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Floor Debate  
February 22, 2019

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SCHEER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirtieth day of the One Hundred Sixth Legislature, First Session. Our chaplain today is Pastor Greg Volzke from Christ Lutheran Church in Juniata, Nebraska; that is in Senator Halloran's district. Would you please stand.

REVEREND VOLZKE: (Prayer offered.)

SCHEER: Thank you, Pastor Volzke. I call to order the thirtieth day of the One Hundred Sixth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, record please.

ASSISTANT CLERK: There is a quorum present, Mr. President.

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

ASSISTANT CLERK: No corrections this morning.

SCHEER: Are there any messages, reports or announcements?

ASSISTANT CLERK: Mr. President, I have a report of registered lobbyist for the current week; that will be inserted in the Journal as required by law. Various agency reports have been filed electronically and are available through the Legislative Council Web site. I have a notice of committee hearing from the Education Committee for Monday, March 4. That's all I have at this time.

SCHEER: Thank you, Mr. Clerk. We'll proceed to the first item.

ASSISTANT CLERK: Mr. President, the first bill is LB660A by Senator Brewer. (Read title.)

SCHEER: Thank you, Mr. Clerk. Senator Brewer, you're welcome to open on LB660A.

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BREWER: Good morning, Mr. President. Good morning, colleagues. Just as a quick refresher. LB660 was the bill for the brand commission that would take the position of executive director and eliminate the requirement to be a law enforcement qualified person and divide that responsibility into what will be designated as the chief investigator. All LB660A does is designate the funds for that position. Please remember there are no General Funds used for this. It is money that is currently in the Nebraska Brand Inspection and Theft Prevention Fund. This is simply a requirement to meet those necessary requirements for that position and that is [LB]660 Alpha. Thank you, Mr. President.

SCHEER: Thank you, Senator Brewer. Open to discussion on LB660A. Seeing none, Senator Brewer, you're welcome to close on LB660A. He waives closing. The question before us is the advancement to E&R Initial of LB660A. All those in favor vote please aye; all those opposed vote nay. Have you all voted who wish to? Please record.

ASSISTANT CLERK: 38 ayes, 0 nays on the motion to advance the bill, Mr. President.

SCHEER: LB660A does advance to E&R Initial. Next item.

ASSISTANT CLERK: LB112A by Senator Howard. (Read title.)

SCHEER: Thank you, Mr. Clerk. Senator Howard, you're welcome to open on LB112A.

HOWARD: Thank you, Mr. President. This is the trailing A bill for LB112 that we passed just yesterday to allow for your first year free for occupational licensure for military families, individuals who are low income, and individuals who are between ages of 18 and 25. All of these funds are cash funds and involving Cash Fund and so none of these are utilizing General Funds. Thank you, Mr. President.

SCHEER: Thank you, Senator Howard. Going to discussion of LB112A. Seeing none, Senator Howard, you're welcome to close. She waives the closing. The question before us, advancement of LB112A to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

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ASSISTANT CLERK: 35 ayes, 0 nays on the motion to advance the bill.

SCHEER: LB112A advances to E&R Initial. Next item, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next item for consideration is LB399 by Senator Slama. (Read title.) The bill was introduced on January 17; referred to the Education Committee. That committee advanced the bill to General File with committee amendments. The bill has been considered previously by the Legislature, and at that time an amendment from Senator Chambers was adopted. Senator Bolz's amendment was adopted. When it was last considered-- under consideration was FA12 offered by Senator Chambers.

SCHEER: Colleagues, we will go to Senator Slama first to reintroduce us to the bill and then to Senator Chambers to reintroduce us to the amendment. Senator Slama, you're welcome to reintroduce us.

SLAMA: Thank you, Mr. President; and good morning, colleagues. LB399 serves as the first major revision to Nebraska's Civic Education Standards since 1949. This bill, with the committee amendment, sets a very achievable bar for school districts which can select between one of three options provided for their students to complete by the end of 12th grade. LB399 also updates-- also revises some outdated wording. The Americanism Committee tasked with reviewing each school district's social studies curriculum will be renamed the Committee on American Civics. The Committee on American Civics will also host two public meetings per year with at least one of those meetings open to public comment. This will ensure transparency and accountability in each school district's curriculum choices. According to current statute, teachers who fail to teach civics within the letter of the law can be jailed for a Class III misdemeanor. We finally changed that in LB399 by removing this penalty. After listening to concerns in the hearing and in past years, and working with all senators on the Education Committee, LB399 is a bill with bipartisan support that resulted in it being passed through committee on an 8-0 vote. I encourage you to vote green on both the committee amendment and LB399. Thank you.

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SCHEER: Thank you, Senator Slama. Senator Chambers, would you like to reintroduce us to your floor amendment?

CHAMBERS: Yes. Mr. President, members of the Legislature, because I have a number of amendments and mine are not numbered, I would ask the Clerk-- is this the one that outright repeals certain sections?

ASSISTANT CLERK: Yes, that is correct to repeal outright Section 724, 725, 726, 727.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I dislike the existing law and I also dislike the contrivances being presented to us, which have co-opted some of my colleagues. So what I think it is my obligation to do, since I'm opposed to the existing law, is to attempt to repeal all of that. I'm not going to recite again each one of these sections of statute and give a brief summary because I did that yesterday. Either you will agree to do this or you won't. What this bill-- what this amendment does is strike everything from the existing bill and it would substitute a repealer clause. And that repealer clause sets forth each one of the statutes which together will comprise this so-called Americanism-- I call it claptrap. There are statutes in there that refer to teaching children about character and those vague types of things which conservatives such as Senator Groene have opposed when there were bills that attempted to broaden the scope of what would be made available in the schools. He would say, for example, it's not the school's responsibility to have counselors or have social workers and so forth. This is an attempt-- this entire complex of statutes I'm trying to repeal, to dictate what will be taught in the public schools. This stuff was put into the statutes many, many years ago when there was hysteria throughout America and these are not the only bad statutes, by the way, that were enacted during that period. But time brings about a change in the world. Statutes are amended to reflect those changes. This talk of Americanism in the statutes is passe and ought not be in the statutes. I'm making it clear from the outset, however, that my intent is to stop this bill. Senator Slama has told the media that she has 33 votes, which would be the requisite number to invoke cloture. Even if that is successful, the bill will undergo additional discussion on Final Reading, as will other bills that precede it. And every bill following this one precedes this one so I will take an interest that I ordinarily wouldn't in more such bills. Since we're talking about education in this committee amendment, I can go into some of that because I've made clear what my

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offered amendment does, and it doesn't require any additional elucidation. One of the things is that there should be taught respect for the constitution, and I don't think there are people on this floor who know much about that. I wish that Senator McCollister were here because he stated, and it was reported in the media, that he originally did not support this legislation until he became aware of how little students know about their government. I had started the other day in my lecture, as I will call it, on the constitution by asking Senator Erdman a couple of questions before time ran out. The first was how many articles are there in the U.S. Constitution? He correctly stated seven. I then asked him how many amendments have been added to the constitution? Again, he gave the correct response, which was and is 27. I would like to ask Senator Groene a question or two if he will respond.

SCHEER: Senator Groene, would you please yield?

GROENE: Yes.

CHAMBERS: Senator Groene, as a general rule, do people take notice of and an interest in those things that pertain to them personally?

GROENE: Yes.

CHAMBERS: Okay. You are the Chairperson of the Education Committee, so I'm going to pose this question to you since we're talking about civics and what children ought to learn. Does the U.S. Constitution explicitly acknowledge the existence of slavery even though it doesn't use that term?

GROENE: I believe it did. We removed that from the constitution later on.

CHAMBERS: No, that's still in the constitution, but you mean that some of the aspects of it may have been eradicated?

GROENE: Yes. As the society evolved and all people are created equal.

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CHAMBERS: Do you have any idea of what those references to slavery were?

GROENE: I've never memorized the constitution.

CHAMBERS: No, I'm not asking did you memorize the constitution and I'm not asking you what those provisions were. But are you aware of what they are? If you aren't you're not--

GROENE: I'm aware of the general principle of what was in it that you could own slaves in the original constitution.

CHAMBERS: Okay. Thank you. Members of the Legislature, this question I'm asking I don't believe could be answered even by Senator Morfeld, our resident expert on the constitution who actually teaches a course on it. Eureka! I see Senator Morfeld approaching. I would like to ask him a question or two if he would respond, Mr. President.

SCHEER: Senator Morfeld, would you please yield?

MORFELD: Happily.

CHAMBERS: Senator Morfeld, are you aware-- first, let me ask from a clean slate. To your knowledge, are there specific acknowledgments of the existence of slavery in the United States Constitution?

MORFELD: Explicit acknowledgment. I believe-- well--

CHAMBERS: Not where the word itself is used. They [INAUDIBLE].

MORFELD: No, but three-fifths, they had the three-fifths rule in there and I think that's an explicit acknowledgment of slavery.

CHAMBERS: Are you aware of the total number? It's not something that you--

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MORFELD: Oh, total number of explicit acknowledgments?

CHAMBERS: Yes.

MORFELD: I think there is two or three, but I can't remember what the second or third one was. I remember reading about it.

CHAMBERS: OK, you said two or three. How much-- what would the answer be if I said add two plus three?

MORFELD: That would be five.

CHAMBERS: And subtract one.

MORFELD: That would be four.

CHAMBERS: You got the number references. Thank you, Senator.

MORFELD: Thank you, Senator, I appreciate the lesson.

CHAMBERS: Thank you. Members of the Legislature, because I pay attention to things that pertain to black people, although there are other aspects of the constitution to which I pay attention, there are four-- and I'm going to go through them. If I don't get them done today, I will get them done when this bill comes up, if it moves today. I have to be shown that Senator Slama indeed has 33 votes. I will start with the preamble which does not acknowledge the existence of slavery, but would make you think that such acknowledgments would not be in a document of this kind. And so that I will not interpolate, extrapolate, or exaggerate, I'm going to read the preamble of you all's constitution and you'll see why I refer to it as you all's constitution. We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America. First of all, that beginning that everybody--

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SCHEER: One minute.

CHAMBERS: --is familiar with, "We the People," does not include black individuals even within the human race. So that doesn't apply to us. When they say "to perform a more perfect Union," if something is perfect, you cannot make it more perfect. If something is wet, I didn't say damp, if it's wet, you cannot make it wetter. So they should have said to form a perfect union. If it's already perfect, you don't have to do anything with it. But that's the way white people can do with their language because it's English. "Establish Justice," justice consists of giving people, whether collectively or individually, their due. In this document, it's felt that black people, the due that we are entitled--

SCHEER: Time, Senator.

CHAMBERS: --needs to be-- Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Mr. Clerk.

CLERK: Thank you, Mr. President. Some items: first of all, an announcement that the General Affairs Committee will hold an Executive Session in Room 2022 at 9:30. Your Committee on Enrollment and Review reports LB430 as placed on Final Reading. Enrollment and Review has examined and reviewed LB25A and placed the same on Select File. Transportation Committee reports LB142, LB269, and LB270 all to-- on General File. Committee on Urban Affairs reports LB348 and LB405 to General File, and LB130 and LB409 to General File with amendments. Natural Resources reports LB287 to General File with amendments. And finally, Senator Wayne has an amendment to LB160 to be printed in the Journal. That's all I have at this time.

SCHEER: Thank you, Mr. Clerk. Returning to discussion on FA12. Senator DeBoer, you are recognized.

