

person and find them not guilty just on the hope that someone was falsely accused. They're going to look at each case individually, and we're not talking about denying them the right to an appeal because they're going to get an appeal. What this amendment really does is this puts us back into the place where we're at today. It goes back, and if you will look at your green copy, on the very first page, and Senator Chambers is right, on line 15, it effectively is going to put all cases of felony back in there. That doesn't do anything for the system that we're trying to do at the moment. The backlog is there. Those felony cases, we are going to have the opportunity to give the Supreme Court the jurisdiction or the appellate court that jurisdiction and the people that are going to decide that are going to be us. We, by legislation, are going to decide which cases go and we are not foreclosing them out. In order for an intermediate court of appeals to work, we're going to have to have some say-so over which cases go to the Supreme Court and which do not. This resolution does not dictate which cases go there and which ones do not. This gives us the framework to set up a court and that's all this constitutional amendment is about and I would urge you to defeat the Chambers amendment. Thank you.

SPEAKER BARRETT: Thank you. Senator Chambers, further discussion.

SENATOR CHAMBERS: Yes. Mr. Chairman and members of the Legislature, and Senator Kristensen, what I am saying is that my intent is to remove from the power of the Legislature to take away the right of appeal to the Supreme Court. The only way that can be done is to put into the Constitution, as it is now, a protection of that right. What the framers of the U.S. Constitution said is that a legislature should be free to make any conduct criminal that it chooses to. But when it comes to the imposition of punishments, there has to be something in that Constitution to place a restraint on those legislatures. And some of the ones who were in the discussions about the Constitution, and this is when the Eighth Amendment was being discussed, the one that prohibits cruel and unusual punishments, we're saying that you may need to clip the ear of some people. You may need to put somebody in the stocks. You may need to give somebody lashes in public. That may be necessary. So don't take away the rights for the legislatures to impose these barbarous punishments. But, fortunately, saner, more humane individuals prevailed and there is an attachment to the U.S.