fifths of a person. The second reference to us, Section 9 of Article I of the white people's racist, white supremacist Constitution, is that the slave trade is protected by the U.S. Constitution. Slavery is mentioned in an oblique, backhand kind of way. But they didn't stop there. If you go to Article IV, you'll find these words. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due. That's the fugitive slave provision in the Constitution. While these racists were lauding themselves for fighting a revolutionary war for freedom from England, they were saying that if a black person has the wherewithal, the gall, the know-how, to escape from slavery to another state where there's no slavery, that person must be returned to slavery. That's the United States of America. White people's racist country. Not fit to be on this earth. Even to this day, not fit. And I'm supposed to come in here and salute that rag you got up there? Stand up and honor a rag and say, I pledge allegiance to the flag of a racist,

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white supremacist nation whose Constitution says I'm not even a full person? Why, you all must be crazy, or think that I am. Now, let me go to the fourth mention, Article V. This relates to amending your Constitution, you white people's Constitution. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the Legislatures of two-thirds of the several states shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution when ratified by the Legislatures of three-fourths of the several states, or by conventions in three-fourths thereof as the one or the other mode of ratification may be proposed by the Congress. Then here is the fourth reference to my people, black people, who come from that s-house nation country that the pumpkin in the White House, the white racist, orange pumpkin in the White House said. And this really makes my heart warm, and glad. Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no state without its consent shall be deprived of its equal suffrage in the Senate. You know what that provision is that cannot be amended before 1808? The slave trade. These racists said, you can amend anything in this Constitution. [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: You can change the head office from the presidency to a monarchy, you can amend that. You can throw out Congress and create a parliament, you can do that. You can change the way collections of people become a state. You can change voting, you can change representation, you can change everything except that one holy thing that binds this state...this country together, and which they worship more than that nonexistent white racist God, and what is that one thing that cannot be amended? That one thing, the slave trade. You all didn't know that, because you're ignorant of your Constitution. You all didn't know any of these things I'm talking about, because you're ignorant of your Constitution. I want you to understand why when you voice that nonsense in here with your hand on your heart, the few of you who come here, one nation indivisible, under God with liberty and justice for all, that is... [LB321]

PRESIDENT FOLEY: Time, Senator. You may continue, Senator Chambers. [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. That is tripe. You think I'm going to do that? You think you could get Jewish people to come to a place where there's a swastika and stand there and say, I pledge allegiance to this flag? You wouldn't dare suggest it. Do you think you could get Native Americans to fall down and honor Andrew Jackson, one of your slave-holding presidents who hated Native Americans? You wouldn't think of it. Although you might think of it and wish you could do it, but you won't do that. But you want a black man to come here, knowing what your racist Constitution says about me, and say that flag, that rag, means

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something to me, and these young black men are to be condemned for taking a knee when they play that so-called national anthem? What are the words in it? First of all, the song is based on an old drinking song from England to Anacreon in Heaven. A drinking song is what your national anthem is. Or the land of the free and the home of the brave. When was that song written? And was America a slave country then? Then how can it be over the land of the free? You don't consider us human beings and you don't consider us that now, and you're upset that the U.S. Constitution as interpreted by the Supreme Court makes it necessary for a black man like me to come among all you white people and say what I've got on my mind, even though you try to change your rules to stop me. And you can't, because you don't think fast enough, you don't think far enough, and if you do it wrong, it's going to encroach on you, also. Why these farmers are running around here upset, and these Bundys are going with guns against the U.S. government because they want to feed their cattle on government land without paying for it. And they're justified in doing that, taking up guns. And the other day a judge just dismissed all charges against this fool and his henchmen for challenging the U.S. government with guns. Now, this is an "if". I'm not saying kill the President. I mean, those words came out of my mouth, but that's not a recommendation. If you say, not that you're going to kill the President, if you say the President should be killed, they can charge you with a crime. But these white racist out there in Utah where the yahoos live, the uncivilized people, the wild west people, they take up guns against the government, it's not called treason. It's not a violation of any law, because they're white racist, just like the pumpkin in the White House and the majority of the people in this state and certainly the one who sits over there as Governor. Now what you going to do to me for that? What are you going to do? You going to make an ugly face at me? You going to say titch, titch, titch, I don't like him? That's good. I ain't going to rest in the bosom of a fool. You've got some people running around here, whispering, and muttering behind their hand about me, what they don't like, and I own them. I'm not even in their presence and they're upset with me. I'm not even thinking about them. You know, the Republican party is using words I said here to raise money... [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: ...because that Chambers must be stopped. They said Chambers said, and then they even had the words, I guess they copied it off the public television ad. When I see a conservative, conservative to me means...I'm going to try to remember what I said because I have different definitions, a backward-looking, racist jackass. Oh, and that sent shock waves through the whole "Repelican" firmament. But they decided to convert it into a fund-raising promo. And they're sending it around, saying give us some money. We got to stop that Chambers. Send us...and then I think they...you can send up to over a \$1,000 if you want to. Now I help try to raise some money for St. Jude Children's Hospital. I've tried to help raise money for the... [LB321]