DeBOER: Thank you, Mr. President; good morning, colleagues; good morning, Nebraska. I've been thinking very carefully for the last few days about the bill before us. I'm so grateful to be a part of a body where we can have that kind of discussion we've been having about an issue



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which is so central to our life together. I thank Senator Slama for bringing the underlying bill; Senator Hunt and all the others for their work. And I want especially to thank Senator Chambers for the very meta way in which he's given us a lesson in civics about a lesson in civics. Civic life, life together is messy, not straightforward. It's nuanced. I support the gist of this bill, though I don't think the language is quite there yet. I will vote for the underlying bill on this round and hope to work with Senator Slama before it comes up for Select File. I think it is vitally important to know about the history of how we came to be, where we are, and have strong knowledge of the system we live in. But I also know that words matter. I believe Senator-- I heard Senator Hunt say she is concerned about legislating patriotism, and I take her point. Like most good things in this world, there have been times when terrible things have been done in the name of patriotism. We need to recognize that and be aware of it, but perhaps there might be something else, something good about patriotism, too. One of my mentors, professors, and good friends talks about how the things of this world being imperfect must always have their flaws exposed. We must always be questioning the good enough of all the things we settle for. But that does not mean we give up on them. He has often spoken to me about the democracy to come. Not the one we have here, but the one we are working towards, the one we keep striving for and hoping for. The one which we have not experienced in the past, we're not looking back to a time when it existed because it did not nor perhaps can it in this world. It is a kind of force that impels us forward, calls us to do better. America has not been perfect. We must teach our children that. America has not been perfect. We have done good things and we have done great wrongs. But the idea of America, the tattered and torn idea of America, the hope of something we might call America calls us to do what we can to be better, more just, more fair, more free, more understanding with each other to right our wrongs. The America to come, we might say, is something worth talking about with our students, alongside the facts, good and bad from our past. Our heroes were people. Some with great flaws, even perhaps great for lack of a better word, evil. But those are precisely the types of characters I would like our students to learn about from their teachers, not in a triumphalist way, but in a nuanced way so that they see the good and bad coming from the same characters. I want our students to learn about these things in a classroom and not through a social media meme because I have faith that Nebraska's teachers can and do craft lessons for our children--

HILGERS: One minute.

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DeBOER: --that will teach them part of being a good civic American is celebrating the times we got it right, as well as speaking up when you see injustice is remembering the ones who have come before, good and bad, as we move forward together, reaching out for the America we hope to be. That is what I pledge allegiance to, to the hope of something we might call America to come, to the people who live amongst us, all of them, and to working together every day with my fellow citizens to reach out towards that hope. We may not have liberty and justice for all yet, but when we say the pledge, I commit myself to working every day to fulfill the promise of those words: liberty and justice for all. That kind of patriotism I hope this bill wants to give students the opportunity to have. We owe our students some education on the messy world of our civic life together, imperfect as it is, so they can perhaps do better than us.

HILGERS: Time, Senator.

DeBOER: For these reasons I will support this bill. Thank you, Mr. President.

HILGERS: Thank you, Senator DeBoer. Speaker Scheer.

SCHEER: Thank you, Mr. President. Colleagues, it's Friday morning, so I thought I would let everyone know what, sort of, will be on the schedule for next week. On Tuesday we will continue with the worksheet order on the bills. So, we will just be following today's transactions and continue on those on Tuesday. On Wednesday morning we will have LB430 which is the education certification bill will be up first thing on Final Reading so that that can become law before the first of March, which is necessary. After that, after we pass [LB]430, we will then start on LB155, which is Senator Brewer's priority bill, a bill that eliminates authority for eminent domain by public power. Once we are finished with LB155, we will return to wherever we left off on the agenda and continue on from there. As far as-- there will be, as well, sometime next week some Select File, a little bit of that. And as well on Friday, you can plan on probably the majority of the morning being on Final Reading. We have an awful lot sitting there and I'd like to get a bunch of that moved forward. So on Friday you can be prepared for the majority of the day to be spent on Final Reading. As always, if there is any questions, please contact myself or anyone in the office and we'll be glad to try to clarify anything that we've misstated. But I never misstate anything so there's not a problem with that. But anyway, have a great long

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weekend. Enjoy the wintery weather and everyone drive safely over the weekend so that everybody makes it back on Tuesday morning. Thank you.

HILGERS: Thank you, Speaker Scheer. Continuing debate on FA12, Senator Chambers, you are recognized.

CHAMBERS: Thank you, Mr. President. And I especially thank the Speaker for giving us forewarning. There may be a motion on every bill on Final Reading. I am serious. You all make statements with which I can find no fault. You make assertions with which I cannot disagree. But when time comes to act, you fall into that rut and do the same things that have always been done. You perpetuate them. And for Senator DeBoer, who had made some very-- I don't think they were trite statements. I think they are aspirational. If I didn't think that some things could change, unlike you all, I would try just as hard as I do because I don't think things are going to change. As long as there is the United States of America existing on this planet, there will be discrimination against black people based on racism, which is premised on the notion that we're not complete human beings, and anything wrongfully done to us is going to be winked at because we're not entitled to anything else. But here was an amendment I had put on the desk so that we could be honest in this bill. I did not want there to be an equivalency between George Washington and Martin Luther King, which exists in the bill right now when it talks about the birthdays that are considered for celebration. George Washington, Abraham Lincoln, Dr. Martin Luther King, Jr. The amendment that I put on the desk would say, strike George Washington's birthday and insert the birthday of George Washington, who was a slave holder. You all won't support that, will you? It's not a lie. But you want to conceal it. You want to make a man unworthy of honor honorable. The next one, I would strike Dr. Martin Luther King, Jr.'s birthday and insert the birthday of Dr. Martin Luther King, Jr., who was awarded the Nobel Peace Prize for his work to achieve social justice, to show there is no equivalency between these two. Honor George Washington if you want to because he's what you are about. You believe in racism. You believe in discrimination. That's what this bill will make possible and with the sanction of the law. All of these words I was reading from the preamble to your constitution about justice doesn't include black people. Roman Catholic, Chief Justice Roger B. Taney of the United States Supreme Court said black people have no rights in America. No rights. So when you talk about justice, that is not for us. Domestic tranquility: what is tranquil about being a slave when they

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can lash your back? They can pour salt brine into the wounds? They can hang you and people will cut off your penis and your gonads and take them home as souvenirs. For whom does that bring tranquility? To the white American Christians. And there are worse things, but I don't have time to go into all of them. The common defense: any black man or woman who tried to defend him or herself against the depredation of white people was killed in a most horrendous fashion. So we were not even allowed the right of self-defense,--

HILGERS: One minute.

CHAMBERS: --promote the general welfare, which did not include black people. Secure the blessings of liberty, which we did not have and do not have now for ourselves and our posterity, which means they're looking out for white people who were in existence and those who are to come while being very comfortable with slavery. And on that basis, they do ordain and establish that constitution. I don't know exactly when the moment will come when cloture can be invoked or an attempt to do it, but I'm going to get as much into the record as I possibly can. Thank you, Mr. President.

HILGERS: Thank you, Senator Chambers. You are next in the queue. You may continue.

CHAMBERS: Members of the Legislature, I want to give you those four acknowledgments of slavery. But the first thing, and this is so that the Legislature will recognize that it is paramount among the three branches. Article I, Section 1 deals with legislative power; not judicial, not executive, but legislative. And here is what is interesting: it's what Senator Morfeld referred to as the three-fifths clause. Representatives and direct taxes shall be apportioned among the several states which may be included within the union according to their respective numbers which shall be determined by adding to the whole number of free, which means white persons, including those bound to service for a term of years. These would be indentured servants and excluding Indians, not taxed, then three-fifths of all other persons. That "all other persons" refers to black people. Our numbers were to be added to these racist white people to give them more representation in Congress. It was acknowledged. And here is what's funny. There are white people who don't think that people who are not born in this country should be included in the census. And they're contriving a way to make sure that such people will not acknowledge their

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presence, be counted, and add to the representation. But if these racist white people wanted to count three-fifths of the slaves to give racist slaveholders more representation, and that's what it was for, to give racist slaveholders in the United States government more representation, slaves who were not even deemed human beings would be counted. But in this day, when Senator DeBoer probably would feel that changes have been made, the "Repelicans" want to do everything they can to make sure that Latinos, Latinas, Mexicans, Hispanics, whatever term is used, will not be counted in the census because they will vote for a party that does not feel that they are sub human. So if the slaves could be included in the census for representation purposes, so should every human being in this country. But that's the three-fifths clause. That's in Article I, Section 2 when it's talking about representation. There are people who pay attention to us outside of this room. There are people who will read our transcripts and I want them to know that I had specific references to the constitution. In Article I, Section 9, this relates to the slave trade. Migration or importation of such persons as any of the states now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808. That's the 1808 clause. There could be no touching of the slave trade for a period of 20 years after this constitution was adopted. Keeping us enslaved while talking about freedom: that's the hypocrisy of white people then. It's the hypocrisy of white people now. And it's the hypocrisy that's driving this bill. And people wish I would shut up, but I won't.

SCHEER: One minute.

CHAMBERS: They can tax them, however. A tax or duty may impose on such importation not exceeding \$10 for each person. Then I'm going to show you how sanctified this provision was in the minds of those slaveholders who put together the constitution. In this same Section 9, no capitation or other direct tax shall be laid unless in proportion to the census or enumeration herein before directed to be taken. What is capitation refer to? The head. No head tax. Whose head is going to be taxed? Those who are being commodities. Then we go to Article IV, Section 2. It is the third acknowledgment. It is the fugitive slave clause. And I believe my time is probably up, so I will stop. Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Seeing no one in the queue though, you're welcome to close on FA12.

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CHAMBERS: Thank you, Mr. President. And you'll notice that all of these white people are silent when we're discussing the rights of those they have contempt for. Article IV, Section 2: No Person held to Service or Labor in one State under the Laws thereof, escaping into another, shall in Consequence of any Law or Regulation in that state be discharged from such Service or Labor, but shall be delivered up on Claim of the Party to whom such Service or Labor may be due. And there was slaveholders who went into the North to reclaim, as they called it, their property, as they called it, in black people. And in Massachusetts, attempts were made, and in some instances, those attempts were resisted by white people and violence was used. But this is where the constitution directed that even if a slave can navigate all of the dangers and hazards in seeking his freedom, this document which lauds freedom says that it is for naught. When you're caught, you will be sent back to slavery by the government in the land of the free and the home of the brave. That's why I say the land of the tree and the home of the slave, and I do think that flag is a rag, because that rag is what was sanctifying and flying over this constitution. You know where it acknowledged Senator Brewer's people in counting for representation? It said: or American Indians not taxed. They were not taxed, therefore they would not be counted for purposes of representation. So the reference to them is not a degrading one, it is acknowledging a sovereignty in them as a people. So he can tear up about this rag, but I won't. That rag is what sanctified slavery and produced the kind of man that I am now. And when Senator DeBoer pledges allegiance, the first thing that pledge says, you pledge allegiance to the flag. You pledge allegiance to a rag. That's what you do. But you all like to prettify these things and you'll succeed. Anything you can do by a vote, you will do it. You can vote that black people are not human beings. That becomes the reality, that becomes the way we are treated, it is lawful and it's allowed. The law is what the majority and those who have the power to enforce their will say the law is. But the law in the abstract deals with rules, regulations, prohibitions, allowances that apply equally to everybody. In other words, that hypocritical slogan you have "equality before the law." Article V, but that is the third acknowledgment of slavery, the fugitive slave law. I read to you about the provision where the slave trade could not be touched until 1808, and there was a head tax. In Article V, which deals with amending the constitution: No amendment which may be made prior to the year, one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article. And that first clause is that you will not touch the slave trade, and in the ninth, or the other one, you will not do anything about increasing that tax.

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SCHEER: One minute.

CHAMBERS: You can amend anything in this constitution. You can make it a monarchy. You could abolish the presidency. You could change Congress into a parliament. The only thing that was so sacred to your ancestors was the slave trade and whereas anything else could be amended in this constitution, that could not be touched until 1808, and none of you knew it. All of you, because you're ignorant of these things thought that either by convention or act of Congress amendments could be proposed to the constitution; until 1808, none could. That was the only unamendable portion in your constitution. Now you know something you didn't know before and you learned it from a black man whom you have contempt for, no respect for, and I'm going to stand here on this floor from now 'til the rest of this session and deal with these issues. And see how you like that.

SCHEER: Time, Senator.

