

There are no more industrial banks in the state today. So this, in fact, is in itself a closed class. I do not know if that is constitutional or not either. But what you are doing here with this provision, and I do not believe it is limited, I believe you are repealing the credit of the state provision of the Constitution. I do not believe it would fly. I do not believe it is good...it is good practice. I will do anything legally necessary to reimburse those depositors and I believe that it can be done. I believe the vote on the tort claim several days ago indicated that others in this body agree. I think it is important to note that Mr. Kent Johnson has already pleaded guilty to actual embezzlement of funds. The question as to how much money he squandered remains to be seen but I believe that has been documented fully and I will be having a letter to you on that in some detail very shortly. My objection to this amendment are two. First of all, as has been said before on this floor, this type of language will, in fact, no doubt, doom to failure the constitutional amendment for a statewide lottery. Whether that is good or bad is up to your collective judgment and your individual judgment. Secondly, what we are doing here with this provision is that we are saying we're going to repeal the credit of the state and we have not said so, we have not said it, we have not referred to specific sections of the Constitution. We have said notwithstanding any other provision of the Constitution. That language is not legal, legitimate language. Now the Attorney General may say so and an Attorney General once said that we could pay the Commonwealth depositors because they were good folk. The facts were the court didn't say so. This will go to court as fast as...as, what's the name of the horse that's going to run today at Ak-Sar-Ben, Who Doctor Who, can go from the stretch to the finish line. It won't take that long and the result will be the same. And so we are...we are here, in effect, putting into the constitutional amendment language that...

SENATOR LANDIS: One minute, Senator Schmit.

SENATOR SCHMIT: ...will not work and if it became a part of the Constitution, would still be challenged and would, in fact, then delay for another three or four years the very thing we are trying to do. Places us in a difficult dilemma. Those of us who want to help Commonwealth are faced with the necessity of deciding, do we support the six Lincoln legislators who have a very deep interest in this? Or do we use our good judgment? I have always supported the Commonwealth. I supported it when