

well, we want to be certain whether we should be paying these people or not. Well, if you want to be paying them, you're already paying them. The danger is by asking the question you may be told you cannot pay them. If you're told you cannot pay them, you've got a major problem on your hands. Those people are going to come back to the Legislature and they're going to say, darn it, we trusted the government and what happened? And the Legislature and Ernie Chambers and Wickersham and myself are all going to say, I'm sorry, this is a moral obligation, we've been through this before on the Commonwealth matter and we really can't do anything. You can file claims all you want till your dying breath to get that money back and you may not get it back because the courts have already come down on this particular issue. And they'll be back here before the Legislature notwithstanding what we say the legal matter is time and time and time again and they will be hurting real bad. Is that the certainty we want? You want to know which chamber the bullet is in? I'm not sure that we want that certainty and it's a little unusual for me to be arguing against certainty. My basic disposition is to want certainty, but I don't...I'm not convinced yet that I want it in this particular instance. Might it be a little cheaper to resolve the matter if we sue now? It might be, maybe. It depends on who comes up on the other side and what issues they bring up and what motions they file. It may be just as expensive; it may be cheaper. But at least from what I know right now, I'm not sure that that degree of savings is worth it to me. So on the other hand, if you don't litigate or if you do litigate, I guess the cons are you have certain expense. Maybe you get off with no expense whatsoever. Senator Wickersham would argue that's unlikely. Maybe it is unlikely. I'm not altogether sure about that. But I know if you do sue you have certain expense. There's no doubt about that. You may get the anti recipient decision. I've already talked about that. And you may get some court imposed standards on what you do that you may not otherwise have. I guess I would like to hear the arguments as to why it makes sense to litigate now other than the mere fact of certainty and a little bit of savings. Because at this point in time, I would rather see the recipients move on with their lives. Some of them are already collecting those benefits. No matter what the court says, they'll never be able to take those back from them. More will move into the category as time passes of receiving those benefits. The more those benefits are in their hands, the greater as a practical matter is the difficulty of the courts