

1 this veritable fourth branch of government by invoking the
2 separation of powers theory or using the non-delegation
3 doctrine or requiring a full and complete de novo judicial
4 determination.. These efforts had no more success than
5 had the plaintiff in the case of King Kanute v. D. C.

6 I will only say this. The court went on to say:

7 "The early fears of the bar and bench have largely
8 disappeared with experience." Yet, in this same case
9 one of the five judges in the court of appeals hearing this
10 case said the separation of powers as written in the
11 constitution means what it says.

12 It so happens I agree with Judge Henderson
13 and with Delegate Macdonald when they say it just isn't
14 true, and therefore I shall vote against the Committee
15 Recommendation.

16 THE CHAIRMAN: Does any other delegate desire
17 to speak in favor of the recommendation?

18 DELEGATE ANDERSON: Mr. Chairman, I rise to
19 speak in favor of the Committee recommendation, notwithstand-
20 ing the distinguished spokesman against this provision.

21 As you know, this came up in the general rights