

penalties and punishments to crimes. I have to say again and I'll keep saying it when we talk about certain criminal matters, the so-called founding fathers of the republic are those who drafted the document known as the Constitution, and one of the areas that concerned them the most was the making of certain conduct criminal and then the annexing of punishments. Because of the type of vicious penalties that politicians sometimes impose, they added the 8th amendment to the Constitution to prohibit cruel and unusual punishments, and a punishment was cruel or unusual if it was excessive. It was excessive if it was out of proportion to the type of conduct it was designed to punish, and since nobody has said that the punishments imposed by this bill are inadequate to punish the individual for engaging in this conduct, I don't think we should raise this punishment merely to allow the federal government to come in. I hope that the legislators whenever we are talking about punishing the conduct of people will put on a penalty that has nothing to do with the conduct being punished. Why should you say allow somebody to go to the pen for a year just so that the FBI can intrude? Recently the Supreme Court indicated that breakins can occur when a court has authorized the placement of a bug or an eavesdropping device, and these are commonly used in gambling investigations. When you have a Supreme Court which says that the home or residence of a citizen can be broken into by law enforcement group, had that occurred in Nazi Germany or the Republic of South Africa, nobody would raise an eyebrow because that's what you expect. But this is the august U.S. Supreme Court saying that the home of a citizen can be broken into in order that a bugging device can be placed, and isn't this what Watergate was all about? But that only involved a political party's activities. Now the court is making it legal to do it in the homes of citizens, and all you have to do is attach a felony...make gambling and certain aspects of it a felony, attaching a penalty of a year in the penitentiary, then federal officials can say, we're bugging this person's home to find out if they're engaged in gambling.

SPEAKER MARVEL: You have one minute.

SENATOR CHAMBERS: But you know what the federal government is more concerned about? Not gambling, because gamblers have to work in the open. They are concerned about ideas... what are you thinking, what are you talking about, what are you proposing to do. So I'm not in favor, Senator Labeledz, of letting the state law become a vehicle for the federal government to come in with its type of surveillance, its house breakings and other things that go along with their