

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

March 8, 2000

LB 1004

like they care about their white child, or that I will die and go to Hell ten times before I let somebody abuse my children, and he thinks that cannot be true because he'd run and hide when his are involved. Well, don't judge my manhood by yours. We do have problems in this state, and we do need to consider the issue raised by Senator Hilgert. I am going to ask a question of Senator Bromm. That was my third time, Mr. President.

SENATOR CUDABACK: That's your first time, Senator Chambers

SENATOR CHAMBERS: Oh, it is. Okay, I will put my light on then

SENATOR CUDABACK: Senator Landis, on advancement of LB 1004 to E & R for engrossing.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I want to just spend a moment on this last issue because I think it's an important one. I think there are times in which laws which are neutral on their face are applied in a discriminatory way. I think red lining occurs. I think there are practices in which it's not difficult to see the practice of certain jurors being excused and the pattern that seems to be emerging there is a racial one. The remedy, the remedy generally is that if the government participates and is the instrument itself of that discrimination that that is the color of law necessary for a Fifth Amendment due process problem and an equal protection problem. And so I'm going to, because I think Senator Chambers may be out of time, I'm going to phrase a question and then give him the rest of my time. He can answer it and then use the rest as his time. Senator Chambers, in the face of what I think are problematical racially discriminatory applications of what are seemingly neutral statutes, statutes that don't betray on their face a racial identity, isn't the remedy that we have generally due process claims, equal protection claims, and Civil Rights Act violations under, let's say, Section 1983 in which either an individual or a class can say we've been wronged by the actions of government in the way it discriminates? That's my question, and with that I will yield the remainder of my time to Senator Chambers for his reaction and the use of that time for whatever purposes he wishes to make of it.

SENATOR CHAMBERS: Thank you, Senator Landis. Members of the