

jurisdiction of the state courts can be established by the Legis'ature, the jurisdictional bounds of the federal court can be established by Congress. The only limits on what the Nebraska Legislature can do with reference to the court and what Congress can do with reference to the federal courts would be found in the constitution or what had been called the inherent judicial powers. When we talk about judges deciding cases, if a judge refuses to decide a case, another court can order the judge, say the judge is just delaying and delaying, a higher court can order the judge to render a decision but the court cannot order the judge to render the decision a certain way. What the U.S. Constitution says about electors is that they'll meet in their respective states and vote by ballot for president and vice president, and then mentions some other things about they...who cannot be an elector and so forth, like if you're holding an office under the federal government. The state cannot tell these electors which way to decide. They go there to make a decision. Under the powers that they have under the U.S. Constitution that decision is not limited in any way other than that established by the U.S. Constitution. When a state presumes to pass a statute that says we, in effect, are going to amend the Constitution of the United States and restrict the prerogatives placed on these individuals by the constitution which created their position and gave them their prerogatives, that statute cannot stand. And I do not believe, as Senator Kristensen says, I mean Senator Withem says, that the only way this matter can be challenged is if I am (laugh), well, under the impossible circumstances that Senator Withem laid out. (Laugh.) But in any case, presume that what Senator Withem gave as a scenario is correct, regardless of the party involved or the individual who has been sent as an elector. If that elector is representing the "Repelican" party, because they always carry the most votes in Nebraska, would cast a vote other than the way the popular vote went, you cannot go into state court. Let me ask Senator Withem a question.

SENATOR CROSBY: Senator Withem.

SENATOR CHAMBERS: Senator Withem, we're dealing with federal questions here. When the elector casts his or her vote it is in connection with a federal activity. Is it your belief that if an elector behaved contrary to a state statute, the state or the political party or the candidate who would have gotten the most popular votes but not the electors vote will be able to go into federal court and have that court change that electors vote and