

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 24, 2022
Rough Draft

BREWER: Good afternoon and welcome to the Government Committee. Let's start by making sure everybody is here for the right purpose. There was some false information that was given out that this was an overflow for the Judiciary Committee. Hopefully if you're here, you're here for Government, any other LB-- how many are here for LB965? Raise your hand. All right. So the rest of you are here for LB1077, I'm assuming. All right, that's what I needed to know. Thank you. All right. I'm Senator Tom Brewer representing the 43rd Legislative District, and I'll serve as the Chair of this committee. The committee will take up the bills in the order posted on the agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. Committee members may be coming and going during the hearing. This is just part of the process. We have almost all the senators presenting in other committees today, so it will be a lot of movement back and forth. I go to Revenue as soon as I get the opening and then Senator Sanders follows me in Revenue and there are people either in Exec or in another committee right now. So just understand you're going to see folks come and go. It's just part of our committee process here, so you'll just have to abide by that. I'm going to ask you to follow the following procedures here today to help make these proceedings go smoother. First, make sure that your electronic devices are on silent. When it comes time to testify, whoever is the presenter, obviously he's going to be in the chair. Those that plan to present or to speak either in support or in opposition, as that time comes you're-- you're OK to come forward and get a seat, so it's less hassle coming in and out. Introducers will make the initial statement followed by proponents, then opponents, and then the neutral. Closing remarks are reserved for the opening senator. So if you're planning to testify here today, you need to pick up one of the green sign-in sheets at the back table and be sure to fill it out completely. We'd ask that you print so it's legible and be prepared when you come forward to turn it in to the committee clerk or the page. If you do not wish to testify today, but you wish to have it recorded your name that you are here at the hearing, there are separate white sheets at the back table that you can use to sign in. If you have handouts, we'd ask that you bring 10 copies; and if you don't have 10 copies, we can have the page-- pages help so that we have enough for the committee. When you come up to turn in your green sheet, be sure to turn in any of the copies that you want handed out at that time. When you come up to testify, please speak clearly into the microphone, tell us your name, and we're asking you to please spell your first and last name.

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If you're speaking on multiple bills, you still have to spell your first and last name when you come up. We'll be using the light system for all the testifiers today. You'll have three minutes to make your initial remarks to the committee, and then keep in mind that you'll get an amber light or yellow light at one minute to go and the red light when your time has expired. Because of the number of people today, I'm going to be holding real tight to that red light issue. So just have situational awareness and understand which light are on at the time there. No displays of support or opposition to the bill, vocal or otherwise, will be allowed in the hearing. Again, if you fail to listen to that one, I will have a Red Coat escort you out and we'll be done for the day. Committee members with us today, I will start on my right with Senator Sanders.

SANDERS: Good afternoon. Rita Sanders representing District 45, which is the Bellevue-Offutt community.

HALLORAN: Good afternoon. Steve Halloran representing District 33, which is Adams, Kearney, and Phelps County.

BREWER: Dick Clark is the legal counsel for the Government Committee. Julie Condon is committee clerk. And let's see, we have both Sophia and Bhagya with us today. They'll be our pages. And with that, we will welcome up Senator Bostar. Senator Bostar, welcome back to the Government Committee.

BOSTAR: It's great to be here. Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. I'm Eliot Bostar, E-l-i-o-t B-o-s-t-a-r, representing Legislative District 29. I'm here today to present to the committee LB965. The premise of LB965 is straightforward. It changes the day the state of Nebraska observes Arbor Day on even-numbered years to the first Tuesday, following the first Monday in November. I had initially planned when I introduced this bill to talk about why it was important to have Arbor Day in the fall to appreciate the changing colors of the leaves and fall foliage and everything else. But the sheer number of phone calls my office got asking why we were moving this in November made it so that that isn't really possible. So with that, the premise of LB965 is to move Arbor Day to Election Day in even-numbered years. Last year, I introduced LB577. One provision of that legislation was to establish Election Day as a holiday. The same day of that hearing, actually, the-- Governor Ricketts at a press conference stated that we had enough holidays as it was, and so he didn't support that concept. This is my response to that. The right to vote is the foundation of

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American democracy, and as stewards of our democracy, we should endeavor to ensure that all eligible Nebraskans have access to the ballot. Election Day should be a holiday. It makes a statement about the importance that we all place on civic responsibility. LB965 would provide the majority of the state workforce with an enhanced ability to cast their ballot. Similarly, private employers would be more likely to grant employees the day off for Election Day, thus, extending the benefits of this proposed legislation and further increasing voter turnout. For many people, it is difficult to find time to vote on a workday while the polls are open. According to a Census Bureau survey, the primary reason that 14 percent of people did not vote in the 2016 general election was due to their busy schedule. An Election Day holiday is not a partisan issue. Pew Research Center poll found that Americans on both sides of the aisle support making Election Day a holiday. That poll indicated that 65 percent of Americans, a majority of both parties, favor the idea. Montana, Louisiana, Delaware, Kentucky, Ohio, Indiana, Maryland, Michigan, Rhode Island, West Virginia, and Virginia have already made Election Day a holiday. We would be remiss not to give Nebraska voters the same ballot access that is currently afforded in other states. Passage of LB965 would increase voter turnout for future elections and ensure that more Nebraska voters are able to exercise their fundamental right to vote. With that, I would thank you for your time and attention. I'd be happy to answer any questions you might have.

BREWER: All right, thank you for that. Real quick, the amendment that you gave us.

BOSTAR: Yes. Sorry, I-- it's referenced actually on the fiscal note. So if we were to pass this legislation as is, we would actually have two Arbor Day holidays this year. So the amendment has it start enacting the following year. That way, we aren't adding additional holidays, which is, of course, the point of the bill.

BREWER: All right. Well, that clears it up. Thank you for that. All right. Questions for Senator Bostar on LB965? You will stick around for close?

BOSTAR: I certainly will.

BREWER: Thank you. OK, we will start with proponents to LB965. Welcome back to the Government Committee.

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WESTIN MILLER: Hello, Senator Brewer, members of the committee. My name is Westin Miller, W-e-s-t-i-n M-i-l-l-e-r. I'm the director of public policy at Civic Nebraska here in support of LB965. I want to thank Senator Bostar for this bill. I think it's great. I think it's straightforward. I think it's creative. I really appreciate the direct response to the last time's opposition. And I think if there are other reasons we shouldn't make Election Day a holiday, we should discuss them now. This is one of those issues, again, 19 other states are doing something like this already, and it's one of those issues like why? Why would we not give this a try? This is language I'm stealing from a colleague who's much smarter than me. But the other day, she said to me, it's really weird that we get a day off to celebrate presidents, but not to elect them. And I think that's a really nice kind of summary of the issue. So why not give it a shot? It's normal within our country and across the world. So with that, thank you for your time.

BREWER: All right. Thank you for your testimony. Questions? I'm guessing that this is probably not as popular in Nebraska City as it is in Lincoln.

WESTIN MILLER: I have some other colleagues who used to work for the Arbor Day Foundation and they are less-- they are more skeptical, but I assured them it's still a great idea.

BREWER: Well, thank you for your testimony.

WESTIN MILLER: Thank you.

BREWER: All right. We are still on proponents to LB965. Welcome to the Government Committee.

CHUEQA YANG: Chairperson Brewer and members of the Government, Military and Veterans Affairs Committee, my name is Chueqa Yang, spelled C-h-u-e-q-a Y-a-n-g. I am the field manager for the Nebraska Civic Engagement Table. As an organization focused on increasing civic participation, particularly around voting and elections, we offer our support for LB965 and its intent to make Election Day a holiday. We would like to thank Senator Bostar for offering a creative solution to increase voter participation. As Election Day falls on a working day for many people, too many people do not have the ability to simply walk away from work to cast their ballots. While Nebraska law mandates two hours' paid time off be granted for employees to vote, which is a good start, LB965 builds off that foundation to offer even greater

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flexibility to Nebraskans who want to vote, particularly those working for the state of Nebraska or employers who will recognize this holiday. This bill helps maximize the time people, particularly low-income folks, and those without reliable transportation need to exercise their fundamental right without jeopardizing their income. The Nebraska Table has had numerous experiences in our voter registration programs when people are simply too exhausted from having back-to-back nights of 10+ hours of work around Election Day, or just not practically able to step away from their jobs without taking the day off. LB965 also creates more opportunities for people who will get this day off to participate in the election process as poll workers or in supporting other people in casting their ballots, whether that be providing transportation to the polls, poll observation or-- or other activities that expand access to the democratic process and reduce wait times for voters. An election holiday would go a long way to remedy a gaping hole in our election setup. The U.S. is one of the few developed democracies in the world that does not designate an election day holiday. Nebraska should set an example to the rest of the nation as a bastion of a healthy democracy and join the other 19 states that designate Election Day as a holiday, including states like Wisconsin and Montana as mentioned. We wanted to note that an election holiday on its own cannot address all barriers to voting that people may face, and we must continue to expand access to polls, early and absentee voting, and voter education. Nonetheless, the Nebraska Table believes LB965 is a promising step forward for a democratic process and urge the committee to advance it to General File. Thank you.

BREWER: Thank you. Did you write this anticipating three minutes because you timed it almost perfect? Anyway, and thanks for-- sometimes it's nice to have this as a reference to go back to if you have questions, so thank you for the written part here. All right. Any questions? Questions? All right, seeing none, thank you. And because I kicked off before they got here, some quick introductions. Senator McCollister, Senator Blood, Senator Lowe, [INAUDIBLE] All right. The next proponent to LB965. All right. We will transition to opponents to LB965. Come on up. Beth, we're getting to see you a lot.

BETH BAZYN FERRELL: Yes.

BREWER: Welcome back to the Government Committee.

BETH BAZYN FERRELL: Almost every day. Chairman Brewer, members of the committee, for the record my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County

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Officials and appearing here in opposition to the bill. We do want to thank Senator Bostar for sort of thinking outside the box and for starting this conversation again this year. Periodically, county election officials talk about different ways to change different aspects of Election Day, and this is something that has come up before. One of the issues that sometimes election officials talk about is, for example, what do we do with days where students are in school and we want to have a school as a polling place? And county officials, election officials look at all sorts of aspects of that, from accessibility to safety to parking and so on. And we realize that this isn't a bill that would do that, but it does look at the holidays that in this case, Arbor Day as an Election Day holiday. When counties have an extra holiday, and some counties do observe Arbor Day as a holiday and close the courthouse, and some do not, we had done a survey last summer and about-- and 75 counties do observe Arbor Day as a holiday, 18 do not. Some have kind of a floating holiday or a personal day that they do allow employees to have certain holidays. For the counties that do observe Arbor Day, this would require any employees that work on that day so, for example, the nonexempt employees in the Election Commissioner's Office, those individuals would have to be paid at holiday pay; any of the 24-hour services that counties provide, like jails and sheriffs and, you know, in Nebraska sometimes that's the road department too, those individuals would have to also be paid at premium pay rates. Because of the timing of this, there are years that-- fiscal years that there would be Arbor Day twice in one budget cycle, and there are other years, other fiscal years that there would not be an Arbor Day holiday celebrated, so counties would have to account for that. It's not impossible to do, certainly. It's just something that they would need to have for recordkeeping purposes. So we'd be happy to carry on the conversation. We are interested in this issue and we'd be happy to talk with Senator Bostar more about it with the committee as well. I'd be happy to answer questions.

BREWER: All right, thank you. And that was a very kind way of telling Senator Bostar that he had a harebrained idea that you didn't like [INAUDIBLE] Anyway now, so we have the understanding of-- we have what would be 75 counties that do celebrate. So what you're now going to ask them to do instead of having the day off, you're saying it's a holiday and now you're going to have them come in and work, do you have to pay them time and a half or how does that work if they work on a holiday because they don't work on many holidays if it's a designated holiday, right?

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BETH BAZYN FERRELL: Right. So it would depend on how the county has that set up, whether it would be, you know, time and a half or double time or whatever premium pay they've decided if they have to work a holiday. There would be the possibility, maybe of comp time. But for election office workers, there's probably not going to be an ability to take a comp day very close to Election Day.

BREWER: Yeah. OK. Questions for Beth? Question? All right. Thank you. All right, the next proponent.

_____: Opponent.

BREWER: Opponent. Welcome to the Government Committee.

DAN MAUK: Thank you, Senator Brewer, members of the committee. My name is Dan Mauk. That's spelled D-a-n M-a-u-k. I'm the executive director of the Nebraska City-- you knew there was going to be some Nebraska City folks here-- Nebraska City Economic Development Corporation. I'm here to voice opposition to LB965. The bill proposes to change the celebration of Arbor Day as a state holiday from April to November as already been stated. Nebraska City is the home of Arbor Day. You may have noticed some highway signs that say Welcome to Nebraska Home of Arbor Day. Other testifiers will share more detail on the origin of the holiday and its importance. I wish to speak about the economic impact and benefit it has for our community. Many members of the body, particularly those that live within an hour of Nebraska City, probably have family traditions of coming to Nebraska City, participate in Applejack, taking the kids out to the orchards to pick their apples. This has been going on for generations, for decades. Those traditions are important not only to people in the area, but they're important to our business. Our Arbor Day farm, the Tree Adventure, Kimmel Orchards, Arbor Lodge State Park, the Lied Lodge are all part of a booming tourism business in Nebraska City. Tourism has ties, that has ties to trees, trees that need to be planted in the spring each year, not every other year. The tree-related tourism attraction brings over 250,000 people to our community, with millions of dollars spent and economic benefit. Many of our charming downtown stores market to these visit-- visitors and they count on the April boost in sales to overcome the winter drag on business. This would-- this bill, we believe, would cause more confusion with regard to celebrating the holiday and tree planting. Is this the year we have Arbor Day in the spring? Or is this the one-- we can't plant in November. Anyway, we' would encourage the committee to not move this forward. I'd be happy to answer any questions if you have any.

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BREWER: So leaving Arbor Day the way it is would be better for the environment?

DAN MAUK: Yeah.

BREWER: Just throwing it-- not putting words in your mouth. I just thought I'd throw that out there. All right. Questions for Dan? All right. Thank you for your testimony.

DAN MAUK: Appreciate it. Thank you.

BREWER: All right. We are still on opponents to LB965. Welcome to the Government Committee.

TAMMY PARTSCH: Thank you. Hello. My name is Tammy Partsch, T-a-m-m-y P-a-r-t-s-c-h. I am with Nebraska City Tourism and Commerce. And yeah, we're not thrilled. When this bill was brought up in our community, we talked to our board about it. We talked to members of our community and we were met with frustration and disbelief that this is even-- that this is even a thought. The entire premise of the bill, as Senator Bostar mentioned, was-- was brought forth as a lie. Appreciating fall foliage, that's not the real point. So getting down to it, adding a new holiday for an Election Day, that's fine. Find something else, please, if that's the goal. Arbor Day has a 150-year tradition established in Nebraska City, established in Nebraska. One million trees were planted that very first Arbor Day by the early settlers of our state, and it is now celebrated in all 50 states in the country and in many countries throughout the world. And that is our tradition. That is our hometown pride. That is our home state pride and it's being poached. It's being thrown under the bus as it doesn't-- as if it doesn't matter. And I don't think that that's the right way to go about trying to fix a problem that maybe we have as a state. I like the idea of maybe looking at it in a different angle. We are the tree planter state. That is our heritage, and we need to grow on that instead of prune it back. See what I did there? That was a pun. OK?

BREWER: Good.

TAMMY PARTSCH: I'd answer any questions that you have.

BREWER: All right. Let's see if we have any questions for you. Thank you for your testimony.

TAMMY PARTSCH: Thank you.

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BREWER: All right. Any questions for Tammy? All right. Thank you. All right. Any additional opponents to LB965? All right. Anybody here in the neutral? Then we will welcome Senator Bostar back up.

BOSTAR: Thank you, Chairman Brewer and members of the committee. Would enacting this legislation lead to confusion? Yeah, it would. Is this, well, it was mentioned that maybe we could find something else. There really is no other holiday than we have access to where we could make Election Day a holiday without adding another holiday. This is the only one on the books that we can realistically move. And obviously, it isn't really a good idea to move it. You know, I was sort of going to leave it there. The idea that the legislation is a lie, though, or that I am lying is a lie in and of itself. Let's be clear. I want to make Election Day a holiday. I wanted to last year. I want to this year. Last year, the Governor said we shouldn't have another holiday. This is actually the only other option. I don't think it's a good option. What I would like the committee to do is take the portion of the bill from last session, which is still in committee, advance that to the floor, allowing us to make Election Day a holiday. Short of that, we could do it the confusing way, the not very good way, but that certainly would be my preference. Anyway, thank you very much for your time. I really appreciate hearing about this, having you hear about this now twice in one biennium. And I'd be happy to answer any final questions.

BREWER: Thank you, Senator Bostar. And hats off to you. You're thinking out of the box, you're looking at all the options. You're trying to figure out what would fit, you know, trying to find the round peg for the round hole. You may have a square one now, but we'll see what we can do here. All right. Any questions for Senator Bostar? All right. Thank you. We'll close out--

BOSTAR: Thank you.

BREWER: --the hearing on LB965 with position letters. We have three proponents, two opponents, and zero in the neutral. With that said, we'll make some changes here. There we go. Presto. And we will open on LB1077 and welcome Senator Hansen up. OK, maybe we won't. Yes, we will. That's some pretty good timing right there.

B. HANSEN: I was waiting out in the hallway.

BREWER: Oh, were you? OK.

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B. HANSEN: Along with a whole bunch of other people for other bills. It's kind of crazy out there.

BREWER: Well, welcome to the Government, Military and Veterans Affairs Committee. And you may again-- begin whenever you want on LB1077.

B. HANSEN: All right, thank you. Well, good afternoon, Chairman Brewer, members of the Government, Military Veterans Affairs Committee. My name is Ben Hansen, that's B-e-n H-a-n-s-e-n. I represent Legislative District 16. So before I start on my opening, I was talking to a colleague and a good friend of mine this morning about this bill, and he gave me some good advice. And him and I disagree on the bill. And so he gave me some good advice. He says, you know, this is a-- this topic is a complex issue that we as a country have been struggling with ever since its founding. And so to bring a bill to address something that's been going on since the founding of our country is difficult and it's not perfect, but I appreciate the fact that we can have a conversation about it today. And so I appreciate everyone here listening as well and everyone coming to testify for it and against it. It's tough to get out here in the cold and testify on kind of an emotional issue and a political issue as well. So-- but one thing I think we can all agree on, even if it's not this bill, is that value is placed on someone without regard to race or sex, potential allowed for and opportunity given without regard to race or sex. Each employee, student, and child should be respected without regard to race or sex. I'd like you to keep this concept of valuing individuals at the forefront of your mind as we talk about my bill, LB1077 and the type of education and training given at places funded by Nebraska taxpayers. First of all, let me clarify that this is a constituent-led bill. There has been increasing concern with the training and education being offered in Nebraska and across our country that would undermine the value of an individual just because the past history of the race or sex. Alarmed constituents and parents have asked for action. And while I am a senator who promotes local control, if at all possible, these people feel that they are not being heard by government employers who require training or school boards who encourage education that assigns fault to a certain race or sex. Instead of assigning blame, we want to ensure values of the lives of Nebraskans and students. LB1077 might be the answer, and this hearing allows for the conversation to be started. I appreciate your time in exploring the subject of discrimination and consider-- and considering if there are steps legislation-- the Legislature should take. So what does LB1077 do? I'm going to try to break it down because it's, you know, it's kind of a multifaceted bill. So I'm going to try to break

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it down to about three categories of who it affects. The first is governmental entities, which includes municipalities, mayors, city councils, counties, law enforcement, and other public governing bodies with governmental authority. Oftentimes, there are trainings given to employees of these entities to ensure respect and inclusion in the workplace environment. The second is public postsecondary institutions, which have numerous classes with furthering education that expound on history and thought concepts. And the third is public schools, which teach the fundamentals of education, leaving certain topics to parents and the influences at home. LB1077 specifically states that it does not prohibit curriculum that teaches the topics of sexism, slavery, racial oppression, racial segregation, or racial discrimination, including topics related to the enactment and enforcement of laws resulting in sexism, racial oppression, segregation and discrimination. This is probably the number one concern I've had with the emails and phone calls about what-- they're concerned that we will not be able to teach certain aspects, and we put in the bill specifically about what this bill does not do and it does not prohibit that-- and training and education. These topics are part of our history. They are part of life. LB1077 allows the promotion of racial, cultural, ethnic, or intellectual diversity or inclusiveness. It is important to note that it does not limit or work to hide the truth about history. On the contrary, the instructors and teachers of specific classes that include these topics are professionals and experts in their field. The trainees and students under the teaching of these topics will benefit from knowing the successes and failures of our past and present. This can foster respect in the workplace and classroom. What LB10 77 does-- does do is prevent training and education that discriminates and undermines the value of an employee or student. Teachers who want children to thrive would not willingly assign-- assign fault, blame, or bias based on the student's race or sex. They would not tell trainees that they are inherently inclined to oppress others through racism or sexism. The bill defines this as scapegoating, which is in the bill. We have that definition. And no one would want to carry a child-- carried-- want a child to carry this weight. Instead, they would want to inspire students and trainees. They can do this by walking through the objective points of history and not assigning feelings of guilt or students-- on students of a particular race or sex. Also, an instructor or a teacher would not want to ascribe character, character traits, values, moral and ethical codes, privileges, status, or beliefs to a group of students based on their race. The bill defines this as stereotyping. Instead, they would want to celebrate the

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opportunities that come with individual responsibility, letting the trainees and students know that their actions alone, regardless of the race, can create a promising reputation and future. Along with scapegoating and stereotyping, LB1077 would prohibit the promotion of certain defined concepts. This includes teaching that one race or sex is inherently superior, or saying that because of a student's race or sex, they are automatically racist or sexist or oppressive. Whether it is on purpose or not, I think we can all agree that these and the idea that a child should be discriminated against or receive adverse treatment because of their race or sex is wrong. Other defined concepts are the views that members of one race or sex cannot and should not attempt to treat others without regard to race or sex; that a trainee's or student's moral character is determined by their race or sex; and that people of a certain race or sex bear responsibility for actions committed in the past by others. The class-- the classes taught should not tell students that they have to or should feel discomfort, guilt, anguish, or any other form of psychological distress on account of their race or sex. Curriculum should not discourage quality traits such as hard work ethic by saying they are racist or sexist and were created by a particular race or sex to oppress others. If taught, this actually promotes racism and sexism. While LB1077 states that questions can be answered about these defined concepts and that these defined concepts can be part of a larger course in public universities, teachers around the state should find that each trainee or student has individual value. Identity should not be assigned by these defined concepts. There should not be a difference in how a whole race or sex is treated because of past history. Another area students in public school specifically have felt pressure in is the area of political ideology. Political ideology is one of those topics that should be discussed at home. Youth in our-- youth in our schools should not feel compelled or forced to claim a particular political viewpoint in order to be respected and valued in the school or by their teachers. If an employee or a government entity is negatively affected by a class that does not follow the guidelines laid out in LB1077, they may file a complaint with the Attorney General, who will then act accordingly. If the Board of Regents or a Coordinating Commission of Postsecondary Education finds that a university is knowingly in violation, they can notify the State Treasurer, who may-- who may withhold state funds until the curriculum or class is corrected. If the State Department of Education finds that a school is knowingly in violation, they can also notify the State Treasurer, who may withhold state funds until the issue is properly addressed. In conclusion, I want to uphold the respect found in

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workplaces and classrooms across the state of Nebraska. I want history to be taught without putting undue burden on our students by making them carry blame that doesn't belong to them. LB1077 ensures that discrimination based on one's race or sex is not taught. History is objective and should be taught without subjective editorializing that assigns fault to a whole race or sex. Let's teach our students that individual-- that each individual has the opportunity to thrive regardless of the past. Let's inspire growth and achievement. They can reach their fullest potential by determining the interpretation of objective history and learning to succeed in the present and future without feeling guilt for their race or sex. So I know that's a long intro, but with that I will take any questions. And I am again thankful for the opportunity to discuss this and for everyone behind me to share their thoughts as well. Thank you.

