

unconstitutional or deficient or restricts it in a way that Congress does not desire, Congress can pass another law because the court has ruled on a law, but an enactment of Congress cannot amend the Constitution. Now how many citizens reading about Gramm and Gengrich will know that they're talking about doing something which Congress, in fact, cannot do? They can enact a law, but they cannot prevent the court from ruling relative to the constitutional rights of a citizen under the 8th amendment to the Constitution which prohibits cruel and unusual punishment. We have lawyers who are as careless in their presentation of these issues as the most uninformed naive lay person who is carried away by the yappings of politicians who are trying to make political hay off a fad. Fighting drugs, as they call it, is a fad. If there was a real intent to fight drugs, there would be more money given to education, housing, the creation of jobs, the instilling of self-respect and self-esteem in citizens so that they have a fall back and will not turn to drugs in the first instance. What we are doing here is taking away a right that the citizens currently possess. If any of you read your advance sheets, those little gray publications that come out giving recent Supreme Court decisions, you will find some decisions given by this temporary appellate court that is comprised of district judges that exist now. When they make a decision they will say, having reviewed the transcripts, the briefs and the record we find that the district court committed error and we reverse and order a new trial. You don't know anything about the reasoning that the appellate court used to arrive at that position. Under the proposal for this appellate court that LR 8 is envisioning there will be no requirement that their opinions be published so there will be three panels each composed of three judges. There can be conflicts in the opinions between those panels. The way the system is now...

PRESIDENT: One minute.

SENATOR CHAMBERS: ...if there are conflicting opinions in counties, they all can wind up before the same tribunal and a definitive determination is made by the State Supreme Court. You are setting up the possibility of three types of justice in this state depending upon which panel your appeal goes before. I think that is unreasonable, I think it is unfair, I think it is improper. When Senator Kristensen says you get an appeal, that is true. The way the system exists now if you have a case in county court you get to appeal that to the district court.