

1 MR. SAYRE: I would think so.

2 JUDGE ADKINS: I am not at all sure of that.
3 I just don't know.

4 MR. BOND: Your model Constitution, Mr.
5 Chairman, is silent on this item.

6 THE CHAIRMAN: I didn't hear the last part.

7 MR. BOND: The model Constitution I am
8 practically positive is silent on this point.

9 THE CHAIRMAN: I would like to ask this question,
10 Judge Adkins. I share Mr. Case's concern about this.
11 It seems to me the only reason for not providing for
12 it in the Constitution would be some notion that there
13 ought to be flexibility. Is there any such view?

14 JUDGE ADKINS: No. I don't think that is a
15 fair statement. I don't think it was a question of
16 flexibility at all. I think we would be basically not
17 unhappy to see the solution that is now before us. We
18 simply felt that it was so mathematically improbable,
19 that we didn't see the point in devoting a lot of space
20 and time in the Constitution to it. I was not firmly
21 of that opinion. I felt more as the Chairman suggested.