HALLORAN: Thank you, Senator Hansen, for the open for LB1077. Are there questions? Senator Blood.

BLOOD: Thank you, Senator Halloran. How are you today, Senator?

B. HANSEN: Ask me in about an hour or two.

BLOOD: I'm looking at like three hours.

B. HANSEN: Yep.

BLOOD: I have several questions for you.

B. HANSEN: Yes.

BLOOD: Can you walk me through the types of discrimination that you personally have experienced, be it based on your color or based on your income level, where you come from, how you identify? Can you-- can you talk a little bit about maybe what brought this forward? Is this something you had personally experienced?

B. HANSEN: No. [INAUDIBLE] like I mentioned in my opening, this is a constituent bill.

BLOOD: OK.

B. HANSEN: This is one that I've been hearing from multiple resources, not just in my district, but throughout the state Nebraska.

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BLOOD: Can you give me three examples of where this has happened, what-- what school and what happened to either the child or the student as a college student--

B. HANSEN: Yes.

BLOOD: -- that are [INAUDIBLE]

B. HANSEN: I'm sure-- and I'm sure there will be some testifiers behind me that will explain it as well. And this is some stuff I can also hand it to you. I can make some copies or email to you.

BLOOD: I want it on record.

B. HANSEN: Yes. The-- the types of education that we see in just the training of teachers, which is what we're talking about as well with this bill, and also the education of students.

BLOOD: Actual examples.

B. HANSEN: Yes, there are some right here, yes.

BLOOD: Which are--

B. HANSEN: Some at the UNO Buffett Early Institute webinar, some at Lincoln East High School.

BLOOD: And what was-- so the UNO Early-- the-- the Warren Buffett Early Childhood Development--

B. HANSEN: Um-hum.

BLOOD: --which is a pre-K-- they support pre-K education for children. I am very familiar with that organization.

B. HANSEN: Yes, and this is about--

BLOOD: What happened at that training?

B. HANSEN: It has to do with the webinar they had about the training with teachers, what is antiracist education?

BLOOD: Say it again.

B. HANSEN: What is antiracist education and their explanation about what that is to help train teachers.

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BLOOD: OK, so they provided a optional training that someone could or couldn't take. Right?

B. HANSEN: I don't know. I'm assuming it was optional.

BLOOD: [INAUDIBLE] supposed to do it.

B. HANSEN: Yeah, I'm-- I'm unfamiliar. I don't know. I'm assuming it was optional, yes.

BLOOD: So what is-- say that again. What is what? You said [INAUDIBLE]

B. HANSEN: What is antiracist education?

BLOOD: What is antiracist education?

B. HANSEN: Um-hum.

BLOOD: So to your knowledge, nobody was forced to take it. It was an optional program from a nonprofit.

B. HANSEN: I would assume so, yes.

BLOOD: OK. What's the next example?

B. HANSEN: One at Lincoln East High School.

BLOOD: What happened at Lincoln East?

B. HANSEN: It's on a website that students were obligated to look out from my understanding. Again, there might be some testimony behind me about what-- what is--

BLOOD: So students are obligated to look at a website?

B. HANSEN: I don't know for sure, but this is a part of an assignment from my understanding.

BLOOD: OK, and what did it say?

B. HANSEN: It's about definition of what is and articles about what is white privilege, The Male Privilege Checklist, White Privilege: Unpacking the Invisible Knapsack. And again, this is stuff I can provide for you as well.

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BLOOD: OK, so it is part of a lesson is what you are telling me or do you think--

B. HANSEN: I'm assuming so, yes.

BLOOD: So--

B. HANSEN: I don't want to speak-- I don't want to speak out of turn and misspeak.

BLOOD: I want to try to put this in perspective. So do you know in many Catholic schools that they are tested to know the knowledge of what tools are utilized for abortion?

B. HANSEN: I'm-- I'm unsure.

BLOOD: So if you were comparatively speaking, some classes are meant to give people information so they can have a broader outlook of how things, and I had a child that went to Catholic school and I wasn't thrilled with that, but I knew that it was part of the curriculum that they chose to teach children and encourage children to be pro-life.

B. HANSEN: Um-hum.

BLOOD: So are you saying that curriculum-wise, that-- that if indeed this was part of an assignment, which we don't know, I guess I'm going to hear about this, that we should allow our children to learn information and think for themselves? Are we saying that the kids aren't able to say, OK, I've learned this, but I don't agree with it. We're saying that if they read it, that-- that it becomes fact that that's all they--

B. HANSEN: We're not preventing them from asking questions as well, the bill. They can if-- if-- the whole idea is that we want to teach objective history and not subjective history.

BLOOD: Are you saying we don't do that in Nebraska?

B. HANSEN: From what I hear, no, in certain instances. I'm not saying every teacher, I'm not saying everybody does this. These are the concerns I hear-- that I get in my e-mails, right?

BLOOD: So-- and I'm not trying to be combative. I'm really trying to get my head wrapped around this.

B. HANSEN: Yep.

BLOOD: So you're telling me that you've looked at all the curriculums across Nebraska?

B. HANSEN: No.

BLOOD: You've looked at any curriculums in Nebraska?

B. HANSEN: Yes.

BLOOD: Which curriculums?

B. HANSEN: In certain colleges in certain studies.

BLOOD: Which college?

B. HANSEN: Like the universities and, you know, state colleges about like they have certain classes, such as gender studies, they might have other classes that have to do with race, that have to do with past racism, especially in law school, that have to do specifically with critical race theory.

BLOOD: Which because--

B. HANSEN: We don't-- we don't want to stop any of that.

BLOOD: --that's when you're a civil rights attorney, correct?

B. HANSEN: What?

BLOOD: Not-- that's usually for when you're going to be a civil rights attorney, correct?

B. HANSEN: Could very well be. I'm unsure. Yes.

BLOOD: That's my understanding because I have actually read the curriculum. So I just want to make sure we're not using a broad brush. And I'm not saying that I'm for or against anything right now. What I'm saying is I hear a lot of what ifs. And when this all first started, I started looking at curriculums, and that's why I'm asking you, have you seen the curriculums? Because sometimes people's interpretations are very different than what actually exists. So we want to be very cautious because what's next? Because I might be offended by something that you do. And then I'm going to bring more laws forward and eventually where are we going to be at? Are we going

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to be book burning? Are we going to be going back to the 1950s? I have grave concerns.

B. HANSEN: I think you hit the nail on the head when you say we all interpret things differently.

BLOOD: It's true.

B. HANSEN: And so I think that's somewhat the part of this bill is that we don't paint a broad brush for one race because of history. It's the idea that so when you say we all interpret things differently, I think you are correct. And so we also have to be careful about laws that we make so then we don't also, you know, have unintended consequences.

BLOOD: Which-- which is why we have freedom of thought. I have the freedom to read a book or not read a book. I have a freedom as a college student to take a class or not take a class.

B. HANSEN: Um-hum.

BLOOD: Right?

B. HANSEN: Yep.

BLOOD: I, as a young person [INAUDIBLE] on the books, often my parents have to give me permission to read specific books because they may not be age appropriate. That happened with me in high school way back when and I'm 60. Right?

B. HANSEN: I don't know.

BLOOD: There--

B. HANSEN: I'm not answering that question. [LAUGHTER]

BLOOD: 61 in a week. It's all right. I'm above ground. It's a good day. So I want to make sure that we do this cautiously. And if I were a person of color, if I were a person with a disability, if I were a person who had struggled because of how I identify, where I come from, how I look, I might be insulted by this. And so we need to tread lightly. And we did make sure that all voices are heard and remember that we make laws for all Nebraskans and not special interest groups or a privileged few.

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B. HANSEN: Yes, I understand that. And that's the purpose of this hearing today. We need to hear from people, right?

BLOOD: I'll be real curious to hear what everybody has to say.

B. HANSEN: Yes, because I can make laws based on my own personal ideology or my own personal opinion. Right? But I don't think that's how laws should be made. And I think that's a whole purpose, especially where we're special Nebraska, where every bill gets a hearing so we can hear from people who are for and against it so we can clarify things so we can make things more specific so we're not painting a broad brush, right? And so that's the purpose of this hearing because I understand this bill is probably not going to go anywhere this year. It's not getting prioritized. We're in a short session. But this is-- this is a good opportunity to hear from constituents who are very concerned about this kind of topic and ones who are also not concerned or-- or might be in favor of it. I think we need to hear from both.

BLOOD: And you don't have concerns that this might be hurtful to certain minorities.

B. HANSEN: I'm sure-- I'm sure some might feel that way, yes.

BLOOD: All right. Thank you.

HALLORAN: Senator McCollister.

McCOLLISTER: Yeah. Thank you, Senator Halloran. On this bill, and I read through it just a few minutes ago, Senator, Section 4(4)(b), that's an interesting passage.

B. HANSEN: Repeat that again, sorry, Section 4(4)?

McCOLLISTER: Section 4, I will go back to it myself. Section 4(4)(b).

B. HANSEN: Yes.

McCOLLISTER: And it talks about doing any kind of lobbying or anything else, you know, in a secondary or higher ed institution. So could a high school have a Republican Party club, as well as a Democrat Party club, or maybe a Green Party club? Would that be outlawed in your bill?

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B. HANSEN: In this section, it doesn't look like it would be. I can't answer specifically sure. This is one of the-- this is one of the sections that we had some intent on what our purpose was. I wouldn't be surprised that this needs a little bit of touch-up to make sure that we're not having some unintended consequences with this part. We want students to be civically engaged. Write a letter to the senator, right? I think our purpose was to make sure that we're not telling them who to write to, like, make sure you write your letter to Trump and nobody else. Right? We don't want something like that or vice versa. We don't want to say there's a-- there's a lobbying effort going on right now for abortion or for antiabortion. We're going to go attend that for extra credit, right? I think that was kind of the purpose of this section. I want to make sure that this also doesn't lead to some unintended consequences, so they cannot be civically engaged because we do want them to be.

McCOLLISTER: Again, I get a lot of letters from students and I don't know if they're graded on it or the teacher was-- asked them to do it or whatever else. But I do get a lot of letters, so I hate to see that stop because I think democracy is furthered when our students take an interest in what we do here.

B. HANSEN: Totally agree. Right? I think the idea is to make sure it's not being forced or pushed a certain way or they might have a disagreement or they might have a-- they might agree with the concept of where they're getting pushed.

McCOLLISTER: Let me ask a couple of questions about specific topics.

B. HANSEN: Um-hum.

McCOLLISTER: How about the 1619 Project? Would that be outlawed under your bill?

B. HANSEN: I'm unsure.

McCOLLISTER: Unsure.

B. HANSEN: It depends on how they teach it maybe, I guess. I mean, I'd have to look at that. I have an understanding of what it is. I just, without having read it recently, it's hard for me to answer that question.

McCOLLISTER: How do we differentiate between so-called objective and subjective? You know, that's the crux of this bill. Right? I am

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troubled that the enforceability, the workability of this bill is-- is very tough to-- to figure.

B. HANSEN: That's also been a concern I've heard, especially among teachers. It's like this is-- some parts are confusing, so they want to make sure that they're not getting into trouble as well by saying something they're not supposed to, right? And so I think the idea of objective versus subjective history is we want to talk about Jim Crow laws. We want to talk about past discrimination. We want to talk about how some laws that we have made in the past have been hurtful. We do not want to stop that because we need to learn from that and that's our history. What I think this bill is trying to do, in my opinion, is say because of that, now, Billy, you must feel differently now toward Susie. Right? I mean, I think that's where I had to be careful and we need to tread lightly. And that's what I'm trying to accomplish with this bill is teaching it subjectively then like assigning guilt or fault or blame because of our history, but learning from it as well. We don't want to stop that. So I think that's very important.

McCOLLISTER: If we do teach students about the Holocaust, some would say that that's a painful subject to talk about. Would that be outlawed under your bill?

B. HANSEN: No.

McCOLLISTER: How about slavery in the South prior to the Civil War?

B. HANSEN: No. And we specifically say in that bill that you can-- that this is not prohibited discussing those topics.

McCOLLISTER: Are there any other subjects that would be exempted from-- from these topics or is it-- is that subjective?

B. HANSEN: It's hard to say because there's a lot of topics so.

McCOLLISTER: OK. Thank you, Senator Hansen.

B. HANSEN: Yeah. Good question. Thank you.

HALLORAN: Moving right along, Senator Blood.

BLOOD: I have a quick question. Thank you, Senator Halloran. So what I keep hearing you saying is that a teacher, an instructor, professor would-- would say you should be ashamed of being who you are based on

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the information I just gave you is what I hear you saying. And why wouldn't we just fire that teacher if they were doing that?

B. HANSEN: I would assume a teacher would not say that. I would hope not.

BLOOD: Because you keep intimating that.

B. HANSEN: No, not really. Assigning fault or blame is saying because-- because of your past, there are certain actions that you should do versus to somebody else, right? Or you should feel a certain way because of this. I'm not saying, you know, like, not-- not as mean-spirited, I mean, but sometimes it's more subtle. Right?

BLOOD: I'll wait and hear the testimony.

HALLORAN: Thank you, Senator Blood. I think we need to move on to people that want to speak for or against the bill. Senator, thank you for--

B. HANSEN: Thank you.

HALLORAN: --taking questions and if you will, you stay around for closing?

B. HANSEN: I should close. If it goes too long, then I might waive closing, but I don't think I'm going to.

HALLORAN: So it's not a promise. All right. Thank you, Senator.

B. HANSEN: Thanks.

HALLORAN: We will move on to proponents for LB1077. Proponents.

KATE ANDERSON: Hello, Senators. My name is Kate Anderson, first name Kate, K-a-t-e, and last name Anderson, A-n-d-e-r-s-o-n. I am a senior at the University of Nebraska-Omaha and I'm studying political science. I'm speaking before you today on an issue that is very important to me. Unfortunately, this bill would not go into effect in time for my tenure as a student, but my hope is that my testimony and the testimonies of others today will prevent similar experiences for students in Nebraska down the road. Last semester, I took a political psychology class and it was immediately made apparent to me that we were not there to take an objective look at the behavioral and cognitive processes behind politics. Instead, we were there to be

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taught what makes an American, specifically a white one. One of the textbooks assigned to our class for the semester was on national identity. The author was looking to determine what makes up the American identity and whether-- and whether national identity was a good or bad precedent. I didn't have a problem discussing this topic, and it was interesting to read what different groups of people believed about their American identity. However, I did not appreciate that race was the predominant topic of the entire semester. There were multiple passages that I took issue with, such as the suggestion that it was less educated white persons who had what the author called hard boundaries for identifying as an American. Some of the hard boundaries were speaking English, being a Christian, and being white. And if you're wondering who the less educated are, according to the author, they were white, Christian, didn't go to college, and work blue collar jobs. The insinuation was not lost on me. I would like to state, for the record, I am a white, English-speaking Christian that identifies as an American and strongly so. I do believe there are standards for who gets to claim America as their home, but not a single one of them has to do with religion, race, or language. And I resent the fact that she tried to put me in a box. Later on in the semester, I was watching a lecture for the week and my professor began informing the class that he doesn't really identify as an American. Again, while I found that ironic, considering it is his freedom to do so because he is an American, I didn't have an issue with him expressing an opinion. I did take issue with his explanation as to why. He told us that the U.S. has a problematic history when it comes to race, which is fair. But he continued to push the idea that white people identifying strongly with America was part of the problem; that by doing so, it was an active choice to discriminate. I want to make it clear that I'm paying for my college education completely by myself, and I'm proud to say I will graduate with no debt this May. But I never intended to pay for my professor to shame my race in the name of higher education. Here's an example of a question we had to answer for, oh.

HALLORAN: Sorry, Ms. Anderson, your three minutes are up, but there will be some questions I'm sure.

KATE ANDERSON: OK.

HALLORAN: [INAUDIBLE] can finish your statement. Any questions?
Senator Lowe.

LOWE: Thank you, Ms. Anderson, for coming and testifying today. You're-- you're very good at testifying.

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KATE ANDERSON: Thank you.

LOWE: Could you please finish?

KATE ANDERSON: Yes. So this is an example of a question we had to answer for our final exam. Political science has a lot to say about white racial prejudice, racism, and to a lesser extent, sexism. Define these terms. Based on our course this semester, what roles did these factors play in the 2016 presidential election outcome? Which factors mattered and how did they come to matter? Do these factors always matter in presidential elections? Do you think they have generally been just as important in the last 40 years of presidential elections? If not, why was 2016 different? This question wouldn't have been an issue if the professor had left out the part that stated based on our course this semester. If the requirement was that I had to base my answer on what we were taught over the course of the last 16 weeks, then I couldn't do that. I was not going to write how white people are a bunch of racists and sexists like the class had been telling us. I reject the premise that white racial prejudice was the reason Donald Trump was elected. I rejected our professor's conclusion that white people were becoming more and more racist in 2016 out of fear of a minority takeover. I didn't believe that Hillary Clinton lost because white men didn't want a woman in office. She lost because she has a horrible personality and has trouble keeping track of her emails. So I answered the questions, but not based on the ostracizing of my race, a race I can do nothing about. Up until that semester, I was always an A student. I won't say with certainty that my record was tarnished because I didn't play ball. Instead, I'll leave you to come to your own conclusions on that one. I'm not the only student that has experienced similar discrimination at my school. If we don't do something about it, I won't be the last either. If you truly believe that all people are equal and should not be judged by their race, then vote yes for this bill. Anything less will be considered an endorsement of racism and prejudice in my book. This bill protects everyone, no matter the skin color, something we should all be able to get behind and the fact that we aren't should be telling. Thank you for your time.

HALLORAN: Thank you, Miss Anderson. Don't you think that Martin Luther King pretty well nailed it with his I've Got a Dream speech when he said, I have a dream, I hope I'm coming close on this, I have a dream that my children will be judged by the content of their character, not the color of their skin.

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KATE ANDERSON: Yes, I agree.

HALLORAN: All right. Thank you for your testimony. Any further questions? Senator Blood.

BLOOD: Thank you, Senator Halloran. Thank you for coming to testify and congratulations on getting close to graduation.

KATE ANDERSON: Thank you.

BLOOD: I have a, just a general question for you. Did you ever have any professors that you didn't agree with in any other classes?

KATE ANDERSON: Yes.

BLOOD: Thank you.

HALLORAN: All right. OK.

KATE ANDERSON: Can I make one quick statement just in response to that?

HALLORAN: A very quick statement.

KATE ANDERSON: I have disagreements with professors, but disagreements and shaming someone because of their race are two different things.

HALLORAN: Thank you so much for your testimony. Are there additional proponents for LB1077? If there are other additional proponents for LB1077, could you please move forward to some chairs available in the front row here? Good afternoon.

ALLIE FRENCH: Good afternoon. My name is Allie French, A-l-l-i-e F-r-e-n-c-h. I am here on behalf of Nebraskans Against Government Overreach in support of LB1077. This has been a long discussion. This isn't the first time that Nebraskans Against Government Overreach has had a position on this topic. Just last year, there was a Learning Community meeting, coordinating meeting in-- for Omaha and Sarpy County, for Douglas and Sarpy County area. And it was a very upsetting day for I think a lot of people on both sides of the field. And I think we see that a lot of the time these days we are spending a lot of time putting people into boxes and labeling them. And I believe that a lot of it comes from the messages that society receives through the media. And I don't believe that this legislation has any intention of preventing any discussion. What it does do and what it could--

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would do is when we equate this or correlate this to the meeting that we had last year at the Learning Community, they were voting on whether or not they were going to accept funds from the Warren Buffett institution to teach teachers antiracist teachings and training. So it's not even whether or not it permeates the curriculum itself, but whether or not it is incorporated into the methods in which the curriculum is taught. Now, I am not going to sit here and say that our curriculum is 100 percent correct. It has flaws. It's had flaws for decades. It's probably had flaws for a century or more. But that happens. The victors always get to determine the history, don't they? Don't we know this? This is how it's always been since the beginning of time. And I think that it's important that we remember and we hold tight to the fact that we shouldn't be worried about what other people are doing, what other people think, what other people look like. But what we should-- what should matter is how they act and how they treat others, and whether they're doing so in a manner that creates a united community and a community that cares about being successful and prosperous and a positive contribution to society. Now, I don't see any language in this bill that would prevent a united and positive society. What I do see in this bill is it clearly saying that we need to not label people, that we need to not put people into boxes, that we need to allow people to have discussion and ask questions, but that it shouldn't be manipulated by a personal ideology or even a societal ideology. When it comes to teaching prepubescent children, we need to ensure that we are eliminating societal and political arguments and discussion. Thank you.

