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FLOOR DEBATE

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resolution of impeachment because it would suspend the officeholder from his duties or her duties until the Supreme Court would take up the case and resolve the issue, whether conviction or acquittal. In the words of the senior member, the purpose of impeachment is not to punish. And I am in a similar position of Senator Bourne, that in the event that we can only prove the preponderance of evidence to ourselves--and that's the standard we hold, but the standard that the Supreme Court is going to hold us to is clear and convincing--then we ought go forward unless we believe that there is clear and convincing evidence, as a body, that he will be convicted, because otherwise, it is a punishment, as I would read the process. The other interesting part about this is that when I voted for LR 98, I was sincere. I was sincere that we should have an analysis of what our options are. And we hired an attorney, tens of thousands of dollars have been paid to that individual for his services, but we also have capable legal minds in this legislative body. Senator Beutler, Senator Chambers, and others have a different opinion, and now Senator Flood. So we are going to disagree, because in the world of law it doesn't matter which opinion is correct--it's which opinion the court will rule in favor of, and the right interpretation carries the day. But let me take you back again to last year's debate, June 2, 2005, LR 98. This is from the principal introducer of LR 98, Senator Schrock: I think we should rely on our own counsel to get the best information possible, and that is all the second part of the resolution proposes to do, so the matter of our options can be pursued...

SENATOR CUDABACK: One minute.

SENATOR ERDMAN: ...in a thoughtful and prudent way. And regardless of the outcome, I would argue that we are doing that. Senator Chambers and Senator Beutler will argue that the legal counsel's opinion is flawed or is not accurate, or does not adequately encompass all aspects that should be considered. Additionally, Senator Schrock went on to say, LR 98, it says we should investigate that. And I'll continue on. And if the Exec Board or whoever, the council decides it's not a fair option, fine. Members of the Legislature, I voted for LR 98 because I wanted an objective process. I can only speak for myself. I do