

SENATOR BERNARD-STEVENS: Thank you, Mr. President, members of the body. I rise in opposition to the Smith amendment, not on intent but virtually I believe it would be blatantly unconstitutional. I do not believe that you can have a decision made by a district court judge and then have a civilian panel acting in a review and have any decision that would be binding on a district court or county court judge. No decision would be binding, and consequently the process would be, in my opinion, not productive or would not gain the goals that Senator Smith is trying to do. I can understand Senator Wesely supporting the amendment, because I suspect that Senator Wesely realizes the amendment is somewhat controversial and unconstitutional and that would certainly support what he's been trying to do with the bill, 182. I understand what Senator Smith and others what their concerns are, and I've heard it a couple of times now. You have courts, judges reviewing the decisions of judges, and how can that be, how can that be fair. I'd just like to remind the body on an appeals process we always have judges reviewing the decision of other judges, and we do not question that, just as many times we have, in Congress of the United States, we have members of Congress looking at the ethics and behavior of other members of Congress. Those things simply happen, there can be professionalism. And I think just to simply say that one group cannot make decisions that are fair and on its own colleagues I think is a little bit farfetched, particularly when we're looking at an appeals process. I don't think any judge, on an appeals process, or any panel of judges on an appeals process would say, gosh, we sure hate to overturn Judge Murphy out there again because, doggone, you know, we like him and let's just don't do it this time. I don't think that goes into the decision-making process. I think they look at what is happening, I think they look at the facts of the case. I think they look at the questions of facts and the questions of law, I think they make the best legal decision they can based on the law. Again, my main opposition to the Smith amendment is that I do believe, without a thorough review, that it is unconstitutional, because I do not believe you can have civilian panel making a binding decision on a judicial decision. And, therefore, I would hope that the body would not agree to the Smith amendment. Thank you.

SPEAKER BARRETT: Senator Coordsen, on the amendment.

SENATOR COORDSEN: Thank you, Mr. President, members of the