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PRESIDENT FOLEY: Time, Senator. That was your third opportunity, Senator Chambers. You're now recognized to close on your recommit motion. [LB321]

SENATOR CHAMBERS: Thank you. Tried to raise money to support the arts. And now, without voluntarily doing it, raising money for the "Repelican" party. Do they have no principles whatsoever? Every time they send that out, they've got to have my picture and my name. I'm like Terry Carpenter when it comes to what the fools do, I don't care what you say, just so you spell my name correctly. So when they send that around, it makes me no difference. It doesn't matter to me if it raises money for the "Replicans." They've got people like the Koch brothers. They've got ALEC. They've got all these sources of raising money. But I'm going to say, what I have to say, on this floor. And somebody wondered if I was being a bit too flippant with the paper that I handed out this morning using that #MeToo. And I don't think I was. But anybody who feels that way is entitled to do it. And if they think that I've been flippant about what happens to women, I've got something I'm going to read on this floor that shows not any of those people that I'm aware of have taken action to do anything about that doctor who would have these females who wanted to be troopers, he had them lay flat on their back with their knees bent, their feet flat on the ground, then he'd make them spread their knees and he would study their vagina and their anus. You know why he's doing that, he said? Checking them for a hernia. I was outraged when I saw it. And you know how I found out about it? She got a lawyer and filed a lawsuit. And when I read it, the fact that a lawsuit is filed doesn't do it for me. I've got to do something when something like that comes to my attention, so I filed a formal complaint against that doctor. I'm not aware that any other senator said anything about it. So condemn me all you want to and it means nothing. But we know a tree by the fruit it bears and actions speak louder than words. I have not received a response from them other than the initial letter acknowledging receipt of my complaint, and that I will be notified in writing as to what they're going to do with it. Enough time has passed, in my opinion, for them to determine whether or not a doctor doing that is following standard medical practice, that which is acceptable, doing something that is medically required to determine a hernia. So I wrote a follow-up letter and I'm going to read these things on the floor. I want the public to see the kind of things that I do. And by the way, all of these women, as far as I know, are white. I try to make these narrow-minded blind racist white people understand that what I do is based on coming to the aid of people who need it, and it's a kind of aid that I, as an elected official, based on the way I understand my duty, I will do something about it. The Governor, where is he? I know where the Lieutenant Governor is, he's right there. What about the Attorney General who is getting a lot of play for his reelection by speaking against sex trafficking? What about the sexual misuse of women who want to become members of the Nebraska State Patrol? It would have been good if the women in this body would have circulated a petition. I sure would have signed it... [LB321]

PRESIDENT FOLEY: One minute. [LB321]

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SENATOR CHAMBERS: ...but I'm not going to do everything. I think sometimes a moment of silence is merited and also it gives me time to draft my reconsideration motion. I want to tell Senator Lowe something this morning. I wasn't sure what I was going to do when I came here today. I genuinely wasn't. Then I read about Senator Murante's bill to exclude certain people from being counted for the purpose of redrawing boundaries, and I thought I needed to say something about the U.S. Constitution, and the way the Supreme Court has interpreted things, and then one thing led to another. [LB321]

PRESIDENT FOLEY: Time, Senator. [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Thanks, Senator Chambers. Members, you've heard the debate on the recommit motion. Senator Chambers. [LB321]

SENATOR CHAMBERS: Call vote. [LB321]

PRESIDENT FOLEY: There's been a request to place the house under call. All those in favor of placing the house under call vote aye; those opposed vote nay. Record, please. [LB321]

ASSISTANT CLERK: 16 ayes, 0 nays to go under call, Mr. President. [LB321]

PRESIDENT FOLEY: 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. Members, please return to the floor. The house is under call. Senator Lindstrom, could you check in, please? Senator Clements, could you check in, please? Waiting for Senator Murante. All unexcused members are now present. The question for the body is the motion to recommit the bill to committee. Senator Chambers has requested roll call vote. Mr. Clerk. [LB321]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal page 364.) The vote is 2 ayes, 40 nays, Mr. President, on the motion to recommit.

