

1 make up the court.

2 MR. MARTINEAU: My suggestion would be to
3 the contrary. I think it would be a dreadful thing to
4 permit a picking and choosing at the time that you
5 have this very hotly debated issue.

6 DR. BARD: We don't mean at the time. The
7 picking would be at the time, but the structure for
8 choosing would be set up in advance.

9 MR. MARTINEAU: That would be dangerous. The
10 best way to have any structure for the trial of such
11 case as this is to have the body already designated so
12 they automatically perform the function and not to have
13 the selection at the time, because you get involved in
14 questions --

15 MR. MILLER: I fully agree, but our thought
16 was that the Legislature could form the body before
17 they had a case. They could by law say we will take
18 all the chief judges or that it would be provided by
19 law, by the Legislature, as to what their panel would
20 consist of.

21 MR. SYKES: It seems to me that this question