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and he became increasingly angry, then he said, wait a minute, I don't have to take that, I'm going to settle that. So when I'm on the way to my office, he comes up behind me with a hatchet and sticks it in the back of my head. They will establish from the circumstances that there had been no quarrel between us at that time. It was not self-defense because he was not threatened. So, for whatever reason, he had decided he was going to take my life.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: That is premeditation. That makes it first-degree murder, not the act itself but what was in the mind of the perpetrator. But, as Senator Mossey pointed out, in these crimes there often is additional evidence. Statements are allowed to prove motive and frame of mind, swastikas, graffiti and other items. So proving the crime is not out of the realm of possibility. And for the questions that Senator Smith was asking, there cannot be hate crimes prosecutions, Senator Smith, because Nebraska's law is unconstitutional because of a U.S. Supreme Court decision. So, although on the police reports they still check "hate crime," there cannot be a prosecution. That will be done mainly for statistical reasons and probably to show the nature of the offenses that are occurring in the city of Omaha. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Friend, on the Foley motion.

SENATOR FRIEND: Thank you, Mr. President. This has become so convoluted, but I actually believe that I know what direction that I'd like to go with this. We are debating...I love Senator Foley's amendment, but I got to tell you something. I don't even know if I can vote for it. We're debating an issue that was debated in 1997 that the people spoke to that we shouldn't be debating right now. I truly believe that. I think Senator Beutler, and don't raise your eyebrows, I think he's right. He's been right before. I've heard him. He's correct often. I believe in...I believe in what he just said. We're dealing...we're not dealing with hate crimes legislation here. The people have already spoken on it. I believe Senator Mossey