

the sitting members of the Legislature voted against it, Senator Abboud, Senator Warner, Senator Beutler, Senator Wesely and Senator Pirsch, all opposed the confidentiality standard, and it came about because a reporter checked John DeCamp's phone records and found a couple of hundred phone calls back to his campaign manager. That's where the issue came from, not one, not ten, not...it was to the tune of a couple hundred long-distance phone calls back to his campaign manager in his home district. Now to arrive at that, the reporter happened to call a whole lot of other people and inquire what the nature of their conversation was. And what we had in that instant was exactly what the issue is before us and that is the legitimate use of the phone call for confidential purposes and the illegitimate use of the phone call for private purposes. And the Legislature stood on the proposition that we should be entitled to some confidential exchange with our constituencies and the press hammered us and said, no, there's no such thing as confidentiality and the Legislature said, oh yes, there is, and we passed this law. And when I voted for the bill I was endorsing the concept that confidentiality was an appropriate principle to apply. Since then, LB 579 has narrowed, and I think quite realistically, saying that we need to differentiate between the confidential phone call, which we all know are rare, and the normal course of our phone calls which are not confidential, which should be subject to scrutiny of the highest order. And what we have in 579 is the least restrictive way of guaranteeing confidentiality and yet maintaining open records. It is a better balancing than what we had prior to the confidentiality law. It is a better balancing than what we have under the confidentiality law and it's good public policy. The Executive Board has done well on that score, but in the end, the person to judge our behavior needs to be somebody that the public has confidence in. Now Senator Hall argues, and perhaps quite rightly, that this body does not have confidence in the State Auditors. I think the nature of his speech was to say, we should not place our confidence in the public Auditor. But what that does is frame the political issue as the Legislature versus the Auditor, and I think the issue, the political issue is the Legislature and the public of the State of Nebraska. And we have to live with the luck of the draw. If we've got a good Auditor, great. If we've got a poor Auditor, too bad. But this political issue is between us and the public, not us and the Auditor. It's the luck of the draw and elections will take care of whatever that line of political intrigue is going to take. What we have to do is pass the smell test. What we have to do