PRESIDENT FOLEY: That motion is not adopted. I raise the call. Mr. Clerk. [LB321]

ASSISTANT CLERK: Mr. President, Senator Chambers has moved to reconsider the vote on the recommit motion. [LB321]

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PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your... [LB321]

SENATOR CHAMBERS: Thank you, Mr. President, and true to my promise, I'm going to read this complaint that I filed against this doctor, whose name is Stephen Haudrich, and was sent to HHS. Paraphrasing Will Rogers, quote, I only know what I read in the newspapers, unquote. Accompanying this complaint are three articles from... [LB321]

PRESIDENT FOLEY: Senator Chambers. [LB321]

SENATOR CHAMBERS: Yes. [LB321]

PRESIDENT FOLEY: I apologize for interrupting, I need to confer with the Clerk for one moment, please. We'll get back to you. Senator Chambers, I'm informed that that motion is out of order. You voted yes on the prior motion. Mr. Clerk, anything further on the bill? [LB321]

ASSISTANT CLERK: Mr. President, I have nothing further on the bill. [LB321]

PRESIDENT FOLEY: Senator Lowe, you're recognized to close on the advance of the bill to E&R Initial. [LB321]

SENATOR LOWE: Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Excuse me, Senator Lowe. Mr. Clerk. [LB321]

ASSISTANT CLERK: Mr. President, I have an amendment to the bill, offered by Senator Chambers. (FA90, Legislative Journal page 365.) [LB321]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your amendment. [LB321]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, and Senator Lowe, I must have inadvertently given you a vote, so you owe me. But anyway, what this amendment would do, on page four, it would strike lines 19 and 20 of the bill, and this is what would be stricken: Original Section 28-1204.04, Reissue Revised Statutes of Nebraska, is repealed. That language would be stricken. That's the amendment. And I'm going to make sure that I have a reconsideration motion up there this time, and I will not mistakenly vote so that I cannot have that motion taken up. I had already said this is a complaint against Dr. Stephen

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Haudrich, and I mentioned...well, I'll go ahead and start at the beginning. Paraphrasing Will Rogers, quote, I only know what I read in the newspapers. Unquote. Accompanying this complaint are three articles from the Omaha World-Herald which lay out all of the facts on which I base this complaint. Because the matter was the subject of a lawsuit, which is a public document, and news accounts, I mistakenly presumed that the agency which handles licensing would have initiated an investigation on its own. Although this is a distraction, I feel an obligation as an elected official, whose oath mandates the public interest and welfare be attended to, to proceed in this manner. For the record, the person who I denominate the victim who is offended against is Ms. Brienne Splittgerber. I have had no contact with her. The complaint has nothing to do with her lawsuit, but it's concerned solely with the inappropriate actions of Dr. Haudrich. The following newspaper excerpts are provided for convenience, even though the entire articles from which they are derived are enclosed. They provide the gravamen of this complaint. The first is from the August 2 article, the second from August 3. This is a direct quote from the World-Herald: The lawsuit states that on or about September 11, 2014, she was required to undergo a preemployment physical performed by a doctor hired by the State Patrol. As part of the exam, Splittgerber said she was told to, quote, remove her pants, lay on her back on the examination table, bend her knees, to put her feet flat on the table and open her knees exposing her genitalia. Unquote. Then she said she was required to roll over, exposing her anus. When Splittgerber was told later, that fall, by her personal physician that there was no legitimate medical purpose for such an examination, she reported the incident to her superiors at the Patrol. She was told that an investigation was underway. But even after her report, quote, female candidates continued to be required to submit to the unnecessary and humiliating examination. End of quote. Digressing. What did the female senator say? What did the females appointed by Governor Ricketts say? What did the female who worked for Governor Ricketts say? (singing) Silent night. Continuing with a quote from this complaint: Requiring a woman to remove her pants, and show her genitals as alleged in a lawsuit filed by a female State Trooper is not the usual protocol for checking for a hernia in a female patient, two medical professionals said Wednesday. Quote. That would be highly unusual and a bit suspect said Dr. David Hoelting, a long-time family physician in Pender, Nebraska, and a board member of the Nebraska Academy of Family Physicians. Both Hoelting and Melissa Meyer, a licensed practical nurse from Lincoln, said that asking a woman to remove her underwear would not be necessary in checking for a hernia, which are not common in women. They said that a check would involve feeling the abdominal area for abnormalities. Unquote from the paper. Such problematic conduct by a doctor brings disrepute to the medical profession and casts appall of doubt and suspicion over every type of female pelvic examination. This is so because no corrective or even investigative action has been taken by the department. Medical ethics and standards of treatment are not to be determined by a law enforcement agency, but rather by the profession. A derelict, misbehaving doctor cannot take refuge and find cover behind the threadbare claim that, quote, a contract, unquote, with a law enforcement agency nullified his obligation to comply with ethical, legal and professional standards governing the practice of medicine. Because Dr. Haudrich's, quote,

