

punishment on farmers for selling goods that had a lien on them. But it was felt that the county attorneys would not prosecute, would not charge a farmer with a criminal offense for selling such property. So the bill properly was killed and the bankers didn't even object to its being killed. So when we look at it realistically we know that the harshness of the penalty, in a situation such as the one we are talking about, is not going to prevent a person from lying. If the person lies and a county attorney does not prosecute, Senator Haberman cannot get a writ of mandamus to compel the county attorney to prosecute. The prosecutor has almost, almost absolute discretion as to whether or not to file a charge. One legitimate consideration the prosecutor can take is whether or not he can get a conviction. If he is in a distressed community and a farmer has lied in order to get a loan to try to save his rear end, the prosecutor could say, now am I going to be able to find 12 people in this county who will convict this guy for lying and send him to the penitentiary for doing what big corporation heads have always done and don't go to jail. No, I couldn't get a conviction so I'm not even going to waste the county's money and I'm not going to waste my time, and he need not prosecute. Mandamus cannot compel him to prosecute. Mandamus will not get him out of office. Here is what we have to be frank about, this bill is not being looked at in the eyeballs by anybody except me. Let me give a concrete example of what I am talking about. I've been dealing with the First National Bank, which by the way is not a Nebraska corporation. First National Bank of Omaha is not a Nebraska corporation. It has no papers filed in the Secretary of State's Office. So, when they file a suit against the State of Nebraska and say they are a Nebraska corporation, that is false. I got the papers. The Secretary of State has no record of the First National Bank of Omaha. But anyway let's say that I go ahead and I've been borrowing from them. Then I decide that there is a PCA out here and I'm going to borrow from them. But they wouldn't loan to me if they knew that I'm tied up with First National. So I sign this paper and say there are no liens. Well, if First National doesn't care about being defrauded, fine. Let them take their chances. We are dealing, in this bill, with a collection. Senator Chronister, please understand that I am using the word "thieves" advisedly, but we are talking about bankers who know they might be defrauded, borrowers who might be defrauding. We are dealing with a collection of thieves who know what all of them are. Bank A may realize that the