BREWER: Thank you. All right. Kind of coming in midstream here. All right. Questions? Oh, yes, Senator Blood.

BLOOD: Thank you, Chairman Brewer. Welcome back. So you're referring to the Buffet Institute funding from the Learning Community if I heard you correct. So that was 100 percent optional. No staff was forced to take it. Is that correct?

ALLIE FRENCH: You know, optional is a really funny word. Right? You know--

BLOOD: I'm taking that as a yes.

ALLIE FRENCH: No, because and I'm not going to agree with you on that. Whether somebody is required to attend something or not does not equate to whether or not those teachings reach them through the training or not, whether it's through emails. What if it's not the

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person who got to decline from taking the course, but their peer did and now it's permeating the discussion around planning curriculum in the classroom? It's not a matter of whether or not they got to sit there and listen to it during the meeting. But does it affect the policy making ,the curriculum formation once it reaches the classroom?

BLOOD: So the information is public and I looked it up real quick on my phone.

ALLIE FRENCH: Yeah.

BLOOD: So 225 people participated, and 97 percent of those that participated gave positive feedback.

ALLIE FRENCH: That's great.

BLOOD: So, right?

ALLIE FRENCH: Yeah.

BLOOD: So, you know, I'm very familiar of the work that you do and the causes that you support. And I think it's curious that you talk about not putting people in a box as far as labeling goes. So I just want to make sure that when we say things like that and I have [INAUDIBLE]

ALLIE FRENCH: [INAUDIBLE] referring to the meeting itself and the discussion that took place, not so much what the vote was--

BLOOD: OK.

ALLIE FRENCH: --or what they were discussing,

BLOOD: I'm just--

ALLIE FRENCH: The energy--

BLOOD: --referring to what you said.

BREWER: OK, let her ask her question.

BLOOD: I don't want to argue. [INAUDIBLE] my question. Thank you. So the question that I have for you is that I'm not sure that what we're talking about has anything to do with labeling. And when we talk about people of color especially, when I walk down the street, I say this and I mean this partially to be funny, but partially because it's really serious. When I walk down the street and people see me, they

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don't go, oh, chubby white woman, go to the other side of the street. But when a person of color walks down the street, you clearly see that color. People clearly have predisposed labels in their head. And that is something that we can never change.

ALLIE FRENCH: How do you know that they think that in their head?

BLOOD: I--

ALLIE FRENCH: No, I'm serious though.

BLOOD: We can discuss this outside the room.

ALLIE FRENCH: Absolutely.

BLOOD: So the questions that I have for you is how is educating people and giving them an opportunity to think for themselves labeling?

ALLIE FRENCH: What do you-- I'm not sure what your question is because it--

BLOOD: Because you-- the first sentence that you said today in your testimony is that you don't think it's right to put people in a box and label.

ALLIE FRENCH: Correct.

BLOOD: OK, so how-- how is giving people a broad education on-- on different thoughts and different perspective, making that a label?

ALLIE FRENCH: I think the testimony prior to mine gives you a really great example of that. And she's not the only one who feels that way. I really do wish that the parents of the child who are currently in a Supreme Court case where we're here to discuss what was going on with their situation, because that's a much better example, and I don't have all the pertinent details to that. But it does-- it does exist. There is-- there is labeling happening and this would allow or prevent some of that labeling from happening. It shouldn't matter. I don't think that a--

BLOOD: Do you really feel--

ALLIE FRENCH: --vast majority of the people feel the way that you describe them feeling. I don't think a vast majority of the people

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walk across the street, depending on who's walking down the street from them.

BLOOD: I appreciate you sharing your opinion. Thank you.

ALLIE FRENCH: Absolutely.

BREWER: All right. And OK, Senator McCollister.

McCOLLISTER: Thank you, Chairman Brewer. And thank you for being here. You have an articulate voice. But don't you think this bill is almost unenforceable and impractical? You know, this relationship we have between subjective and objective, almost undefinable.

ALLIE FRENCH: I'm really glad you brought that up because you are right. Alone, it's unenforceable. That was actually the purpose of the end of the bill on the last page, where it provides the opportunity for somebody to file a complaint with the AG and have an investigation. But whether or not we agree on the beginning portion of the language of the bill, I think we all really should agree to the end. If we eliminate portions that people don't like the wording of, I mean, I see no problem with that. I don't think it's all necessary. I don't think that for a vast majority of Nebraskans that this is a major issue. However, for people who do find issue, it would provide them the opportunity to have somebody actually investigate that matter. At this point in time, I'm not sure that there's a policy or procedure in place for an investigation to take place if they feel that this was violated.

McCOLLISTER: The group you represent is People Against Government Overreach.

ALLIE FRENCH: Um-hum.

McCOLLISTER: Why are you here representing yourself as a proponent instead of being an opponent if you're against government overreach?

ALLIE FRENCH: Because we proudly support the American ideologies.

McCOLLISTER: Can-- can you expand on that?

ALLIE FRENCH: Well, as we've discussed, and this is going to get more in-depth and it will become more obvious, when we have a situation and I can draw many other examples, but for this case, when we have an implementation of policy procedure curriculum, so on and so forth that

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creates dissension among our community, it's actually technically unlawful. It's the reason that mask mandates were unlawful because when you create law, regulation, policy, or teach curriculum that causes dissension amongst our community, it's unlawful. And this, again, would provide a method that would allow the people, the constituents, the actual individuals, you know, who are enduring whatever their situation may be would now have an opportunity to hold the government accountable.

McCOLLISTER: Thank you, Ms. French.

ALLIE FRENCH: Absolutely.

BREWER: All right. Additional questions? See none, thank you for your testimony.

ALLIE FRENCH: Absolutely. Thank you.

BREWER: All right. We're just going to-- I'm just going to give you guys a quick math lesson here. It is 1438. We have 68 people in the room. I don't know if everybody's going to testify. But if we allow three minutes apiece, a minute to change over and no time for questions, we'll finish sometime around 8 o'clock tonight. So again, let's get to the point. Let's make sure that if someone has already made your point, we don't-- we don't want to give too much time or we will have a pretty late night. And I'm willing to go, that's not a problem there. I just don't want folks to have the false impression that today is going to be a very long day. All right. We are still on proponents. Is that correct? I just got back. OK. Additional proponents for LB1077. Welcome to the Government Committee.

TYLER HENNINGSSEN: Thank you, Senator Brewer, and thank you, members of the committee. And of course, thank you, Senator Hansen, for having the courage to introduce this bill. I know it's been talked about these types of standards quite frequently lately. Senator Hansen, as well as our new State Board of Education member, Kirk Penner. So I applaud your action. Appreciate you standing up for-- for students in that regard. I know it's not necessarily popular with the NSEA and the lobbyists around here. I'm in support of this bill. I think--

BREWER: Spell your name.

TYLER HENNINGSSEN: Oh, I apologize. Tyler Henningsen, T-y-l-e-r H-e-n-n-i-n-g-s-e-n. I am speaking today in support of the bill. I think that it really focuses on the fundamental idea of education and

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not indoctrination. Personally, I was blessed to go to some of our state's amazing public schools in the Papillion area as a resident of Legislative District 3. But even so, I did encounter my own experiences with this type of divisive indoctrination, ideology that I would not consider education. And again, as a Creighton student and to preemptively answer Senator Blood's question, I do have other teachers and professors that I've disagreed with in the classroom and outside and still maintain very good relationships with them. But I think the fundamental principle, again, education over indoctrination, focusing on history, reading, writing, arithmetic, but still pushing our students to ask the tough questions without forcing our viewpoints upon them is the-- is the foundation of American ideology of thought and expression. With that, I conclude my testimony.

BREWER: All right. Thank you for that testimony. Let's see if we have questions. Seeing none, thank you for taking the time to come out this afternoon.

TYLER HENNINGSEN: Appreciate it, Senator.

BREWER: All right. Additional proponents to LB1077. All right. Seeing none, we will make our transition to opponents. We'll invite up our first opponent.

RICHARD MOBERLY: The longer written testimony.

BREWER: OK, that's good, because we'll have the testimony to read and you just hit the highlights, the Reader's Digest version.

RICHARD MOBERLY: I'll try. Prepared for five minutes so we'll see if we can cut it

BREWER: OK. Give it your best shot.

RICHARD MOBERLY: Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Richard Moberly, R-i-c-h-a-r-d M-o-b-e-r-l-y, and I serve as the Dean of the University of Nebraska College of Law and the Richard C. and Catherine S. Schmoker Professor of Law. I'm here representing the University of Nebraska system in opposition to LB1077. The university opposes LB1077 for three main reasons. First, the bill undermines constitutional and educational values by prohibiting speech related to certain ideas, ideas that deserve more discussion and debate rather than less. Second, the bill's language is vague and overly broad, which would chill speech and make our educational institutions weaker

rather than stronger. Third, LB1077 inappropriately subjects our state university and colleges to speech police, who would appear to have limitless power to withhold funding that you have authorized as this Legislature. I'll address each objection in turn. First, LB1077 prohibits teaching certain ideas. However, ideas and the speech that is used in the language of the bill to "teach, advocate, encourage and promote" them are the core of the First Amendment's protections. Such prohibitions on speech violate those protections, as well as the academic freedom traditions of our universities and colleges. A foundational tenet of this country and our institutions of higher learning is that the way to counter ideas you don't like is to come up with better ideas. By contrast, LB1077's approach is to ban people from talking about them. With all due respect, if the Nebraska Legislature passes legislation to prohibit ideas and speech protected by the First Amendment, it will get challenged and likely overturned by our courts. I give several examples of problematic sections of LB1077's bans on ideas in my written testimony. The university's second objection is that many of the terms defining the bill's prohibitions are vague and overly broad, which can have a chilling effect that actually limits speech beyond the strict language of the statute. For example, what if a professor teach historic facts such as the racist federal lending laws and redlining that until relatively recently prohibited black people from receiving federally subsidized loans for mortgages? What if the professor mentions that this system still impacts housing, land ownership, and wealth accumulation of black citizens today? In other words, argues that these historic events still today have a systemic impact on people based on their race. Does that cross the line into teaching about systemic racism, a topic which is prohibited from being discussed by LB1077? This bill dangerously leaves the answers open to interpretation. The remedies in LB1077 form the basis of our third objection to the bill. The bill's remedy for any violation of Section 3 is to withhold funding from a school. Whether a violation occurred will not be adjudicated by a hearing in front of a court or some other neutral arbiter. Rather, it will be determined by overseers of postsecondary institutions, some of whom are unelected appointees and few of whom have legal training, with no recourse or chance for appeal. Protections of the First Amendment should not be subject to the sole discretion of this type of remedial system, particularly when the financial consequences could be so severe. For all of these reasons, the University of Nebraska system stands in opposition to LB1077.

BREWER: Like how you had the last line kind of loaded, ready to go.

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RICHARD MOBERLY: Yeah, just got to get that in there, right?

BREWER: All right. I don't know how many more lawyers we're going to have come up here, so we may-- we may tap you because you're a free lawyer right now. Kind of nice to have.

RICHARD MOBERLY: I'm at your service, Senator.

BREWER: All right. You were just about to get to the third point. Could you kind of real quick sum that up?

RICHARD MOBERLY: Right. So that deals with the remedies that I think are, particularly for Section 3 that are problematic. Is that what you're asking about?

BREWER: Yes.

RICHARD MOBERLY: Sure. So the way I understand the remedies in Section 3 is that if the Board of Regents or the CCPE, the Coordinating Commission Postsecondary Education, determines that there is a violation of this law, they will report that to the State Treasurer, who shall, the language is shall, it's not optional, withhold funding, putting at risk the funding for all of our institutions of higher education. And quite frankly, as a delegate, an improper delegation of authority from the Unicameral to those institutions so that you would have approved funding that will then be withheld by the Board of Regents or the CCPE upon notice to the Treasurer. We think that's improper.

BREWER: OK. That was-- that was the part I was hoping to get out. All right. Let's see if we have some questions for you. Questions? Yes, Senator Blood.

BLOOD: Thank you, Chairman Brewer. I have a quick question because I want to make sure we're moving forward fast. If I'm a student, what helps me become a good critical thinker?

RICHARD MOBERLY: Well, I appreciate that kind of question. You know, obviously I would say particularly as a law school professor for 18 years, being challenged in the classroom, being challenged with ideas that perhaps you haven't heard before, being asked to defend your own ideas in the face of that challenge. I think having a rational, reasonable, respectful conversation about ideas with which you may disagree.

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BLOOD: So we extend grace and we listen first to understand.

RICHARD MOBERLY: I appreciate you saying that. The values of Nebraska College of Law, we have a bunch of them, but the first two are listen graciously and speak thoughtfully so.

BLOOD: Well, I didn't know that. So we're like right on.

RICHARD MOBERLY: We're right, yeah, it's like you're throwing me softballs. I don't know.

BREWER: Boy.

BLOOD: Maybe I can get paid for what I say.

RICHARD MOBERLY: Thank you very much, Senator.

BREWER: All right. Additional questions? Senator Halloran.

HALLORAN: Thank you, Chairman Brewer. Thanks for your testimony, Mr. Moberly. How long have you been there at the university?

RICHARD MOBERLY: This is my 18th year.

HALLORAN: OK. So you were there in 2017, if my math is reasonably good. In 2017, I think there was an incident on campus. You're a big supporter of First Amendment rights.

RICHARD MOBERLY: Sure.

HALLORAN: OK. In 2017, there was a sophomore student who was tabling out in front of the Student Union for a conservative group and an assistant graduate teacher on the payroll at the university came up to her within inches of her face, called her a racist KKK, a fascist, which is free speech. Right? I get that. But she was intimidating this sophomore student to the point of tears. She folded up her table and went home. And one might say, well, toughen up. But her freedom of speech essentially was-- was restricted by that incident, by that intimidation. I'm curious, did you stand up for this, that sophomore student?

RICHARD MOBERLY: I don't recall a hearing in that-- in that incident where I could have had the opportunity to do that. You know, that was an interesting incident. I'm not sure her right to free speech was actually limited. I think she could have stayed there. She could have

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argued her point. You know, and I would prefer in a conversation between two people who disagree that we do so respectfully. There are items of high emotion as well and the First Amendment protects those.

HALLORAN: Well, I would differ with you. I think, you know, considering the rank of the two individuals, one's a sophomore student, paying sophomore student or her parents are paying for the education and the other assistant graduate teacher with some cohorts that work with her and were a little higher rank in the system of education. And-- and they were intimidating her to the point of shutting her up. And it doesn't say much for the graciousness of listening to both sides of an argument when it's done in that way. And anyway, I won't belabor that but that was not a good point in history for the university when that happened.

RICHARD MOBERLY: Well, Senator, I will agree with you that I think people ought to disagree respectfully and graciously, and I wish we had more of that in our society.

HALLORAN: All right, thank you.

BREWER: All right. Additional questions? Sir, thank you for your time.

RICHARD MOBERLY: Thank you very much.

BREWER: Are there any other University of Nebraska folks that are speaking? Oh. OK.

JOEY LITWINOWICZ: Good afternoon.

BREWER: Good afternoon.

JOEY LITWINOWICZ: Chairman, Mount Kilimanjaro.

BREWER: Welcome to the Government Committee.

JOEY LITWINOWICZ: I'm sure somebody has called you that before.

BREWER: Yeah, of course.

JOEY LITWINOWICZ: Welcome, members of the committee. I just-- this-- this bill troubles me greatly. I have a blue collar background and I was getting a doctorate at U of M. I mean, there too, but I mean, UNL, I'm a UNL student. And when I was swinging a hammer and building,

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renovating old and historic houses in New Orleans and working for Habitat,--

BREWER: Could I have you spell your name?

JOEY LITWINOWICZ: Oh, here we go. Yeah, my name is Joey Litwinowicz, J-o-e-y L-i-t-w-i-n-o-w-i-c-z, and I represent a higher power church. But so, you know, in my experience, I'd seen, first of all, I'm a little disorganized. I always. This is-- I get so many rushing thoughts-- is that you don't ever tell what a postsecondary institution what to do with, you know, just don't. You just stop right there. Now, so like from my experience of being in construction and being here and all the negative energy I see on the street, some of it's positive, some of it's definitely negative. And actually I had two people, I caught their eye, I had to stare them down. And when I got past them, they went, you know, that happened twice. And so that's the kind of people that you have everywhere. In fact, if you-- if you traded white and black, the same damn thing would happen. I mean, we're all the same. That's how I-- that's how I just said that. I don't always give my conclusions. I kind of leave it hanging. And so-- and because history is filled. I read more than-- I have forgotten more than you can believe of all kinds of horrible stories, because that's how we're tribal. And-- and so you have to teach these in a manner of civics and ethics. But I-- when I worked with people in construction, I knew many here and there I. And I've met people out west and I've had friends before. I know what the attitudes are, but I'm not saying I think I don't know what I'm getting at. I just there's a reason to teach, not to tell anybody to feel bad about themselves now, just to learn from what we-- what was done by from one culture to another in the past. I mean, my god. I don't-- maybe people don't read enough. What about the brown eye, blue eye Frontline episode? Would that be prohibited? That was amazing. That really just showed what we are if we're not [INAUDIBLE]. And so we have to critically, we have to examine all the sides, right? I mean, the Tulsa, what came after the Oklahoma is that it was reported that two whites were killed in a race riot in Tulsa. That's what the paper said. So anyway, I'm going to go because I didn't really prepare like [INAUDIBLE] Any questions?

BREWER: Let's see if we got questions for you. Questions? Questions? All right. Thank you, sir, for your testimony.

JOEY LITWINOWICZ: I will. Thank you. It'll be good. If I can just get out of here.

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SHERITTA A. STRONG: We have University of Nebraska. You asked for Nebraska.

BREWER: Well, I was looking-- those-- do you-- are you employed with University Nebraska?

SHERITTA A. STRONG: I am.

BREWER: All right. Go ahead. Have a seat and we'll just run those through.

SHERITTA A. STRONG: I'm sorry.

_____ : That's OK.

SHERITTA A. STRONG: OK. Greetings. Greetings, Senator Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Dr. Sheritta A. Strong. I'll spell it, S-h-e-r-i-t-t-a, middle initial A., Strong, S-t-r-o-n-g. And I just-- I am the assistant vice chancellor of inclusion at UNMC. I am speaking as a private citizen. I am also a psychiatrist and I oppose LB1077. I had a whole thing typed-- typed up that you have copies of, but I'm going to speak a little bit off the cuff--

BREWER: Go for it.

SHERITTA A. STRONG: --just based on some of the comments. Some of us live in boxes. I just have to say that. And as a diversity officer at UNMC, I do not. When we provide different trainings, we operate in a space that does not shame or blame or guilt anyone. And- and the attempt to create safe spaces to have these discussions is really important. And I think the confusion of this bill makes it tough for teachers at all levels to be able to teach and the critical thinking and things that we have been talking about. And so one of the things that I also wanted to say is the accreditation concerns at our universities. So if we are not able to effectively talk about race and-- race and sex, then it would negate many of our institutions of higher learning. Think about if you have a heart attack, need a transplant, or have a mental breakdown. I'm sure you want a medical provider who graduated from an accredited program. Our students or residents would not be able to graduate from Nebraska public institutions, which means we can't maintain our accreditation statuses at our institutions. And you may end up having a doctor that received training from an accredited institution that was outside of our state for maybe a more diverse state where they actually talked about race

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and sex in their education. Furthermore, according to the Higher Learning Commission, it requires that a university, in quotations, preserve its independence from undue influence of donors, elected officials, or other external parties who should maintain, that was an end quote, who should maintain respect for our esteemed and hardworking healthcare educators and learners. I mean, we have a whole pandemic on our hands right now, but we're still-- that we're still fighting, but distracted by these kinds of bills, LB1077. And I just wanted to thank you all for being able to hear me say race and sex multiple times today, not being afraid to hear a black woman say race and sex. Thank you for hearing all of the messages of those who oppose LB1077 and myself. Happy to take questions.

BREWER: All right. Well, thank you, Dr. Strong. And let's see, Senator Blood.

BLOOD: Thank you, Chairman Brewer. Thank you for testifying. I know it can be a little nerve-racking

SHERITTA A. STRONG: A little bit.

BLOOD: You did a great job.

SHERITTA A. STRONG: Thank you.

BLOOD: Psychologist.

SHERITTA A. STRONG: Psychiatrist.

BLOOD: Psychiatrist. OK.

SHERITTA A. STRONG: I didn't breathe. I should have told everybody to breathe. That was in my testimony, but I [INAUDIBLE]

BREWER: It is. It actually is in her testimony.

BLOOD: And quick question, because I want to-- I want to move people through.

SHERITTA A. STRONG: Yes.

BLOOD: So with your background, when young people aren't allowed to discuss an open forum, say, their sexuality, their color, how does that affect them emotionally as adults?

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SHERITTA A. STRONG: It affects all of us, not just children, adults. It-- it affects, I mean, we can talk. There's so many different things. I mean, when you are in an environment we talk about, you know, some students who didn't felt-- feel like they were able to be heard by their-- their instructor; we have students of color, educators of color. We have students of the LGBTQ+ community that are not in environments where if we can't talk about these, they're in environments where they're not feeling safe. And so that's where I go back to my-- my point about being able to talk about race and sex openly and creating more safe spaces where we can do that so that we can support everyone's emotional well-being.

BLOOD: But we're not necessarily talking about sex. We're talking about how people identify, right?

SHERITTA A. STRONG: Correct.

BLOOD: So I just want-- I always like to clarify that because there seems to be a gray area there. So would you say higher suicide rate in those that are repressed and not able to talk about who they are and how they identify?

SHERITTA A. STRONG: There-- there are higher suicide rates, not just as a result of race and sex, but I mean, where again, the pandemic is-- has had a tremendous effect on everyone. But yes, suicide rates are up in specific communities that we don't talk about much.

BLOOD: And so it would be your fear, if I heard you correctly, that pushing legislation like this forward can make us go backwards in areas where we've gone forwards?

