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FLOOR DEBATE

April 12, 2006 LR 449

Louden and Senator Bourne. Further discussion on LR 449?  
Senator McDonald, followed by Senator Cornett.

SENATOR McDONALD: Mr. President, members of the body, I'm going to read from one of the resolution drafts that we've received. This one says, Nebraska Supreme Court has held that an impeachable misdemeanor is one in its nature or consequences subversive of some fundamental or essential principle of government or highly prejudicial to the public interest and may consist of a violation of the constitution, of law, or of an official oath. Hergert swore the constitutional oath on January 6, 2005. In the oath, Hergert swore, I have not improperly influenced in any way the vote of any elector. Hergert's oath was false in one or more of the following aspects. He filed false candidate Forty Percent Affidavits on April 21, 2004, May 3, and May 5 of 2004, in September of 2004, in early October of 2004, and October 20 and 22 in 2004; paid Scott Cottingham, a political consultant, with a nonsufficient fund check of \$36,000; borrowed the money to cover the check; falsified when the loan was taken and funds were advanced; falsified report of political consulting and incurring the expense for Scott Cottingham; falsified report on funds committed to be spent with the Jackson-Alvarez Group; filed a false Forty Percent Affidavit in November 12, after the election; filed false campaign expenditure reports and greatly exceeded his estimates; borrowed more money than is permissible; overspent campaign expenses by large sums; deprived opponent of public funds. Hergert's false oath was related to his office. A true oath is required to assume office. The oath's backward-looking component is designed to allow the Legislature to police public service by removing dishonest persons who falsely swear the oath of office. I truly believe that he has and he also has admitted to the excessive loans, the failure to file Forty Percent Affidavits, for the late reporting of the contribution, to inconsistent reporting. He has admitted all of those things. In my mind, we have the facts right in front of us that say it is in duty to his office and he filed a report that was not consistent with the accountability and disclosure laws. And I feel that we have all the evidence that we need to proceed in this. And I will turn the rest of my time over to Senator Chambers.