

1 The only conspicuous exception should be when they use
2 the legislative power to trespass upon the fundamental
3 rights in our Anglo-Saxon tradition of free speech, free
4 exercise of religion, non-establishment of religion,
5 habeas corpus and the rest. These are protections against
6 the misuse of legislative power. This is another example,
7 the majority proposal is another example of affirmatively
8 making the legislature do something. And I suggest if
9 this is carried too far we really undercut the basic
10 assumptions of representative government, that the repre-
11 sentatives of the people are entitled to govern. And I
12 think in this instance the Convention would be again making
13 a mistake and I think we have made a few in the past in the
14 words of I guess it was Hamlet in the previous two examples:
15 "Error will creep into the affairs of state and be recorded
16 as a precedent," and I know you will cite against me the
17 precedent of the conservation clause and the consumer
18 protection clause, both of which I was irrevocably and
19 remain irrevocably opposed to.

20 Dean Pound admonished the New Jersey convention
21 when he was giving them a little peptalk and they heeded
his lesson, he said the important thing to remember,