SHERITTA A. STRONG: Correct. It's very confusing. And it makes, again, going back to the point about it makes individuals who are actually teaching about these things not in a mandatory way, not in a shaming and blaming kind of way, having to be really careful about what they're saying so that we don't lose funding and we don't lose accreditation.

BLOOD: Having the ability to have dialogue.

SHERITTA A. STRONG: Having the ability to have dialogue; open, safe dialogue.

BLOOD: Thank you.

SHERITTA A. STRONG: Thank you.

BREWER: All right. See if we have any more questions for you. All right. Thank you for your testimony.

SHERITTA A. STRONG: Thank you.

BREWER: All right. You guys got to remember this is kind of like jumping out of an airplane. Whoever is next in line gets out the door, the rest of you got to wait. It's just a system. All right. Welcome to the Government Committee.

WILL AVILES: Thank you very much, Senator Brewer. Good afternoon. My name is Will Aviles, W-i-l-l A-v as in Victor-i-l-e-s . I'm a professor of political science at the University of Nebraska at Kearney, where I've been teaching for almost 20 years and I'm currently the president of UNKEA, which is our faculty union. I'm speaking today in opposition to LB1077. LB1077 seeks to narrowly restrict how public postsecondary institutions and public K-12 schools in Nebraska teach or train on a range of topics. These include critical analyses of the U.S. as a meritocratic society and the centrality of racism and sexism to U.S. institutions. The bill limits how instructors discuss the privileges enjoyed by some and the discrimination experienced by others. In fact, the bill would even prohibit teaching or training that could produce discomfort or any other form of psychological distress among students on account of their race or sex. There's no doubt in my mind that the passage of this bill will have a chilling effect on our institutions, with staff and faculty self-censoring themselves for fear of the legal and budgetary consequences their institutions would suffer if they violated this law. It is clear that the aim of this legislation is to discourage important instruction and trainings on race, racism, gender, and sexism. In addition to constituting a direct assault on academic freedom and First Amendment rights, LB1077 is an attack on the purpose of education itself, which is to help students to understand the world and to participate in an informed and empowered manner. None of our students are well served by a curriculum that would censor ideas, debates, and substantive examinations of the role of racism and sexism within the U.S. historically and today, as well as its role globally. To investigate and teach about oppression is not to seek to injure the sensibilities of white or male students or to promote victimology among students of color or women. Rather, it is to help all students understand and confront the challenges that we face as society when it comes to the embedded hierarchies of power based on

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race and gender that persist with us to this very day. I ask that this committee reject LB1077 and support-- and support open debate in our classrooms and employee trainings. And please do not stop us from considering topics so crucial to understanding our past, present, and the future challenges we face as a nation. Thank you.

BREWER: Thank you. Because this all will go in the record, and we don't have any confusion when the-- when they try and have this all written out, when you did your introduction, the acronym you used was UNKEA?

WILL AVILES: Right. So that's the name of my union, but I'm a professor at the University of Nebraska at Kearney's poli sci department and the union that I'm a head of is the acronym is UNKEA, correct.

BREWER: And the EA stands for?

WILL AVILES: Education Association--

BREWER: OK, that's

WILL AVILES: --so we're affiliated with NSEA.

BREWER: Had the UNK part. It was the EA that had me thrown. All right. Thank you. All right. Let's see if we got some questions for you. Questions? All right. Well, thanks for the time.

WILL AVILES: Thank you.

BREWER: All right. I didn't realize there was quite as many university folks here, and I didn't realize we had different campuses. So I kind of confused you there anyway.

NURI HECKLER: Thank you, Senator Brewer.

BREWER: Welcome to the Government Committee.

NURI HECKLER: Hi, I'm at UNO. I thank you for your time. My name is Nuri Heckler, N-u-r-i H-e-c-k-l-e-r. I'm an assistant professor at the University of Nebraska at Omaha in the School of Public Administration. I sit on the Leadership Committee of the Omaha Community Council for Racial Justice and Reconciliation. I have published extensively on race and gender in governance and including several peer-reviewed papers that use critical race theory. The views

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I'm sharing today are my own and do not represent the University of Nebraska in any way. For almost 60 years, it has been illegal for governments and businesses to discriminate based on race. Yet racial discrimination persists in housing, wealth, employment, voting access, incarceration, education, life expectancies, and more. So my graduate students at UNO have been-- they come to me because they want to know why they're still seeing race and gender discrimination in their work, and they need solutions. Unfortunately, those solutions do not always come from theories that are politically correct. When my students asked me about the theories this law would cancel, they do so because other theories cannot explain the fact that discrimination continues, despite being illegal for three generations. Lesbian and gay students, women students, students of color tell me that these theories make sense to them. For one example, a black student said to me that critical race theory helped her to understand why racial discrimination continues and helped her to move away from her anger and embrace hope when she's dealing with her race and seeing racial discrimination in her life. But compared to these students, I think the white men in my class get a lot more. As a straight white father myself, I know of no other theory that reflects my experience better than critical race theory. No other theory has so far developed meaning-- meaningful scientific hypotheses and experiments to explain what happens when I am labeled as a white person by my community. Armed with this knowledge, one white student of mine described how the class helped him go from not being able to speak about race really or being nervous about it to understanding how these conversations could improve the effectiveness of the offices that he manages. He is among many men who tell me that they feel relief and hope upon leaving my class better equipped to serve Nebraska and serve our state. In the 21st century, no one can avoid these hard conversations. This gag bill would mean only that workers in the state of Nebraska would be even more nervous when discussing race and gender for fear that the thought police could take away their livelihood and threaten their jobs and the jobs of their colleagues. It would make it harder for everyone, including white men, to join efforts to make our communities more equal, more productive, and more democratic by banning free thought and free speech in Nebraska. And for those reasons, I oppose LB1077.

BREWER: All right. Thank you for that testimony. See if we have any questions. I know-- it's not so much a question. Oh, did you have one?

LOWE: I have a question. Is that OK?

BREWER: Yeah, OK. So it was kind of a question. All right. You're up.

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LOWE: Better?

BREWER: You got it.

NURI HECKLER: Senator Lowe.

LOWE: Thank you, Mr. Heckler, for being here. Did you say you teach critical race theory in your class?

NURI HECKLER: I teach-- I'm a theoretical pluralist. When I see an answer to a problem, I look for the theory that would support the solution to that problem. And so some of the theories that I teach include critical race theory in my graduate school classes. I only teach master's and Ph.D. level students.

LOWE: OK. I thought I recalled President Carter of the university said that critical race theory was not being taught in the university system.

NURI HECKLER: It's-- he's been said that it was not taught in any required courses in the university system.

LOWE: OK. All right, thank you.

BREWER: All right. Any other questions? I need to give a shout-out since you work for them. I read that one of the most desirable campuses in the nation for veterans, especially those that are suffering from posttraumatic stress, is the University of Nebraska at Omaha. So--

NURI HECKLER: It's been a pleasure to have so many veterans in my classes.

BREWER: Well, when people earn an attaboy, I think you ought to get them and relay that to whoever helps make all that possible. All right. Any other questions? Thank you. Welcome to the Government Committee.

EDWARD T. VENTURA, JR.: Edward T. Ventura, Jr., 2811 Bryan Avenue, Bellevue, Nebraska, 68005 and Prairie Band Potawatomi. I speak in opposition--

BREWER: Edward, can I have you spell that for the record?

EDWARD T. VENTURA, JR.: E-d-w-a-r-d T. V-e-n-t-u-r-a, Jr. I speak in opposition to LB1077. We all love children. The question is, will we fight for justice for all children? And how will we fight? My K-12 schooling was filled with white teachers who, at their core, were good people. But their lack of knowledge, care, and love of my culture made me feel that my culture was viewed as an afterthought. Today's anti-CRT movement epitomizes yet another dangerous and antidemocratic effort to suppress and deny the voices, power, and lived experiences of black, brown, and indigenous people in America. The current censorship mania has centered specifically on bearing the stories and experiences of the black, brown, and indigenous people. The aim is to bury our voices in a continual remaking of this country, including at the ballot box and cornerstone of American democracy. For many educators, teaching through an antiracist lens means helping students understand racism's origins and guises, past and present, so they can act to disrupt white supremacy. Certain parents and lawmakers nationwide have been pushing legislation to prevent educators in public schools from teaching about system-- systemic racism and sexism. Instead, these people are advocating for outdated and inaccurate lessons and lies to maintain comfort over truth. Proponents of this bill, who like to use the phrase critical race theory to describe antiracist teaching, are trying to dictate what educators say and block kids from learning about our shared history. The children who are making our school systems more diverse as well as their white counterparts, are owed an education that explains the world around them that actually exists. We must let go of the myths that used to-- or that are used to pass as American history. Conversations related to racism or other kinds of oppression are being kicked off by educators just because. Rather, those educators are responding to the realities that the students in their classrooms are facing. Educators-- education can open minds, but it also is a pathway for students to think beyond what their education-- educators are teaching. And I challenge people who say we don't need to teach this. I challenge them to first assess why they think that way. Is it OK to be uncomfortable when talking about race and racism? We're not going to be become an antiracist society unless we have uncomfortable conversations. Educators can objectively present to students the good, the bad, and ugly of our past so they can build a better and brighter future. Our students need to learn about the times when this country has lived up to its promise and when it has not. Honesty, that's-- honesty, that-- that's what students need from us-- the truth, and that's what students expect. I close in reminding everyone that banning books is a

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tactic used by the Taliban, Nazis, and communists. Please vote to oppose this legislative bill.

BREWER: All right. Thank you, Edward. All right. Let's see if we don't have some questions for you real quick. Questions? Questions? All right. A quick question just out of curiosity. Where did-- where did you grow up?

EDWARD T. VENTURA, JR.: I grew up in Omaha. Omaha, Nebraska.

BREWER: Really? OK.

EDWARD T. VENTURA, JR.: Yes.

BREWER: All right. Well, thank you for that testimony. Just so everyone knows, you don't have to give your address here. I wouldn't give mine up, so I wouldn't expect you to give yours up, so just-- just pronounce your name and then spell it. We're good to go. All right. Welcome to Government Committee.

T. MICHAEL WILLIAMS: Thank you, Mr. Chairman. To you and the committee, my name is T. Michael Williams, T. M-i-c-h-a-e-l W-i-l-l-i-a-m-s, President, Omaha NAACP. And sir, I just want you to know I feel discriminated against.

BREWER: OK.

T. MICHAEL WILLIAMS: I'm joking. I do want to say we are opposed to this bill. I think the experience that the young lady described earlier reflects, and what I was trying to make a joke about reflects some of the easy misunderstanding that we have in the midst of such a divisive society. It's true that some white Americans said they were American patriots, so for the professor to use that in the class was fact. And you weren't in here when--

BREWER: No, I missed that.

T. MICHAEL WILLIAMS: --she said that. So I'm just-- I'm just speaking to that. And it just speaks to the idea that this is very subjective, which has been said; it's very impractical, which has been said. And it's important for us before we consider legislation that's going to affect all of our citizens to take very good care. So I'm going to stop. Other folks needed to speak. Thank you, Mr. Chairman.

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BREWER: Hang on. Let's see if we don't have some questions for you. All right. Looking to the right, to the left. No hands up. All right. You're good to go.

T. MICHAEL WILLIAMS: Thank you.

BREWER: Thanks for taking the time. Welcome to the Government Committee. And I got to tell you that I think whoever designed that chair wants everyone to feel like they're in the third grade because when you sit down in that chair and you slump, you're barely looking over the desk and you anyway. I think it's some of the intimidation factor they designed into that. So just relax and go whenever you're ready.

JAKE BOGUS: My name is Jake Bogus, J-a-k-e B-o-g-u-s. I'm an eighth grade history teacher for Lincoln Public Schools, and I'm speaking as an individual. I knew a teenage boy in rural Nebraska who received a wonderful public education. His grades were good. His teachers were great. He was white and heterosexual. Among his friends, they would often joke around. The joking would contain quips about other races or sexualities of people. There weren't any people of color around so what was the harm in saying the N-word? What was the big deal if he made a joke about Mexicans? Why not use a homophobic slur when goofing around with friends? It felt harmless, even normalized. There wasn't any in-depth teaching in the boy's school about other races, sexual orientations, or gender identities. People of different races and orientations barely existed in the community. As far as he knew, none of his classmates were gay. Why would you choose to be gay? It was a choice to be homosexual, according to many of the trusted adults in his life, and it was certainly something the Bible shunned, according to a few select verses. The boy was me, and the man I am today certainly wishes he could help educate that boy. The man I am today teaches in a classroom full of diverse students: black, white, brown, Asian, Muslim, gay, straight, transgender, rich, and poor. I teach them all. Education-- education isn't just about algebra and proper punctuation. It's about the reality of the world that we live in, accepting others, trying to do a better job of understanding others, and why they are the way they are. It's uncomfortable at first because we don't understand. Most of the state isn't exposed to it. It takes time and effort, especially when you grew up in a community of people who all look very much alike. State Senator Ben Hansen's bill intentions are, quote, to provide restrictions and requirements for public schools conducting mandatory staff or student training or education involving certain concepts relating to race and sex. Based

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on my own experiences growing up in a similar community setting to those that Mr. Hansen represents, Blair, Tekamah, and West Point, this legislation is absurd. Where else could students get an education on the impact of race in our society's history? Where else would they be able to learn about gender identity and other sexual orientations? It certainly can't be from a community with a large majority of heterosexual white adults who prefer their beliefs over facts. I often hear parents should be teaching their children about race, sexuality, and gender identity. In a perfect world, sure. Parents should be able to teach their children about these topics, but many of these same parents grew up in the same community as their own children. They can't effectively teach their children about race, sexuality, and gender identity. To completely eliminate and ban the teaching of tough top-- tough topics in public school is to rob young people of a reality that they deserve. It's a reality they won't understand until they're potentially exposed to it later in life. It's a reality they'll look at while scoffing at their earlier education instead of celebrating it. If the boy I knew in Minden, Nebraska, walked into my classroom today, he would feel uncomfortable. When students begin-- I'm almost done-- when students begin to enter the boy's classroom, he would feel even more uncomfortable. Only about half of the students look like him, a white boy. Others are people of color. Some are outwardly gay. Some are transgender and will help you understand their pronouns. It's all harmless. They're all kind. They're all humans living real lives. He's surrounded by students at school to learn the same thing he wants to learn: reality, facts, tough topics, and there's no place for him to learn it except for a public school.

BREWER: All right. Thank you for your testimony. I realize it now because I give you a break I have to give everybody in the room a break. So it's just the rules. OK. Questions? All right. Thank you. Thanks for having the written testimony. Welcome to the Government Committee.

JOHN ROAN: Good afternoon. My name is John Roan, J-o-h-n R-o-a-n, and I am a teacher at the Blair Community High School. I'm testifying on behalf of the teachers of my community, our state, and across the country who have been vilified over the past two years. There is a false narrative playing out in the media, state and local legislatures, and Congress that asserts educators, schools, and school districts are attempting to indoctrinate students. Teachers have gone from being heroes to being what is wrong with society. LB1077 is an attempt to capitalize on this false narrative. Most concerning is Section 4 of this proposal. This bill is an instrument that will be

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used to withhold already precious resources from schools and our students because of complaints made by parties who did not have the best interest of students and teachers in mind and instead want to push a political or personal agenda. Most notably of Section 4 is subsection (5), which reads: If the State Department of Education finds that a public school has knowingly violated this section, the department may notify the State Treasurer who shall withhold state funds from the institution in an amount determined by the department. Such funds will be withheld until the department is satisfied that the institution is no longer in violation of this section. This subsection is very broad and can be interpreted in a variety of ways. How is the Department of Education made aware of violations of this section? How is it determined if this section has been violated? How is racial scapegoating determined to have taken place? Who has the final say as to what constitutes race-- racial scapegoating and to what extent this has taken place? How does the U.S. history teacher teach about the Ku Klux Klan without, according to Section 1(5)(a) "Assigning fault, blame, or bias to a race or sex or to members of a race or sex because of their race or sex"? What if a parent construes teaching about the mistreatment of slaves during the antebellum period in the United States history as racial scapegoating? What if a parent feels that teaching about the Sacco and Vanzetti trial is racial scapegoating? What if ultimately passage of this bill puts our state on a slippery slope? Where does it stop? Do we allow parents to sue individual teachers for teaching certain topics in schools, similar to a bill introduced in the Oklahoma Legislature? Do we allow parents to determine all content taught in schools and determine the curriculum, similar to a bill in the Indiana state legislature? Contrary to popular belief, educators have gone to school in some cases as long or as longer than doctors and lawyers. We are professionals and should be treated as such. There is already a mass exodus from teaching-- from the teaching profession as a result of the aforementioned narrative playing out around education. We lose qualified and professional teachers every day. When legislatures pass bills such as LB1077, they question the professionalism of educators. The current trend is unsustainable and will lead to public education becoming a thing of the past. While I understand that this may be the goal of certain entities in the state and this country, our collective future is, in fact, based on access to quality public education for every young person. Teachers dedicate their lives to their craft and the success of students in their class, school, and district. State legislatures should not enact legislation that will drive quality teachers out of the profession. This is not in the best interest of the constituents,

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the students in their state, or the future of Nebraska. Thank you for your time and consideration.

BREWER: All right. Thanks, John. OK. Questions for John? Yes.

HALLORAN: Thank you, Chairman Brewer. Thanks for your testimony. So, and I don't think you mean it this way. But in your testimony you say, it was a question: Do we allow parents to determine all content taught in schools and determine the curriculum? What role do the parents have in that?

JOHN ROAN: Parents have a say in the curriculum. However, teachers are the professionals and should determine which curriculum is appropriate to be taught. Teachers are able to-- or parents are able to go to school board meetings and be active in the school board and they can voice their opinions there. But I don't think that they should have the final say. Parents wouldn't go to a doctor and tell them how to operate on a brain.

HALLORAN: It is a little bit different, sir. I understand the analogy, but there's a little bit of difference there. Parents are the guardians of their children.

JOHN ROAN: And I agree.

HALLORAN: Right? You are not necessarily, they allow you to be during the school day. I understand that, but parents should have control over the curriculum in my estimation. Thank you.

BREWER: OK. Thank you, Senator Halloran. Senator Blood.

BLOOD: Thank you, Chairman Brewer. Thank you for testifying. I have a couple quick questions. I know I have to do it quick or I'm going to get in trouble.

JOHN ROAN: OK.

BLOOD: And I fear his wrath.

JOHN ROAN: I do too.

BLOOD: Sorry. I got to stop laughing so I can ask the question. Question number one, in order to craft curriculum, you have to have at least a master's degree. Correct?

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JOHN ROAN: Correct.

BLOOD: And that is actually you can get a master's degree in curriculum. I know because my oldest has one.

JOHN ROAN: Yes.

BLOOD: All right. If I'm a parent and I'm unhappy with something that's being taught, maybe it's against my personal beliefs, my religion, the way it's being taught, do I or do I not have the option of asking that my child not participate in that, that class?

JOHN ROAN: You do.

BLOOD: All right. Thank you.

BREWER: All right. Additional questions? And I think, John, you may be giving teachers too much blame on some of the-- I think teachers are respected to have gotten through the COVID and the challenges with trying to educate kids with everything going on. So, you know, I think at least in my eyes, they did an amazing job of getting us through the last two years so thank you for that.

JOHN ROAN: I appreciate that.

BREWER: All right. Thanks for your testimony. Welcome to the Government Committee.

KHENDA MUSTAFA: Thank you. Thank you, Chairperson.

BREWER: All right. I need quiet in the room so we can hear the testifier.

KHENDA MUSTAFA: Hello.

BREWER: OK, go ahead.

KHENDA MUSTAFA: Hi, committee. My name is Khenda Mustafa. That's K-h-e-n-d-a M-u-s-t-a-f-a. I work as a welcoming coordinator at Nebraska Applesed in our immigrants and communities program. We're here to testify in opposition to LB1077. My work takes me across the state supporting community leaders, building and co-creating in Nebraska, where everyone feels that they belong, are valued, and respected. I have had the opportunity over the past couple of years to support trainings and conversations about inclusion, race equity,

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inclusion and race equity. With hundreds of Nebraskans in communities across the state, from Crete to Columbus, South Sioux City to Scottsbluff. And what we've had the opportunity to see is the energy and interest in Nebraska community members around learning together, looking at history together, and knowing those histories, working together to create strong, vibrant communities. While race is a legal and social construct not rooted in biological fact, it has very real social, civic, economic, and political outcomes. We must seek to know the history and the laws, practices, institutions, structures, and barriers based on race and sex that come out of that history and continue to impact us today in order to learn from our mistakes as a history and as individuals in order to do better in the future. Addressing the harmful impacts of systemic racism benefits us all. Systemic racism describes the barriers we have together inherited from a combination of history and imperfect institutions that are a work in progress and systemic racism is real. We see it in Nebraska and local schools, workplaces, and in the disparate effects of the COVID-19 pandemic and recovery. Systemic racism explains the differences in opportunities and outcomes across race. Systemic racism primarily hurts black people, indigenous people, and people of color from various backgrounds, and it also has limited many opportunities for the vast majority of white people. We must not be color blind to the reality of imperfect institutions, laws, and practices. Instead, we must be race conscious in our efforts to understand and fix our community's problems. That means continuing to address directly the harms that systemic racism has caused to people of color and our local communities, not erasing our histories and lived experiences. In my work, I get to collaborate with many partners across the state who help neighbors get to know their neighbors and promote belonging for everyone. Our communities are stronger and safer and thrive when everyone feels that they belong. Learning about the issues that impact our communities is the first step in creating a sense of belonging. We must have honest, courageous, and sometimes uncomfortable conversations about systemic racism within our neighborhoods, schools, and workplaces. We all deserve an honest education and conversation about race in this country, and we cannot be a welcoming and inclusive community without it. Thank you for your time and attention. I'd be happy to answer any questions.

BREWER: Thank you. Let's see if anyone has any questions. I guess I got one quick one for you. With the events that happened this summer, have you seen more Afghan refugees coming to Nebraska? Because we've

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got a large Afghan community in Omaha, but I didn't know they had a pipeline to bring refugees here or--

KHENDA MUSTAFA: Yes, I believe, and I don't know the exact numbers, but I believe the state of Nebraska accepted several Afghan--

BREWER: I mean it makes sense.