CHAMBERS: Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. The question before us is the adoption of FA12. All those in favor please vote aye; all those opposed vote nay. There has been a request to place the house under call. The question is shall the house go under call? All those in favor please vote aye; all those opposed vote nay. Please record.

ASSISTANT CLERK: 15 ayes, 4 nays to go under call, Mr. President.

SCHEER: The house is under call. Senators, please record your presence. All those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Hughes, would you check in please. Senator Pansing Brooks, the house is under call; would you please return to the floor. Senator La Grone, would you check in please. Senator Morfeld, thank you. Senator Chambers, we're waiting on Senator Pansing Brooks. Is it okay to have the vote? You want to wait? Okay. Senator Pansing Brooks, the house is under call; would you please return to the floor. We're all accounted for. Mr. Clerk, roll call vote, please.

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ASSISTANT CLERK: [Roll call vote taken.] Vote is 1 aye, 35 nays, Mr. President.

SCHEER: The adoption of FA12 fails. I raise the call. Items, Mr. Clerk.

ASSISTANT CLERK: Mr. President, your Committee on Enrollment and Review reports LB8 and LB156 to Select File. Your Committee on Enrollment and Review reports LB71, LB122, LB301, LB306, LB359, and LR1CA all placed on Final Reading. Committee on Revenue reports LB463, LB13, and LB222 all placed on General File. That's all I have at this time.

SCHEER: Thank you, Mr. Clerk. Next item.

ASSISTANT CLERK: Next amendment to LB399 is offered by Senator Moser. This is FA14.

SCHEER: Senator Moser, you're welcome to open on FA14.

MOSER: Thank you, Mr. President; good morning, colleagues. I rise to offer an amendment that I believe is friendly to the cause. I support the basic bill that we're working toward, but I thought there were a couple of words in the bill that I thought were a bit unspecific, and so my amendment on page 1 and line 23 would strike "youth is the time" and insert "young." So it would say "since young" and move on because I didn't feel that the description was quite as clear as it could be. Then on line 18 of page 2, it says review and approve the social studies curriculum to insure that it. And then I move to strike "adequately stresses." You either stress something or you don't. I don't know that you can adequately stress it or forcefully stress it. I think stress is a powerful word on its own. Those two things I have moved to change. In the basic bill, I think what we're talking about is really critical. I think some people rise to support the bill based on their varying beliefs, but I think it's so important that we work to include civics in the education of our youth. Humans are programmable, for better or worse. You can look at history and the things we believed. One time we believed the earth was flat. One time we thought that the sun orbited the earth. You can look at theories of religion. We've had all these various religious theories cannot be mutually existent. Some of them are at opposition to each other. So we have a responsibility, in my opinion, to try to form the public opinion about our lives, about our economic system, about our government. I think we all have a responsibility to try to bring--



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improve our society. Way back in the 1970s, Robert Heilbroner wrote a book called the "Economic Problem." In the introduction he said, and this is from the '70s, keep in mind: the cry in the land is economic literacy. There is much head shaking as to whether a nation of economic illiterates can long survive. Jared Diamond wrote a book called "Collapse: How Societies Choose to Fail or Succeed." He's a graduate of Harvard and Cambridge University. And one of his theories talks about creeping normality, how we make little changes, with good intentions I might add, and then the result adds up to a result that we don't-- wouldn't never approve if we voted on it all at once. So we have a responsibility to form the public conscience, if you want to call it that. And I think we need to look at every little thing we do and how it either helps or hurts that public conscience. And I appreciate Senator Slama for bringing this forward. I think she knew it was going to be a divisive bill and I think it shows some fortitude on her part, and I support her bill. I just think these couple words, I think, could possibly be changed. Marshall McLuhan, in the '60s, wrote a book called "The Medium is the Massage." And then later he changed it to the "Medium is the Message." And his worry at that time was television. Imagine that. He thought television was bad for society. He thought that the immediacy of watching something on TV and watching commercials, for that matter, would affect the human brain and make us impatient and come to silly conclusions. So he worried about the future of the United States already then. Well, now you take that today where we have cell phones, i-pads, computers, blogs. We can instantly communicate with our friends. The medium is even quicker than Marshall McLuhan worried about. And I think in that society, we have extra responsibility to make sure that we do what we can to form a public governmental conscience and our conscience in general. So I appreciate you all listening and I hope that you'll support my amendment, and thank you, appreciate it.

HILKEMANN: Thank you, Senator Moser. Senator La Grone, you're recognized.

La GRONE: Thank you, Mr. President. I want to thank Senator Moser for bringing this amendment. I think it's always good when we can clean up language in a bill to make it a better bill. And just to-- I think that-- I think everything Senator Moser was just saying was really good point about all the issues that have faced our country over the years, but I think what might have gotten lost in that is the language the amendment actually cleans up. So I just wanted to go over that real quickly. Senator Moser, would you yield to a question?

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HILKEMANN: Senator Moser, will you yield?

MOSER: As is likely that I have the information to answer it, yes.

La GRONE: Well, I think you will, considering it's all in your amendment. So real quick, can you just talk about-- so, I'm looking at your amendment. It says-- I'll give you a second to grab it. It says on page 1 on line 23 after "since," strike "youth in time" [SIC] and insert "young," can you walk us through what that sentence would look like after that change is made.

MOSER: Well, first of all, it says "since youth is the time," I don't know if youth is a time and I just didn't think they were good words to combine, because I think young people are susceptible, and I thought it was a clearer way to say it, and anytime you can say something more clearly, I think that's something we should try to improve.

La GRONE: So it takes out four words and inserts one because it would be more succinct. Is that correct?

MOSER: Yes.

La GRONE: OK. Now, next on page 2 and line 18, it says strike "adequately." Can you walk us through what that one would look like.

MOSER: Well, I just felt that "stresses" was a powerful word and it says what we want to say and I thought "adequately" was a modifier that could possibly weaken it or could possibly strengthen it. In any case, I thought it confused what we're trying to do. So I thought it would be good to take "adequately" out. I think it was just a filler word that popped into somebody's head when they were dictating this and I think it should be taken out.

La GRONE: And I appreciate that and I think it's a good point. But I was just wondering what would the sentence-- so can you just tell us what the sentence would say then after the "adequately" one is taken out, just so we have a clear understanding.

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MOSER: It would say: review and approve the social studies curriculum to ensure that it stresses the services of men and women who achieve-- then would go on there because those other lines are stricken out. So it would say: achieved our national independence, established our constitutional government, preserved our union, and is so written to include the incorporation of multiculturalism as set forth, and continues from there.

La GRONE: OK, great. Thank you very much. Colleagues, I think an amendment like this is really beneficial. I just want to talk for a little bit about how it's really important here. But the reason I want to touch on it is because I think we don't enough of this. A lot of times-- we have cleanup bills every year. But a lot of time our statutes get out of date or the language is archaic. A lot of times they're drafted hastily to where there is a lot language in there that doesn't mean anything. I was just talking with Senator Matt Hansen off the mike about a bill where we want to make sure that's not happening. But if you look through our statutes, there is a lot of times where there is completely unnecessary language. What that does is, as a Legislature, that somewhat seeds our authority to a court. Because a court then might look at that, and I'm not saying that this provision would ever end up in court, but a court might look at that in another provision where there's superfluous language and they're going to try to apply meaning to that, because they're assuming that we have used language carefully and that we are trying to give meaning to whatever word we use. So I think amendments like this are really useful. I think they don't happen enough. And I think it would be-- I think it would behoove us to try to do this more and more on other bills. So I thank, Senator Moser--

HILKEMANN: One minute.

La GRONE: --I thank Senator Moser for his amendment and, obviously, I will support his amendment and I'll also support AM286 and LB399. I want to thank Senator Slama for bringing this bill as well. I do think it is important for us to have a continual conversation about the values that we are giving to our students who are coming through our education system. And with that, I will finish up. And thank you, Mr. President.

HILKEMANN: Thank you, Senator La Grone and Moser. Senator Chambers, you are recognized.

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CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Moser is starting to do what needs to be done, but there is a lot more that needs to be done to the verbiage in this existing law and in the amendments. For example, in the law or in literature or any place where writing is done, they talk about parallelism and that's where you take two things or you mention it once and then you mention it again and they should be mentioned the same way. In line 5 on page 1 is the term "youth." So it would be logical for people who are just parroting in the monkey see, monkey do, which is what this is about, they, in line 23, repeat the term "youth." Well, it exists for the first time in line 5. So the job has not been completely done. This is what is called in the street half stepping. And as for taking fortitude to bring a bill like this, Senator Moser, when you can get 25 people to go along, it doesn't take fortitude to bring something like that. And who other than myself would speak in criticism of the flag salute and the so-called National Anthem? Now, if you're talking about fortitude, that's what would take it, but it doesn't take it from me. It's as natural for me to criticize those things as it is for me to breathe. And I will do it as long as I have breath in my body and speak with reference to those things. His amendment does not hurt anything. It does not help anything. It does not cost anything. It does not do anything. That's the kind of amendment that you want. But what is more sinister is what he didn't touch. What statement is being made with reference to these young people known collectively as youth? They are most susceptible to the acceptance of principles and doctrines. You should stop it there. That will influence them the rest of their lives. That's not going to happen. That's aspirational. That should not be there either. There is not much thought given to this bill. This bill is a part of a nationwide effort to contaminate the statutes and the laws of this country, along with that "in God we trust" nonsense. And you will see more of it. It is coordinated. But nobody, if you don't have somebody such as myself, will say anything about it because they're not even going to read it. You know why white people don't have to read this? Because they have white privilege and everything is going to be all right with and for them anyway. So they don't have to pay attention to this stuff. I have to pay attention to it because the words are used as goads, g-o-a-d-s, lashes against black people and nonwhite people, and unpopular white people. I'm going to show you how inconsistent you all are. I'm not going to tell you the statistics because you all would be stunned and you wouldn't believe them. But ask the ACLU or some source that keeps statistics about the percentage of children in schools--

HILKEMANN: One minute.

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CHAMBERS: --who are harassed and hounded because they're either members of the LGBTQ community or are thought to be, then you vote virtually unanimously. The exceptions were myself and Senator Hunt to let an entity have access to these children which entity is explicitly opposed to and denigrates transgender children. So now in the schools for the Army, recruiters are there, these kids who don't like LGBTQ kids can say even the Army doesn't want you. Go up there and ask them. Tell them what you are. You all engender that and then you don't listen.

HILKEMANN: Thank you, Senator Chambers. Senator Slama, you're recognized.

SLAMA: Thank you, Mr. President. I thought that I would get up here today and just let everyone know that Senator Moser brought a good amendment that clarifies an important point. Would Senator Moser yield to a question?

HILKEMANN: Senator Moser, will you yield?

MOSER: Yes, I will.

SLAMA: All right, so I was just hoping you could walk us through a little bit more about the changes. I wasn't here when Senator La Grone asked you about your reasoning behind these changes. So could you just go over in short what grammatically you thought was the value in making those changes?

MOSER: Well, in line 23, we strike "youth in the time" and insert "young." I didn't feel that youth in the time was a specific term and I didn't think that it read the way that it was intended.

SLAMA: Sure. Awesome. And then can you see any other clean-ups you'd like to make in terms of the wording with this bill?

MOSER: Well, if I would have written the bill, I would have written it a lot differently. But I was--

SLAMA: The bill was written in 1949. There's some things we'd all like to change about it.

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MOSER: Yes, so, I think there's a lot of flowery language in here that's not really specific.

SLAMA: Do you think we cleaned some of that up in both the LB399 and AM286?

MOSER: Yes. Improvements were made. Is it a perfect work? I may not be. But sometimes close is better than leaving it as it was.

