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FLOOR DEBATE

April 12, 2006 LR 449

nay. Voting on ceasing debate. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, to cease debate.

SENATOR CUDABACK: The motion was successful. Debate does cease. Senator Chambers, you're recognized to close on your motion.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, the state, as should be the case, is watching what we do here today. We have talked about honesty, dishonesty, ethical conduct, unethical conduct. Nobody has said at any point that Mr. Hergert has not violated the law multiple times. It has been conceded that he has knowingly and intentionally filed false reports. As Senator Flood pointed out, the Mock report said there is clear and convincing evidence that that January 11 filing of Mr. Hergert violated the law. What we have to remember here today, tailgating on what Senator Combs pointed out, is that we are merely turning the matter over to the court when we impeach. What is the standard that we apply? Not proof beyond a reasonable doubt, because the court doesn't even use that. Our standard is the lowest one of all, probable cause. All probable cause means is that an improper act was committed and there's reason to believe that the accused committed it. But that doesn't tell us the standard. What is probable cause? Simply an impression that there is more evidence on one side than the other, however slight, that the existence of a fact is more likely than not. That standard has been more than met. The crimes that were committed have even been admitted. Our responsibility under the constitution--not a statute, not anybody's opinion--is to bring an impeachment action when there is probable cause to believe that a person violated the law or committed an inappropriate act. And I'm going to talk about what Senator Bourne keeps mentioning in connection with the duties of the office. I read for you where the Nebraska Supreme Court in the Douglas case said that as a matter of law, an elected official has the duty to display honesty, integrity, truthfulness, and such things as that. That is a matter of law, meaning you don't have to offer evidence to prove it. That goes all the way back to the common law. Senator Bourne said both