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FLOOR DEBATE

January 14, 2004 LB 270, 526

something like spinach, but hate was...we were disciplined for using any kind of a word of hate when it come to a person. The hate crimes law is not just to lock people up and to give them more penalties, but it's the people saying we do not like the hate of another person and the showing of that hate. We're a society that's grown beyond that. We do need hate crime laws, if for no other reason, to let people know that we are not going to put up...our society--we...are not going to put up with this kind of action and condone it. As my mother would say, it's the hate of another. We need LB 270 to fix that flawed law, and I also support LB (sic) 2019. I do not support FA1403, because I do not believe it's appropriate on this particular bill. Thank you.

SENATOR CUDABACK: Thank you, Senator Pedersen. Senator Erdman, on the Foley amendment to the Brashear amendment to LB 270. Is Senator Erdman present? Yes.

SENATOR ERDMAN: Thank you, Mr. President. This is an interesting debate and I think Senator Beutler brings up a valid point and that is, what are we being asked to do here? I think there are parallels that are going to be drawn between this issue and another issue that's going to follow that I imagine I'll have a little bit of part in, but there's a little bit of a difference in those two. One, we already have a ruling on the situation that says this is flawed constitutionally; this needs to be fixed--true statement. The issue that will be following in the version of LB 526 is an issue that potentially appears to be flawed but, yet, has not had the ruling. So essentially that is still law today. As Senator Chambers and others have pointed out, the ability to prosecute a hate crime in Nebraska is an inability at this time. So actually, by passing LB 270, we are creating the law. We are creating the provision of law in which the violation will be carried out as far as prosecution. So, I guess in practical terms, you can say throw out the hate crimes because that's not what we're talking about. That's exactly what we're talking about. The flaw was found. The law was ruled flawed, as we have, I guess, chosen as the word of art today. And now we're at the point where we're going to create the law under which a hate crime will be prosecuted, under which provisions a hate crime will be deemed a hate crime, under which