SLAMA: Um-hum, awesome. Thank you. I would just like to reiterate that this is an amendment which I support, but I'd also like some time to talk about the importance of emphasizing civic education in our schools, in Nebraska. I think this is an issue nationwide. So I'd just like to cite a few studies that help me to this point. So in 2017, in referencing an article that was in "Forbes" in November 2018, the Annenberg Center conducted a survey which found that 37 of those polled, so we're talking about adults between the ages of 18 and 85, could not name even one right protected by the First Amendment. The Annenberg poll is far from the only one that is conducted research to this end. The Woodrow Wilson National Fellowship Foundation gave native-born residents a series of multiple choice questions based on the test administered by U.S. Citizenship and Immigration Services. So a lot like the first option we would find in my bill, LB399, in conducting that naturalization test. Only 13 percent of respondents could identify in that test the year that the U.S. Constitution was written. 1787. So this U.S. citizenship test, when given to incoming immigrants, requires only a score of 60 percent to pass. But the Wilson Foundation study found that only 36 percent of the 1,000 citizens they surveyed could achieve a passing score. In addition, there was a really significant age gap in the civic literacy. The Wilson Foundation found that 74 percent of senior citizens given this test answered a sufficient number of questions correctly to pass the test. However, only 20 percent of those under the age of 45 could reach the needed 60 percent score necessary to pass. This has been a concern for states outside of Nebraska.

HILKEMANN: One minute.

SLAMA: And according to the same November 30, 2018, article in "Forbes," more than half of the states in their recent legislative session, so in 2018, 27 states have considered bills or other proposals to expand the teaching of civics. There are some other statistics which I'm going to

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have prepared and ready to go today, as we talk about this, because our nation's history and our structure of government is simply too important to fall in the background of the barrage of standardized testing that is given to students in math, science, English, and reading. If we don't know the mistakes of our past or the challenges and opportunities provided by our democratic republic, how will we know to correct those in the future and how to make positive changes? Thank you.

HILKEMANN: Time, Senator. Thank you, Senator Slama and Moser. Senator Vargas, you are recognized.

VARGAS: Thank you very much. Senator Slama, will you yield to a question?

HILKEMANN: Senator Slama, will you yield?

SLAMA: Yes.

VARGAS: Thank you. I know we talked off the mike, so I wanted to ask this question on the mike as well. Is there a place in your bill, or the most recent amendments that explicitly state out an opt-out provision for this scenario, and I'll explain the scenario. As a school board decides or the school district decides to then go with one of the option; let's say they go with the option of the naturalization exam, because they have the choice of doing the three, but they just choose the one. And again, it's not graduation requirement, but it will still be a "shall," they still have to do it. And now we have a child that might have an IEP or a child that might be ESL or ELL, English language learner. Is there anything that explicitly states an opt out provision for individuals that have a specific need?

SLAMA: No. As written, there is not an explicitly stated opt-out provision.

VARGAS: Okay. Would you be open to creating such a provision which is similar to a couple Arizona bill that has a similar civics exam, had an opt-out provision for IEP and we've had a couple different other similar type bills these last couple of years that had opt-out provisions for special circumstances?

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SLAMA: I'd be open to working with you on that between General and Select File.

VARGAS: OK, thank you very much. The only other thing I just wanted to state, and I'm still-- I'm listening to debate. I listened to the debate yesterday-- or the last time we talked about this, and then I haven't really chimed in. The reason why is I'm not against-- not necessarily for this yet. I believe in the importance of civics. I understand the underlying reason. I think some people have stated that there are some really good meat, bones to this. There are also some additional pieces of language and definitions that I don't think are necessary to following through on this piece of legislation. And it gets tricky when we start putting in language or new phrases that are gonna be left open to interpretation and I want to try to make sure that we do less of that. But I do like that there is some more choices now. I do like that we are empowering school boards and the school districts to then do more in their job. I'm still indifferent and I'd be not voting right now. But I'm always in favor, and as we always should be in terms of improving bills like many other people have been. So I just want to thank Senator Slama for engaging in the conversation and being willing to work with me from General and Select. Thank you.

HILKEMANN: Thank you, Senators Vargas and Slama. Senator Bostelman, you are recognized.

BOSTELMAN: Thank you, Mr. President. Good morning, Nebraska. Good morning, colleagues. I wonder if Senator Moser would yield to some questions.

HILKEMANN: Senator Moser, will you yield?

MOSER: Yes, I will.

BOSTELMAN: Thank you, Senator Moser. As I look at your amendment and look at the context of the bill that we have here, I would like to have a little bit more historical perspective as to why you're bringing this amendment and what that means.

MOSER: Well, I'm bringing the amendment to try to clear up the bill a little bit. I could have gone into it in deeper detail, but I was afraid that the more detail that I got into would cause more and more confusion rather than clarity. I agree that there are some other parts of the bill that are



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not specific and not real well crafted. But in terms of historical reference, luckily for me, history goes back 60-some years that I've lived and seen. That quote earlier from Heilbroner's book, "The Economic Problem," is that's an intro to economics class that I took 50 years ago. I kept the book because I thought there were some important theories in there. Economics has kind of a short shelf life in some ways. Attitudes change about economics over time. But one of the interesting things I left out in my quotation earlier, and I'm surprised-- well, maybe nobody else had the book so they couldn't read it, but the next sentence after I read earlier says: I must confess that I'm a bit more suspicious of this cry for economic literacy when it resounds from the quarters that teach a kind of economic patriotism. And that would be somewhat a lessening effect of the first sentence I read. But at this time in history, we were talking about wage and price controls, the government taking over the economy. We were talking about monetary and fiscal policy both being used to control the economy. And the interest rates had risen-- well, they started rising at this time because it became fashionable to try to use monetary policy to control the economy, and they rose to over 20 percent. And that put a lot of people out of business in the late '70s, early '80s. So he was talking more about historical perspective. I think that's what we need to have.

BOSTELMAN: Thank you, Senator Moser. I think on the economics you have a good point and something that I guess I would want to digress a little better or change the subject, I guess is a better way to talk about on economics. I think this opportunity as we look at this, especially for our youth in school with our economy where it is now, we're at the fourth month of revenue shortfalls, talking to a farmer in Lancaster County, his valuation of his land just went up 88.5 percent--88.5 percent the valuation of his land went up at one time. What we're facing in rural Nebraska is an economic challenge on our farms, on our agricultural land. We cannot farm our ground and break even right now. We're spending more in taxes, paying more in taxes than what we're able to recover to make our businesses survive and function. We're seeing an increase in bankruptcies across the state. So as we talk about economics, as we talk about--

HILKEMANN: One minute.

BOSTELMAN: --things we need to teach in our schools, I think this is a good opportunity to bring this up again, to talk about this a little bit, the need for property tax relief, the need for how

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things or what is happening in our rural areas and how that affects our families and eventually how it affects our schools because that's really where this maybe the rubber hits the road, some part of this is that we need to be able to fund what we need to fund and have our families being successful, being able to feed the children, being able to feed the families, and be able to make a living, if you will, of farming and not have to have two or three jobs, to go to town to have to work to supplement my income or their income on the farm. I think I talked to a person yesterday, I didn't bring it with me, he has 350 acres that he has and his taxes on that was, I think, around \$26,000 or \$36,000. That's significant. That's not sustainable.

HILKEMANN: Time, Senator.

BOSTELMAN: Thank you, Mr. President.

HILKEMANN: Thank you, Senators Bostelman and Moser. We have a priority motion. Recognize the Clerk.

ASSISTANT CLERK: Mr. President, Senator Chambers would move to bracket the bill until June 6, 2019.

HILKEMANN: Senator Chambers.

CHAMBERS: Thank you, Mr. President.

HILKEMANN: You may open on your amendment, or your bracket motion.

CHAMBERS: Since Senator Moser opened the doorway to talk about the bunglesome language in this bill, I'm shocked that somebody who went to any university would accept the language in this bill, but I would like to ask Senator Slama if she will yield.

HILKEMANN: Senator Slama, will you yield?

SLAMA: Yes.

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CHAMBERS: Senator Slama, do you have a copy of the committee amendment before you?

SLAMA: Yes, I do.

CHAMBERS: All right, then would you look on page 1 and line 17. It reads currently: a central role of schools. I think it would be more appropriate to say that a major purpose of education. We're talking about language now. Maybe in 1949 that was all right. But I think instead of saying "a central role of schools," it should be, in my opinion, "a major purpose of education." I don't want to deal with every word, but I'm going to go on with that sentence just to show how shot through the poor syntax is. Street language-- and I don't mean vulgar or obscene, street language is not good enough for a statute, in my opinion. There should be a certain dignity to that language and the language itself should be an example of what it is advocating. So it would be a major purpose of education is to impart. Now, who came up with the term "civic knowledge"?

SLAMA: Myself and Bill Drafters.

CHAMBERS: Is that the same as "knowledge of civics"?

SLAMA: I believe so, yes.

CHAMBERS: Which would be better? Impart civic knowledge where the noun is knowledge and the adjective is civic; when in reality, civic is the main focus? It should be to impart knowledge of civics. We're talking here now about a specific subject matter. A mathematician might say: I think everybody should have a knowledge of math. I don't think the mathematician would say everybody should have mathematical knowledge, because mathematical, as an adjective, obviously modifies the word that follows. We're not intending knowledge to be the main focus here, but rather the subject of that knowledge. So I think it should be knowledge of civics. On the next line it says-- well, let me read it: A central role-- I'm going to read it the way it is, A central role of schools is to impart civic knowledge and abilities. If you must have a word there, I think it probably-- it says "skills." I think "abilities" would be more appropriate and suitable because of what you all are trying to say. And there are places throughout the bill where the word, "our," is present, which is restricting it. I don't think you need "our." You don't need to

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say "our youth." Youth is sufficient. You all put "our country," our this, our that. Just let the idea stand for itself because you're exclusionary when you put "our." You ask who is making the statement about our, and who would they include? Well, they include people like themselves, which obviously excludes people like me. And then it says: skills that help our youth to see. Rather than the word "see," "understand" would be better. We're talking about grasping. Not anything visual. See the relevance. It would be value, in my opinion, of-- now here we are; what is a civic dimension? What is the meaning of that phrase?

SLAMA: Just like other dimensions in one's life, whether that be personal, education, math, science, English. There are many different dimensions in a person's life, and I think that there should be a civic dimension in our students' education.

CHAMBERS: Well, civic dimension does not deal with the subject of civics. Again, they should say the value of civics. And it wouldn't be "for their lives," it would be "to their lives." That's in one sentence. If I offered the amendments, they would not be adopted. You all would think it's offensive to Senator Slama, but I pay attention to English, which is not my indigenous language, if I had not, through my ancestors, been dragged over here. But I pay attention to English. If I wrote this thing, I could write all of what you're trying to put in it, but I would use some appropriate language. This is not literate to use that word. I knew that would get your attention. If you read, you're literate. This is not the level of language. This is colloquial language. It is idiomatic language. There are modifiers put in the wrong place. A lady wrote a book. She said the panda walks into a tavern, eats shoots and leaves. Well, there are ways that that could be taken. Did that panda eat bamboo shoots? And bamboo leaves? Or did the panda fire a firearm and then leave? And it could be either one. The panda entered the restaurant, eats, shoots, and leaves. That was to show how punctuation and ambiguous words can create an idea, and I'm not going to ask you any more questions, Senator Slama, ideas that are not intended. One that-- I'll give you an example 'cause y'all pray all the time. When Jesus was on the cross and he was being ridiculed by one of the thieves who was hanging with him, and the thief was either a lawyer, a Catholic priest, or a doctor. Jesus said unto him, this day shall thou be with me in paradise. It depends on where you put the comma. If you put the comma after this day, after day, Jesus said this day, shalt thou be with me in paradise. That would mean he made that statement on that day. He wasn't telling when you'd be in paradise with him. But if you didn't put the comma there, it

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would be Jesus said this day, comma. It depends on where you place the comma. With this bill, it's so badly written, and if you indeed have the 33 votes, then I'm going to rewrite this piece of trash which I shouldn't have to do. Twenty-one of you signed it. The only reason you're adopting Senator Moser's amendment is because Senator Slama said it's all right. There are other problems with this whole thing in terms of the way it's written. You don't think knowledge should have improved since 1949? They were very rudimentary, very--

HILKEMANN: One minute.

