

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

April 1, 2005      LR 2

that's an accurate statement, is it not? (Laugh)

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Senator Chambers.

SENATOR CHAMBERS: I would say, generally...

SENATOR LANDIS: Generally, that's right.

SENATOR CHAMBERS: ...and for our purposes I can buy it.

SENATOR LANDIS: Yeah. And that kind of thing has occurred because, in fact, there is...we're very hard-pressed to create an absolute wall. What the court was saying there was, look, you could create a wall that said nobody can use the facility, but once you could use the facility, you couldn't pick and choose between them. That's where we are now with respect to this wall between church and state. And I got to say, even the public schools couldn't meet the standard that Senator Chambers is suggesting in this case because there winds up being in the use of our public schools some religious activity. And the reason is, it's omnipresent in our culture. Let me give you an example of why I think "primarily" is the appropriate word, but "any" is too far. Bryan Memorial Hospital here in this state, I got to tell you I had reason to be at Bryan Memorial Hospital this last month. My father-in-law passed away; spent two weeks. And I will tell you that there is a nondenominational chapel in Bryan Memorial Hospital. It represents perhaps 1 percent or less of the floor space, but if Bryan Memorial Hospital was a project, I think Senator Chambers would say, you know, the existence of that very modest, tiny nondenominational chapel would mean that we couldn't use this mechanism for them. And while there's a place in which that grows significant that we agree, at the point that the word is "any," I think it overstates it. The Lincoln community theater, a 501(c)(3), built a facility. They produce shows Tuesday through Saturday, but there was a period of time in...when they were first opened that on Sunday morning they leased the theater out for a devotional service to a church that didn't have a church. My guess is that they did that for a period of about two years over