KHENDA MUSTAFA: --individuals and families.

BREWER: There's a community to help them. So all right. Well, thank you for your testimony.

KHENDA MUSTAFA: Thank you.

BREWER: All right. Welcome to the Government Committee.

KIPP MCKENZIE: Thank you. Thank you. Thank you very much for having me. Good afternoon, Chairman Brewer, members of the committee. My name is Kipp McKenzie. That's K-i-p-p M-c-K-e-n-z-i-e. My pronouns are he/him/his. I am a program partner at Inclusive Communities, a Nebraska-based nonprofit organization that has been confronting bigotry, prejudice, racism, and discrimination since 1938. I'm here today representing Inclusive Communities to testify against LB1077, which will prohibit public schools, postsecondary institutions, and government entities from teaching certain concepts related to race and sex. This bill, as written, makes a giant leap from race and sex education to race and sex scapegoating. I can only imagine that that leap comes from a place of fear and ignorance. These are not synonymous terms, and this is precisely why we need to build education around these topics. The bill is also a denial of important and painful aspects of our collective history as a nation. Slavery, segregation, racial oppression, and discrimination are not myths. They are facts. They are facts that we as a society need to contend with if we are to move forward in an inclusive way. Prohibiting education about these topics negates their impact on America's history and present. Racism and sexism is a problem in this country. We've seen it firsthand here in Nebraska from a historical context of redlining, Will Brown, Vivian Strong to more current examples of the continuing wage gap and the instances of violence against Asian Americans in Omaha just last year. Education about race and sex is what heals these wounds, not denial. Inclusive Communities envisions a society strengthened by diversity, inclusion, equity, and justice for all. We do this by confronting racism, prejudice, bigotry, and discrimination

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in order to help Nebraskans embrace our humanity and seek unity. If we are not allowed by this elected body to educate our young people, our scholars, our working population about past mistakes and injustices relating to race and sex, you're condemning the current and future leaders of Nebraska to existing in a place of willful ignorance, a place of misunderstanding that further manifests fear and division, which ultimately will impact our economic prosperity and quality of life. State-- our state motto is equality above law. If enacted, this bill prohibits the education necessary to bring about truth and reconciliation in regards to the racial and gender inequalities that currently exist. This will take us backwards in advancing our state's motto and will deter the creation of a more unified and prosperous Nebraska. We urge you to oppose LB1077. Thank you.

BREWER: Thank you for your testimony. All right. Questions? Questions? All right. Thank you.

KIPP McKENZIE: Thank you.

BREWER: Welcome to the Government Committee.

NILE DEBEBE: Hi, there. Senators of the Nebraska Legislature, my name is Nile Debebe, first name, N-i-l-e, last name, D-e-b-e-b-e. I am a junior political science and communications major at Nebraska Wesleyan. I came today to voice my opposition to LB1077 and hope that my words might provide some insight into the ramifications this bill will have on our communities, schools, public universities, and state at large. There are several aspects of this bill that I think are detrimental to the education of both our students and children. Though I'd like to focus on line 7(b), which states that any subject which describes the United States of America or the state of Nebraska are fundamentally or systemically racist or sexist will be banned and is defined as race stereotyping. How will we educate our children about the civil rights movement without mentioning that the laws that created these movements were racist? How will we explain segregation, slavery, or miscegenation laws if we can't say that these policies were motivated by racism? How will we explain the ramifications of these events today, as what the point of studying history is, if we are banned from saying that systemic racism exists? Racism is alive and well here in the United States. I have experienced it and continue to experience it. Just like my Ethiopian father, I hold deep, deep trauma about how myself and my family have been treated because of the color of their skin. In completing my political science degree at Nebraska Wesleyan, I learned how to use a variety of different

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academic studies, regressions and analytical methods to provide answers to research questions. I managed to use my classes at Nebraska Wesleyan as a means for identifying racial inequities and systemic racism in quantitative research. I wanted to provide these studies to you to show that systemic racism is not a myth. It is proven through statistical data, peer reviewed by hundreds of accredited scholars around the world. On a state level, 1 in 5 inmates in the Nebraska criminal justice system are black, while 1 in 20 Nebraskans are black. The unemployment rate for black and Latino Nebraskans is more than two times higher than white Nebraskans. On a national level, black and Hispanic children were still about three times as likely as Asian and white children to be living in poverty. Black families' median and mean wealth is less than 15 percent that of white families. Hispanic families' median and mean wealth is less than 20 percent that of white families. Black Americans are incarcerated in state prisons at nearly five times the rate of white Americans. This bill is unconstitutional, inherently racist, and clear government overreach. Those who do not learn from our past are doomed to repeat it. Senators, please vote against this bill.

BREWER: Thank you for your testimony. Questions? Questions? All right, none. Thank you for coming.

EARLEN GUTIERREZ: Hello. Hi.

BREWER: Welcome to the Government Committee.

EARLEN GUTIERREZ: Is there any way I can make this higher or is this as high as it goes?

BREWER: That was kind of why I warned everybody.

EARLEN GUTIERREZ: I'm only five feet on a good day, so. So, hi. My name is Earlen Gutierrez, E-a-r-l-e-n G-u-t-i-e-r-r-e-z, and I'm a junior at the University of Nebraska at Kearney studying political science. I just want to say-- take this off if I can-- I can't believe that I'm here again speaking to defend the right to access historically correct knowledge without the threat of defunding an institution. Last August, I opposed the effort proposed by Jim Pillen to ban critical race theory in front of the Board of Regents. Now I'm dissenting against an actual proposed law that prohibits public academic institutions and governmental entities to educate on concepts relating to race and sex, coupled with the threat of withholding state funds. On the basis of race, though, these concepts shall not procure

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negative emotions, place blame, scapegoat-- scapegoat or stereotype. However, growing up, I remember about the concepts in our history-- in our current history books procured those negative emotions, placed blame, and stereotyped me, all on the basis of race. I learned a history that was written by the same people that violently displaced Native Americans through genocide, the same people that subjected black African Americans to policies that legally dehumanized them as property to the white man for 246 in the United States, and the countless situations in which the law has blatantly denied human and civil rights to racial and ethnic minorities. This history has depicted racial and ethnic minorities as intrin-- intrinsically backward beings, justifying all actions taken against them. So where is my justice? Where is my bill? Because of this, a one-sided history has taught and set the standard in the way we perceive those whose country of origin has been at odds with the United States' imperialism and those with little-- with a little extra melanin in their DNA. I would specifically like to respond to line 9(g) that states, "That an individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex." And I would like to answer-- just address that with a quote from James Connolly in 1910 in Visit of King George V. And I quote: We will not blame him for the crimes of ancestors if he relinquishes the royal right of his ancestors, but as long as he claims their rights by virtue of descent, then by virtue of descent he must shoulder the responsibility for their crimes. So why are we politicizing education? In our starkly divided, bipartisan system, education should be the last thing for lawmakers to meddle with. Why? Because lawmakers study the law; they don't study to educate the next generation of citizens. This bill not only proposes erasing history, but it also proposes infringing on academic freedom and the rights that educators hold. By passing this bill, the state of Nebraska will be infringing upon the rights that the Supreme Court has supported and held. I point to the specific cases: Sweezy v. New Hampshire in 1957 and Regents of the University of California v. Bakke, 1978. These cases all come to the similar conclusion supported by the-- by Justice Frankfurter that I quote: Academic freedom pro-- protects an institution's First Amendment right to decide on academic grounds who-- who may teach, what may be taught, how it shall be taught, and who be may be admitted by-- admitted to study. Finally, as a first-generation college student and a woman of color, I draw from the United States v. Associated Press 1943 Supreme Court case in which the court noted that, I quote: The nation's future depends upon trained-- the future's nature-- the nation's future depends upon leaders trained

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with the right exposure to that robust exchange of ideas which discovers truth out of a multitude of tongues rather than through any kind of authoritative selection, and I end quote. Thank you so much for your time.

BREWER: Hang on just a second. Let's see if we got a question or two for you. All right, one question from Senator Lowe.

LOWE: One?

BREWER: OK--

LOWE: OK--

BREWER: --whatever you need.

LOWE: Thank you for coming down from Kearney today, appreciate your testimony. In your testimony, in the beginning, you said you were taught by some people. Can you respond who those were?

EARLEN GUTIERREZ: Oh, yeah, just the entire American education system.

LOWE: But-- but you said you were taught by--

EARLEN GUTIERREZ: By this--

LOWE: --by people that had--

EARLEN GUTIERREZ: Oh, no, I-- I said that the history books that I'm taught by through the American education system was written by the same people who have done all those violent crimes to racial and ethnic minorities across time.

LOWE: So the people that wrote the books did the violent crimes.

EARLEN GUTIERREZ: They--

LOWE: That's what you just said.

EARLEN GUTIERREZ: Yeah, but then I pointed to the quote from James Connolly that-- that blames-- that says: We will not blame him for the crimes of his ancestors if he relinquishes the royal rights of his ancestors.

LOWE: Yeah, I-- I believe you also said that you were taught by the people that came in and killed the Indians or something like that.

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EARLEN GUTIERREZ: Native Americans, I'm sorry.

LOWE: Native Americans--

EARLEN GUTIERREZ: I-- I-- I'll--

LOWE: --Indigenous people, whatever you would like.

EARLEN GUTIERREZ: Yeah, I will-- I'll repeat what I said. I remember-- growing up, I remember that the concepts in our history books procured those-- sorry. I learned a history that was written by the same people that violently displacement Native Americans through genocide. And I continued, right? So that history is passed down, as we have seen, obviously, and so the same people who have-- the answers of those people who have create-- enacted those violent crimes against, that has been passed down through education tradition to instill those same ideologies and beliefs in the education system.

LOWE: OK. I'm just finding it hard to believe that the people that wrote the books committed those crimes and that-- or that you were taught by the same people that did these crimes, because they would have been long dead by then.

EARLEN GUTIERREZ: But then you're-- I'm sorry, Senator Lowe, you're thinking too literally. I-- I'm sorry.

LOWE: Isn't that we're taking this, as literal?

EARLEN GUTIERREZ: In-- in the context that I'm speaking of, I'm saying that the people that created the-- that had those violent crimes that displaced Native Americans, that enslaved black people, that continued to revoke the right for women and people of color to vote, to simply vote and exist here in America, right, those same ideologies that they have, they had passed down continuously through generations. And now, ultimately, that's where we stand with Amer-- our current American education system, and I was taught by that-- by the same current American education system that has been affected since the get-go of this country's founding and those same people who created history.

LOWE: Thank you very much, and I appreciate you coming down. I really do. Thank you.

EARLEN GUTIERREZ: Thank you for listening.

BREWER: All right. Thank you for-- oh, Senator McCollister.

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McCOLLISTER: Are you headed to law school?

EARLEN GUTIERREZ: Yeah, I would hope to one day, fingers crossed, yeah.

McCOLLISTER: Thank you.

BREWER: All right. Thank you for your testimony.

EARLEN GUTIERREZ: Thank you.

BREWER: All right, so there's not a lot of confusion on this process here, as the front seats become available, move forward; if you're in the front seat, you-- you've won the lottery here, OK? All right, whenever you're ready.

JAYDEN SPEED: Thank you, Senators. My name is Jayden Speed, J-a-y-d-e-n S-p-e-e-d. And I will try to be brief because it's been a very long afternoon. I'm 17 years old and a high school student from Cass County, Nebraska. To me, the most important defense and aid for our democracy is an educated public, a public with the ability to think critically, to evaluate information, and to weed out hysteria or disinformation. Our public schools are the single best way to do that for my generation. Today, I want to talk about how the hysteria on the topics of race and sex in the classroom is threatening the integrity of our public schools. It's not the curriculum or the lessons or our teachers that make a threat to public schools but, rather, the hysteria from folks outside of the educational atmosphere. As you know, over the last year, politicians and media personalities have incited division and unrest in local public education over the topics of race and sex and even political ideology in the classroom. Their incitement has led to angry parents who see critical race theory as a threat to their children's education. However, neither the inciters or the parents can properly give you a definition of critical race theory. Critical race theory is a law school-level study that examines how public policy and institutions may cause harm to communities of color through systemic racism. As schools have long had a debate on how to properly educate teenagers and time and time again they've chosen science and fact, once again, we must choose science and fact. I believe that the hysteria over these non-threatening concepts is actually being used as a tool to threaten public schools. The core of LB1077 is stripping public schools of state funding in the case they teach certain concepts about race and sex. By taking away support from public schools, you are shifting state support to private, for-profit

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academies, acad-- academies who are often Christian, right wing, and have their own forms of indoctrination, like Senator Blood talked about with abortion in Catholic schools. My public school taught me to think critically. My public school has taught me to have difficult conversations about racism, sexism, homophobia, and other forms of bigotry that my generation continues to see. Students stand by their public schools and we stand for our right to speak, even on controversial topics. I ask that you stand against LB7-- LB1077. Thank you.

BREWER: Thank you, Jayden. All right, You're a Cass County kid.

JAYDEN SPEED: Yes.

BREWER: Where'd you go to high school?

JAYDEN SPEED: I go to Conestoga currently.

BREWER: Conestoga, OK, a good school. My son is a teacher at Elmwood-Murdock, so. All right, I'm gonna see if we've got any questions for you or if we're gonna turn you loose. All right, thanks for taking the time to come in.

JAYDEN SPEED: Thank you.

BREWER: We'll-- we'll let everybody shift so it's not so noisy for you.

_____: This is a rowdy group.

BREWER: Yeah. All right.

_____: At least they get to exercise [INAUDIBLE] stand up [INAUDIBLE]

KAREN BELL-DANCY: Well, good afternoon.

BREWER: Good afternoon. We are get-- yeah, that's a good point, actually. Everybody's getting a little bit of exercise here and it kind of feels good to stand up and stretch. So welcome to the Government Committee.

KAREN BELL-DANCY: Well, thank you, Chairman Brewer and members of the committee. My name is Karen Bell-Dancy, K-a-r-e-n B-e-l-l, hyphen, D-a-n-c-y, and I serve as the executive director of the YWCA of

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Lincoln. YWCA of Lincoln has been in the community for over 136 years, and nationally our organization is over 168 years old. The mission of the YWCA is the empowerment of women and service to girls. The other part of our mission is the elimination of racism, and that's what brings me here today. We believe that this bill and so many other similar proposals introduced across the country are copy-and-paste-type legislation from conservatives and conservatives that are part of think tanks in response to a problem that really doesn't exist. It is nothing more than a minimalized effort to distract from the traction that recently Black Lives Matter brought to the forefront. There is a movement that is going, and it is a responsibility that we do address policy that is in place that serves to eliminate racism. This bill seeks to discourage any conservative-- any conversation, I'm sorry, around the existence of racism and the acknowledgment of historical facts. The country's history of racism created systems of power that keep out people who have traditionally held less power. Teaching about those facts does not imply that one way-- one race is better than the other or worse than the other. It is just-- or that we're going to shame white students. Rather, it is failing to teach the history accurately that leaves students open to misinformation and bias and then becoming biased and hypocritical adults eventually. I would like to also add, on a personal note, I have been discriminated against time and time again in my 61 years. I have two children, whom I love dearly. I have two grandchildren that I love probably even more than the two that I actually gave birth to. [LAUGHTER] I am so proud of the way that they are being raised, a 12-year-old grandson and a 6-year-old granddaughter being raised to embrace-- embrace the brownness that they have, the knowledge that they have, the family and culture that they come from. They should also have the opportunity to learn of what the history of this nation is and not selective parts of the history that I was subjected to when I was a small child and throughout my education. Critical race theory is not designed to put one race above the other. It's about let's teach the right history, the correct history, and making sure that we are taking care of those generations to come. Thank you.

BREWER: Thank you, Karen. All right, questions? Senator Blood.

BLOOD: Thank you, Chairman Brewer. Just real quick, I didn't have a question until you said that last sentence. I'm sorry.

KAREN BELL-DANCY: Yes.

BLOOD: So you said to teach the right history.

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KAREN BELL-DANCY: Um-hum.

BLOOD: So it's funny because that's what I'm hearing from the people that are bringing this bill forward, right, that you have to learn the right history.

KAREN BELL-DANCY: Um-hum.

BLOOD: So-- so would you say it's correct in saying that everybody's version of the right history is different, which is what makes things-- which allows us to dialogue and share our differences and our differences of opinion? Would you say that that's--

KAREN BELL-DANCY: This is true, and it should be all-inclusive,

BLOOD: Right.

KAREN BELL-DANCY: And that is really what I'm getting to. To delineate parts of the history of this great nation is really disturbing and it's disruptive, and it is not fair to the generations to come that we would pick and choose and eliminate parts of it just because it makes certain individuals uncomfortable.

BLOOD: Well, and we know race, how people identify, where people come from, where they live, makes people uncomfortable. That's just the way of the world. Would you say that's right?

KAREN BELL-DANCY: Exactly. And when we identify with the uncomfortable and we have those critical conversations, we work through it and then we become comfortable. I'm a diversity trainer, as well, and I've been involved with this work for-- for many years. So I do those kind of-- I know we don't like the word "training," but those kind of education/awareness opportunities so that we can have those kind of dialogues and we can get to that place of equality, equity, and peaceful existence.

BLOOD: And they are exactly that, opportunities to learn, opportunities to be a better person.

KAREN BELL-DANCY: Exactly.

BLOOD: Thank you.

KAREN BELL-DANCY: Thank you.

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BREWER: All right. Any additional questions? Thank you for taking the time.

KAREN BELL-DANCY: Thank you, Senator Brewer.

BREWER: Welcome to the Government Committee.

MARLA STYLES: Thank you, sir. My name is Marla Styles, M-a-r-l-a S-t-y-l-e-s, and I'm here on behalf of the Lincoln Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated. Dear members of the Government, Military and Veterans Committee-- Affairs Committee, we write to oppose LB1077 on the grounds that the bill enables the erasure-- erasure and history and contemporary social ills in favor of propaganda designed to serve a political agenda. We focus our opposition on race and racism for the sake of word limit. LB1077 uses the phrases "race" or "sex"-- "sex," excuse me, "scapegoating," or "race or sex stereotyping" in ways that are ambiguous or disingenuous to equate teaching about racism and sexism with scapegoating or ra-- stereotyping. No teacher who is trained properly in social studies curriculum would ever teach scapegoating an entire race or gender, as no one is inherently racist or inherently sexist. Like these teachers, we do not believe that racism and sexism innate. We know they are learned behaviors and ideologies that require scholarly analysis so that our students can reject them. Race is socially constructed. Contemporary racial assignments are the result of a history of rationalization and racism in Europe and the Americans. To teach this historical fact is not scapegoating. Despite LB77-- LB1077's disclaimer, this section shall not be con-- construed to do any of the following: prevent teaching about racism, slavery, racial oppression, racial segregation, or racial discrimination, including topics relating to the enactment and enforcement of laws resulting in sexism, racial oppression, segregation, and discrimination, found on page 4. We have seen school districts around the country ban books and circumscribe the teaching of these very topics, citing these illogic of scapegoating. Parents have appeared before school boards to oppose the teaching about racism and sexism because their child felt discomfort their ra-- because of their racial and gender identity. In most cases, children mention to their parents that are racialized are white. It is common sense that when our children learn difficult topics, they should or may feel discomfort. Thus, we encourage reflection on the significance of what they learn in discussion with their parents, who should use this as a teachable moment to reject racism. Imagine how racially and gender-minoritized children feel learning about racism and sexism. As-- we as black women, ranging in

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age from 21 to 75, remember these lessons that are often downplayed, sanitized, and outright dismissed to impact the history and legacies of slavery. So please note that we, as a sorority, a chapter of Delta Sigma Theta, do oppose LB1077. Thank you.

BREWER: All right, thank you. Let's see if I have any questions for you. Questions? Any questions? All right, thanks for your testimony.

MARLA STYLES: Thank you.

BREWER: OK, I need to do a quick head count. How many testifiers do we have left in the room? All right.

COOPER PIERCY: It's quite a few.

BREWER: Yeah, that's a fair statement. All right, welcome to the Government Committee.

COOPER PIERCY: Yes, thank you. My name is Cooper Piercy, C-o-o-p-e-r P-i-e-r-c-y, and I represent myself as a student from the state's third-largest high school-- third-largest high school, Millard North High School in Omaha. And if-- when it gets passed out, you can tell, my testimony is a bit wordy, so I'll be doing a lot of paraphrasing. But essentially the reason why I'm here is because LB1077 claims to serve a purpose that, when we look at the bill, it just doesn't. It's redundant in what it claims to be doing. And when we strip away what is redundant, we find that it has a much more sinister purpose. But before we get into, like, that, I want to first explain how the reality that this bill is based on, the supposed reality that this bill is based on and the problems it's trying to address, do not exist. Not only do the problems that this bill is trying to address do not exist, but the reality in schools is almost the exact opposite. And to explain that, I'll give two examples of how actually partisan in a conservative direction my education has been in just the last two months, and I'll start with the least blatant way that this has happened is being shown propaganda from a Libertarian Party activist and Fox News pundit. John Stossel, if you're familiar with him, famous for thinking secondhand smoke doesn't kill people, makes little opinion pieces which my U.S. gov and econ teacher deemed acceptable as government education. In this-- in these videos that we were shown, he promoted the self-proclaimed libertarian law firm, the Institute for Justice, and this promotion was followed up by almost an hour of footage from the movie Little-- Little Pink House, in which the governor of Connecticut is portrayed as having a swear-ridden phoned

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screaming match with a local politician for not living up to his dreams while a lawyer from the previously mentioned law firm is so virtuous that a police officer rips up his speeding ticket upon learning of his anti-government cause. Oh, that's already two minutes. Well, essentially, what I want to get at here is that, when we-- when we look at LB7-- LB1077, 99 percent of it is just redundant. It is already illegal to try and-- to try and make someone feel uncomfortable because of their race. It is already illegal to try and say that you-- someone should be valued more because of their race. It is already illegal to collectively blame one sex or another. It is already illegal, and if you want proof of this, go to any public school's website and go down to their notice of antidiscrimination. So what does this bill actually do? Well, if we look at Section 1, subsection 7(b), lines 28 and 29, prohibited under this bill would be educating students that America or the state of Nebraska is systemically racist or sexist. Prohibited under this bill would be educating students that a nation born as a slave state, that expanded as a colonialist state and entered the modern era filled to the brim with segregated states, has a problem with racist-- racism in its systems. What, under LB1077, would be the cause of poverty amongst both this nation and state's black, brown, and Indigenous-- Indigenous populations? Would it be personal choice? Would it be bad luck? Because under LB1077, yeah, you get the picture.