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medically unnecessary sexually invasive, unquote, examinations are now, quote, open and notorious, unquote, inaction by the department are unreasonably...oh, inaction by the department not unreasonably may lead women and the public at large to lose trust in the integrity of the department, the medical profession, and particular types of treatments and examinations. By filing this complaint, I have discharged my duty. Now let the department discharge its. I'm not going to read the articles because they are too lengthy, but that covers the essence of it. Then I received the following letter. It is dated August 31, 2017. Dear Senator Chambers. The department has reviewed the information you submitted involving Stephen Haudrich, M.D. A complaint investigation regarding this information will be conducted by investigator, Pat Lemke. A professional licensure investigation can require considerable time to complete. You may be contacted at a future date and interviewed as part of the investigation. When the investigation is complete, the report will be presented to the professional board for its recommendation of possible licensure action. You will be notified in writing upon final disposition of the case. Between the time when I got that letter and the passage of some time, the World-Herald wrote an article saying that the complaint against that doctor had been dismissed. Maybe a prior complaint had been, but mine had not been. It is still pending. I have received no notice that any action was taken and because I believe that it wouldn't take much time for medical experts to determine whether this that the doctor did is appropriate or not, I thought too much time had passed. And some of this I shared with my colleagues, but I don't think you read anything that I give you, but I want it to have been made available. So those who failed to take any action cannot say they didn't know anything about it. I'm sure they read the newspaper, so they were informed in the same way that I was, but they saw fit to do nothing. Now if the worst thing I ever do, that somebody criticize, is to use that #MeToo. On what I handed out today, you ought to declare me a saint without me dying. This, that I am reading, is dated January 4, 2017. That was a misdate. It's 2018. And I corrected all the copies I handed out. [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. This was hand delivered. It was to the Nebraska Health and Human Services CEO, Courtney Phillips, regarding my complaint, I gave the number, against Dr. Stephen Haudrich. And I'll wait until I'm recognized before I start reading it. [LB321]

PRESIDENT FOLEY: Have you finished, Senator Chambers? [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Senator Chambers, there is 20 seconds left. I wasn't sure if you were finished or not. [LB321]

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SENATOR CHAMBERS: Oh, then I will say again, thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Lowe, you're recognized. [LB321]

SENATOR LOWE: Thank you, Mr. President. I wish to be indebted to no man, so Senator Chambers, I yield you the rest of this time. [LB321]

PRESIDENT FOLEY: Senator Chambers, 4:50. [LB321]

SENATOR CHAMBERS: Be still my, if I had one, beating heart. Thank you, Senator Lowe. Members of the Legislature, this is the letter that I sent. The matter at issue may be described as a, quote, suspect out of the ordinary procedure, unquote, employed by Dr. Haudrich to perform a purported, quote, hernia, unquote, examination on a female seeking employment with the Nebraska State Patrol. My complaint was filed August 17, 2017, and was acknowledged by Dennis Scott, Investigations Unit Program manager, in a letter dated August 31, 2017. Because I shall share this memo with my legislative colleagues, the Governor, and others, I shall provide pertinent excerpts from four Omaha World-Herald articles which focus on the issue and provide critical information. Their dates are, Exhibit 1, August 2; Exhibit 2, August 3; Exhibit 3, November 5; Exhibit 4, December 7. And although some of this has been read, I'm reading the entire complaint, so I'm going to read some of it again. The lawsuit states that on or about September 11, 2014, she was required to undergo a preemployment physical performed by a doctor hired by the State Patrol. As part of the exam, Splittgerber said she was told to, quote, remove her pants, lay on her back on the examination table, bend her knees and put her feet flat on the table and open her knees exposing her genitals, unquote. Then she said she was required to roll over exposing her anus. When Splittgerber was told later that fall by her personal physician that there was no legitimate medical purpose for such an examination, she reported the incident to her superiors at the Patrol. She was told that an investigation was underway, but even after her report, quote, female candidates continued to be required to submit to the unnecessary and humiliating examination, unquote. Going to Exhibit two. Requiring a woman to remove her pants and show her genitals as alleged in a lawsuit filed by a female State Trooper is not the usual protocol for checking for a hernia in a female patient, two medical professionals said Wednesday. Quote, that would be highly unusual and a bit suspect, unquote, said Dr. David Hoelting, a longtime family physician in Pender, Nebraska, and a board member of the Nebraska Academy of Family Physicians. Both Hoelting and Melissa Meyer, a licensed practical nurse from Lincoln, said that asking a woman to remove her underwear would not be necessary in checking for a hernia, which are not common in women. They said that a check would involve feeling the abdominal area for abnormalities. Exhibit three. Other medical professionals have questioned the validity of the exam based upon the Trooper's description of it. Three

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professionals have told the World-Herald that hernia examinations of a woman would not involve a simple visual inspection of the genitals or anus. Even an exam for a pelvic hernia could not be done with a look alone. Rather, it would require the use of a medical instrument called a speculum which would have to be inserted inside the patient... [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: ...said Kelley Hasenauer, a family nurse practitioner who owns a women's health clinic in North Platte. Quote. Every physician we have talked to has said there's no medical reason for the examination said White, the Trooper's lawyer. Then Exhibit four has this headline from the paper. Trooper's suit gets go ahead from federal judge. Subhead: Sexually invasive exam allegations are more than sufficient to proceed with federal claims, the judge says. [LB321]

