

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

April 12, 2006 LR 449

State of Nebraska, and will faithfully discharge the duties of Board of Regents, Seventh District according to the best of my ability. And that, by the way, stopping right there, is what the constitution said in 1860, before we changed it in 1875 to add language based on the experience of the state. And that language, by the way, is also the language in the United States Constitution, what I've read you so far. But here's the language that was added in 1875, which is so compelling to me: and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector. The oath of office itself connects the election process to the office. It's...how can you deny it? The people put into the constitution an oath of office that bound those two processes together. It looks backward; it's not like the U.S. Constitution. There are twin promises: the promise to discharge in office faithfully, and the promise that you have not improperly influenced the election, equally sacred promises, I would submit, inexorably tying together the office and the election process. And in the face of the language of the constitutional oath the court, in my opinion, must conclude that all ten articles of impeachment, all of which are related to the election process, are related, in fact, to the office, and are, therefore, in office. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. Senator Preister, did you wish to have any of your time back? He waives his time. Senator Bourne, followed by Senator Connealy.

SENATOR BOURNE: Thank you, Mr. President, members. Unless I hear new information today, I will be voting against the Chambers resolution. I have thought about this and I've thought about this and I've thought about this, and I've read volumes and volumes of information over the past several months, and I have concluded that the Supreme Court will not uphold a conviction of impeachment of Mr. Hergert. Let's step back for just a minute, and I would challenge you to find a more awesome power that the Legislature has than the power of impeachment. It is reserved for the most egregious cases of misconduct, because we, 25 of us, and then however many Supreme Court justices would vote for this, are basically taking away the ability of our citizens to vote for the person that they choose