

The next item on the agenda is a consideration of Committee Recommendation R&P-2. The Chair desires to make two announcements.

One, it has become quite obvious that the debate is being prolonged by absence of members from the chambers during the presentation and question and answer period and during debate. I realize fully that these proceedings are tedious, tiresome, and exhausting for everyone. The only way we can possibly conclude quickly is to stick to the task, be here during discussion and debate, and thereby make unnecessary repetition of questions and reconsideration of previous action.

The second announcement, which I am sure will be more welcome to you, is that Delegate Kiefer has indicated that he can and will make his presentation very brief. He will answer all questions. Please keep your questions confined to questions for clarification and not for debate.

Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, ladies and gentlemen of the Committee, not only will I make this very brief, but I have asked three of the four of the Committee members to make specific comments on sections. I hope they will do it from their own place, and that they will be very brief.

I think very frankly that we can get on with this. I am very proud of what this body has done with respect to the Recommendation R&P-1. There have been few, if any, really important changes. One or two items I was not quite happy with, but nevertheless, on the whole, I think we have done a fine job. I appreciate it. I appreciate more than ever the unanimous final vote, and I say this on behalf of the Committee also.

Now, the Committee had under consideration quite a group of proposals, as you know. I think they covered the waterfront. In addition, we had certain sections of the present Constitution to consider, that is, certain areas of the Declaration of Rights as well as other sections.

What we have come up with in Recommendation R&P-2 is somewhat of a pixie combination. I say that not facetiously because the first six sections of Recommendation R&P-2, in effect, refer to a form of government rather than to personal rights. The others refer to specific matters. I do not propose to take very much time. There are amendments that are to be offered with respect to section 1 and section 2.

Section 1 refers to the supremacy of the Constitution of the United States. Section 2 refers to the powers reserved to the states. Both of these sections are in the present Constitution. They were put in there right after the Civil War at a time of stress and strain, when it was important to restate these concepts. I do not believe it is particularly necessary now. However, we offer them for your consideration.

An amendment will be offered so that you can say yes or no to them without a lengthy discussion. I do not think we are going to add very much to anybody's education by discussing them. This is simply to give you an opportunity to decide whether or not you want them in the new constitution.

I will give Delegate Child an opportunity to discuss section 3 and section 5. He is not here at the moment, but section 3 is partly covered by general provisions, Recommendation 9; and section 6 by General Provisions Recommendation 11.

I think section 6 is really a transitory provision and there is an amendment that has been shown to me that is perfectly acceptable. These are just housekeeping items in a certain sense.

Section 7, has to do with the right to sue the State and local governments, and section 8 is the right to remove civil cases.

Section 10 retains the present provision that the criminal jury is the judge of the law as well as the facts.

Section 12 is the right of removal of criminal cases. It will be discussed by Delegate Willoner.

Delegate Willoner, would you like to come forward? Perhaps the delegates could see you better. I might say, while he is coming up here, Delegate Weidemeyer will discuss, and I hope very briefly also, sections 11 and 13.

Delegate Mitchell will discuss section 9.

*(At this point, First Vice-President James Clark assumed the Chair.)*

DELEGATE J. CLARK (presiding): Delegate Willoner.

DELEGATE WILLONER: I think I should first discuss the right of removal. We have in the Majority Report the right of removal as it is in the present Constitution, for the purposes of civil trials and for criminal trials, which include all felonies.