PRESIDENT FOLEY: 11 seconds, Senator. [LB321]

SENATOR CHAMBERS: Then I will use those 11 to say, thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Thank you, Senator Chambers. You are actually next in the queue, you may continue. [LB321]

SENATOR CHAMBERS: Thank you. A federal judge has ruled that a Nebraska State Patrol trooper can proceed with a lawsuit filed over alleged sexually invasive examinations required of female trooper candidates. U.S. District Judge Joseph Bataillon said in a Thursday or a Tuesday order that Trooper Brienne Splittberger allegations are, quote, more than sufficient, unquote, to meet the standards for proceeding with claims based on federal law. He disagreed particularly with the state's claim that Splittgerber's allegations did not amount to, quote, extremely offensive conduct. Unquote. Quote. On the contrary the plaintiff has alleged conduct that seems invasive and severe for purposes of the motion to dismiss, he said. That comprises the quotes from the World-Herald. Now to take up what I had written. It is noteworthy that medical professionals went on record questioning the appropriateness of the doctor's, quote, procedure, unquote. The question confronting the professional board is whether the challenged procedure serves a legitimate medical purpose and is in accord with accepted medical/ethical standards in practice. Either it does or it doesn't. If it does, a simple straightforward declaration to that effect could have been issued by now. If it doesn't, and I believe it doesn't, the same conclusion obtains. This is not rocket science. In either case, extended delay is unwarranted and itself raises troubling questions and concerns about the professional licensure system of investigation, its role and function, and permits a cloud of doubt and suspicion to hover over the medical profession in Nebraska. Query: Is not the public entitled to be shielded and protected from serious professional

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misconduct by licensed physicians? Actions or inaction speak louder than words. The well-known saying, (applied to the standard of conduct for the judiciary and members of the legal profession in general.) Quote, Caesar's wife must be above suspicion. It is applicable in this case. Caesar's wife must be above suspicion not only for the sake of her own reputation but in order to avoid bringing disrepute to Caesar. Not only is Dr. Haudrich's conduct under the public microscope, but also the integrity and reputation of the medical profession and NDHHS's handling of such matters. As noted in excerpt, number three, quote, an exam for a pelvic hernia could not be done with a look alone, unquote. In the case of this court procedure, all things considered, it is but a short step from taking a look to, quote, coping a feel, unquote. Dr. Haudrich has shown himself to be not above such conduct in view of the fact that, quote, hernia examinations of a woman would not involve a simple visual inspection of the genitals and anus, unquote. Excerpt number three. The whole dubious exercise constitutes the height of humiliation and degradation. This case fits within the context of the #MeToo international phenomenon. [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: A moral Tsunami has inundated this nation washing away careers in a tidal wave of accusations, findings, and admissions of sexual harassment and improprieties which have brought down a growing list of prominent men in virtually every sector of society. I had to turn on my light. Every sector of society: politics, entertainment, business, gymnastics, ballet, education, sports, law enforcement, the judiciary, medicine, religion. Then I included some samples. One headline, list of men accused of harassing still growing. Second headline, Cardinal's legacy a stain of scandal on the church. [LB321]

PRESIDENT FOLEY: Time, Senator Chambers. [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: That was your third opportunity, Senator Chambers. You are recognized to close on your amendment. [LB321]

SENATOR CHAMBERS: I don't think that anybody would vote for this amendment. I wouldn't expect you to because it would wipe out the bill. I've spoken to the amendment. And I've got to prepare a motion. Another of these headlines. NFL TV analyst face accusations. Another, female lawmakers allege harassment. Subheadline, Congresswomen call on male counterparts. Another, Appeals Judge retires amid misconduct allegations. This is just a small paragraph. Alex Kozinski, the powerful judge on the U.S. Circuit of Appeals for the Ninth Circuit, who is facing a judicial investigation over allegations that he subjected women to inappropriate sexual behavior

