

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

February 22, 2005 LB 570

you are next to speak, if you care to.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I will give an example of a conflict between Nebraska law and federal law. Under Nebraska law, a person who is on parole, work release, in jail or prison, probation or any form of custody cannot be used by a state or local law enforcement agency as an undercover snitch. If the state does that, any evidence developed by or through that snitch is not admissible in any proceeding. The federal government in Nebraska has more drug cases than any other federal district in the country. They build these cases, primarily against young black men, through the use of snitches. They will have a lying snitch lodge the charge. Then they will have another lying snitch corroborate it. The word of a snitch is not enough. They have to have corroboration. So they create the corroboration through the use of other lying snitches. When these young black men get white attorneys in Omaha, they're usually told to plead. If you plead you'll get maybe 7 years; if you take it to trial and you lose you might get 20. They intimidate a lot of these young guys into pleading to things they didn't do. Some of them have started challenging these bogus charges. One day last week a young black man had a young black attorney who fought it, and the jury came back and acquitted because the snitches are totally lacking in credibility. Now, that puts into a broad context the use of snitches by the federal government. The federal agents can take a Nebraska parolee, a Nebraska inmate, a person on work release and use that person as an undercover snitch within Nebraska, and can use that evidence in a federal prosecution. Nebraska law cannot bind the federal government when it comes to the use of these snitches. There are other instances where the federal government may legislate on an issue, the state may legislate on that issue, and the two laws are diametrically opposed, but as long as Nebraska is enforcing its law within its boundaries and there is nothing in the federal law that says it preempts a state from legislating in this area, the state law is not automatically stricken down. If there's a collision and they're occupying the same territory, as in the example that I gave, then the federal law is going to prevail. What I'm looking at in the language that I'm talking about here is the appearance to