

April 5, 1982

LB 652

CLERK: Mr. President, if I may right before that, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 754, 952 and find the same both correctly engrossed. Those are signed by Senator Kilgarin.

Mr. President, LB 652 was considered by the Legislature last on March 19th. At that time the E & R amendments were adopted. There was a motion offered by Senator Hoagland to indefinitely postpone the bill, Mr. President. That laid the bill over. That motion is now before the Legislature.

SENATOR CLARK: Senator Hoagland.

SENATOR HOAGLAND: Mr. President, colleagues, this is no doubt one of the most difficult issues we have confronted this legislative session and will continue to be, and it is with a great deal of diffidence and hesitance that I raise this motion to kill because I know how strongly people feel on both sides of this issue and I certainly respect the feelings and the convictions of those advocates of this particular piece of legislation but I do think it would be a mistake for the Legislature to pass this bill at this time and let me briefly outline my reasons why. As the United States Supreme Court taught us years ago in the case Wisconsin versus Yoder, the First Amendment, the religious guarantee, freedom of religion guarantee provision of the First Amendment does indeed offer protections to truly unique religious groups, and in Wisconsin versus Yoder, the United States Supreme Court said that if we have a truly unique religious group whose religious convictions cannot be questioned and which represent a unique mode of life which is threatened, which is seriously threatened by a sharp conflict in state rules and regulations as existed in the Wisconsin situation where the mandatory school age of sixteen threatened to destroy the Amish culture in that case, why in that kind of a situation that truly unique religious group was entitled to an exemption from the operation of state rules and state regulations. And it seems to me most of us agree that in a unique situation involving a religious group like the Amish, again people who are truly unique and who are beneficial and whose religious conviction goes back generations and cannot be questioned, and where the application of a mandatory school attendance law or a teacher certification law would truly tend to destroy their fundamental mode of life or their fundamental style of life, an exception ought to be granted and that exception was granted by the United States Supreme Court in Wisconsin versus Yoder, and that continues to be the law of the land. And if religious groups can satisfy the criteria set out by the

10069