BREWER: I do. And-- and, Cooper, I know you. You probably built this around the five-minute time frame, but-- but--

COOPER PIERCY: I did. Yes, I was not expecting the three minutes.

BREWER: --under-- understand that, if I did that, we would be here in the morning. So--

COOPER PIERCY: Yes.

BREWER: --I appreciate you understanding and condensing it. Let's see--

COOPER PIERCY: Yes.

BREWER: --if we have questions for you. Questions for Cooper?. All right, thank you for coming in.

COOPER PIERCY: All right, thank you.

NANCY MEYER: Hello.

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BREWER: Thank you for your patience. Welcome to the Government Committee.

NANCY MEYER: Thank you. Good afternoon, Chairman and members of the committee. My name is Nancy Meyer, N-a-n-c-y M-e-y-e-r, and I'm here on behalf of myself. I'm opposed to LB1077 because it's written in a broad and confusing way. Because the opening summary of the bill speaks in a completely different voice than the body, this bill is not easily understood by a person of average intelligence. This alone could make LB1077 unconstitutional on the grounds that it is void for vagueness. Moreover, this bill is troublemaking, as it would needlessly com-- complicate exactly what teachers are allowed to say and not allowed to say when teaching anything related to race. Teachers would-- will naturally opt to avoid saying anything at all in-- for fear of jeopardizing their school's funding. The result is a chilling effect on the exercise of their First Amendment rights. This, again, would make it unconstitutional and most certainly wide open to lawsuits. The authors of this bill essentially penned a love letter to every attorney licensed to practice in the state of Nebraska. Some of my best friends are lawyers, but I'm not necessarily in favor of making constant litigation a defining characteristic of my home state. Due to the poorly written nature of this bill, it appears to say, here's exactly what you can do and say, no more and no less, leaving everything else in violation. It's almost as if the writers assumed they knew everything there is to know that any K-12 teacher would or should ever say to a student, parent, or other professional. This is not even possible, much less plausible or probable. Because its interpretation is open to confusion and endless controversy, LB1077 will result in nothing but costly lawsuits involving every level of society, from students and their parents to teachers, administration, school districts, school boards, and multiple departments in state government. I used to serve on a rural Nebraska school board, so I well know the depth and breadth of work that these unpaid elected officials perform. School board meetings have recently exploded in heated debate over how to deal with COVID. Just imagine what it would be like if someone thinks a teacher has used the wrong verb tense in a statement that includes the word "race." Essentially, this bill asks our state education system to devolve into endless he-said-she-said arguments. Many professional groups and highly trained individuals are already involved in defining standards of conduct in public education. The Nebraska Legislature should not pass laws that get in their way. If anything, our Legislature should seek to make Nebraska's teachers', administrators' and school boards' job easier, not harder to perform.

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I thank you for voting against this inappropriate, unnecessary, and highly contentious and, therefore, divisive and costly proposed legislation. And thank you for hearing my testimony.

BREWER: All right, thank you, Nancy. Let's see if we have any questions. Questions? All right, I think we're getting them wore down here. All right, next up.

CALEB HENDRICKSON: Hello, thank you for having me, Senators.

BREWER: Welcome to Government Committee.

CALEB HENDRICKSON: My name is Caleb Hendrickson, C-a-l-e-b H-e-n-d-r-i-c-k-s-o-n. I'm a junior studying political science and ag business at the University of Nebraska-Kearney. I grew up in Shickley, a town of 341 about 30 minutes south of York. I cannot forget the principles that I was raised with in this small town. From kindergarten to senior year, my community worked together to make sure our school taught us values for success and what it meant to be an American. Perhaps the most critical part of what makes us unique as Americans is our academic freedom. In Shickley, I took those freedoms for granted. We read books such as To Kill a Mockingbird, The Meaning of the [SIC] Names, and Fahrenheit 451. Two of these works are banned in school districts across the nation, citing offensive language, racism, and violence. These things aren't fairy tales that only happen in books. They're a part of human history, and at times that includes American history. I'd like to focus, though, on The Meaning of the [SIC] Names by Karen Gettert Shoemaker, who happens to be from Nebraska. It's historical fiction detailing how families of German immigrants were targeted because of their race right here in a small town named Stuart, Nebraska, in the early 1940s. Would this book be prohibited from our public institutions since it could make students feel uncomfortable, even though the book is based on Nebraska history? Each of these books in their own way make people feel uncomfortable, and, yes, sometimes it's about race. I'll even acknowledge that pieces of this bill are good. Outlawing that one race or sex is inherently superior to another race or sex is ridiculous. Does anyone really think there's a single public school in our state that it is teaching this to their students? Overall, this bill is a collection of uncollected, rambling, vague thoughts that would give the state broad power to censor and suppress our education under the guise of protection. I'm only 21 years old, but I still remember a time when being a conservative meant we didn't want state overreach in our schools, something I fear many have forgotten. I'd also like to note

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that there's no mandated course to study race or sex in college or in K-12. And in my 16 years of public education, I've never been mandated to attend any race or sex training. We cannot allow our feelings about tough subjects to stop them from being taught in our universities, and allowing broad and blatant government overreach in our public schools starts us on a dangerous and slippery path. I would also like to remind you that our public university system is responsible for billions in economic benefits for our state with a 9:1 turn-- 9:1 return on your investment. Threatening to pull funding from a program that directly helps everyday Nebraskans using this vague reasoning is a stain on our values and our education system. I'm here before all of you as a student of UNK, but deeper than that, I'm a kid from rural Nebraska, one of thousands in our great state who's been able to learn freely through our public education system since I was five years old. I hope that you can all see the importance of maintaining the integrity of our education as history tells us, rather than our government dictating what we can and cannot hear. I hear a lot about keeping young Nebraskans here in our state, and I think voting no on LB1077 is a tangible step in the right direction. Thank you.

BREWER: All right, thank you for your testimony. Any questions? All right, no questions. Thank you.

VANESSA CHAVEZ JURADO: Good afternoon.

BREWER: Good afternoon and welcome to the Government Committee.

VANESSA CHAVEZ JURADO: Thank you. Good afternoon, Chairperson Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Vanessa Chavez Jurado. That's V-a-n-e-s-s-a C-h-a-v-e-z J-u-r-a-d-o, and I'm here to testify in opposition of LB1077. I am currently a fourth-year student at the University of Nebraska at Omaha, majoring in elementary education, and I'll be student teaching in the fall. As a future educator. I find this bill extremely concerning and, frankly, quite disrespectful towards the teaching profession. I've shared a letter with you today, signed by over 30 current and aspiring educators, college students, and community members expressing a similar sentiment. During a time when educators are struggling due to shortages and other negative impacts caused by-- by the pandemic and have been so stressed and overworked during-- throughout the whole pandemic, censoring and pleasing educators at the university or K-12 level cannot be a priority of those who have neglected to consult education stakeholders who would be most impacted by this passing of a law-- this bill. This bill

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assumes that curriculum in schools today assign fault and blame. It does not. Not in my training, nor in the schools that I've served, have I seen that happening. One of my many con-- one of the many concerning points in LB1077 is in its potential to limit open and active conversations on our nation's history in the classroom. Speaking honestly about our nation's past systems and events that have granted privileges and instilled biases and events that have led to today's inequities builds well-informed citizens and fosters empathy in our youth and helps build a better future in which we can acknowledge racial injustice today and in the past and critically examine how we can work towards a more just society. This should be done without the fear of a district losing its funding. And to the point-- to the question about the 1619 Project and where it would stand with the passing of this bill, the answer "it depends on how they reach [SIC] it" is very concerning for a fu-- as a future educator because it leaves a lot of room for vague interpretation of what teachers can and can't say. College students across the state made their voice heard this past summer in-- at the Nebraska University Board of Regents meeting when the board made a similar attempt to censor the information accessible to students at the university level. Students were opposed to censorship then and they are now. In speaking with other teacher candidates about bills such as this one and their damage on their education system across the country, I've heard peers ask why policymakers get to dictate how teachers teach when they're not in the classroom, and I've also had classmates ask themselves, how did we get to the point in which there is such little respect for the teaching profession? As Nebraska takes on the challenge of finding creative ways to recruit and retain the education workforce, I can tell you this is not the way to do that. This would have the opposite effect. And in the opening, Senator Hansen recognized educators as professionals. So my question is, why can't we be trusted to teach, what we've been trained to do? Please, as you further consider yourself-- as you further consider this bill, ask yourselves if this is a direction you want to take for public schools. And I will close with one of the commitments to students and the Nebraska Educator Code of Ethics. It states: The educator shall not deliberately suppress or distort subject matter for which the educator is responsible. I was made aware of the Code of Ethics my freshman year of college before officially starting the education program. We have an understanding of what our obligation is to our students and we should be trusted to be able to follow that and what we hold true, which is the Code of Ethics, going into education. Thank you.

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BREWER: All right, thank you. All right, questions? All right, no questions. Thank you for your testimony. Welcome to the Government Committee.

SANDRA GABLE: Good afternoon. My name is Sandra Gable, S-a-n-d-r-a, last name G-a-b-l-e. During my 34 years as a high school teacher, my job was to present students with a well-balanced history of our nation, engage them in activities that provided opportunities to think for themselves based on an honest discussion. LB1077 is an attempt to whitewash or even rewrite American history and eliminate honest discussions of issues and ideas. This bill opposes everything that I have spent my life doing, learning and teaching. LB1077 seeks to control educators and students by violating their freedom of speech. Our children need to have frank discussions on controversial topics such as the internment of Japanese Americans or the Cherokee Trail of Tears or the Freedom Rides. There will always be issues and concerns dealing with our country. However, in the United States, we are blessed with a constitution that allows us to debate freely. There is a belief that we teach history so that we can learn from our mistakes. We cannot learn from our mistakes if we don't acknowledge what is real. By teaching the good, the bad, and sometimes ugly about America, we can see the real progress we have made. If this bill is passed, it will cripple our education system and impair our children's abilities to be participating members of society. I know many people who are unable to be here today because they're in the classrooms teaching. These educators do not need to be fearful of teaching with-- fearful of teaching with honesty and diligence. If LB1077 becomes a law, that will be the last straw that will drive some teachers to leave the profession and, I fear, students not to even consider it. Education is the best way to fight racial prejudice that is still happening today throughout the world. Schools should encourage healthy ways to communicate and allow children to learn early on that their voices matter. History is our story about where we've been and where we've come from. If we do not have an understanding of this, how will we be able to create and change for the future? Some states have already passed laws like this, and it appears that our representatives are jumping on the bandwagon. Nebraska should be a leader in educational issues, not a follower. For the sake of Nebraska's educators, our children, and the sake of our country, do not advance this bill. Nebraska students deserve to have the best educational experience possible to understand the past, to experience the present, and to prepare for the future.

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BREWER: All right, thank you for your testimony. Let's see if we have questions. Questions? All right, no questions for you. Thank you. All right, next up. Welcome to the Government Committee.

WILLIAM ARFMANN: Thank you. You all are working today. Senator Brewer and members of the Government Committee, my name is William Arfmann, spelled A-r-f-m-a-n-n. There are weighty matters demanding-- demanding to be addressed and acted upon in our world, in our nation, and the state of Nebraska. In my opinion, LB1077 is unclear, it's full of contradictions, and it's undeserving of discussion on the floor of the Nebraska Unicameral. I'm here today as a retiree, as a grandparent, as a lifelong Nebraskan and a member of the Lincoln chapter of Nebraskans for Peace. As I read and made a sincere effort to understand this proposal, it simply doesn't make sense to me. I find ambiguity. I find contradictions. I suspect it would have a whole lot of unintended consequences and hidden costs. I think it raises many questions and provides few answers. Why do the proponents find it necessary to provide these restrictions and requirements for post public secondary institutions and public schools at a time when schools are already dealing with a staffing crisis? Why restrict social studies and history teachers from doing their jobs, trying to teach my grandkids the history of race and racism? Why impose restrictions on the concepts relating to race and sex? It's a matter of selecting two current hot-button issues, I believe, stirring fears and sowing more divisions in our local communities. I believe these restrictions are a solution in search of a problem. Finally, I must ask, what's a realistic fiscal note for LB1077? How many new full-time employees and consultants would have-- would we have to hire in the Attorney General's Office, the Department of Education, our universities, state colleges, and individual school districts? Who would be responsible for interpreting and trying to enforce these provisions, were this passed into law? If this were passed into law, finally, I'd suggest that it may well add to the problem that we do have right now of young people leaving, going out of state because this has pointless restrictions on speech. I urge you to indefinitely postpone LB1077. I'd be happy to try to answer questions.

BREWER: All right, thank you for that testimony, and let's see if we have any questions for you to answer. Questions? Questions? All right, thank you for your testimony. Welcome to the Government Committee.

MAJOR DEWAYNE MAYS: Thank you. I'm Major, M-a-j-o-r, Dewayne, D-e-w-a-y-n-e M-a-y-s. I'm representing Lincoln Branch of NAACP in opposition to LB1077. The NAACP is the largest organization in this

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country that has advocated for rights-- the rights and including educational rights for all students, all citizens. It is our mission to advocate, encourage, and support fair and equitable education for all students. Through our collective working with other organizations and community partners, there is a need to-- for more teachers to include teachers of color to provide a more balanced learning opportunity for all students. It is also our desire to allow and encourage the teaching of a truthful representation of the history of Nebraska and the United States, its successes and failures. Failure to teach and expose students to a complete history of racism and its impact on the citizens of this nation is to deprive a learning experience that increases the likelihood that a false narrative will continue to flourish in our nation. This ignorance breeds prejudice, systemic racism and distrust. When educators are deprived of the right of creative teaching of students, such as censorship placed-- places in the Legislature-- in the-- places the Legislature in a Big Brother position, role as a censor. The intent of teaching is to stimulate and motivate minds to be creative, not limited by prejudice, but minds that can independently discern differences. LB1077 would dissuade any efforts by teachers, students, and higher-learning institutions to do what they have been assigned to do, and that is to teach and encourage our students to be creative and to be the best that they can be. If we fail to face our past and do nothing to correct our failures, we are likely to repeat them. Research has shown that students have a broader that-- have a broader and a heightened sense of respect and responsibility when they are made to feel comfortable with equity and diversity and can see themselves in our education institution. The use of taxpayers' funds to discriminate as set forth in LB1077 moves us back to Jim Crow Era and is unhealthy and a pro-- for a progressive and welcoming state and community. Therefore, we ask that you vote no-- that is, opposed-- to LB1077. The language in this bill is di-- divisive and a detriment to public schools and public education.

BREWER: All right, thank you, Major. Questions? Questions? All right, seeing no questions, thank you for your testimony. Now you see what everybody means by that chair, it's set so low.

JASON VARGA: I concur this chair is biased to short people.

BREWER: It even makes tall people feel short, so.

JASON VARGA: Well--

BREWER: Welcome to the Government Committee.

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JASON VARGA: Thank you. Good afternoon, Chairman Brewer and members of the committee. My name is Jason Varga, J-a-s-o-n V-a-r-g-a. I am here today as the director of Cause Collective, a Lincoln-based nonprofit membership agency. Our mission is to strengthen nonprofits to better serve the community through collaboration, education, and advocacy. I'm here to ask the community to oppose LB1077. Although we are opposed to other parts of the bill, I'd like to specifically address Section 4, item (4) concerning volunteerism and lobbying. Volunteering is embedded into the work and structure of nonprofits everywhere. I think we would all agree that the work nonprofits provide, that volunteers provide, is invaluable in helping nonprofits thrive. I believe it is safe to say that many people's first experience in community engagement, including my own, is through a high school or college-level class where they learn the importance of helping your community and how it is woven into our culture. By students receiving class credit for volunteering, the pace is set for their future involvement in their communities. And as you've seen today, nonprofit advocating and lobbying is and always has been also embedded into the work they do. In order for nonprofits to continue to improve the lives of those they serve, it is important they're able to assist the Legislature in creating and improving public policy that will enhance their respective communities' way of life and the state as a whole without further "impedence." To place a condition on nonprofits where they have to choose whether to lobby or allow many students to volunteer is antithetical to the purpose of nonprofits. Having this restriction puts them in a difficult position and will negatively affect their ability to help the community or their ability to help the Legislature make informed decisions. Thank you for your time.

BREWER: All right, thank you. See if we got questions. All right, no questions. Oh, sorry.

BLOOD: Sorry, I was being sheepish.

BREWER: We've got [INAUDIBLE] finger. OK, we got you there. Sorry. Senator Blood.

BLOOD: Thank you, Chairman Brewer. I-- I've been waiting to hear something all day and I haven't heard it and I think that, based on who you represent, maybe you can help me with this.

JASON VARGA: I'll do my best.

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BLOOD: So we've talked a lot about race, how people identify. Upon reading the bill, one of my concerns that I had that I haven't heard yet is the history of people with disabilities. That's an uncomfortable thing for people to talk about. Is it also your fear that that-- how we teach people about disabilities could be affected by something like this?

JASON VARGA: I believe it's safe to say, yes, that I would concur with that, agree with that, yeah.

BLOOD: Thank you.

BREWER: Any other questions? All right, thank you for your testimony. Welcome to the Government Committee.

KEELLIA GUEVARA: Thank you. Good afternoon. My name is Keellia Guevara, K-e-e-l-l-i-a G-u-e-v-a-r-a, and I am the chief diversity officer at Heartland Family Service and I'm here today on behalf of Heartland Family Service in opposition to LB1077. Heartland Family Service is a large, secular, nonpartisan social service agency. We work with over 30,000 of the most vulnerable in our communities. We offer services that include outpatient and inpatient residential treatment for substance use recovery, community-based services, housing support, and we also operate two schools that serve children living with mental illness. As a multi-service agency, we often have clients enrolled in multiple programs for up to a year on their path to healing and self-sufficiency. As a company, we understand the business case for training and developing our staff so that they can best provide the care for clients we are called to serve. Part of this training involves learning about culture, language, and unconscious bias. We also talk about race, sexuality, sexual orientation, and disability. Because of the diversity of our staff, our clients and the community we are part of, we understand that we must be committed to learning about the various ways trauma and identity impact individuals. Often in these trainings, staff will experience discomfort, and I want to be clear that discomfort does not equal shame or guilt. Oftentimes, the discomfort the staff express are in disbelief or discomfort, anger about things that they didn't know about before they might have encountered it in training. And when that happens, we offer many ways to discuss and name what they're feeling. We have good, thoughtful conversations. We call each other up to learn more, to stay curious, and we acknowledge that discomfort is a normal human feeling. In equipping staff to better understand themselves and the clients we serve, we cultivate awareness, the ability to stay open

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and curious, open to growth. And as we learn, we change. As a company, we apply what we have learned so that we can stay relevant in our practices. We are continually auditing and adapting our trainings, creating better internal systems and practices, because we are learning how to do better. And I want to add this has consistently shown as a strength on our company data and our responses from staff. So understanding our past, learning about the systems we're interdependent with, understanding the human brain, social conditioning, and the ways trauma impacts our lives raises the cultural intelligence of our teams and allows us to work more skillfully with others. When our clients are receiving the best care that we can provide, we are doing our part to create a more resilient, healthy community. And for these reasons, I encourage you to vote no on LB1077. Thank you for your time and I'm happy to answer any questions if I'm able.

BREWER: All right, thank you.

KEELLIA GUEVARA: Yeah.

BREWER: And thank you for your written testimony.

KEELLIA GUEVARA: Absolutely.

BREWER: Let's see if we have questions. No questions. All right, thanks for coming in today.

KEELLIA GUEVARA: Thank you very much.

KRISTIN MATTSON: It is a short chair.

BREWER: All right, welcome to the Government Committee.

KRISTIN MATTSON: Thank you very much. My name is Kristin Mattson; that's K-r-i-s-t-i-n M-a-t-t-s-o-n, and I'm a professor of political science and the director of the History, Political Science Program at the College of Saint Mary in Omaha. I'm here speaking on my own behalf today, but I did want to speak into the record that the College of Saint Mary faculty passed a resolution in opposition to LB1077, and that has been submitted for the formal record. So I am here today because, like the bill's author, I am deeply committed to nonpartisan P-- to K-- K-16 public education that prepares all graduates for informed engagement in the life and the work of our community. It is because of this commitment that I wish to register my profound opposition to LB1077. I oppose this bill because, if passed, it will

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foster public education in Nebraska that is hostile to dissenting ideas and perspectives and that is more focused on the indoctrination of our youth than on building the knowledge and critical discernment required of educated citizens today. I recently came across a flier from the Nebraska Freedom Coalition urging members to gather evidence of CRT assignments, trainings, readings, etcetera, in preparation for today's hearing. It made me wonder whether the bill's sponsors are really aware of the kind of climate they risk creating. Do they really think that good teaching will result from an environment in which parents and community members monitor and report teachers for discussing, quote unquote, prohibited topics? Do they really think that it is by constricting our child-- our children's historical and critical perspectives that we best prepare them for life in this 21st-century democracy? Censorship cultivates ignorance. The fact that students aren't aware of or don't understand the ways in which America's long and troubled racial and gender history shapes our present does not change the fact that it does. As educators, it is our job to show students the complexity of our history and to expose them to the multiple perspectives for decoding the me-- the meaning and impact of that history. Good teaching builds students' critical thinking and dialogue skills so that they, in community with others, can evaluate these very perspectives and decide for themselves what they believe. Building knowledge and discernment is what we as teachers are trained to do and is what the American political system asks of us. I'm here today to ask you to support us in this work and to oppose LB1077.

BREWER: All right, thank you. Questions? Senator Blood. I went left first. Please.

BLOOD: Real quickly, do you think it's interesting-- I saw that same flier-- that nobody brought anything forward today?

KRISTIN MATTSON: I did think that was interesting. I was surprised.

BLOOD: Question number two, I-- I know why people keep bringing up CRT, because that's the language being used by those that support this bill, but is it not true that CRT is not taught in grade school, right?

KRISTIN MATTSON: No.