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said Monday that he would retire effective immediately. A Lincoln headline, ex-officer arrested for sexual assault. Subhead, woman says she was repeatedly coerced into sex acts. Another, Kentucky House Speaker quits amid sex allegations. Doctors are not exempt. As goes the street mantra, a man ain't nothing but a man. In this society doctors are placed upon a pedestal and by and large such high regard may be merited, but at the same time it must be borne in mind that being, quote, nothing but a man, unquote, doctors are capable of exhibiting traits of either the good and upright Dr. Jekyll or those of the evil and benighted Mr. Hyde. I'll lead off this phase with the following piece penned by a conservative nationally syndicated columnist who often comes across like a fundamentalist preacher, and to whose family circle the monster of doctor misconduct slouched. He covered the waterfront, particularly calling attention to, quote, the male dominated culture, and I'm going to go ahead and read this article. I will have my motion up there so that I'll have enough time to complete it, because I want it in the record. And this man customarily based on his record would ridicule the #MeToo effort and would have criticized the women for participating. His name is Cal Thomas. I'm going to read it without comment. While trying not to indulge in schadenfreude over those hypocritical Hollywood elites who have claimed to stand for, quote, women's rights, unquote, only to be accused of sexually harassing them, I noticed #MeToo trending on Twitter. At #MeToo, women who have been sexually harassed are invited to post their experiences and many have done so, including four female U.S. Senators. I asked my adult daughter and oldest granddaughter if they had ever encountered sexual harassment. My daughter said at a previous job her boss, quote, invited, unquote, her to sit on his lap. She refused and no longer works there. Even more shocking was the response I received from my granddaughter who is a nurse at a hospital in San Antonio, Texas. [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: I reprint her account with her permission because it contains a lesson, not only for men, but for the male-dominated culture. And since I only have a few seconds, I'm not going to read and have to cut off in the middle of a sentence. But I want it to be clear that this is a serious situation right here in the Bible Belt Nebraska where there's a lot of Christian commenting, prayers every morning, and yet not one of those Christians saw fit to take issue with what I, the non-Christian, thank God, am doing. Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Thank you, Senator Chambers. Members, you have heard the discussion on FA90. The question for the body is the adoption of the amendment. Senator Chambers. [LB321]

SENATOR CHAMBERS: A vote. [LB321]

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PRESIDENT FOLEY: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, please. [LB321]

ASSISTANT CLERK: 15 ayes, 2 nays to go under call, Mr. President. [LB321]

PRESIDENT FOLEY: 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, please return to the floor. The house is under call. Senator Linehan, could you check in, please. Waiting for Senators Kolterman, Vargas, and Lindstrom. Please return to the floor. Senator Kolterman, the house is under call. Senator Chambers, we're waiting for Senator Kolterman. We will proceed. Thank you, Senator Chambers. The question for the body is the adoption of FA90. Senator Chambers has requested a roll call vote. Mr. Clerk. [LB321]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal page 365.) The vote is 0 ayes, 40 nays, Mr. President, on the adoption of FA90. [LB321]

PRESIDENT FOLEY: The floor amendment is not adopted. I raise the call. Mr. Clerk. [LB321]

ASSISTANT CLERK: Mr. President, Senator Chambers would move to reconsider the vote on FA90. (MO182, Legislative Journal page 365.) [LB321]

PRESIDENT FOLEY: Senator Chambers, you are recognized to open your reconsideration motion. [LB321]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, we're heading into the homestretch. Before...I'm going to finish reading this article before I digress. And again, it's written by Cal Thomas. I'll take up where I left off. I will not...he's talking about his granddaughter. I will not use her last name to protect her from more bad experiences. Crystal writes, and then this is what she wrote in quotes. It's a tough subject to speak on. Personally, I've been sexually harassed many times in my workplace and generally speaking. All the jobs I have ever had, there's been sexual harassment. I am a nurse and have had doctors make inappropriate comments. I've felt very uncomfortable and have tried to ignore or, quote, laugh off, unquote, the remarks for fear of retaliation. These are doctors I've needed orders from for my patients. The last thing I need is for them to be mad at me. So, when I see the ones who have made inappropriate remarks, I smile and say hello. I'm sure if I ever want to report them, it would somehow be turned on me like I did something wrong, so I just, quote, laugh it off, unquote, and

