

which would bring a matter to referendum could also accomplish the same purpose because I believe then a question could be brought to referendum if the legislature passed something we did not like or affected something in the constitution.

Second, the possibility of 100,000 signatures stating that they were dissatisfied with the judicial system as we devised it in this newly drafted constitution frightens me because in looking at the galleries day after day since September 12, I am slightly concerned that the electorate does not exactly know what our constitution is or what it purports to be. It is conceivable that 100,000 people could sign such a petition and place such a matter on the ballot and it could even conceivably be passed.

I think then we would have undermined that which we have written. I would prefer that it go through the General Assembly if there is difficulty and need for correction. I am afraid we cannot leave all this in the hands of the people.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Gallagher.

DELEGATE GALLAGHER: Ladies and gentlemen, it seems to me that we must never be afraid of the will of the people and that consequently we must expect from them the same consideration that we expect from members of our deliberative bodies when considering legislation, whether it be to add new legislation or to eliminate old legislation.

I do think one of the most salutary features of this proposal is the point that has already been made that it is an escape valve, so to speak, for members of the public who might feel particularly dissatisfied about some aspect of the constitution, but who, I think, would be assured by the possibility of change initiated from without the General Assembly or from without a constitutional convention.

I think it has much to commend it. I think the people feel it an aid when government is moving away from the populace, and that this is an attempt to involve the average person in significant determination of state government. Consequently, I would urge its adoption.

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: Mr. Chairman, ladies and gentlemen, I would like to go back to some very simple definitions.

The proposal before you says an amendment to the constitution. That amendment can be a law. If it is prepared in the form of an amendment to the constitution, you will need 91,000 signatures based on the last election to get that placed before the electorate for their determination. It may be a law directed at a minority. It may be a law directed at some church-state relationship. It may be a law directed at something that today we are not cognizant of but in a few years when this revolution through which we are living begins to take greater hold, it may affect some matter where tempers rise, emotions are at their zenith.

All we have here is ten percent of the voters in a state that has three and a half million population. In California, they require eight percent of the state with a population in excess of fifteen million. They sure made one mess of it.

What I am saying here is if what we are creating for our General Assembly is what we hope will bring us the kind of General Assembly that is responsive to modern needs, then let us have faith in it. What you are doing here is providing for that which all of those who have spoken for indirect initiative and backed away from it are now sponsoring, because this does not have to be the kind of amendment to the constitution that would pass Delegate Scanlan's inspection. It can be a simple law and when it is passed, it is added to the constitution.

If you think the present constitution with a couple hundred amendments is something that you are trying to clean up and straighten out, just bear in mind you are being asked to put into the new one something which will let 91,000 people bring to the voters a question which they will vote on which may be a very simple and sometimes a devastating law. I shall vote against the amendment.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

*(There was no response.)*

Does any other delegate desire to speak in opposition?

*(There was no response.)*

Ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.