

1 MR. MINDEL: Yes, even in the criminal case.
2 There is nothing in Article 6 in the Federal Constitution
3 about the unanimous consent. I think there has been
4 quite a bit of discussion about having jury verdicts,
5 10 to 2, 11 to 1, 9 to 6. Couldn't that be left to the
6 Legislature? You don't have the number of jurors. You
7 can have six or ten jurors. Don't you think that would
8 be well placed in the hands of the Legislature?

9 THE CHAIRMAN: Mr. Gentry or Professor Asper?

10 MR. GENTRY: It was considered, and we re-
11 tained it, even though it is not in the Federal. We
12 retained it out of the present Article 21, which requires
13 unanimous consent. We felt that in civil trial, yes,
14 something else might apply, yes, but in the criminal
15 cases, we felt very strongly it should be unanimous and
16 not go unattended to, 10 to 2, popular in England.

17 MR. SCANLAN: England is giving serious con-
18 sideration requiring a verdict only by ten or more, rather
19 than by unanimous.

20 THE CHAIRMAN: Mr. Clagett?

21 MR. CLAGETT: My point is directed to a dif-