CHAMBERS: --what should I say without insulting all of them? Well, they were very unlearned in the use of language. It's very bunglesome. It's not precise. It does not manifest good grammar or syntax. And while you're talking about how children should be educated, if you handed this thing to an eighth grade English class where they know about grammar and syntax and said correct it and grade it, this would flunk. This would not pass. If a child in the eighth grade, by then they know some grammar. They know the difference between grammar and syntax. This would be red marked throughout. But you all have been suckered. You've been bamboozled. You've been hoodwinked and I'm shocked that people on this floor who claim to have university degrees will accept some trash like this.

HILKEMANN: Time, Senator. Thank you, Senator Chambers and Senator Slama. Senator Lowe, you are recognized.

LOWE: Thank you. Thank you, President Hilkemann. I'm opposed to the bracket motion. I do support LB399 and the AM286 and FA14. We've been talking about this now for several hours and I just thought we needed a small break and just a little bit something else. Francis Bellamy was a Baptist minister's son from upstate New York; educated in public schools. He distinguished himself in oratory at the University of Rochester before following his father to the pulpit, preaching at churches in New York and Boston. But he was restive in the ministry. And in 1891, accepted a job from one of his Boston congregates, Daniel S. Ford, principal owner and editor of the "Youth's Companion," a family magazine with a half a million subscribers. Assigned to the magazine's promotions department, the 37-year-old Bellamy set to work arranging a patriotic program for schools around the country to coincide with opening

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ceremonies for the Columbian Exposition in October of 1892, the 400th anniversary of Christopher Columbus' arrival in the new world. Bellamy successfully lobbied Congress for a resolution in endorsing the school ceremony and he helped convince President Benjamin Harrison to issue a proclamation declaring Columbus Day a national holiday. A key element in the commemorative program was to be a new salute to the flag for school children to recite in unison. But as the deadline of writing the salute approached, it remained undone. You write it, Bellamy recalled his boss saying, you have a knack for words. In Bellamy's later accounts of sultry August evening, he composed the pledge. He said that he believed all along it should invoke allegiance. The idea was in part a response to the Civil War, a crisis of loyalty still fresh in the nation's history and memory. As Bellamy sat down at his desk, the opening words, "I pledge allegiance to my Flag" tumbled out onto the paper. Then after two hours of arduous mental labor, as he described it, he produced a succinct and rhythmic tribute, very close to the one we know today. I pledge allegiance to my Flag and to the Republic for which it stands, one nation, indivisible, with liberty and justice for all. Bellamy later added the word "to" before the Republic for better cadence. Millions of school children nationwide took part in 1892, Columbus Day ceremony. According to the Youth's Companion, Bellamy said he heard the pledge for the first time that day, October 21, when 4,000 high school boys in Boston roared it out together. But no sooner had the pledge taken root in our schools, then the filling with it began. In 1923, a national flag conference, presided over by the American Legion and Daughters of the American Revolution were ordained--

HILKEMANN: One minute.

LOWE: --that "my flag," thank you, Mr. President, should be changed to the "flag of the United States," lest immigrant children be unclear just which flag they were saluting. The following year the flag conference refined the phrase further adding "of America." In 1942, the pledge's 50th anniversary, the Congress adopted it as part of our national flag code. By then the salute had already acquired a powerful institutional role with some state legislatures obligating public school students to recite it each school day. But individuals and groups challenged the laws, notably Jehovah Witnesses maintained that reciting the pledge violated their prohibition against venerating a graven image. In 1943, the Supreme Court ruled in the Witness' favor undergirding the free speech principles that no school children should be--

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HILKEMANN: Time, Senator.

LOWE: --compelled to recite the pledge.

HILKEMANN: Thank you, Senator Lowe. Senator Chambers, you're recognized.

CHAMBERS: Thank you. And members of the Legislature, Senator Lowe is going to tell you where the Supreme Court said no child should be compelled to recite that pledge and that's why last week a child in the sixth grade in Florida was arrested for not standing for the flag salute. That's what's happening in your country with liberty and justice for all when the U.S. Supreme Court declared the law. And the law is violated by the school. And I would speculate that it was one of those armed cops in the school who placed the child under arrest. That's why your words don't mean anything. I'd like to ask Senator Lowe a question.

HILKEMANN: Senator Lowe, will you yield?

CHAMBERS: Senator Lowe, what was Bellamy's-- you might say philosophical or political leaning, if you know?

LOWE: That, sir, I do not know.

CHAMBERS: Well, I'm going to tell you. He was what was called a Christian socialist. Bellamy was a socialist. A socialist wrote your flag salute. And you all, if you hear the word socialism now, you go ballistic. That's because you don't know history. You don't study. You don't know grammar. You don't know syntax. You ought to be ashamed to bring something like this and say it's going to be put in the law. I had said on occasions that when I finally leave the Legislature, I should be hired to start with volume 1 of all of the Nebraska statutes and rewrite them, not to change any of them in terms of what they do, but just correct grammar and syntax, put descriptive words where they belong so that courts don't have to interpret whether they define or describe the words that preceded it or the words that follow it. And sometimes they have to go through contortions to arrive at what those words will mean. Sometimes the Legislature does such a poor job, the court says these words are too vague. That means they're not definite or

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they're ambiguous. They could mean A as well as B. And that is not the way the law should be written, so it's struck down for being ambiguous. It's struck down if it's vague. It's struck down if a person of ordinary intelligence will read it and can get the meaning A or the meaning B from the words themselves. That is ambiguous and it will not stand. And you all take this because you are ideologues. You're going along with a national trend. So whatever language you use to express the party line is acceptable. You will flunk if you wrote a paper like this in an eighth grade class. I wish I didn't care about your language so much, but since this is what I must speak and I try to do all things well. Civic knowledge, not civic knowledge. It should be knowledge of civics, like knowledge of math, knowledge of geography, not geographical knowledge. Geographical knowledge could mean any of a number of things. If you say knowledge of geography, you've narrowed it down. And when you're in an educational setting, you're trying to teach people to speak to the extent that they can with exactitude, definiteness. If you were taking a writing class, they would tell you, try to use a noun instead of a bunch of descriptors if one noun would do.

HILKEMANN: One minute.

CHAMBERS: So you ask somebody what is a noun? And the first thing they say, a noun is a person, place, or thing. But when I was a child, that didn't seem right to me. The first word should tell what it is. A noun is a word that-- and then tell what it does. A noun designates a person, place or thing, but a noun is not a person, place, or thing. You could say, ah ha, but a noun is a thing because it's a word and a word is a thing. But you still had to say word first. A noun is a word. And I could take you all through a lot of grammar. But it wouldn't do any good, you're not gonna pay attention. And you have so little respect for the Legislature, so little respect for what we do that you will take this and pass it into law.

HILKEMANN: Time, Senator. Thank you, Senator Chambers and Lowe. Senator Ben Hansen, you're recognized.

B. HANSEN: Thank you, Mr. President. I just had a quick question for Senator Slama if she would yield, please.



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HILKEMANN: Senator Slama, will you yield?

SLAMA: Yes.

B. HANSEN: Thank you. I did have a couple concerns from some constituents about the bill that I just wanted to bring up to you and maybe just get an answer from you or if you can expand on it a little bit more. And that is, with page 3, line 25, when it starts talking about the testing of the civics portion of the examination administered by United States Citizenship and Immigration Services. Can you maybe expound on that a little bit more about how, maybe, that would work or what's the state's role is in implementing that or how maybe the school system would implement that? I think just the people that had questions for me were a little bit unsure about the school's role and maybe how this would be implemented, what the teachers might need to do, and just overall how this is going to affect, maybe, the school system a little bit. So if you could just expound on that a little bit more, that would be helpful actually.

SLAMA: Sure. So, we'll just reference the committee amendment for that requirement, because I do support the committee amendment instead of the wording used in the original version, LB399. And you can find that on page 3, line 4. That section starts out: administration of a written test that is identical to the entire civics portion of the naturalization test used by United States Citizenship and Immigration Services prior to the completion of eighth grade; and again, prior to the completion of 12th grade with the individual score from each student made available to a parent or guardian of each student. So what we're trying to get out with this requirement is have the test administered, the full bank of 100 questions used in writing and administer to these students before they finish eighth grade. So there is no requirement specifically saying that this has to be done in eighth grade. Schools can administer this in eighth grade, seventh grade, sixth grade, whenever they have their middle school civics classes, and then again before they graduate high school. So we're testing these kids twice over the full bank of questions used by the United States Citizenship and Immigration Services to administer to incoming citizens in writing twice.

B. HANSEN: Okay. Would you yield to one more question, please?

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SLAMA: Sure.

B. HANSEN: Okay. And then also about the public meetings. Is there a certain requirement on maybe where they're supposed to be held or at what direction they're supposed to be held? I know there is supposed to be some certain members on the committee when they meet. Is there any location or any other kind of specifics when it comes to that portion about what maybe needs to be explained in the bill?

SLAMA: Not particularly. Just the requirement that this committee must hold two public meetings annually and one meeting has to be open to public comments so we can ensure transparency in our civics education curriculum.

B. HANSEN: Okay. Thank you.

HILKEMANN: Thank you, Senators Hansen and Slama. Senator Slama, you are recognized.

SLAMA: Fantastic. I am opposed to the bracket motion, and again, I support both the amendment provided by Senator Moser, the committee amendments, and LB399 as a whole. Thought I would just get into some quotes about why civics education is important in our schools. So referencing the article, "our country 'tis of thee," how much do we know about "our sweet land of liberty," shockingly little, by Megan McClure published in September 2017, Charles N. Quigley, the executive director of the Center for Civic Education is quoted as saying: a democratic government cannot function without citizens' participation and civics education provides the bedrock for that participation. The less the population knows and understands about how the American system of government works and the value in history behind it, the more vulnerable the system becomes. Also a quote from that article, this time from the former U.S. Secretary of Education, Arne Duncan in 2012, this coincided with the release of the report, "Civic Learning and Engagement in Democracy: A Road Map and Call to Action." Former Secretary Duncan said: Today's students are tomorrow's leaders, and giving them a strong foundation in civic values is critical to the vitality of America's democracy and economy in the twenty-first century. I think both of these quotes get to the meat of what we're discussing here today. We could go back and forth about the importance of one word or two words or should we

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have picked one sentence structure over another. But at the very base of it, our kids aren't learning about how their structure of government works and the history behind how we got here. We could talk about sentence structure all day in every single bill that is brought forth in this body. But the base of what LB399 and the committee amendment is trying to do is ensure that in the midst of everything else that is thrown at our students in terms of standardized testing, that we don't lose that core education in our government. There is some more statistics I'd like to put on the record, so referencing the NCSL Legis Brief published March 2017, Tackling the American Civics Education Crisis, this one again by Megan McClure. Ms. McClure asserts that less than 30 percent of 4th, 8th, and 12th grade students were proficient in civics and a significant gap persists among racial and ethnic groups, according to the 2010 National Assessment of Educational Progress, NAEP civics report. NAEP also reports a decline in the overall civic knowledge of high school seniors between 2006 and 2010. In addition, a survey of 1,416 adults by the Annenberg Public Policy Center revealed that only one-third of those surveyed could name the three branches of government. One-fifth of the respondents to that survey think that a 5-4 Supreme Court ruling is then sent back to Congress for reconsideration. The result of this survey demonstrates that many know surprisingly little about these branches of government and offer dramatic evidence of the need for more and better civics education.

HILKEMANN: One minute.

SLAMA: This is asserted by Kathleen Hall Jamieson, Director of the APPC in that same story. There is also an article in the CQ Researcher Civics Education: Are students learning how to be good citizens? which I'll be talking about. I won't get through all of what I want to say in this turn, but I'll be back up. This was published February 3, 2017. This article in part reads: When it comes to knowledge and awareness of political issues, younger generations have not always lagged older people, researchers say. In the 1940s and '50s, surveys of political knowledge found no age gap, according to Michael Delli Carpini, Dean of the University of Pennsylvania's Annenberg's School of Communication in Philadelphia, and Scott Keeter, Senior Survey Adviser at the Pew Research Center, a nonpartisan research organization in Washington.

