

April 3, 1973

opposition to Dr. Anderson. For a long time I thought that I would join those who would be against this appointment. But I finally concluded for myself and I would like to suggest to the rest of you that what we are doing is approving an appointment of the Governor and whether we approve this appointment or not, the Governor is going to make the next one and he will give us the name of another individual and we can vote no if we want to and the Governor will give us another name. We have watched this happen between the President and nominees to the Supreme Court and if those of us who disagreed philosophically, if you can make that argument, with the philosophy of Dr. Anderson, I think we're going up a dead-end street, because sooner or later the Governor is going to be able to appoint and name someone who philosophically agrees with him and the Governor is going to have to run himself assuming he wants to with that in his record. It isn't our record. Now I think that our role in giving advice and consent to this appointment involves a critical look at whether Dr. Anderson meets the basic qualifications and can perform the job and I haven't heard anyone successfully argue, including the long list of arguments that Senator Luedtke just gave, I can't agree with any of those arguments that lead me to conclude that Dr. Anderson couldn't perform this job. Senator Luedtke, who is an acknowledged expert in this body in the entire area of criminal justice, criticized Dr. Anderson on some of his views, yet if you read those views, he specifically states in a statement that he believes in the new sophisticated methods in the area of corrections which is exactly what Senator Luedtke is proposing through his committee. Arguments have been made that, by Senator Luedtke, that he lacks a sense of compassion. Now it's easy to make this statement and it's very hard to prove it. I don't think that when a man stands up and says he calls for responsibility I don't think a call for responsibility demonstrates a lack of compassion. It seems to me these two qualities in most people go hand-in-hand. Senator Luedtke talks about the argument between the psychologist and the psychiatrists. I can tell you I've gotten into the middle of that one and have been contacted and spoken with—a couple of very fine psychologists who I have a great deal of respect for within the City of Omaha. I called one back today and I talked to one a couple of days ago and one a couple of weeks ago—I've talked to them each a couple of times. For the life of me they could not specifically state reasons other than a general atmosphere or a feeling they had that maybe someone could be found who was better. They stated that there was, there were going to be problems within the Department if Dr. Anderson is approved. Well, it seems to me that we are as responsible as anyone for creating those problems and the next man, if we don't approve Dr. Anderson, is going to have to live with that same set of problems because we have created them. No one can now walk into that position without inheriting a whole bag of problems that this entire confirmation proceeding has stirred up and whether it's Dr. Anderson that has to solve those or the next person, some body is going to have to work with those. I was struck by Senator Lewis' comments this morning. We are called on to merely approve and merely investigate. If we could come up with specific reasons, then I would say we would be on solid ground. When we talk about, as Senator Chambers did, the administration of drugs, of a specific drug, we're not talking about a problem that the Director of Public Institutions will have to face. The responsibility for the dealing with an individual patient is the individual physician who is treating that patient and Dr. Anderson in this new spot would be called on only to set broad guidelines. If Dr. Anderson is guilty of anything, it seems to me he has been guilty of responding to the criticisms and