

RG6135.MI: Nebraska for the People [1974]

Part 3: Judicial

Narrated by Floyd Kalber

[An overview of the role and functions of the judicial system of Nebraska, beginning with the Supreme Court.]

The Narrator, standing the steps of the Capitol, asks: “How much do you know about Nebraska State government? Do you know how it works? What do you think of when you think of State government?”

These questions are then presented to a random selection of citizens on the street. The responses suggest that “State government” means, for example, the financing of schools, the legislative body itself, taxes, “not into it at all,” and local issues, issues having more to do with the people.

The Narrator begins by noting that the judicial system is the least known and least understood branch of State government; at the same time, he suggests that the judiciary may be considered the most important branch because it has the last word in any dispute between the Executive branch and the Legislative branch, or between the Executive branch and the citizen, or between individual citizens.

View of two county courthouses. Almost every court in Nebraska is a State court. There are also District courts and County courts in Nebraska, but they are all a part of the unified State judicial system. The only exceptions are the Municipal courts in Omaha and Lincoln, but the Governor names the judges for those courts as well.

Paul W. White, Chief Justice of the State Supreme Court, explains that the court system, responsible only to the people, is independent of the other branches of government and is designed to insure that everyone exercising power in the government stays within his proper authority and operates under the law and not above it.

The Nebraska Constitution guarantees that every citizen, regardless of wealth, has the right to be heard by the Supreme Court. “Equality before the Law” is the motto of Nebraska.

View of the Supreme Court chamber as the seven members (six judges and the Chief Justice) enter for a hearing. A case before the court is decided (“won”) when four judges agree on the outcome. To overturn an action of the Legislature, however, five judges (a “super majority”) must be in agreement. In this matter, Nebraska is unique among the states of the Union.

View of two attorneys participating in oral arguments before the Supreme Court; each attorney has thirty minutes to make his or her case. No evidence or witnesses are involved, since those issues were handled in the lower courts.

View of the room behind the Supreme Court chamber where the judges meet to discuss each case. The discussions are confidential. Following the initial vote, a single judge is then assigned the task of writing the majority opinion. The draft of this statement is then circulated among the other judges. Those who disagree with the majority opinion may draft their “dissents.”

All judges are appointed by the Governor, who makes his choice from among candidates recommended by a nominating commission that includes lawyers and citizens. Every six years, each judge must receive a vote of confidence from the citizens; if the judge is not “retained” in this vote, he or she must resign, and the Governor appoints a replacement.

District courts and County courts are described. District courts, for example, have regular jury sessions.

In his closing remarks, the Narrator (Floyd Kalber) notes that this overview of the judicial system was paid for with tax money, appropriated by the Legislature, in an effort to increase public knowledge and understanding of State government itself. Urging every citizen to take an active role in the processes of democratic government (by voting, for example), he refers to the words above the north entrance of the Capitol: “THE SALVATION OF THE STATE IS WATCHFULNESS IN THE CITIZEN.”

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