HILKEMANN: Time, Senator.

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SLAMA: Thank you.

HILKEMANN: Thank you, Senator Slama. There are items to be read into the record. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. LR26 introduced by Senator Erdman to be read and laid over. Amendments to be printed: Senator Groene to LB160; Senator Crawford to LB124. The Executive Board reports references of gubernatorial appointments. And the Transportation and Telecommunications Committee reports LB616 to General File with committee amendments. That's all I have at this time.

HILKEMANN: Thank you. (Visitors introduced.) Senator Moser, you are recognized.

MOSER: Thank you, Mr. President. I think it should be obvious that I would be opposed to the bracket motion. I think the underlying issue is important. But there are a lot of different ways to say the same thing. Some are shorter. Some are longer. Some are in the form of prose. Some of them are poetic, flowery. This bill could be more direct. It could be more declarative. It could be clearer. But the underlying issue, I think, is where are we heading as a nation? All great nations that have existed on the face of the earth have had a rise and a fall. And where are we headed? Are we still rising? Are we still getting better or are we going the wrong direction? You look at some of the things that the United States citizens have-- U.S. citizens have developed, it's pretty impressive. We invented the transistor, we invented the integrated circuit. We put a man on the moon. We invented the computer. We invented computer software. Where would the world be without those inventions today? I'm concerned that we're losing our tech edge and I think that will affect our future viability. I was talking to a former U.S. Senator and I asked him about that. I said, how can we succeed as a country if our technology is falling behind other countries? If we buy our VCR's and our TVs from South Korea or China or India, or we buy our machine tooling from Brazil or India or China, how can we be the leading country in the world? And he said, well, we have such an advantage and we have so many smart people that he didn't feel that we could lose that edge. And I think that was the wrong answer and I think that may be some of why we're, I think, we're heading as a country. Jared Diamond, the author that I mentioned before, is a geographer and he teaches in California, which in some people's opinion would probably disqualify him right away for wondering what knowledge comes from California. But this

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gentleman, I think, is right on when he-- he wrote a number of books. I haven't read them. I've read synopsizes of them or bits of them, but I do want to read more. But one of his books is called "Collapse: How Societies Choose to Fail or Succeed." And I think that we need to choose to succeed and we have to do things that move us forward. And if we allow in the micro sense little changes that cost us money and don't take us where we should be going, in my opinion, then when we're all done in the macro sense, we're going to have a body of work that we don't like. And, you know, as listening to Senator Chambers talking about discrimination and how our government sanctioned owning slaves, in those days, those were considered-- I don't know, let's say normal would be the way or not as objectionable as they are today. I guess Senator Chambers I'm sure will answer that comment.

HILKEMANN: One minute.

MOSER: But I think we have a responsibility today to look at our laws, both about discrimination and other things against our citizens, and form the public conscience to move our country forward and keep our country successful.

HILKEMANN: Thank you, Senator Moser. Senator Linehan, you are recognized.

LINEHAN: Good morning, colleagues. Thank you, Mr. President. I've enjoyed this debate. I know it probably goes back to the fact that when I was in school I loved history, I love civics, they were my favorite subjects and maybe the reason I'm standing here today. And I do appreciate very much that a new senator, Senator Slama, would take this battle on and I think she's done an outstanding job. I also do always enjoy Senator Chambers and his knowledge of the constitution and history. I was lucky enough to take a couple classes on the history of the constitution, plus I read the "Hamilton" book over the last year. And Senator Chambers points out a lot of things that correct about the constitution, but I think we all have to remember, should remember, that it was a compromise between the North and South that really never settled anything, which is why we ended up in the Civil War less than a hundred years later. And knowledge of our history, both the good and the bad and the complications, and as somebody mentioned this morning, I think it was Senator DeBoer, having knowledge that there are people who are good but who did bad things, we can start with George Washington. He obviously was

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the founder of our country. He risked everything, all his wealth, everything he had to separate from Great Britain. He did, in fact, own slaves, however when he died he freed his slaves. We have another founder, Thomas Jefferson, who upon his death did not free his slaves. He couldn't because he was bankrupt, because along with being an excellent writer and a great thinker, he was not particularly good with his finances. So I think it's very important that our children learn about our history and our students, both the good and the bad. I was struck yesterday listening to Senator Chambers when he was talking about when he was in the military, which was at a time, I'm guessing here, which is not good, but either during or pre-Vietnam, there is no doubt that when our military went to Vietnam they were not prepared, they were segregated. As I think most of you know, I worked for Senator Chuck Hagel, who was in Vietnam in '68, and their lieutenant was an African American, and it was very problematic, but he took over. And Senator Hagel, I think that lieutenant is still alive and they are still good friends. We have, even from 1968, when I can first have my memories of America that I lived through, when there were assassinations and riots, we have moved forward. Doesn't mean we don't have a lot of work to do, but we have moved forward. And one of the things we're trying to adjust in this legislation that we need to fix is today our students, starting the third grade, are assessed for their math skills and their science skills and their English skills, their literature skills. They should be assessed for those things. But we are not assessing in any way their knowledge of civics or history or government or their rights. And it's a void that we need to address. And I know that the department-- Nebraska Department of Education knows it's a void we need to address. I know the board is working on it. But I don't-- this is maybe not perfect. I don't think any legislation is ever perfect.

HILKEMANN: One minute.

LINEHAN: But this is a step forward that we need to make. And I do, again, appreciate the conversation and appreciate all Senator Slama's work. And I will be supporting passing this legislation. Thank you.

HILKEMANN: Thank you, Senator Linehan. Senator Lowe, you are recognized.

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LOWE: Thank you, Mr. President. Once again, I stand opposed to the bracket motion we have before us and for LB399 and the amendments, AM286 and FA14. Over the years, I've had a chance to watch an entertainer knowing that he was also an author of over 4,000 books; some short stories, some full-sized stories. What I didn't know, though, was he also had 5,000 musical compositions, including 64 symphonies. Many people consider this fellow a clown. His name is Red Skeleton, and he was a clown. He entertained us for years on TV. And in one of those TV shows he decided to do the Pledge of Allegiance. And so here is what the clown, Brother Red Skeleton said. We had just finished reciting the Pledge of Allegiance, and he, Mr. Lazwell, the principal of Vincent's High School called us all together. And he says: boys and girls, I've been listening to you recite the Pledge of Allegiance all semester, and it seems that it has become monotonous to you, or could it be you do not understand the meaning of each word? If I may, I would like to recite the pledge and give you a definition for each word. I: me, an individual, the committee of one; pledge: dedicate all my worldly good to give you without self-pity; allegiance: my love and my devotion; to the flag: our standard, Old Glory, a symbol of freedom, and wherever she waves there is respect because your loyalty has given her dignity that shouts freedom is everybody's job; of the United: that means we have all come together; States: individual communities that have united into 48 great states, 48 individual communities with pride and dignity and purpose, all divided by imaginary boundaries, yet, united in a common cause, and that's love of country, of America; and to Republic: a republic, a sovereign state in which power is invested into the representative chosen by the people to govern, the government is the people, and it's from the people to the leaders, not the leaders to the people; for which it stands, one nation: meaning so blessed by God; indivisible: incapable of being divided; with liberty: which is freedom, the right of the power for one to live his own life without fears, threats, or any sort of retaliation; and justice: the people and the qualities of dealing fairly with others; for all: for all, that means boys and girls, it's as much your country as it is mine. And then they recited the Pledge of Allegiance. And then he says, since I was a small boy, two states have been added to our country, and two words have been added to the Pledge of Allegiance, under God: wouldn't it be a pity--

HILKEMANN: One minute.

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LOWE: --if someone said that it is a prayer and it be eliminated from our schools too. The Pledge of Allegiance: I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all. I've always noticed that when we say-- one Nation under God there is no comma there. It should be one Nation under God. Thank you, Mr. President.

HILKEMANN: Thank you, Senator Lowe. (Visitors introduced.) Senator Chambers, you are recognized.

CHAMBERS: Thank you. Mr. President, as I listen to Senator Lowe I gagged. He's talking about white people. That's why you shouldn't put words like "our" in this language, in this bill, in the law. The "our" does not include black people. And when I say our, o-u-r, the possessive, you know how that guy, who you said is so smart, should have started his conversation when he said, I, he shouldn't say a person. A person is vague. He should have said I, which is a first person pronoun. He's a teacher. Tell them, this is a first person pronoun. When you use the word "I" you're talking about yourself. So you, who say it, are the one who is involved. But if he said that and there were black children, we wouldn't open our mouth. It's not liberty and justice for us; never has been, is not now, never will be. This is a country of, by, and for white people. This legislation that you're considering show that if a black person bought something as incompetent, as illiterate as this piece of trash, the comments would be: that's why black people don't get anywhere. They don't even understand grammar. And now I can say something about that word "civic" because Senator Linehan opened the way. I listen to what people say. When you're talking about the course, it is not a singular word, there is the "s" to it. You don't take civic in school. You take civics. That's why if you say civic knowledge, it's an illiteracy. But Senator Slama thinks it's all right. She has a college degree, I think, I read that. That's ordinary grammar. Syntax. Using words in the proper manner. That's what's not being done here, and you're talking about education, and this is one of the most uneducated pieces of trash I have seen. And Senator Slama is not the first one to bring it. You all touch a little bit here and touch a little there and think you've done something. It is not even good if you forget the ideology, which is atrocious. Talking about teaching doctrines, doctrines should not be taught in school. And you acknowledge, and Senator Moser's amendment called your attention to it, but you don't pay attention. Youth, that's when they are susceptible to being taught these doctrines. Suppose I had



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offered a bill that said I think these doctrines ought to be taught in school because I'm the one doing it, you see a sinister cast to that word "doctrines." It is sinister. It should not be in a statute. Why do you think the State Department of Education was created? Why do you think there are school boards? The Legislature is not competent to do what you all are trying to do because you won't listen to somebody like me, I'm not boasting, who does know something about grammar; who does know something about syntax; who respects language; who respects the constitution; who respects the statute and the law and think that the law should say what we mean and mean what we say. And when somebody asks us, we say, oh, well I know it says that, but that's not what we mean. Here's what we mean. No, we ought to say it when we put it in writing, in the law.

HILKEMANN: One minute.

CHAMBERS: That's not what's being said here, and you all are so timid. You pussyfoot so much. Senator Moser is almost apologetic in saying there are other, better ways to say this, but I'm not going to try to do it, because you all would get upset. He ought to upset you. A teacher is not supposed to make students happy. A teacher is supposed to stir the minds of their students. When I talk to young people, I tell them the greatest thing you can do is question, question, question. Anything I say that you disagree with that you don't understand, ask me. If I don't understand it, I shouldn't have said it. If I get angry because you ask me a question, I'm showing my own ignorance and shortcoming. So, if any of you have questions, I want you to ask me, and I bet you I can answer it. And if I don't answer it, I'll give you what I got in this hand, and then I open it and show there's nothing in my hand. I'm not going to have to give you anything because I'll answer any question you give me.

HILKEMANN: Time, Senator.

CHAMBERS: Thank you, Mr. President.

HILKEMANN: Thank you, Senator Chambers. Senator Slama, you are recognized.

