

DELEGATE J. CLARK (presiding):
Delegate Bothe.

DELEGATE BOTHE: I believe I do know the answer, but I feel that it should be in the record of the Convention.

DELEGATE J. CLARK (presiding):
Delegate Kiefer.

DELEGATE KIEFER: Well, we certainly considered this, but we did not do anything about putting it in or leaving it out. This does not prohibit capital punishment, if this is what you are leading to.

It says sanguinary laws ought to be avoided as far as consistent with the safety of the State, and as far as I know, they are.

DELEGATE J. CLARK (presiding):
Are there any further questions on section 8? The Chair hears none.

We will move to section 9. Are there any questions on section 9?

The Chair recognizes Delegate Vecera.

DELEGATE VECERA: Paragraph A, lines 14 and 15, "provisions of this Constitution shall not be suspended." How do you interpret that, sir, with the transitory provisions that we might eventually write into the Constitution where certain sections will of necessity have to be suspended?

DELEGATE J. CLARK (presiding):
Delegate Kiefer.

DELEGATE KIEFER: No problem. This was intended to avoid the repeal or the setting aside of the Constitution, the basic Constitution as we envision, in times of war, rebellion, or something else. There is no conflict otherwise.

DELEGATE J. CLARK (presiding):
Are there any further questions?

Delegate Byrnes.

DELEGATE BYRNES: Delegate Kiefer, I refer to lines 17 through 20 of section 9, subsection B, and also to the excellent intra-Convention memorandum prepared for us by Delegate Burgess.

Is it the Committee's intention to incorporate into the record, in any event, as a supporting document for section 9, subsection B this memorandum?

DELEGATE J. CLARK (presiding):
Delegate Kiefer.

DELEGATE KIEFER: I am not sure I am familiar with the memorandum you are talking about.

DELEGATE BYRNES: I assumed you were, sir.

DELEGATE J. CLARK (presiding):
Delegate Kiefer.

DELEGATE KIEFER: Well, let me refer this to Delegate Burgess. He is our expert in this particular field.

DELEGATE J. CLARK (presiding):
Delegate Byrnes.

DELEGATE BYRNES: I am referring to your apparent broadening of the right of eminent domain where you say private property shall be taken or damaged for public use or purposes without just compensation.

DELEGATE J. CLARK (presiding):
Delegate Kiefer.

DELEGATE KIEFER: Pardon me, where are you reading?

DELEGATE BYRNES: Section 9, subsection B, page 4, lines 17 through 19 of your Majority Recommendation contains the words "private property shall not be taken or damaged for public use or purposes without just compensation."

DELEGATE J. CLARK (presiding):
Delegate Kiefer.

DELEGATE KIEFER: I understand that, but what recommendation are you referring to?

DELEGATE J. CLARK (presiding):
Delegate Byrnes.

DELEGATE BYRNES: I will have to defer to Delegate Burgess.

DELEGATE J. CLARK (presiding):
Delegate Burgess.

DELEGATE BURGESS: The memorandum referred to is the one I furnished you a copy of, Mr. Chairman.

DELEGATE KIEFER: That has not been furnished to everybody else.

DELEGATE BURGESS: It has been prepared.

DELEGATE KIEFER: I had not seen it.

DELEGATE J. CLARK (presiding):
Delegate Byrnes.

DELEGATE BYRNES: It is my understanding that the inclusion of the word "damaged" broadens the law beyond what we know it to be today. Is that a correct statement?

DELEGATE J. CLARK (presiding):
Delegate Kiefer.

DELEGATE KIEFER: Yes.