BLOOD: Taught in junior high?

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KRISTIN MATTSON: No.

BLOOD: Taught in high school?

KRISTIN MATTSON: No.

BLOOD: Elective in college?

KRISTIN MATTSON: Elective in college.

BLOOD: Thank you.

KRISTIN MATTSON: Yes.

BREWER: All right. Additional questions? Thank you for your testimony.

CLAUDIA TAYLOR: Hello.

BREWER: Hello. Welcome to the Government Committee.

CLAUDIA TAYLOR: thank you, my name is Claudia Taylor, C-l-a-u-d-i-a T-a-y-l-o-r. I'm representing UNK and I'll also-- yeah, I-- I'm a little-- I have to go back two hours, so I will keep it brief. Just to me-- I'll just, I guess, express to you kind of my thoughts when I first kind of saw this bill. I don't know. To me, it just kind of seemed like by allowing this bill to pass, you might be leaving large areas of gaps in forthcoming generations in their academics and their education, not only that, but cultural education. And with this bill, it seems like you're also trying to suppress the very much-needed conversation that has been the definite obstacle to the pursuit of equitable democracy, honestly, in this country. It's very much on the borderline, teetering legislative censorship, and no one has the right to withhold anything, especially the bountiful funds that the public schools are already getting, right? I would like to remind you that education is a right and it-- it is indicative, I think, of all the people here who've spoken that even on the potential of its infringement, that the people will stand up, especially because, as you all know, education is one of the only things that cannot be taken away from us. So no matter how many sensical [SIC] bills you try to pass, the trauma will not be erased, and the truth that stems from that hurt will never be fiction, despite the efforts, kind of like these, to deny it. And, yeah, that is all.

BREWER: All right, thank you. Want to--

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CLAUDIA TAYLOR: Oh, yeah, sorry. No.

BREWER: Want to see if we've got questions. Senator Lowe.

LOWE: Thank you, and thank you for coming here today, and all the UNK students that have shown up today. You all take Will Aviles's class?

CLAUDIA TAYLOR: I've had him as a professor, um-hum, yeah.

LOWE: Good. Thank you.

CLAUDIA TAYLOR: Oh, yes. Go Lopes!

BREWER: Welcome to the Government Committee.

ALFONSO VACA-LUBISCHER: Good afternoon. Good afternoon, Senator Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Alfonso Vaca-Lubischer, A-l-f-o-n-s-o, last name Vaca-Lubischer, V, as in "Victor," -a-c-a, dash, L-u-b-i-s-c-h-e-r, and I am the research coordinator for Voices for Children in Nebraska. Incidentally, I'm also a graduate-- graduate student in economics at the University of Nebraska in Omaha. But I'm here representing Voices for Children in Nebraska. I want to begin my testimony by stating that we at Voices for Children wholeheartedly agree with some of the premises of this bill, namely that no race or sex is inherently superior to another race or sex or that there is no individual-- that no individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex. In general, we also agree that no individual is in-- inherently sexist-- racist, sexist or oppressive solely on the individual's race or sex. The reason why I'm here and why Voices for Children opposes LB1077 is because ambiguous absolutisms, such as those featured in this bill, lead to disinformation. This is especially the case when the truth about our country, its origins, and its citizens is nuanced and complex. Voices for Children opposes LB1077 because our children deserve an honest and fair education that ena-- enables them to learn from the mistakes of the past and create a better future for all. In this world, almost nothing is absolute except mathematics, historical occurrences, and perhaps, if you're a person of faith, God. Everything else is not absolute-- that is not absolute is conditional; that is, their truthfulness always depends on something else. That is why it is incorrect to say that any given individual is inherently oppressive in the same way it is incorrect that a Mexican national such as myself is inherently a Spanish speaker. This is because oppressiveness--

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oppressiveness, racism and/or sexism, just like speaking a particular language, are not predetermined-- predetermined traits but, rather, learned behaviors. The reason I am a Native speak-- Spanish speaker is not because of my biological structure, but because everyone in my family and my childhood community primarily speaks Spanish. Now, if I learned that Spanish was somehow an immoral language, I would not be at fault for having learned it, for it was not of my choosing. But from that very moment, I will be responsible for learning how to speak a different tongue. The very same principle applies to sexism and racism-- racism, as with any other forms of oppression. They're immoral learned behaviors, and each one of us bears the responsibility of unlearning them. This is what it means to be a dutiful citizen, to work on our moral character with the intent to minimize any harm we may otherwise cause our fellow-- fellow countryfolk. Of course, the best place to learn how to do this, how to be a responsible citizen is in our educational institutions, such as our public schools and universities. The best way to do it is to learn our history. It is a matter of historical record that slavery played an indispensable role in the economic development of this country, and that the displacement of Native Americans was in-- integral to the self-fulfilling sea-to-shining-sea prophecy. It is undeniable that white women had no right to vote prior to 1920, and that the black women didn't have the same right until 1965. Any child that grew up in this type of hostile environment picked up such hostility, and those who did not unlearn it propagated it, it is the same way I will probably teach-- in the same way I will probably teach my kids how to speak Spanish. Just like racism or sexism are not inherent to any one race or sex, poverty, life expectancy, educational achievement, and individual-- and involving the criminal justice systems are not inherent to any one group, yet we see clear disparities. These disparities can be directly traced to the policies and decisions made by those who chose not to unlearn their prejudice. We need to break this cycle. In order to create a more equitable future for our kids, we have to be able to-- to be-- to be able honest-- sorry, to honestly evaluate the past and present, and this starts with our youngest citizens in schools. We urge the community not to advance LB1077. Thank you.

BREWER: All right, thank you, Alfonso. Let's see if we have questions. Questions? Questions? All right, seeing none, thank you.

ALFONSO VACA-LUBISCHER: Thank you.

BREWER: Welcome to the Government Committee.

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CAROL MATHIAS: Oh, you weren't kidding about this chair.

BREWER: I'm serious.

CAROL MATHIAS: Good afternoon. Or is it evening yet?

BLOOD: It isn't.

BREWER: Not quite.

LOWE: Not quite.

CAROL MATHIAS: It's-- OK. OK, it's still afternoon, good. I've been a social-- well, I am Carol Mathias, C-a-r-o-l M-a-t-h-i-a-s, and I have been a social studies teacher for 32 years in Nebraska classrooms. Currently, I am also the president of the Nebraska State Council for the Social Studies, but today I am speaking as an individual against LB1077. Now here I go. I'm going to be going off the record here. You have my statement in front of you, but I did want to make-- and most of what I wanted to say has been spoken about. I did want to point out some observations though. One, I really appreciate people like you who are sitting here and genuinely listening to all the comments that have been made. I appreciate the people who are sitting in this room, particularly the younger people, because you are a real spectacle for your teachers. You have made them all very proud. I know that, so-- because you have been displaying obvious good training in critical thinking, you use knowledge, you are using that education, you have learned to challenge and defend your ideas and the appropriate ways to present them. So it is wonderful and I enjoy that excitement. And I can tell you from having students who have spoken in front of groups like yours that the wonderful sight of watching kids when they leave this room and the dazed exultation that they feel for what they did, it's very special. The pride that kids have when they show up with their piece of paper that you wrote, commenting that you received their-- their inquiry, it's wonderful. Now, speaking as a social studies teacher who does a lot of national work, I gotta say, this bill, when it has passed in other states, it has been a real chilling effect on teachers. It's considered by some states that I have talked to a reason why a lot of teachers are choosing to leave the classroom, and that's a problem for us here in Nebraska as well. I would also say that this chilling effect is also showing up-- I was wondering when I was reading this, what about Germany? If this was a bill in Germany saying we don't have to teach about World War II, or like one of the alternate sites that I went to, to look up what kids do learn, calling

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the Holocaust was "just a speck of bird poop in history" for the great history of Germany. I just think that this is a wrong use of the resources of the great state of Nebraska, and I urge you to say no to LB1077.

BREWER: All right, thank you, Carol. All right, questions for Carol? Questions? All right, thanks for your testimony. And I agree, it was good to see--

CAROL MATHIAS: Thank you.

BREWER: --the young faces up here. Welcome to the Government Committee.

KIMARA SNIPES: Thank you. Good afternoon, Chairperson Brewer and members of the Government, Military and Veterans Affairs Committee. In addition to facilitating anti-bias training for our global organization that works against hate, and also creating literacy-based programming for young people, I am the community partnership manager in diversity, equity, and inclusion chair for the Nebraska Civic Engagement Table.

BREWER: before-- before you get going, can I have--

KIMARA SNIPES: Oh, I'm sorry.

BREWER: --you spell your name?

KIMARA SNIPES: Kimara Snipes, Kimara, K-i-m-a-r-a, Snipes, S-n-i-p-e-s. So I am the community partnership manager and diversity, equity, and inclusion chair for the Nebraska Civic Engagement Table. We work with over 75 nonpartisan, nonprofit member organizations across the state to build a more just, inclusive, and engaged Nebraska by increasing civic participation of underrepresented communities. We strive to build an environment in Nebraska of informed voters and civically engaged community members and, because of this, we have significant concerns about LB1077 and raise our strong objection to this bill. Please note that our position reflects that of the Nebraska Table and not of our members. No matter our background or personal beliefs, we can all agree that young people deserve an honest and accurate education with opportunities to practice the skills they need to create a better future for all of us. LB1077 not only prevents students from learning hard truths about our country, it also restricts their freedom to engage in their communities in a way that is meaningful to them and beneficial for all of us. Schools and

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postsecondary institutions are where students learn to understand the present and how to prepare for the future. The censorship inherent in LB1077 deprives students of receiving honest and accurate lessons in the classroom and devalues experiences they may gain through community engagement. More specifically, it is safe to say that one section of this legislation would impact students working with many, if not most, of our member organizations. Section 4 of this bill prohibits students from receiving course credit or even extra credit for service learning or any other work done with an organization that lobbies or advocates on anything at all. It would impact Nebraska Table's own previous high school interns who use their experience to learn about voting and civic engagement, how nonprofits work, and to practice communication and other skills. This provision harms students who want or need real-world experience with organizations, but it's only one piece of a larger effort in LB1077 to keep children and youth from learning about the world they live in. How do we empower historically oppressed and underrepresented communities when the history of oppression is erased from public education curriculum? The Nebraska table strongly opposes this bill and asks the committee to not advance it to General File. Thank you.

BREWER: Thank you. All right, let me see if we have any questions. Questions? Questions? No questions.

KIMARA SNIPES: Thank you.

BREWER: Thank you for your testimony. OK, welcome to the Government Committee.

DANIELLE HELZER: Thank you. Thank you for your patience and for hanging on. There's a lot of people here today, which is exciting. My name is Danielle Helzer, D-a-n-i-e-l-l-e H-e-l-z-e-r. I'm the mission impact director at YWCA of Grand Island. YWCA is dedicated to eliminating racism, empowering women and promoting peace, justice, freedom and dignity for all, and we are testifying today, obviously, in opposition to LB1077. As many people have mentioned, the first issue we take with this bill is that the language of the bill is dangerously vague. Many people have pointed this out. Then, attaching funding, a loss of funding to governmental entities, public schools and public postsecondary institutions who violate this vague language is incredibly troubling. This opens up an opportunity for a witch hunt for teaching anything that makes people feel uncomfortable or for-- for teaching history that is inaccurate or whitewashed. We see this bill not as a viable piece of policy that seeks to make Nebraska a

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better place. Rather, this is a bill that creates more fear, more division, and want to be used as a tool to yet again silence the histories and the stories of women and people of color in our communities. Next, Section 4(4)(a) of this bill will provide a chilling effect where schools pull completely away from partnering with organizations like ours who do advocacy or lobbying. Here's a scenario to consider. So Grand Island Public Schools, Central Community College, and the University of Nebraska at Kearney are all public educational institutions that have provided or could provide practicum opportunities for students to gain valuable experiences at YWCA of Grand Island in our Early Childhood and Care Center, our Empowerment Center, or even in our racial justice and civic engagement department. Our organization does important work in the community, providing high-quality early childhood education, employment and training opportunities for those unemployed or underemployed, and education around race and training opportunities-- or race and civic engagement. Because nonprofits have a deep awareness of the people in their communities, we lobby for policies that would improve people's existence, and we do so following federal laws and regulations. LB1077 would deny Nebraska students valuable opportunities to learn from and work with organizations and businesses that lobby for Nebraskans to have better and brighter futures. LB1077 is-- is just not good for Nebraskans, and we ask this bill not leave-- not leave this committee. Thank you for your time.

BREWER: All right, thank you. Questions? Questions? All right, you get out of here easy. Welcome to the Government Committee.

JODI KUPPER: Thank you. Good afternoon, Chair Brewer and members of the committee. My name is Jodi Kupper, J-o-d-i K-u-p-p-e-r. I serve as vice chancellor for academic planning and partnerships for the Nebraska State College System. On behalf of the NSCS, I'm here today in opposition to LB1077, which would restrict postsecondary institutions from discussing certain content related to race and sex. While the language in Section 3 of this bill attempts to ensure the protection of academic freedom, free expression, and the right of faculty to determine how they create meaningful opportunities for social discourse and intellectual development around these concepts, the fact that these statements are included reflects the complexity of establishing and enforcing clear and finite boundaries around those concepts. NSCS faculty are responsible for the development and oversight of program curriculum and how it is prepared to pre-- presented to students. Open and civil discourse is a vital component of the learning process and the development of critical thinking

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skills. Restricting that discourse removes opportunities to explore, analyze, and evaluate critical and sensitive issues that impact our society and allow students to critically reflect and form their own opinions. Federal and state law already prohibit discrimination based upon race and sex. This bill would prevent meaningful conversations surrounding these issues for fear of loss of funding and litigation, increasing the likelihood that discrimination and harassment will occur. Students are presented with numerous opportunities to engage in productive and meaningful conversations, both within and beyond the classroom. In some instances, these topics emerge as a result of student discussion in these environments, and restricting that free exchange of ideas restricts their free speech. While there are a number of issues related to the oversight and enforcement processes of this bill, the bill appears to grant the Board of Regents and the Coordinating Commission for Postsecondary Education fiscal authority over all public postsecondary institutions in Nebraska. This violates the constitutional and statutory purview of the Board of Trustees as the sole governing body of the state colleges. Thank you for the opportunity to testify today and I welcome any questions you may have.

BREWER: All right, see if we have any questions for you. Any questions? All right, thank you for your testimony.

JODI KUPPER: Thank you for your time.

BREWER: Welcome to the Government Committee.

ABBI SWATSWORTH: Thank you, Senator Brewer and senators of the Government Committee, and thank you for the opportunity to provide testimony as part of the committee record. My name is Abbi Swatsworth, A-b-b-i S-w-a-t-s-w-o-r-t-h. I'm the executive director of OutNebraska, a statewide nonprofit working to celebrate and empower lesbian, gay, bisexual, transgender and queer-questioning Nebraskans. Most of us believe that all children should have the freedom to pursue their dreams, so we must equip every school with the resources to provide an honest and accurate education that prepares every child for the future, no matter their color, identity, or background. By banning certain topics of race and sex, LB1077 could prevent children from learning from the mistakes of our past to help create a better future. You cannot erase whole groups of people and their experiences simply by failing to teach those topics. Black people and our U.S. history of slavery, segregation, and discrimination exist. When we teach about race and honest racial history, we increase our country's critical thinking skills so that we can reckon with the mistakes of our past,

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repair them, and create a better future for all. LGBTQ people and our U.S. history of criminalization, exclusion, and erasure exist. When we teach about sex and gender, we increase our country's ability to empathize with those who are different from us; we increase diversity and innovation to create better solutions. Schools should be a place where young people from different places, races, and identities learn to understand the present and prepare for the future, but some politicians now want to censor the lessons that young people receive. They push bans like LB1077 to whitewash our history, denying young people an honest education that equips them to better shape a future. Furthermore, LB1077 limits the training that agencies can provide to team members. And when we legislate for the comfort of white people, we deny the reality of black and brown, Indigenous people, women, and LGBTQ people who've experienced systems of oppression for many years. All we have to do is look at a recent situation with sexual harassment among this body to know that we need to have open and honest discussions about sex in the workplace. LB1077 is not good policy. It does not position Nebraska as a leader in attracting and retaining a diverse, talented workforce, and we respectfully urge you not to advance LB1077 from committee. Thank you.

BREWER: All right, thank you, Abbi. Let's see if we have questions. Any questions? All right.

ABBI SWATSWORTH: Thank you very much.

BREWER: Thank you for your testimony. OK.

ROSE GODINEZ: Good afternoon.

BREWER: Welcome to the Government Committee.

ROSE GODINEZ: Thank you. My name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z, and I'm here to testify on behalf of the ACLU of Nebraska and opposition to LB1077. LB1077 is government censorship. It denies our Nebraska students and public schools and universities an accurate and comprehensive education and extends government censorship to professional development trainings. Overall, this bill contains many undefined, vague and confusing terms, and is seemingly contradictory in sections. It chills free expression, academic freedom, and students' rights. It is merely intended to inflame political reactions and it does not further a legitimate educational interest. Beginning with the classroom censorship component, there is a long line of cases which are instructive in this context and that

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raise serious legal questions about this measure, dating back to the Scopes Trial to Brown v. Board of Education and many others. Additionally, measures like this have been passed in other states have-- are currently pending in litigation in federal district court based on the First and Fourteenth Amendments. Nebraska's students have a constitutional right to exchange ideas freely, including those that center around race and gender, and receive an inclusive and complete picture of U.S. history that doesn't erase their own. As the Supreme Court recognized in Brown v. Board of Education, quote: Education is the very foundation of good citizenship. It is a principal instrument in awakening the child to cultural values. And in another case, the Supreme Court described schools as the nurseries of democracy. We can not hide from the atrocities of the past just for the comfort of some. Systemic racism and attacks on gender identity are not meant to be comfortable conversations, but ones that have the power to ultimately advance civil rights and civil liberties. Those uncomfortable conversations are the reason why I, a Latina woman, can sit here before you. Those uncomfortable conversations are the reason why you have women senators sitting at the table. Those conversations are why you have people of color in your legislative body. Our democracy was founded on a diversity of ideas, backgrounds and cultures. Taking that away from Nebraska students is nothing short of political erasure. Finally, in terms of how this bill impacts higher education, you can see in the fiscal note it will threaten accreditation. And it's unclear how the Legislature can dictate policy to the university, given the precedent of Board of Regents of the University of Nebraska v. Exon. Additionally, and importantly, the Nebraska Board of Regents itself rejected a similar proposal this summer, and the Legislature should do exactly the same. This Legislature has already made strides on racial justice. Just a couple of years ago, you advanced a bill that required anti-bias training for law enforcement officers, and you can continue that work, but this bill silences those conversations. Our country needs to acknowledge its history of systemic racism and sexism and reckon with our present-day impacts of racial and gender discrimination. This includes being able to teach and talk about it. What binds us together across-- I'm almost done, I promise, Senator Brewer. What binds us together across the political spectrum is our value in a true democracy, when the government doesn't punish us for free expression. For those reasons, we urge the committee to indefinitely postpone this bill.

BREWER: Good, quick wrap up, I like that. All right. [LAUGHTER]

ROSE GODINEZ: Thank you.

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BREWER: All right, questions? Questions. All right, thank you for your testimony.

ROSE GODINEZ: Thank you.

BREWER: Welcome to the Government Committee.

MORGAN RYAN: Thank you. Good afternoon, Senators. My name is Morgan Ryan, M-o-r-g-a-n R-y-a-n. I'm a high school student and I'll make this quick. A lot of this bill is just certain people trying to ban ideas that they disagree with. In my school, we're taught how to respectfully engage with each other's opinions, including those we disagree with. At the high school and college level, we don't need to be protected from controversial viewpoints. We can look at the evidence for and against some of these ban theories and de-- and decide for ourselves. Whether intended or not, this bill will chill all sorts of discussions of race and sex in classrooms. Other states have passed similar legislation, and we've seen this happen already. Why would a student that wants to major in sociology or African American studies or women's studies or criminal justice, why would those students go to the University of Nebraska when they know that they're going to receive censored information? The reinforcement measures in this bill for supposed violations, loss of funding and litigation, will do nothing but hurt everybody involved and everybody in the school district. Thank you.

BREWER: Wow, you read that fast. You're in high school right now?

MORGAN RYAN: Yes, sir.

BREWER: Wow. Well-- well, let's see if we've got any questions here. OK, questions? Questions? Thanks for coming in. We're-- we're excited about college students. Holy cow, we've got high school. Welcome to the Government Committee.

TAYLOR STERBA: Thank you. I'll try and keep this short. I know it's been a long day, but I really appreciate you hearing all the young people that have come to talk to you guys today. As a former student of public schools in Nebraska-- oh, my name, sorry.

BREWER: [INAUDIBLE]

TAYLOR STERBA: Yes. My name is Taylor Sterba; it's T-a-y-l-o-r S-t-e-r-b-a. So as a former student of public schools in Nebraska and a current political science major at Creighton, I had a very hard time

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reading this bill. LB1077 seems to me motivated not only for political gain in terms of constituents' expectations, but out of fear. To include a provision as in Section 1(7) that details every grievance white people have had against race or gender prescriptions is to guarantee that history repeats itself, that we, as a society, separate cause and effect for the benefit of a white man's comfortability. What you fear most is relinquishing space for others to exist, for others to freely express societal standards' effects on them. History is not objective. It has been written from a subjective view as objective fact. These uncomfortable situations you aim to prevent in this bill are the lived experiences of others who have not felt comfortable or safe sharing their stories before. To give them space now is a learning experience for us, as people of privilege, to simply listen, reflect, and grow as human beings. To further limit the voices of anyone other than those who wrote it and their constituents, Section 4(4) dictates that the youth not receive any school credit academically or through school-sanctioned volunteer hours or service learning for work done for any organization that engages in lobbying, activism, or advocacy within the state. This would eliminate Nebraska's youth from becoming involved within their communities and the Legislature that governs them, even if those organizations are not grounded in politics or advocacy. This is a strategic move to keep legislative knowledge and power in the hands of those who already have it. The public schools of Adams Central, Bellevue, Bennington, Cass County, Washington County, Douglas County West, Elkhorn, Fremont, Grand Island, Lakeview, Lexington, Lincoln, Millard, Omaha Public, Papillion-La Vista, Ralston, and West Side are all registered lobbyists through the Nebraska Legislature. So to interpret this bill as it has been written, should any student receive credit for any coursework or activity within their own school, they would be in violation of this bill. Whomever voices support for this bill has chosen to limit the voice of those whom current legislators have taken an oath to serve and protect, which is why I strongly oppose it.

