

going to give judges that power to decide yes or no on abortion, shouldn't we, as the Legislature, be involved to some extent philosophically in what kinds of people are selected as judges? And in the case of the Bork nomination, philosophically he was not acceptable to a majority of Senators and he was not confirmed. But to take that process out of the judicial system is basically hiding our heads in the sand, burying our heads in the sand, because we are asking judges to make decisions not simply on evidentiary rulings any more. The old traditional idea of the judge deciding whether a certain question was hearsay or not is only one of many functions that we are asking judges to perform. We are basically...and, as Senator Chambers, I think, extremely rightly said, we are asking judges in many cases to legislate and they do in many cases legislate. And we say judges shouldn't legislate but we're giving judges broad discretion to do just that. Could I have a gavel, please.

SPEAKER BARRETT: One minute.

SENATOR ASHFORD: We are asking judges to do just that and by doing that, I think we are, in effect, we are, in effect, agreeing tacitly to a breakdown of that old separation of powers theory anyway. It just doesn't apply anymore. So if we can't...if we decide, no, we're going to give judges these decision-making powers over life and death, the death penalty, abortion, those kinds of decisions, don't we want to know what they thing about those issues? I think we do. I think we do want to know that. We want to know, one, are they meritorious? And, two, are they the kinds of judges that are going to decide the way we think they should decide on those issues which are not evidentiary rulings but are issues that go to life and death issues? I think we do. I think we do. That's what we demand on the Bork nomination. That was the whole issue, you know. So I think that the public, one, deserves to know, at least it would be an open process and this ensures that.

SPEAKER BARRETT: Time.

SENATOR ASHFORD: And, number two, philosophically, I think, we have expanded the role to the extent where it demands this kind of involvement. Thank you.

SPEAKER BARRETT: Thank you. You have heard the closing and the question remains, shall the Ashford amendment to LR 8 be adopted? All in favor vote aye, opposed nay. Have you all