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move on because just like Harvey Weinstein, doctors are the ones bringing in the big bucks and are granted immunity for certain things, i.e., sexual harassment. Generally speaking, when instances occur outside of work, I have stood up for myself and been treated as if I am wrong for doing so. Unquote. From which she wrote to Cal Thomas that he had included in his article. Continuing with his writing. Commenting on pictures of Hollywood actresses hugging Weinstein, Crystal continues, quote, I understand why these women are all smiles with this man. He is powerful in their community. He has power over their career, and I'm sure he is the reason they are famous. Like me and so many others, these women were afraid to speak up and to stand up to this man fearing their livelihood would be negatively affected. Females deal with this constantly. It's never comfortable, especially when you have to continue seeing or working with this person/people. It's always an awkward situation to be in, especially when the person has a higher position of power. As a mother, I think it's important to teach our children to stick up for themselves always, and it's never okay for someone to harass them in any way. It's equally important for boys and girls to learn this. It's important to teach right and wrong, promote what is right ALWAYS. End of quotation. Continuing by Cal Thomas. Powerful stuff, but in an age when the lines between right and wrong, good and bad are blurred, if not eliminated, and with culture and opinion polls defining moral standards which are constantly in flux, sexual harassment is only one of many consequences when, quote, societal norms, unquote, are obliterated. Perhaps the best way to address this is to put more women in charge, - the right kind of women, like Crystal. End of his article. Then I had a series of excerpts from articles. I'll just read the headlines to show that doctors are involved. Neurologist faces sex allegations in three states. Olympian Maroney alleges abuse. Gabby Douglas says she was abused. Doctor to plead guilty. Olympic gymnast Aly Raisman, I was abused by a team doctor. Former doctor sentenced to 60 years in child pornography case. Former Olympic doctor pleads guilty to sex charges. Two Nebraska cases. One, psychiatrist suspended, fined for relationship. Two, this is a paragraph rather than just a headline because it touches on the kind of thing that my complaint is about. The state's petition to suspend Burton's license included accusations he performed medically unnecessary genital exams and a rectal exam. That he frequently insisted on inserting catheters in male patients even if there wasn't a medical need. End of that paragraph, and resuming with my writing. Invoking the legal principle known as the rule of law, no person is above the law. All are bound by it and obliged to obey or be subjected to prescribed consequences. Since no individual is exempt from this stricture, no immunity exists for any category, class, cabal, clique, clack, profession, regardless of whether a violation be ingenuous or simple-minded. By the same token, no doctor should be deemed above the medical and ethical standards that regulate and govern licensed physicians. Although various, quote, relationships, unquote, recognized by law exist, for example, lawyer-client, priest, penitent, the doctor-patient relationship is unique. Especially the doctor-female patient relationship. It is so unique because of particular type of very personal interaction is involved which implicates the expectation of respect for privacy, decency, personal dignity, and bodily integrity. It is rooted and grounded in trust and confidence, not only in the doctor's medical knowledge and competency, but trust that he will not take

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advantage of his professional position as the means to act inappropriately or salaciously and that he will do only what is medically necessary and proper under the circumstances of her case. Because the interaction is by its very nature, personal, intimate and trust-based, an abuse of that trust constitutes the utter destruction of the doctor-patient relationship and calls for the harshest sanction available, even revocation of the license to practice medicine. The health and well-being of the patient is the paramount goal of the practice of medicine, (first do no harm), and is not to provide the maximum opportunity for indulging perverted predilections. If no significant sanction is imposed, it amounts to rejection of the norms and standards of medical practice, ratification of inappropriate behavior which debases and victimizes the patient and places the professional board in the untenable position of enablers as was done by the Catholic hierarchy when it shielded and covered up for predatory priests. Where much is known, much is required. Where trust is reposed in the integrity of a doctor, much is required. The greater the level of trust, the greater the duty to hold that trust and violate and to behave with utter circumspection and honor. Violation of such a trust qualifies as being heinous and beneath contempt. The profession should make haste to rid its ranks of such a miscreant for its own sake. These considerations come into play especially when the area below the waist is involved. The female patient should be able to have unmitigated confidence that nothing will be done to her which is not medically necessary and proper. As with Caesar's wife, there must be not the slightest hint of suspicion. Every female patient is owed the ironclad assurance that nothing untoward, humiliating or degrading will occur or be attempted. [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: A delicate crystal goblet once shattered cannot be restored to its former state or condition. A woman subjected to such humiliating dehumanizing victimization may be psychologically scarred permanently. Not all complaints are created equal, so to speak, some are of higher priority and are attended by greater urgency due to the gravity and reach of the surrounding circumstances. This is such a complaint. Implicated is not only the misdeed of the miscreant, but also the integrity of the medical profession and public trust/distrust due to actual or perceived soft-pedaling of coverup. And I'll go on when I'm recognized. [LB321]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Senator Bolz, you're recognized. [LB321]

SENATOR BOLZ: Thank you, Mr. President. I haven't had anything to say on LB321 and appreciate the work that has been done to try to find compromise on this bill. But what I have learned after six years now of serving with Senator Chambers is that when he has put his mind towards talking through a time period or a bill, he will do so. And given the subject matter of his comments this morning, I'm going to use this time as an opportunity to discuss the issue that he

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is referencing which is inappropriate sexual behavior or sexual assault. And the opportunity I have here is to share with you that not only is the circumstance that he is describing related to the State Patrol disturbing, the statistics are disturbing. One in six women and one in thirty-three men will experience sexual assault in their lifetime, and that is unacceptable, and there should be consequences to those who engage in those behaviors. And I will use this opportunity to highlight three or four bills that relate to protections of sexual assault survivors and try to get at the root cause of the sexual assault since that is the subject matter that is being discussed on this floor regardless of the subject matter of Senator Lowe's bill. Senator Wishart has brought a bill to address training about sexual abuse and sexual assault prevention within the child welfare system. I have brought a bill regarding sexual assault survivors Bill of Rights as well as a bill related to the rights of sexual assault survivors and domestic violence survivors in Landlord/Tenant law. Senator Howard has a bill related to the climate of sexual assault in higher education. And so, colleagues, I wanted to rise and take this opportunity given the subject matter at hand to encourage you to review those bills to understand the nature of the problem, to co-sign to support and to pass that legislation to address the very issues that Senator Chambers is bringing up today. And with that, I'll yield the remainder of my time to Senator Chambers. [LB321]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Chambers, 3:00. [LB321]

