

January 14, 1991

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I just wanted to make a couple of remarks on an area that hasn't been commented on, and I want to make these remarks so that we put this debate back in perspective a little bit. There have been a lot of grandiose statements about First Amendment rights, about different situations involving First Amendment rights, and the suggestion that this Legislature is somehow being hard on the First Amendment. But I would argue to you that that is simply not the case, that what is being attempted is simply a restoration of some balance between the right of the majority and the right of the minority. The minority, in this instance, and I want to repeat it again, has the absolute power to end the proceedings of this Legislature if they are smart enough and have the will enough to do it. You simply do it by filing 100 amendments the moment the ball comes up for debate. All you need is the will, and all you need to do is be willing to incur the wrath and bad feelings of all the other members of the group. That is the only inhibition. But I wanted to point out that in most legislatures across the country, and in the Congress of these United States, there are cloture rules. It is not like Nebraska is suggesting that we do something unusually drastic. It is an ordinary cloture rule, a very mild one at that. And I haven't noticed that democracy is suffering in California or New York or Missouri or New Mexico or Arizona or all the other places that they have such rules. And beyond that, you might keep in mind that in most places the partisan nature and the partisan organization of legislators...of legislatures precludes, to a large extent, unlimited debate because of the discipline of party discipline. We don't have that in Nebraska and that is a reason why I think you should give further consideration to our need, which is greater than other states in this respect. And, furthermore, the time limitation that we labor under, in many states they are in session all year-round, or half the year or three-quarters of the year, but in Nebraska, we are in session 60 days and 90 days and that, in and of itself, is power to the minority. The threat of filibuster, as Senator Chambers so well knows, oftentimes curtails debate. So let's keep this in perspective and I think maybe you should remember most of all Senator Chambers' own admission that he has the power under current rules to bring to an end all forward progress in this Legislature. He just said it and it is true, and not just him, anybody that chooses to do it. And so I suggest to you that what we are seeking to take away today is not the right to free