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SLAMA: Thank you, Mr. President. I rise again opposed to the bracket motion, in favor of Senator Moser's amendment, in favor of the committee amendment, and in favor of LB399 itself. I would like to just rather quickly address Senator Chambers' previous comments by just saying, don't let the dress fool you, Senator Chambers, I'm not easily offended, so thank you for your critiques. Now, continuing on to the age gap in civics knowledge, the growing age gap, as we have already started to explore in the CQ Researcher article, Civics Education, Our Students Learning How to be Good Citizens. This is from February 3, 2017. We've noted in the past, so the '40s and '50s, there was not much of an age gap in political knowledge. Continuing on where we left off, by 1989, however, 18-29 years old were considerably less informed than older citizens, they said. The age-related knowledge gap has widened in the 2000s. Data indicate that the knowledge gap does not exist because older people have lived longer and thus have had time to accumulation more knowledge. Later-born generations are learning less and less about politics, Delli Carpini and Keeter said. Meanwhile, voter turnout has declined in recent decades among most age groups, most steeply among voters under age 25 whose turnout rate dropped from 51 percent in 1964 to 38 percent in 2012. In 1972, the voting age dropped to 18. From 1964 to 2012, turnout for voters age 25-44 dropped from 69 percent to 49.5 percent. For voters aged 45-64, the drop was less steep from 75.9 percent to 63.4 percent. Among those age 65 and older, turnout actually rose from 63-- 66.3 percent to 69.7 percent. Other measures of civic engagement include how actively people participate in community groups, such as unions, lodges, or political parties, and to what degree they believe the political system can solve problems. Young Americans score lower on both. Now, we can point to statistics on this subject, as I have pretty well fleshed out today, but if you don't have the personal experience and you haven't seen this change happen, you really can't understand why this bill is so important. And I'd like to thank my colleagues for getting up and speaking on this issue today. And now I'll share my story. So I am 22 years old. I graduated from high school just short of five years ago. And in my time in those five years, I've had the chance to work with young people, whether it be going to college, yes, I do have a college degree, or working with young people who are still in high school as a counselor for the American Legion Auxiliary's Girls State program, which if you don't know, this is a week-long program that the American Legion Auxiliary hosts for rising high school senior females to learn about our state government for a week and really get them immersed and excited about the government and how that process works. The American Legion, not to leave out the boy's, hosts the Boys State program during the same time. They're both fantastic

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programs, and I wholeheartedly endorse what they stand for and what they accomplish with our young people.

HILKEMANN: One minute.

SLAMA: I'm actually a proud alumna of Girl's State. But during my time, last summer, counseling I found myself explaining some very basic parts of government to young people. And mind you, these are young women who are a year away from graduating high school, going out into the world, and hopefully voting and getting involved in their government and getting engaged. And I had to explain to more than a few of them the difference between a state senator and a senator. Some of them most certainly could not name the three branches of government. If I asked them what year the constitution was ratified they would give me a blank stare. I'm not saying with this bill that all school districts in Nebraska are doing a bad job of civics education, far from it. Most schools are doing an excellent job, but there are some to where other subjects have forced civics education into the background.

HILKEMANN: Time, Senator.

SLAMA: And this is just simply--

HILKEMANN: Thank you, Senator Slama.

SLAMA: --so important for that to happen. Thank you.

HILKEMANN: Senator Groene, you are recognized.

GROENE: Thank you. Just to get us back to the bill, I want to tell the public out there what this bill does. Does anybody find offense by the start of the bill that says: it is the responsibility of society to ensure that youth are given the opportunity to become competent, responsible, patriotic and civil citizens. Does anybody see anything wrong with that? Committed to the ideals and values of our country's democracy and the constitutional republic established by the people. I think that defines it well, we're a democratic republic, but it separates it. We are both. School

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should help prepare our youth to make informed and reasoned decisions for the public goods. Civics competence is necessary to sustain and improve our democracy way of life and must be taught in all public, private, denominational, and parochial schools. Civic knowledge is the right term, by the way. It also updates and adds holidays such as, let me get to it, Dr. Martin Luther King Day, Native American Heritage Day, Constitution Day, which is September 17. It took out Flag Day because the flag is already mentioned about respecting it, not be irreverent towards it because Flag Day is in the summer and the kids aren't in school, at least not yet. It also does something that was a bit-- legislation, and I think Senator Chambers is well aware of, that was off to the side, it was being overlooked by schools, where we added, if I can find it here, incorporation of multicultural education as set forth in Section 79-719 to 79-723. Those statutes, I think Senator Chambers is well aware of them, give a dictate to our school and to our teachers. Guess who the author of those bills was back in 1990s. A good American, Senator Chambers. It directed to our schools that multicultural education includes but is not limited to studies relative to the culture, history, and contributions of African Americans, Hispanic Americans, Native Americans, Asian Americans. Special emphasize shall be placed on human relations and sensitivity towards all races. And then, 79-720 states each school district in consultation with the State Department of Education shall develop and incorporate into all phases of curriculum of grades kindergarten through 12 a multicultural education program. Either you're for instructing the Department of Education in our schools on what they should teach and what programs and a generic way or you're not. I was going to ask Senator Chambers if he had legal knowledge, but I better ask him if he has knowledge of legal on this matter, because that's the right way to say it, I just learned. But Senator Chambers, would you take a question?

HILKEMANN: Senator Chambers, will you yield?

CHAMBERS: You know that I will, certainly.

GROENE: Adding those statutes as mandatory as part of a civics curriculum, in mentioning them, are you for that portion of this bill?

CHAMBERS: No, I'm-- let me answer the question in this way.

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HILKEMANN: One minute.

CHAMBERS: I'm not for any of the Americanism complex. All of these statutes I want them done away with. And doing away with this would not do away with multicultural education. That was thrown in as a sweetener.

GROENE: I don't believe it was. Then we should remove all legislation, statutes, that we've passed in this body, that instructs through us by the people, through the democratic process, to instruct our public institutions, public schools, on what they should teach. That's what you just heard. I don't agree with that. I believe that as elected officials that represent all the citizens of the state, all citizens of this state, are represented in this body. And now the republic part of our government takes over. We make those decisions.

HILKEMANN: Time, Senator.

GROENE: Thank you.

HILKEMANN: Thank you, Senators Groene and Chambers. Senator La Grone, you are recognized.

La GRONE: Thank you, Mr. President. And I was actually going to speak more on Senator Moser's amendment. And since I know Senator Halloran wanted some time to speak on this, I'm going to go ahead and yield my time to Senator Halloran.

HILKEMANN: Senator Halloran, you are yielded 4:45.

HALLORAN: Thank you, Mr. President; and thank you, Senator La Grone. I stand in support of LB399. I'd like to take just a few moments to discuss teaching our kids economics. And one of the reasons is, is because I don't believe we're going to have a chance to discuss LR7 on the floor, which is an Article 5 Convention of States. And one of the issues for proposing an amendment was fiscal restraint on the federal government. The reason I think it's very important for our students and our kids to have a fundamental understanding about economics, if you look

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at page 5, page 5, let me find it here. Well, I can't find the specific language. The reason we need to teach them is because the burden of the national debt and the interest that we're paying on that debt is going to fall on these students. It's going to fall on these students. We're handing it to them. And I believe they should have some kind of understanding of what they're going to have to deal with when the national debt reaches a point, and the interest reaches a point where the interest folks, just so we know, I know it's hard to get everybody's attention on this, but the interest on the national debt, we have no choice, the federal government has no choice but to pay that every year. It's a line item, \$364 billion. And that may not be of much consequence to you, but that line item is going to be larger than Medicaid in just a few years. It's going to be larger than the military budget in a few years. And it's robbing money away from programs that we all have some vested interest in. And ultimately, if the interest rate goes up, if the interest rate goes up on the bonds and the interest rate goes up on our debt, if it's where it should be, it would be about double. So we about doubled that \$364 billion. And that would come out of programs that you and I might love. But ultimately, these kids need to have an economic understanding of how the impact of how the federal government works, how overspending works, and how they're going to end up footing the bill. It's like going to McDonald's and the first person in line says, the person behind me will pay for my meal. And then that person orders something and says, the person behind me is going to pay for that meal. Pretty soon the bill racks up, right, and that last person ends up having to pay for it. Well, or seemingly would have to pay for it. So, that's what we're doing to our kids. We're passing that debt to them. And we can be blithe about it and say, well, that's never going to happen, but when the gross national-- when the debt matches or exceeds the gross national product, then fundamentally we have turned our country into grease and I think our kids need to understand, because apparently a lot of adults don't understand, that they're going to have to pay for it. Thank you, Mr. President.

HILKEMANN: Thank you, Senator Halloran. Senator Clements, you are recognized.

CLEMENTS: Thank you, Mr. President. And thank you, Senator Halloran. And if I have any extra time, I'll be yielding it to you, if you'd be prepared. I wanted to read about an early proponent of education in civics in America. His name is Noah Webster. Noah Webster was born in 1758 near Hartford, Connecticut. Webster grew up in an average colonial family whose father farmed and worked as a weaver. At the time, very few people went to college, but Webster

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enjoyed learning so much that his parents sent him to Yale. Yes, Yale, Connecticut's first college. He entered Yale in 1774 when he was 16 and graduated in 1778 at age 20. Webster wanted to continue his education by studying law, but his parents could not afford to give him more money. After thinking about his options, he began working as a teacher. During his years as a student and then as schoolteacher, Webster realized the American education system needed to be updated. Children of all ages were crammed into one-room schoolhouses with no books, no desk, or poor books, and untrained teachers. Although this was after the American Revolution, their books came from England, and often still had them pledging their allegiance to King George. Webster believed that Americans should learn from American books. So in 1783, he wrote his own textbook, a grammatical institute of the English language. It earned its nickname "the Blue Backed Speller" because of its characteristic blue cover. For over 100 years, Webster's book taught children to read, spell, and pronounce words. It was the most popular book of its time selling nearly 100 million copies. Then in 1801, he started working on defining the words Americans used because Americans spoke and used words differently than the English. In his dictionary, he used American spelling like color, c-o-l-o-r, instead of English, c-o-l-o-u-r, and music, m-u-s-i-c, instead of m-u-s-i-c-k. He also added American words that were not in English dictionaries such as skunk and squash. His first edition, a compendious dictionary of the English language was published in 1806. It offered brief definitions of about 37,000 words. After 22 more years, he finally finished his American dictionary with 65,000 words. He accomplished many other things in his life. Webster not only did he fight for an American language, he also fought for universal education and the abolition of slavery. He also wrote textbooks, edited magazines, helped found Amherst College and created his own version of an American Bible. Our country has had an interest in teaching its young people American civics since 1783 when he wrote his book; that's 236 years. And I encourage your support of FA14, AM286, and LB399. And yield the rest of my time to Senator Halloran.

HILKEMANN: Senator Halloran, you are yielded 1:15.

HALLORAN: Thank you, Senator Clements. So it probably shows that this farm boy grew up and was educated in a one-room schoolhouse, K-8, 12 students total, I was in the largest class of three; and I won't say what my ranking was in that class of three. But we had one teacher. She taught all nine classes, and she taught not only respect for what we were learning, but she also

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taught some sense of literacy about being responsible about being capable of carrying our own weight and not depending on others, if that was possible to do, and also looking out for those that weren't able to do that. But this teacher also, just by her presence and by her demeanor, was able to teach us that we don't pass on our responsibilities to other people. And back to the national debt, OK, back to the interest. We are passing on responsibilities to our kids and, again --

HILKEMANN: Thank you, Senator.

HALLORAN: Thank you, Sir.

HILKEMANN: Thank you, Senators Clements and Halloran. [Visitors introduced.] Senator Moser, you are recognized, and this will be your third time.

MOSER: Thank you, Mr. President and colleagues. I think we've gotten off on to a tangent here, but I think that some of Senator Chambers' comments about the composition of the bill have some merit, and I think that between rounds that we should look at those just to see if there are ways we can clear up some of those things and still have agreement among enough senators to move this forward. I had a discussion about my amendment before I made it, and I was reminded that the more you change it the more confusion you may add, and you may cause certain senators to find something to pick on in your amendment and in the end not help advance the bill. I do stand solidly behind the purpose, the intent, of the bill. Is it a perfect work of art? No. But I think it's so important that we do talk about government with our youth. The immediacy of cell phones, i-pads and all the instant messaging, and all the cable news networks, and all the sources of information that form our public conscience are so fragmented, and some are not true. I mean, some people think everything on the Internet is true, and that just can't be because there are things that are diametrically opposed to each other and so they can't be true. And so we need to be able to think for ourselves. We need to know how we arrived where we are today in all our actions both positive and in our transgressions, we need to know those historical moments, those historical times. What was going on at that time? What context these laws were made in, and we need to look at those today and update those to acknowledge technology; to acknowledge what public trends of thought are. The law should be timeless, but we still interpret it in the times that



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we are, that we are in. So, I encourage the senators not to get distracted by the discussion of these amendments and lose sight of the main goal, and the main goal is to improve this law from the '40s, which was even more imperfect in some ways than what we've amended it to in these-- the underlying bill and this amendment. So thank you. I appreciate your consideration.