SENATOR CHAMBERS: How much time...? [LB321]

PRESIDENT FOLEY: About three minutes. [LB321]

SENATOR CHAMBERS: I may be able to finish this in that time. A legal maximum proclaims, quote, not only must justice be done, it must seem to be done, unquote. Finally, with the convening of the legislative session, I will be afforded a bully pulpit from which to address this what I consider to be lingering moral cancer and the inexcusable inordinate delay in taking appropriate action. Perhaps only an unrelenting drumbeat of public criticism and condemnation may apply the spur of expediency to the rump of do nothing-ism. Such was the course I was impelled to pursue in the case of the discredited former senator, Bill Kintner. I give assurance that I'm up to the task. It will be clear that despite the almost eerie silence of all other public officials and the public at large on this issue, at least one man will stand and contend for justice for the downtrodden, whoever they may be. Were I to characterize myself as a part of speech, active verb would be the label because action is what I believe in. The issue is grave and cannot be buried. The ball, as they say, is in DHHS's court. And when I say this issue, I mean of this trooper. We have an agency that deals with law enforcement. Women have been subjected to this kind of inappropriate activity by this doctor and from the description that she gave of what happened, it shouldn't take months and months and months for a conclusion to be reached. So I'm going to be speaking on this from time to time. Not taking nearly as long because I've given

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this background and condemning HHS and their investigative process. Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Senator Chambers. [LB321]

SENATOR CHAMBERS: Thank you. Mr. President, I don't have time to recite an entire poem called the Ballad of East and West, but it's where a guy stole the horse that belonged to a Colonel. The Colonel's son chased the guy. They had a good chase and a lot of discussion about the conditions in that part of the world. Then the horse on which the Colonel's son was riding fell and the guy who stole the horse went back and lifted him up. And the young guy told the horse thief that he had taken one of his guns from a foe and he pulled out his other pistol and said, will you take this from a friend, because they had had words. And then the next line went something like, a gift for a gift, spoke Kamal straight. A limb for the risk of a limb. Thy father has sent his son to me, I'll send my son to him. Then he told his son to join a group called the Guides who were the Queen's guard. I'm going to say to Senator Lowe, because I know we're winding down. Senator Lowe has shown decency to me. There's no way in order to show appreciation for that that I could not have delivered on my promise to take this bill to cloture. But with respect to Senator Lowe, and this is not to be trifling or insulting, I'm going to end what I have to say at this point and unless somebody else is speaking, he shouldn't have to invoke cloture. [LB321]

PRESIDENT FOLEY: Senator Chambers, were you withdrawing your reconsideration motion? [LB321]

SENATOR CHAMBERS: Yes. [LB321]

PRESIDENT FOLEY: The reconsideration motion is withdrawn. Senator Lowe, you are recognized to close on the advance of the bill. He waives closing. The question for the body is the advance of LB321 to E&R Initial. Those in favor vote aye; those opposed vote nay. There's been a request for a call of the house. All those in favor vote of a call of the house vote aye; those opposed vote nay. Record please. [LB321]

ASSISTANT CLERK: 32 ayes, 0 nays to go under call, Mr. President. [LB321]

PRESIDENT FOLEY: The house is under call. Members, please return to the Chamber and record your presence. The house is under call. Senator Brewer, could you check in, please. Senator Kolowski, Wishart and Wayne, could you check in, please. Senators Wishart and Wayne, please return to floor and check in. Waiting for Senator Wayne. All unexcused members are now

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present. The question for the body is the advance of LB321 to E&R Initial. Senator Chambers has requested a roll call vote. Mr. Clerk. [LB321]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal page 366.) The vote is 47 ayes, 1 nay, Mr. President, on the motion to advance the bill. [LB321]

PRESIDENT FOLEY: LB321 advances. I raise the call. Items for the record. Mr. Clerk. [LB321]

ASSISTANT CLERK: Mr. President, A notice of committee hearing from the Education Committee and from the Transportation Committee. An announcement that Referencing will meet upon adjournment. Name adds: Senator Thibodeau to LB714; Senator Brasch to LB747; Senator Thibodeau to LB1071. (Legislative Journal pages 366-367.) [LB714 LB747 LB1071]

Mr. President, a priority motion. Senator Thibodeau would move to adjourn until Monday, January 22, 2018, at 9:00 a.m.

PRESIDENT FOLEY: There's been a motion to adjourn. Senator Chambers has requested a machine vote. Those in favor of adjourn vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: Mr. President, 29 ayes, 8 nays on the motion to adjourn.

PRESIDENT FOLEY: We are adjourned.