

DELEGATE OULAHAN: Thank you. Madam Chair, I am very pleased to hear the explanation from the committee expert because it shows exactly what I said. What the committee is proposing is the expansion and extension and revolution of the concept of writ of habeas corpus. And if I heard it rightly, it is an attempt to overcome a decision of the Supreme Court which limits the use of the writ. What has happened in the years is the writ has been misused by persons who are incarcerated and the federal courts of appeal throughout the United States have had to adopt rules and say after the 25th writ in the 25th year we are not going to hear any more. So this is a novel extension of the writ. I urge my fellow delegates to go to constitutional language which has stood the test of time since 1787 and not engage in these new experiments in criminal law.

Incidentally, we have no explanation in the report that was made by this committee, and I think on something this important we are entitled to this. We only stumbled on it because I raised the issue.

DELEGATE MARCUS: Point of order.

CHAIRPERSON FREEMAN: Delegate Marcus.

DELEGATE MARCUS: I would like to point out to Delegate Oulahan that he was part of the folks that were

urging, in fact pestering this committee to get out reports and therefore we didn't have more time to finish them the way he wanted.

CHAIRPERSON FREEMAN: The motion on the floor is to close debate on the Oulahan substitute motion. All those in favor of closing debate, please say "aye."

(A chorus of "aye.")

CHAIRPERSON FREEMAN: All those opposed?

(A chorus of "nay.")

CHAIRPERSON FREEMAN: Debate is closed on the Oulahan substitute motion. His motion would read as follows, and for those of you who have the Oulahan package of amendments, it is on page 27, and I will read it. It would read: "The privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it."

Those in favor of adopting the Oulahan substitute motion, please raise your hands.

(A show of hands.)

SECRETARY COOPER: 12.

CHAIRPERSON FREEMAN: Those opposed, raise your hands.

(A show of hands.)