

January 18, 1979

on Committees.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Murphy is a very meticulous and careful individual, so based on that I want to document a comment before I elaborate on it. In Article IV of the Nebraska Constitution, Senator Murphy, which deals with the executive branch, we go to Section 1 and it says, "The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor with the consent of a majority of all members elected to the Legislature." Now, the Constitution of the state, which is the fundamental law of the state, has placed a responsibility on the Legislature, so I think Senator Murphy has misstated, or overstated a proposition when he said the Legislature is intruding into the prerogatives of the executive branch when the Legislature simply discharges the duties placed on it by the Constitution. I will never be a rubber stamp for anything or anybody as long as I'm here. If I agree with a position, I agree because my mind has been persuaded. My mind is not persuaded, Senator Murphy, simply by a Governor saying this is the best most suitable individual for this position. If you have observed the national scene, you have seen where individuals suggested by Mr. Nixon, may he rest in peace wherever he is, offered some people to be Supreme Court Justices of the United States, and Congress, to its credit, rejected these people, while a Senator with whom you may have a great deal in common, Roman Hruska, made the remark that yes, this guy is mediocre but there are a lot of mediocre people out there and they are entitled to representation on the Supreme Court too, and everybody said, oh yes, that's from Nebraska, good old Nebraska where mediocrity is king. I think we would be the epitomy of mediocrity if we would accept and rubber stamp every appointee offered to us by the Governor without discharging our responsibility of independent evaluation and judgment. Senator Murphy, I'm sure at other points during this proceeding, or at least this session, we'll talk about the check and balance system built into this form of government. The Legislature is required by the Constitution to give its consent to those appointees of whom it approves to provide some check on the executive branch, Senator Murphy, so I think that contrary to what Senator Murphy said about the...

SPEAKER MARVEL: Excuse me...

SENATOR CHAMBERS: Senator Marvel, that's alright, I speak for the record, because people down the line read what we say,