

1 amendments proposed deals with the creation of an inter-
2 mediate appellate court. If that should not be
3 adopted, the argument could very well be made that the
4 judiciary article which we propose and which proposes
5 an intermediate appellate court should be amended so
6 as not to provide for an intermediate appellate court
7 because the people have so recently rejected it. On
8 the other hand it seems to me that an almost similar
9 argument can be made if a constitutional amendment is
10 approved and if it varies in detail from what we
11 propose but touches on the same area.

12 The argument might then be the people have
13 so recently approved this that the convention ought not
14 now change it. It seems to me we are in a position
15 therefore to try to suggest that the amendment should
16 be adopted or should not be adopted. On balance it seems
17 to me that we perhaps should at least point out in a
18 public statement the extent to which an amendment is
19 either consistent or not consistent with action which
20 we contemplate. Mr. Miller.

21 MR. MILLER: Mr. Chairman, wouldn't we be