

is my belief that that can be done as well, and it matters how you proceed under the various statutory authorities that are available to the Attorney General. I am not going to suggest, I don't think that's appropriate, exactly how he should proceed, but I would hope that he would proceed in the most economical manner that is feasible and brings a resolution. But what that economical course would mean in terms of dollars, I can't tell you. But that was, I wanted to call to your attention the testimony that was given to us. And there is, I guess, the potential for having a large class action with regard to this issue, but that could be brought now by one of the participants, by a taxpayer, by other folks who are affected, and we would wind up almost in the same position. This issue is susceptible to class action treatment, period, whether it is initiated by the Attorney General or someone else. Other retirement issues that are analogous to this one have arisen as class actions; the Halpin case, the Calabro case arose as class actions. These kinds of issues are susceptible to class action treatment. That can happen. It can be very expensive. It can be very complicated, but we don't believe, in this instance, that it has to happen that way. There is statutory authority, we believe, for the Attorney General to bring an action naming literally the Secretary of State as the defendant, and to proceed in, as he has done in other actions, to test the constitutionality of a particular statute, and in those instances, other parties can be joined but they are not required to be joined, and that we believe would be the most economical way to address this issue. And we believe that that is available to the Attorney General. Whether he would choose that course or not, of course, would be up to him. The discussion about whether the noncertificated employees wish to have this issue litigated I think is pertinent. It is also my personal belief that if I were a noncertificated employee that certainly I would not want it litigated either, but not for legal reasons and not for issues that had to do with the resolution of the issue. My position would be simply don't kick a sleeping dog, and that is perfectly understandable. They are...they perceive themselves to be in a precarious...

SENATOR WILL: One minute.

SENATOR WICKERSHAM: ...and undefined position and they certainly are, and they do not want that disturbed, even in the slightest. No tremors, no discussion, nothing, just forget us,