

automatic and so easy, let's not take away this last, last ability or last statute that enables that person to get some kind of recognition. And, yes, sometimes it is even used as a club to keep their partner. Please don't take it away. Thank you.

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Pirsch and Senator Higgins gave all the reasons why this bill should pass. They talk about...Senator Pirsch talked about the anger, the hurt, even using this cause of action as a club to keep a spouse. The Supreme Court, in rendering its decision upholding this cause of action, said that the purpose in granting damages is not to punish. That is the language of the judges. So if you are voting for this cause of action as a means to punish, you are not even in accord with what the Supreme Court said in the decision that it rendered. And that was Vacek v. Ames. Not only is it not to punish, Senator Higgins said that it will be...a judgement will be given for the complaining spouse only when the jury found that the marriage was good. Totally false. The court itself said there was conflict in the evidence, and there was substantial evidence that the marriage had fallen apart before this other individual even got involved. But if there is any evidence on which the jury can make a finding, it will be allowed to make that finding. And if anybody wants a copy of the case to read that language, I have it here. The marriage does not have to have been good. The evidence does not have to show that. If there is anything on which the jury can hang a verdict, it will do so. And although the judges said that this kind of action should not be for the purpose of punishment, they allowed what amounted to punitive damages, and that is what the three dissenting judges had indicated. Now, if you go to what we are dealing with in this bill, you will see that those who want the alienation of affections and criminal conversation causes to continue to exist are ignoring reality. The reality is that a marriage, if it is based on love, affection and trust, is not going to be destroyed by an interloper. But what usually happens is that one spouse behaves in such a way that the other is driven away. If the law and the courts allow actions that compel people to stay together, then we get all these letters saying, don't do away with the domestic abuse programs because the spouse abuse in this