BREWER: All right. Let's see if we got any questions. Questions? All right, thank you for your testimony.

TAYLOR STERBA: Thank you.

BREWER: Welcome to the Government Committee.

JO GILES: Thank you. So many hearings today. Chairperson Brewer and members of the Government, Military and Veterans Affairs Committee, my name is Jo Giles; that's J-o G-i-l-e-s, and I'm the executive director

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of the Women's Fund of Omaha, a local nonprofit working to address gender-based inequities in our community. At the foundation of our work is awareness about inequities and efforts to close gaps, but we cannot close any racial or gender equity gaps without first acknowledging that those inequities exist. For years, we've been working to close the gender pay gap. For every dollar an average man makes in Nebraska, the average woman makes 77.6 six cents. This wage disparity is even more pronounced when broken down by race and ethnicity, so not talking about gender and racial wage gaps does not make them not exist. The same can be true when we focus on education relating to gender and race. School should be a safe place for all students, and yet limiting conversations about gender and race in schools compounds the negative experiences of all young people in our state. Most LGBTQ students in Nebraska experience some form of victimization at school. Complete and honest education reduces bullying and suicide attempts, as inclusive education directly contributes to positive school environments. For example, students with many supportive staff at their school were less likely to feel unsafe because of their sexual orientation, less likely to miss school, had higher GPAs, and felt a greater belonging to their school community. We all deserve an honest education about the ways in which gender and racial inequities have contributed to our lives. Examining historical and structural racism within our neighborhoods, our communities and workplaces, are part of the process of acknowledging the harm that these systems have created and the collective work that we need to solve them. Everyone benefits when we have open, honest, courageous conversations about the inequities in our community. Divisions can heal, neighbors can understand one another and embrace new members as part of our community, and we can all build a more just and equitable state. On a personal note, this is at the intersection of who I am as a woman and as an African American. I'm also a mom of a public school student, and I want my fifth grader and his classmates to learn and discuss and understand in an age-appropriate manner the honest history of our country and our state, the foundations that create and allow those inequities to persist, the amazing accomplishments and contributions of women and people of color despite these systems, and problem-solve ways to push for an equity for all. The Women's Fund respectfully urges you to vote against LB1077 in committee and oppose any attempts to limit discussions of gender and racial equity in public institutions. Thank you. I'm happy to answer any questions.

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BREWER: All right, thank you. Questions? Questions? All right, thank you for coming in.

JO GILES: Thank you.

BREWER: Welcome to the Government Committee.

DANIEL RUSSELL: Afternoon. Thank you, Chairman Brewer and committee members. I'm Daniel Russell, D-a-n-i-e-l R-u-s-s-e-l-l, and I'm the interim direct-- executive director of Stand for Schools, a nonprofit organization dedicated to advancing public education in Nebraska. Stand for Schools is troubled by LB1077 for three reasons: it's ambi-- ambiguous language, the implications of any state prohibiting certain concepts, and by the bill's assumption that K-12 education is not a place to learn the value of civic participation. Thirty years ago-- Dean Moberly sort of stole my thunder on the first point, so I'm going to skip straight to the second. We have concerns about the implications of the state prohibiting certain concepts, especially in the K-12 setting, where those concepts may be pedagogically important. For example, Section 1, sub (5) (b) defines race or sex scapegoating as claiming that consciously or unconsciously, by virtue of an individual's race or sex, members of any race or sex are inherently inclined to oppress others. This subsection, in our view, takes aim primarily at efforts of schools and teachers to understand the effect that unconscious biases may play in student achievement. Indeed, a vast body of literature and research on this topic indicates that the unconscious biases of teachers, school administrators, and fellow students may contribute meaningfully to the persistence of achievement gaps, and that teachers and classroom climate moderate the impact of unconscious biases, suggesting that teacher-facing interventions that carefully leverage the relevant psychological mechanisms, for example, awareness, motivation, individuation and empathy, have substantial promise to reduce teachers' unconscious bias and improve student outcomes. We worry that LB1077 restricts the ability of educators to incorporate important and innovative research, which may provide meaningful impacts for Nebraska students. Finally, we're also concerned that subsection (4) of Section 4 would inhibit the ability of Nebraska's K-12 students to participate in service learning activities and of teachers to encourage students to participate in civic life. The subsection which prohibits course grading for credit for student work, affiliation with, or service learning in association with an organization that has lobbied, is not specific as to when these organizations' engagement and lobbying efforts would prohibit them from offering these opportunities to students. As a result, the

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section may prohibit Nebraska students from engaging in service learning opportunities for many Nebraska government entities, nonprofit organizations and businesses, including the University of Nebraska and Creighton, most school districts, Boys Town, the Joslyn Art Museum, Carg-- Cargill, Blue Cross Blue Shield, Kiewit, Mutual of Omaha, Nelnet, Pinnacle Bank, Tyson Food, the cities of Bellevue, Elkhorn, Hastings, La Vista, Lexington, Lincoln, Norfolk, and Omaha. Further, the subsection prohibits any efforts for credit or extra credit for efforts to persuade you all. Of the many duties that public schools should shoulder, among the most important is preparing students to be engaged civic-- to be engaged citizens. So for those reasons, we oppose LB1077, and I would be happy to answer any questions.

BREWER: All right, let's see if we have any questions for you. Questions? Questions? All right, seeing none--

DANIEL RUSSELL: Thank you.

BREWER: --thank you for your testimony.

BREWER: Welcome to the Government Committee.

HARRIS PAYNE: Thank you. Thank you, Sen-- Senators. I sincerely appreciate the opportunity to testify before you today. My name is Harris Payne; that's H-a-r-r-i-s P-a-y-n-e. I'm a retired educator and I'm here to speak in opposition to LB1077. I have two major concerns regarding this legislation. [INAUDIBLE] concerns of all the fact the bill is written in a very confusing manner. I would like to begin my testimony by telling the story of Sergeant John Rice. Sergeant Rice was a member of the Winnebago Native American Tribe. He served valiantly in World War II and Korea. Sergeant Rice was awarded the Bronze Star and the Purple Heart for his heroism in the Pacific. At age 36, Sergeant Rice was killed in action in Korea on September 6, 1950. His remains were not returned to his wife until the summer of 1951. His wife, Evelyn, was a white person that lived in Sioux City, Iowa, and arranged to have her husband buried at a local cemetery. During his burial service, employees at the cemetery noted several Native Americans in attendance and halted the burial service. His widow was forced to endure the indignity-- indignity of removing her husband from his own grave and leaving the cemetery with his body. This occurred because the cemetery allowed only Caucasians to be buried there. There was a major uproar over the incident by veterans groups, civil rights groups, and clergy across the region. In 1951,

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President Harry Truman heard what had happened and chastised the whites-only policy of the cemetery. He ordered the remains of Sergeant Rice to be brought to Arlington National Cemetery for burial with full military honors. America is indeed a great nation, but it has a checkered past when it comes to racial discrimination, as illustrated by the story of Sergeant Rice. The bill before you has the potential impact of making stories like this one that you just heard absent from Nebraska classrooms. LB1077, on page 4, states that the section shall not be construed to do any of the following: prohibit the use of curriculum that teaches the topics of sexism, slavery, racial oppression, racial segregation, or racial discrimination, including topics-- topics related to enactment and enforcement of laws resulting in sexism or racial oppression, segregation or discrimination. The verbiage appears to support the teaching of history like Sergeant Rice. At the same time, however, Section-- line 3 says that any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's sex or race can take action in the form of filling out a complaint with the State Attorney General. In essence, Sergeant Rice's story was-- was ever told in Nebraska classrooms, it might make someone feel discomfort. As a result of feeling discomfort, then, to summarize this quickly, the person can then ask the Attorney General to bring civil action against that teacher, that school district, and it can have an impact on funding. As a result of this confusing and contradictory language written in this law, res-- stories like the heroic Nebraskan, such as Sergeant John Rice, might not be taught. I urge you to not pass this legislation and I thank you, Senators, for listening to my testimony and would be welcome to any questions that you may have.

BREWER: Thank you for your testimony. When did you first hear about Sergeant Rice, you personally?

HARRIS PAYNE: Me, personally, I read-- one of my former students, his name's Lance Morgan. He wrote a op-ed piece. It's the first citation. That's when I first heard about it. I then looked it up. It's also in the state's historical society In Iowa. They did a big, long piece on it, and so did Nebraska History, which we used to call the Nebraska State Historical Society.

BREWER: Actually, I've read that in Lance's [INAUDIBLE] too. That's why I asked that question. I didn't know if I'd just not read enough Nebraska history, but I think it's just part of history that kind of got lost in the works somewhere. All right, questions? Well, again,

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thanks for enduring the afternoon and thanks for enlightening us a little bit here.

HARRIS PAYNE: Thank you.

BREWER: Welcome to the Government Committee.

RACHEL GIBSON: Hello. My name is Rachel M. Gibson, R-a-c-h-e-l, M., as in "Marie," Gibson, G-i-b-s-o-n, and I'm the director of education policy with the League of Women Voters of Nebraska. And I give my other directors a hard time because I get to testify in front of this committee and Education, and I think they're the two best committees, so everyone else just has to deal. So I appreciate you all taking the time, Senator Brewer and everyone, for the long hearing this afternoon. The League is a nonpartisan organization that encourages active and informed participation in government, including advocacy on-- on certain policy issues, hence we're here. We are in opposition to this bill for a couple of different reasons. One of the ones I just want to highlight is, if you turn on the back of the-- the handout you have here, specifically, the economic and civic engagement piece, with Section 4, the way it's written, it's written so broadly that we're worried about the impact that's going to have on our youth, whether they're able to do internships, build relationships with employers that might want-- make them want to stay in the state, so that's one piece. And then the additional piece is, again, that civic piece, which is near and dear to our heart with the League, that students would not be able to have the opportunities to be involved in their government. The list you see here is just some of the organizations. This was from our registered lobbyist group, and then you'll see the asterisked organizations. Those are ones where we have internships through the Intern Omaha program. So this isn't hypothetical. These are actual internships that-- that potentially could not exist based on the current way the bill is written. So it's been a long day. I think that the points have been made, you have the testimony, and I'd be happy to answer any questions.

BREWER: So you get Education Committee and Government.

RACHEL GIBSON: I do. I love it.

BREWER: Well, that's two committees that will keep you busy, so.

RACHEL GIBSON: Yes, it is true, but, hey, that's-- it's worth it.

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BREWER: All right, let's see if we got some questions. Any questions? I think they are truly are wore down. All right, thank you for your time.

RACHEL GIBSON: Well, it was my fault. I was the last one, right? Thank you so much.

BREWER: I'm about to find out here. All right, any additional opponents? Anybody here in the neutral? With that, we will invite-- oh.

_____: Jennifer [INAUDIBLE]

BREWER: Sorry about that. I may have been a little anxious here. All right, welcome to the Government Committee.

JENNIFER HICKS: OK. My name is Jennifer Hicks, J-e-n-n-i-f-e-r H-i-c-k-s, and I'm kind of disgusted at having listened to all of the testimony over this. I'm really disappointed this is even a topic of discussion and-- and in our Legislature. I don't think it should be because it points-- it points to tremendous failures of our nation and-- and of our state. This is-- as some people have pointed out already, we too-- we have addressed this. We have addressed this. Dr. Martin Luther King, Jr., like you pointed out earlier, we have addressed this. We-- we have gone through history of dec-- we have decided that it is not appropriate to judge people based on the color of their skin, but by the-- they should be judged by the content of their character. We have laws in place to protect against that. And I-- I agree with everything that this bill tries to do. I would actually-- one of the things I am disappointed in is that my own senator's name isn't on it and that every senator's name isn't on it, to be honest, because what this bill-- I wonder, did you even read it? Did you even read it? Because you have said earlier, Senator Blood, you said that the proponents of this bill were wanting to teach the right history, the right history. You asked, what is the right history? And this is problematic to me, is that I'm not sure that many of the people who gave public comment today read the bill, because there was so much there. There's just not even-- it's not even in here. And what you said, can you point me to the part that says, you know, where-- I-- I know you're not supposed to talk to me right now, but I'm just saying it's not in there. There's nothing in there that suggests that proponents for this bill want to teach any sort of history. And I do not understand why anybody would object to what this asks. It asks us to to-- to say that systemic racism is wrong and--

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and that-- to say that the teaching of systemic racism is wrong because systemic racism is something that you'll never escape. That is shameful, to say that we want to promote the ideas that we have racism that we can never-- we can never find solutions to, that there is no cure for. And Dr. Martin Luther King said the cure for that was opportunity, and you take away opportunity when you tell people by the nature of their birth and the color of their skin that they require someone else to step down so that they can succeed, that-- that their station is lower than or lesser than someone else by the-- by the color of their skin. I can tell you, my skin is white. Poverty knows no color. Poverty knows no color, and opportunities should be available to all people. But we don't-- we don't encourage that. And you also asked and you said, you know, where is this being taught in our schools? And all you have to do is go and look at our National Education Association, go look at it in our state. Our very own state supports this curriculum. They have come out and stated that they support the teaching of CRT. That's what this is, is critical race theory, and all this bill is asked to do is to say that we-- we don't believe that systemic racism, white privilege, racism and discrimination should be taught. It's divisive. And Dr. Martin Luther King, too, said that what-- when-- when-- in his lifetime we were crippled by the manacles of segregation and the chains of discrimination. And what-- what we're trying to fight with this bill, it is to break those manacles of segregation and chains of discrimination. I think every senator's name should be on this bill. But I-- I also really am ashamed of us as a country and as people that-- that we're even having the discussions that we're having because I agree with so many of the people that-- that gave public comment. I agree. I do. And that-- and-- and-- and we're not having the conversations that we need to have, but this is-- I-- I would-- I would-- I would suggest that before any of you make any-- any decision on any of this, that you actually read the bill, because I think that a lot of people maybe didn't.

BREWER: OK, thank you. All right, we'll see if there are any questions for you. Senator Blood.

BLOOD: Thank you, Chairman Brewer. So I have two short questions for you. You felt that was neutral testimony, or did you feel that it was more proponent or opponent?

JENNIFER HICKS: What I-- what I am opposed to, and--

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BLOOD: No, no, that was not the question. And I'm not-- I don't mean to interrupt, but I'm trying to get this on the record. You came forward as neutral. But after hearing your testimony, my question is, do you feel this was neutral testimony, opposition testimony, or in--in--

JENNIFER HICKS: Proponent

BLOOD: --proponent-- sorry, it's been a long day-- proponent?

JENNIFER HICKS: OK, can I--

BLOOD: I want that for the record, because it's confusing for the transcribers and people who come back and read it historically.

JENNIFER HICKS: OK, then let me clarify that for you. The reason that I say that it is neutral is, and-- and don't-- don't-- please don't interrupt me on this because I have seen people give comment here and say that they have a slant towards one direction or the other. And-- and the reason that is neutral is because I do not want to put any stamp of approval on this in our country, that this goes on, that we have gotten to the point where we have to say that this is the kind of legislation that we consider good. So I support everything that this tries to do. What I oppose is the fact that it-- because of the-- because of the senators and the Legislatures that we have, who have not stood up and voiced-- you have a voice that you can use. When you don't use your voice to stand up and say that teaching systemic racism is wrong, teaching white privilege is wrong, and no one's speaking out about that and then we get to this point that this is where we address it is in a bill, in legislation, yeah, I-- I have a problem with that. So my opposition, I-- I both oppose and support. That's why I land on neutral. Do you understand that? I oppose that we're at this point as a nation, that-- that this-- we're so broken that this is required, I support everything that it tries to do.

BLOOD: OK, so the question again: Do you support this bill, do you oppose this bill, or are you neutral on this bill? Everything else you just said to me is your personal opinion about how you feel about the topic. How do you feel about this bill, propose [SIC], opposed, or neu-- neutral? That was the question.

JENNIFER HICKS: You don't get to box me in like this. I'm telling you right now--

BLOOD: All right, thank you, Ms. Hicks, very much.

JENNIFER HICKS: --I agree with everything that it is trying to do.

BLOOD: I appreciate your answers. Thank you very much.

JENNIFER HICKS: I-- that is exactly why I land neutral on this. I agree with everything that it is trying to do, but I oppose the fact-- and you know what else I oppose is the fact that you sit over there and you don't even tell the truth about what is in this. You know what? You don't tell the truth about--

BLOOD: Chair.

JENNIFER HICKS: --what is in this.

BREWER: OK, OK [INAUDIBLE]

JENNIFER HICKS: So--

BREWER: It's been a long day. Let's-- let's not ask more questions. All right, anyone else have questions? Good. All right, thank you for your testimony.

JENNIFER HICKS: All right.

BREWER: OK. Anyone else in the neutral? Seeing none, Senator Hansen, would you like to close on LB1077?

B. HANSEN: My closing is only ten pages long, so it shouldn't take too long.

BREWER: Yeah, well, and we love you, OK?

B. HANSEN: I will try to be very brief.

BREWER: OK.

B. HANSEN: Just addressing a few things that people did mention, no, we are not burning or banning any books. This-- this bill does not do any of that. And the last gal that was up here-- sorry, I didn't catch her name-- she did make a good point because what was brought over-- was brought up over and over and over and over again is the inability to teach certain parts of history, which we specifically put in three times in this bill that this does not prohibit curriculum that teaches topics that many people brought up here, and so-- and also allows for promoting racial, cultural, ethnic and intellectual diversity inclusiveness. We want to make sure that we don't whitewash history or

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erase history, so that-- that was the reason why we put both of those sections in there multiple times. I'm a little unsure on what-- what I've heard of quite a few times, and maybe-- maybe afterwards somebody can educate me on it, honest and accurate history, we need to-- we need to-- it was brought up multiple times that we need to teach honest and accurate history. I'm assuming it has to do with maybe-- I don't really know for sure what that means. I'm assuming it has to do with some of the racial discrimination that we had in our country and the ability to maybe teach it a different way or from a different lens. I'm assuming that's what that means, which, again, I don't think my bill discourages or stops people from doing that. People-- the-- a lot of the testimony that I did hear in opposition was-- was about the civic engagement section, and I think a lot of them were kind of correct on that. I think, if anything, some of that would have to be cleaned up to make sure that we are not stifling civic engagement and people's, especially students', ability-- ability to contact senators, write senators. And so that's-- that was one section I think they were correct on. I don't think you'll ever hear the term "race" and "sex" more in your entire life than you have in the last three hours. People-- that was a joke, by the way. I know it's late. That's all right. People with disabilities, I think you mentioned that, right? There is a section here that has to do with-- make sure I get it right because that might answer your question. Right here, on page 3, 4, and 6, yeah, to-- just-- prohibit teaching-- it does not prohibit teaching, advocating, encouraging, promoting, acting upon scapegoating, stereotyping towards others on the basis of any protected class, so disabilities would be a protected class, so. Almost done here, Mr. Payne brought up a point about feeling guilt, and so that was one that was kind of brought up a couple other times, too, and so that is in section-- or page 3, on line 12. Sorry, I'm just going to make sure I get this right. here. Specifically defined concepts include all the following-- make sure I get this right here. No, wasn't it-- that any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of that individual's race or sex, so that "any individual should feel discomfort," which means that you are almost telling them that they should feel discomfort. They might talk about history, you might talk about Holocaust, you might talk about other things and they feel discomfort about it, that's fine. We're not stopping that. We're not saying you can't, you have to worry about that. It's when you say you should feel discomfort because of this. That's what that part includes and so-- on-- and also, on account of their race or sex, so it has to be kind of specific here, on you should feel guilt because of your

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race or your sex. It has to kind of come out that way, not like if they feel bad when they go home about what they learned in school. And I think that might have addressed most of the things that I did hear. But I-- I'm actually very encouraged by all the students that came out. Yeah, that, that was actually pretty cool, a lot of the high school students, so it was nice to hear from a lot of them as well. So with that, I'll do my best to answer any questions, Mr. Chairman.

BREWER: All right, thank you. And I guess for the sake of those that are still left here, understand that when we Exec on these bills, there's a very festive discussion about things that you like or dislike and different components of the bill. Just because someone testifies and we don't greuel [SIC] them with questions, doesn't mean that we're not-- either supporting or-- or not or-- or not interested. It's just sometimes you're overwhelmed with information. It takes a little bit to digest some of it and to kind of figure out whether what you are concerned about actually lines up on the bill. So I know a lot of you guys spent a lot of time here today, and if you didn't get questions, it wasn't because we didn't care about your testimony. It's just sometimes you can only kind of stack up so much before it kind of leaves you numb and-- and you're [INAUDIBLE]. OK, questions for Senator Hansen?

BLOOD: Sorry.

BREWER: Senator Blood.

BLOOD: Thank you, Chairman Brewer. So I've read this so many times, I'm-- I got to tell you, I'm still puzzled. And so my-- one of my concerns, and you did address it a little bit, and I think it was like on page 4, maybe letter (f), but you-- you have done a good job. Several times throughout the bill you say that we won't discriminate against specific things, and you say that people with disabilities is one of the protected classes and we all know that that's true. But then if you look at the-- the verbiage in the rest of the bill, you frequently say-- and other types of discrimination or-- and other discrimination. So would you not say that it is-- and I'm not talking about to protect them. I'm saying to-- to allow that to not happen, where they could teach-- you said the-- the-- someone feeling guilty or be made to feel guilty or less than. Would you say it is true that people that have disabilities are discriminated against and that might be something that would be taught, just like it would be with race, just like it would be with how you identify?

B. HANSEN: Yes.

BLOOD: So I think there's problematic language in the bill, and we can talk about it on the floor tomorrow, because of that.

B. HANSEN: OK.

BREWER: OK. All right. Additional questions for Senator Hansen? All right, don't go anywhere because I got a big pile of stuff I got to read into the record here. All right, letters for the record on the hearing on LB1077: proponents 68; opponents, 342; and in the neutral, we have zero. With that, we will close the hearing on LB1077 and close our hearings for the Government.