

1 such penalty.

2 THE CHAIRMAN: Mr. Clagett?

3 MR. CLAGETT: I may be a little bulldoggish
4 in hanging on. I am trying to get at something. If the
5 language you suggested a moment ago doesn't do it, how
6 about this language: No cruel or unusual punishment
7 shall be enacted into law or imposed.

8 MR. MARTINEAU: Or shall be provided by law.

9 MR. CLAGETT: I am still hanging on to the
10 thought that I want to stop the Legislature as well as
11 the courts, and it seems to me it is possible, and if
12 we can just hit upon the right phrase, we can get at it.

13 MR. MARTINEAU: Mr. Clagett, instead of trying
14 to draft it here, how about amending your motion to
15 direct the Committee to draft this so as to prevent the
16 Legislature for providing cruel and unusual punishments
17 in the statutes?

18 MR. SCANLAN: The present Constitution does.

19 MR. CLAGETT: I would be agreeable to that.

20 THE CHAIRMAN: Your motion is, then, to do

21 what?