

dated February 20 and, Senator Kristensen, I want you to pay particular attention to what I'm going to read. Quote: "The Supreme Court decision makes little practical or legal sense. The decision creates havoc in the legal community." That was discussing the court's opinion relative to what is to be made of an opinion offered by the Court of Appeals; that it has no binding power. Well, I'd like to paraphrase that for Senator Avery's amendment. The amendment, the Avery amendment, makes little practical, legal sense. The amendment creates havoc in the legal community. I don't think Senator Avery's amendment is a wise one and I don't think we ought to adopt it and I doubt there's much likelihood that it will be adopted, but I want to make a comment if I can to persuade us not to vote for his amendment. It is appropriate for us to criticize what it is we don't like about the courts when we think they've done something that is inappropriate. Merely giving an opinion or write a decision that we don't like is not sufficient basis for trying to punish the court. When they come in for salary increases, that I think is a good time to evaluate everything about the courts that we would like to evaluate. But when it comes to an essential functioning of a particular element of the court system, which I think is what we're dealing with here, we should operate at a different level. The court, the Appellate Court has been created pursuant to the public voting on a constitutional amendment. It is in existence. It is functioning. A need has been demonstrated for these individuals whom Senator Avery wants to deprive the court of. I don't think we ought to do that. Now that the court is in existence, and I opposed it, didn't think that it was necessary, did not think it would achieve the goal Senator Kristensen had in mind and stated for us that it would achieve, we still ought not take a position that will cripple this court in terms of discharging the duties that it is faced with. You all voted for this thing.

PRESIDENT ROBAK: One minute.

SENATOR CHAMBERS: You all are a collective Dr. Frankenstein who created this monster. You submitted the issue to the public for voting. They gave you what you told the public was necessary. Now that the public has responded and followed your lead, I think it would be inappropriate for you to cripple that monster which you helped to create. Now if we could destroy it, that would be a different matter.