

General into this mix, but your argument is made stronger if you can give a specific example. Your Attorney General went to the Nebraska Supreme Court and tried to get them to set an execution date while an inmate on death row had a matter pending before the federal court. Here's what the Nebraska Supreme Court said to your Attorney General. Not only has the Attorney General asked us to perform a useless act, he has asked us to perform a lawless act. The Attorney General went to the Nebraska Supreme Court and asked them to place an act that violated the law. That is what your Supreme Court said about the Attorney General so that means that either through stupidity or venality an Attorney General will ask the Supreme Court to violate the law. Now if it's stupidity you cannot trust him to protect the rights of the public and if he is venal you cannot trust him to protect the rights of the public. Senator Lindsay mentioned the legal doctrine known as res judicata. That means a thing adjudicated or decided. If Senator Bromm and I have a dispute and it goes to a final judgment, all the issues that were decided in that action are binding against Senator Bromm and against Senator Chambers. But it doesn't mean that somebody else could not litigate those issues. My rights and Senator Bromm's rights as far as that particular issue would go have been decided. But the deciding of our rights cannot bind other people and limit theirs. I could have had an incompetent attorney, he could have had an incompetent attorney. So even though a final judgment was reached, it may not have disposed of the issue in such a way that that decision becomes a binding precedent. A precedent by a court is different from res judicata. Res judicata is between the parties. A binding precedent is a decision issued by the highest court which can declare the law and every inferior court is bound by that. What we're dealing with here is where an Attorney General for whatever reason may not raise issues related to procedure. And if the city doesn't take it to court, then there is no way for anybody to even get a court ruling on it. But if it is taken and the Attorney General...

SENATOR CROSBY: One minute.

SENATOR CHAMBERS: ...or the city or the bond holder or the company does not look after these issues and it reaches a final judgment and there is no appeal. That is conclusive against not only the city, the bond holder and the company, but against every citizen and person and that's what the law says. It's conclusive on those issues against everybody. Then it gives a mandamus action to the company to force the city to comply with