

about whether the U.S. Constitution ought to be ratified by their respective states, a lot of argument occurred that ultimately resulted in the Bill of Rights and a provision against cruel and unusual punishment. Some of these people felt that when it came to enacting criminal laws, the states should be prohibited by the Constitution from doing certain things because when it came to having the power to proscribe or prohibit conduct and assign punishments, then great care should be taken. And based on the panic of the moment, or the emotion of the moment, all types of improper laws would be drafted against conduct and all types of improper punishments would be imposed on that conduct even when the conduct in and of itself posed no great threat to society. But because the Legislature would have absolute power other than that restricted by the U.S. Constitution and its own State Constitution to legislate against any conduct it chose, there should be safeguards for the public against this type of panic. The punishment being prescribed in this bill is far too excessive for the offense that is being created. And what offense is being created? That terrible offense of teaching about any technique that could be used by somebody else in a civil disorder, assembling for the purpose of teaching this technique when some of the people there intend to use it in a civil disorder, how the Constitution is trivialized, how fundamental rights are being gutted. So I am asking that you strike this penalty section as it exists in this bill, and, by striking it, whatever penalty originally was there would remain in the law.

PRESIDENT: Senator Higgins.

SENATOR HIGGINS: Thank you, Mr. President. Senator Chambers, I think it should be obvious to you, as it is to me, that hardly anybody in this Chamber is paying any attention to you and I think the minds are pretty much made up on how they are going to vote on this bill. I mentioned to Senator Hoagland, on Senator Chambers' previous amendment, on Section 3 where they exclude certain groups, veterans groups, students, lawful sports activities, Game and Parks, the teaching of safe handling of firearms, the National Guard and troops of the United States, I was only one of the five that voted with Senator Chambers on this amendment and I am going to tell you why. I hope you will listen. One of the groups that was left out of this section should have been those who work in our state penitentiaries