HILKEMANN: Thank you, Senator Moser. And I wish to apologize, that was not your third time. Senator Lowe, you are recognized, and it will be your third time at the mike.

LOWE: Thank you, Mr. President. It's always good to be cleanup here. Coming up March 3 is the National Anthem's anniversary. So in light of that, I speak in favor of LB399 and the amendments, AM286 and AM14, and against the bracket motion. And it was written, because I'm not going to sing it to save everyone's ears, Oh, say, can you see, by the dawn's early light, What so proudly we hailed at the twilight's last gleaming? Whose broad stripes and bright stars, thro' the perilous fight' O'er the ramparts we watched, were so gallantly streaming. And the rocket's red glare, the bombs bursting in air, Gave proof through the night that our flag was still there. Oh, say, does that star-spangled banner yet wave O'er the land of the free and the home of the brave? The second verse is rarely sang, but it goes: On the shore dimly seen, thro' the mists of the deep, Where the foe's haughty host in dread silent reposes, What is that which the breeze, o'er the towering steep, As it fitfully blows, half conceals, half discloses? Now it catches the gleam of the morning's first beam, In full glory reflected, now shines on the stream; 'Tis the star-spangled banner: oh, long may it wave O'er the land of the free and the home of the brave. Senator Pansing Brooks, if you would like the rest of my time, I'd love to yield it to you.

HILKEMANN: Senator Pansing Brooks, you are yielded 2:50.

PANSING BROOKS: Thank you very much. Thank you, Senator Lowe. Thank you, Mr. President. I totally understand and realize why Senator Chambers is upset about this, and I value the comments he's making regarding our past, our past regarding being a slave-holder nation, how we built this country on the backs of slaves, and I wanted to just reiterate some of that to get that into the record because I hope that some of this language that Senator Slama has put in will help teachers to be reminded to speak about these issues and this dark past that we have. But I also want to thank Senator Slama for the work she did. She went through all the testimony last

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year and the year before to look at what our concerns were. To look at the fact that there was-- by just using the naturalization test, it only asked one question on Native Americans and the right answer did not include the four Nebraska tribes. It did not have Martin Luther King Day. There were things that-- it has-- the naturalization test has one question on women. The answer is Susan B. Anthony. So Senator Slama has improved this bill significantly. Is it my favorite piece of legislation ever? No. And if somebody wants to bring something next year to consider fixing a lot of it, deleting portions of it, then I'm willing to work with that and support that. But Senator Slama has worked really hard--

HILKEMANN: One minute.

PANSING BROOKS: --to move forward. I'm supporting it because it improves the existing statute on social studies and gets rid of the term which is a political hot term of Americanism. It takes out the penalties, and I've been told, oh, no one would ever charge on that. I'm not convinced that that's so that no one would ever charge a teacher for not appropriately teaching in whosever mind it is. It has options for civic engagement. It adds Native American Heritage Day, Dr. Martin Luther King's birthday. Is it perfect? No. Would I have written it differently if I had been in charge of it? I probably would have. But the beauty of what we do is to strive to make something better. The existing statute is definitely improved. I'd like to see more recognition of Nebraska historical figures like Mari Sandoz, Willa Cather, Standing Bear, the Juneteenth Celebration, Stonewall.

HILKEMANN: Time, Senator.

PANSING BROOKS: Thank you.

HILKEMANN: Thank you, Senators Lowe and Pansing Brooks. Senator Wayne, you are recognized.

WAYNE: Thank you, Mr. President. I'd like to yield my time to Senator Chambers.

HILKEMANN: Senator Chambers, you are yielded 4:49.

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CHAMBERS: Thank you, Mr. President. Thank you, Senator Wayne. I'm not even going to comment on the remarks that were just made. But I'll tell you one thing, when I hear how smart Senator Slama is in putting this together, on page 3, in line 5: administration of a written test that is identical to the entire civics portion of the naturalization test used by United States Citizenship and Immigration Services; they can write anything they want to into the test. It doesn't have to be what it is now. You all know that when you hook something up to a federal or any other entity, they can change it. Then it automatically is changed here. If ICE decides that they're going to put something different into that test because of what Trump did, then that is the test. You all are smarter than this. But if you're trying to make peace with me, you're not doing it, and you don't need to, because there can be no peace. I'd like to ask Senator Slama a question or two about her bill, because maybe I'll become convinced as some are that genius was at work here.

HILKEMANN: Senator Slama, will you yield?

SLAMA: Yes. Uh-huh.

CHAMBERS: Senator Slama, I know you have a copy of the amendment. Would you look at page 4. Now, in line 2 all grades of all public schools. Does that refer to the quality of the schools or do they mean all grades in all public schools?

SLAMA: You could use either "in" or "of" in that sentence and still get the meaning.

CHAMBERS: I don't think so, but we just differ on that. Let's go to line 6. It says, the history or the deeds and exploits. Why is it "history or?" If you give the deeds and exploits you don't have to give the history, correct?

SLAMA: You could interpret it as such, however there's two different topics there. The story's having to do with American history or the deeds and exploits of American heroes. The American history can be seen as an overarching overview, whereas the American heroes is more of an individually anecdotally based.

CHAMBERS: Then let's go on. What is the difference between deeds and exploits?

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SLAMA: There is a difference between the words. Deeds could be considered overall what they've done. Exploits could be interpreted as what have they done that is important.

CHAMBERS: Okay. She has to say-- that's all --interprets, interprets, interprets. And Senator Pansing Brooks just talked about how great this is. Interprets, interprets. It doesn't mean what it says. It means how you interpret it, and you interpret it to keep what you've got instead of admitting that there's a better way to say it. That's what the problem with this trash is. You cannot change it to say what you claim you mean. You have to leave it like this and say, but if you interpret it. In line 13, instruction as to proper conduct in the presentation of the American flag. Are they talking about instruction as to the proper presentation? Or are they talking about conduct? Well, you have to interpret it. Between now and Tuesday, I ought to go ahead and re-write this piece of trash and then let you look at the two of them and see which one you think is clearer. It's a waste of my time, and I shouldn't have to do it, but I'm embarrassed to be part of a Legislature that's going to vote for this, and people who know better have committed themselves to it, and they shouldn't have done it so soon. They did it because they didn't read it all. They didn't pay attention to what it said, because it satisfied white people, and that's all that they look at, and that's all that they care about, no matter what kind of protestations they make about anything else. I'm judging people by what they do and what they say when the crunch comes, when the issue is before us. You shouldn't have to say on the floor of the Legislature, well, this is-- if you interpret it this way. We are not dealing in interpretation. We are the ones who are writing the meaning. We are writing the words, and they should say what we mean, and if we are writing the words and we admit--

HILKEMANN: Time, Senator.

CHAMBERS: --that you have to interpret them-- thank you, Mr. President.

HILKEMANN: Thank you, Senators Wayne, Chambers and Slama. Senator Morfeld, you are recognized.

MORFELD: Thank you, Mr. President. Colleagues, I need to analyze the Moser amendment before I agree to supporting, and I'll do that before we vote on that. I believe we'll be going into

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this next week as well. A few different thoughts: first off, I've talked to Senator Chambers off the mike on this. I understand where he's coming from. I understand his opposition to it. I understand also that we approach this from different viewpoints in the sense that I have vehemently opposed this type of legislation in the past, when Senator Groene has introduced it, and I think he can confirm that, primarily because it ascribed the requirement of a citizenship test as being one of the-- as really just being a requirement. So there wasn't an option whether or not to do it. And while I know that there's some people that currently use the citizenship test, and they may think that that's a good tool. I personally do not think it is and I wanted there to be more flexible, but also a requirement that young people get involved in their community or a public body, or do a project or paper on a historically significant individual or day that I thought was broad enough to encompass pretty much anybody who's historically significant in the United States. So that is the part of the bill that I like the most. Are there parts of the bill that I don't like? Yes. I wish that we would get rid of pretty much all of the Americanism portion of the bill. I think that we only got about halfway there, and that's fine. For me that's moving the ball forward and making current statute better, while leaving in some work to do in the future and down the road. So do I think the bill is perfect? Absolutely not. But do I think that any bill I vote for is perfect? With the exception of mine, no. So I just-- again, but, colleagues, there are going to be times-- there's going to be times where you put your foot down and you say this is an issue. I am not going to be in support of this regardless of whether they come halfway on it. It is my Alamo, it is my issue, and it's an issue of principle and how I feel and how I believe my constituents should be represented. That is what Senator Chambers has done here today. And I don't disrespect him for that. And I credit him for it because there's going to be issues that I decide to put my foot down on as well. But I just want to explain my point of view and where I'm coming from. I do like this bill because I think it helps eliminate some of the problematic Americanism language. I also believe that it puts an emphasis on young people getting involved in their community in substantive ways, identifying issues that are important to them, and going out and doing something about it. Prioritizing in a way that has not been prioritized before, realizing that there's still more work to do in this area of statute. With that being said, I'd like to yield the remainder of my time to my good friend and colleague, Senator Chambers.

HILKEMANN: Senator Chambers, you are yielded 1:52.

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CHAMBERS: Thank you, Mr. President. Members of the Legislature, I'd like to ask Senator Lowe a question or two if he would respond.

HILKEMANN: Senator Lowe, would you yield?

LOWE: Certainly.

CHAMBERS: Senator Lowe, do you know which war was in the contemplation of Francis Scott Key when he wrote that Star-Spangled Banner?

LOWE: Well, it'd be my guess to be the War of Independence against England.

CHAMBERS: Say it again.

LOWE: The War of Independence against England.

CHAMBERS: Well, if you're in the eighth grade and said that, you'd get a red mark. Do you know where the tune for that song came from?

LOWE: My guess is it was a British tune at the time.

CHAMBERS: Yes, it was.

HILKEMANN: One minute.

CHAMBERS: And the title of it was To Anacreon in Heaven, and it was a drinking song. Francis Scott Key didn't write that as a national anthem. Idiot, ignorant people who didn't know what was entailed made it a national anthem. I'm trying to tell you all something about what you honor and revere and why you're mocked around the rest of the world. How dumb can these Americans be? Well, they go to American school. I'm not going to take all the time-- I'm going to stop at this point.

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HILKEMANN: Thank you, Senators Morfeld, Clements [SIC] and Lowe. Speaker Scheer, you are recognized.

SCHEER: Thank you, Mr. President. Very quickly, colleagues, I actually misspoke in my announcement this morning. Senator Brewer's bill, LB155, is not in relationship to just the electric utilities and eminent domain. It would be any utility with eminent domain. So I just wanted to clarify that. I didn't want it to appear that they are picking on one particular utility. It would be all the utilities that this would be in for it. And so I wanted to make sure I clarified that so there wasn't any misunderstanding on the floor. Thank you, Mr. President.

HILKEMANN: Mr. Clerk for an announcement.

ASSISTANT CLERK: Some items first, if I could, Mr. President. Amendments to be printed: Senator Chambers and Senator Hunt to LB399. Notice of committee hearings for the Education and Appropriations Committees. The Revenue Committee reports LB284 to be placed on General File with committee amendments. The Government, Military and Veteran Affairs Committee refers LB191, LB239 and LB30, LB212 and LB381, some having committee amendments. Those will be placed on General File. Series of name adds: Senator Wayne to LB174; Groene to LB439.

And finally a priority motion: Senator Matt Hansen would move to adjourn until Tuesday, February 26, 2019, at 9:00 a.m.

HILKEMANN: You've heard the motion for adjournment. All those in favor to adjourn say aye. Those opposed the same. Seeing none, we are adjourned until Tuesday, February 26, at 9:00 a.m.