

April 6, 1982

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a matter of subject matter. Now in good faith Roland has a different outlook on the rules but these are not Roland's rules they are our rules, and I am asking this body before we forget what we did last night and because it is real early in the morning and it is a new day, that we not forget what we did twelve hours ago. We laid down a rule that said, look to the subject matter, make a comparison, if it is close, that is when it is germane. If it is just simply an attempt to climb into that chapter number and use that, we are not going to go with it. We upheld Howard Lamb last night and I think we owe all of ourselves, not Ernie, but all of ourselves the duty to be consistent with our outlook here. Don't ignore this challenge to the Chair just because we always defer to the Chair. This is an important question and we, ourselves, are flipflopping this morning if we allow the Speaker to say, I see the rules differently than you did twelve hours ago, I am applying my rules, and we uphold the very intervention of what we ruled last night. With all respect to Governor Luedtke's outlook on the rules, I think Howard Lamb's rulings last night were accurate. The body upheld him and to uphold Howard Lamb last night means that we have to overrule the Chair this morning. I hope you will take that into account when you weigh this.

PRESIDENT: The Chair recognizes Senator Vickers. Now we are speaking to the overruling of the Chair, Senator Vickers. Go ahead.

SENATOR VICKERS: Mr. President and members, I said last night that we were at the bewitching part of the session, and I think last night proved it. Senator Landis just got through laying out to you what we did last night, but I suggest to you that because we were acting crazy last night because it was an emotional issue and the death penalty is always an emotional issue, because we were doing some things last night that at least some of us didn't think was right, I would remind you that the votes were never unanimous up there last night on those motions to overrule the Chair. It seems to me that the only consistent thing that we have is our inconsistency. Last night it was a very emotional issue. It was in the section right next to the section we were dealing with in the bill, yet the majority of this body said it wasn't germane. Now I think we were wrong last night. I think we need to stop and think about it today. Senator Landis said we were right last night, therefore we need to be consistent and be right today. I happen to disagree with Senator Landis. I think we were wrong last night. There is nothing wrong with saying, okay,

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