

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I've had a lot of people ask me how it is that I can support 652 in the state that it is in now and I intend to use this motion as a chance to talk about my perceptions on this issue at this time. Peter Hoagland asks us to wait for a court decision as to whether or not there are protectable interests here and I, as a civil libertarian, need not wait for a federal court to tell me that religious freedom is important nor do I have to find out that the rest of the first amendment is important and for that reason then, support a strong open meetings law, support a strong accountability and disclosure law and support many other legislative protected political and constitutional values. It is entirely possible that we have the power to govern in this area and to coerce uncooperative parents into sending their children to schools with certified teachers. I'm not saying that we do not have that power constitutionally. What I am saying is that we should not exercise that authority. Senator Beutler on General File talked about the necessity of balancing between various interests and an exact case that Senator Hoagland cites, that test is laid out. "The state's interest in universal education," said the Wisconsin versus Yoder case, "however highly we rank it, is not totally free from a balancing process when it impinges on fundamental rights and interests such as those specifically protected by the free exercise clause of the first amendment and the traditional interests of parents with respect to the religious upbringing of the children." Now the question is, and Senator Beutler didn't answer it on General File and Senator Hoagland didn't answer it now on Select File, what is the evidence in that balancing test? How do we balance, not just the interests, but the proof that those interests apply? Well so far we have a couple thousand Nebraska parents who are sending their children to these schools and whom in my own communication with them, I am satisfied do that out of genuine religious conviction. Are there any of us in this body who doubt the religious convictions of those people? If there are, I want to hear it. That is in one side of the scales. Now what is in the other side of the scales with respect to teachers certification? What evidence do we have of the interests at play? Well I have looked kind of hard for that because that is an interesting question to me. I've looked at the Supreme Court case. I've looked at all of the evidence before the district court that heard the case. I've looked at the Whisner versus State case, the Wisconsin versus Yoder case, all of the legislative testimony on LB 403 three years ago, all of the testimony on 472 on the floor last year and in the interim study and on the Education Committee this year and there isn't a