

1 substitute for it, but if you added the two words, by
2 law, that would apply to both the courts and to the
3 Legislature.

4 MR. MARTINEAU: This would go along with my
5 suggestion.

6 MR. CLAGETT: I would so move.

7 THE CHAIRMAN: I suggest to you, you don't
8 meet Mr. Martineau's point. His point is that the Court
9 of Appeals has said that any sentence imposed with the
10 legislative sanction is not cruel and unusual, if it is
11 imposed by law, it is imposed with legislative sanction;
12 so it would not meet his point at all.

13 MR. MARTINEAU: Nor cruel and unusual punish-
14 ment imposed by law.

15 MR. CLAGETT: Would obviate it at its incep-
16 tion.

17 MR. MARTINEAU: It would say that the Legis-
18 lature, the law must comply with the requirement that
19 the punishment which is imposed not be cruel and unusual.

20 THE CHAIRMAN: The Court of Appeals has already
21 said that the law must not have cruel and unusual punish-