

January 30, 1975

specifically says that the Legislature, through its Clerk, shall set the bond and determine the amount that has to be paid after the complaint has been filed. How the Legislature was never notified of this, that no bond had been set, no amount had been set, or what amount should be set. When we're sitting in here and picking a committee to hear the issue, when we're giving the committee the authority to delve into the issue, find the substantive question of who won what, or didn't win, it just does not make sense to me that the Attorney General, Clerk of the Legislature, the Legislature itself, committee, committee chairman, could go as far as we did and never know supposedly that a bond had been set and never carry out our function, our duty of actually setting the bond. It was us, once that complaint had been filed I guess on the 16th of December -- that was notice to the Legislature, that was saying I'm here, hear my case, I'm ready to follow the rest of the law, how much do I owe -- it was our duty then to be saying how much the bond had to be and all these kind of things. So the issue has been brought up that a bond was never filed and that we have to follow the rules. I would submit to you that if we create an impediment to following the rules, or make it difficult or impossible for someone to follow the rules, we cannot then say you didn't follow the rules. Once we took action and created our committee, after the deadline for the filing of the bond, we accepted the responsibility to go all the way into this case and come up with answers, not answers which simply say you didn't follow our rules, after we made it impossible to follow the rules. I'm going to vote for the Cavanaugh motion, as I say, not because of the answers I received, but because of the questions that have never been answered. Senator Nichol I've come to like to admire and respect. I've talked this over in advance with him, what I'm going to do. I think he understands and I feel it would be unfair to Senator Nichol if we seat him. As Senator Cavanaugh suggested, it would be unfair leaving this very questionable cloud over his head.

PRESIDENT: Senator Marvel.

SENATOR MARVEL: I'd like to make a few observations about my membership on the committee and the finding. I guess I am slightly perturbed at the fact that we're considered non-lawyers. I think one of the most interesting subjects that I teach at Nebraska Wesleyan is Constitutional Law. I would like to say two or three things, two or three points. As I study the Constitution, whether we're talking about the state Constitution or the national Constitution, this is organic law, fundamental law. The national Constitution has survived because it's been written in a simple language that can be interpreted. The word "commerce" has been interpreted constantly by the courts, constantly by the Congress. The words "general welfare" has been interpreted constantly by both of those bodies and because of the broad language subject to interpretation is the basic reason that the national Constitution has survived as no constitution in the history of the world. Now I think those who are supporting the Cavanaugh motion would lead us to believe that the constitutional language is subject to no interpretation. I wonder how they would suggest to us that when a constitutional amendment is approved, how it's implemented. It's implemented by statutes. Voting is not an absolute right. They know