

can, because I am going to ask a question that is not related directly to that. If you represent one side, I represent the other side, and we cannot agree on a third person, then status quo remains, is that correct?

SENATOR WESELY: Right.

SENATOR CHAMBERS: So whoever is enjoying status quo wins automatically, based on the statute, by simply refusing to agree to the third person?

SENATOR WESELY: Yeah, I guess I would agree.

SENATOR CHAMBERS: Thank you. Members of the Legislature, what Senator Bernard-Stevens' amendment is aiming at is some means whereby we don't reach the deadlock. Remember, that decision is not final, but a decision will be reached, and that is what we have to have. In the court system, the thing that a judge at the trial level must do is reach a decision. We know the trial judge is not always going to be correct. That is why there is an appellate procedure, and at that appellate level, individuals who have more leisure time, they don't have to listen to the evidence presented, they don't have to determine the credibility of witnesses, they simply look at what has been established at the lower level and a lot of times arrive at a decision different from that of the trial judge. But what you do have in the current legal system is a level and a point at which a decision must be reached. With all of these other alternative proposals, there is a likelihood that we are building deadlock into the system itself. Either side can refuse to participate in selecting whoever, whether it is three or one, and status quo is retained, and we build into the system an automatic winner, and the automatic winner, under the statutory procedure that would be laid out, is the one who not intends to carry out the will of the Legislature, but whose desire is to defeat it. We give that one who wants to defeat it the legislative power to do so. What we want is people who will cooperate and work to carry out the spirit of the law. Any of these other alternatives will have the opposite effect by putting all of the cards in the hands of the one who does not want to carry out the law. To defeat the law, simply resist it and do not carry out what your part is, and you win because there is no other method by which a dispute can be resolved. So let's say it's the Historical Society and we pass 340, they say we know the skeletal remains go back and we know what those are, but...