

strumentality, political subdivision, or transient majority may transgress, abridge, or diminish.

Now, if you will measure these sections in Recommendation R&P-1 against that statement, ladies and gentlemen, you will have caught the philosophy of what we are talking about. We have not brought to you exhortatory wishes and aims. We have brought to you basic rights that shall not be taken away. These are not things to be added to somebody's personal living; these are things that you already have and which no government can take from you, and that is what the Bill of Rights means.

We have tried to make the language timeless rather than timely. This constitution, we hope, is being written for a long time to come. These concepts, therefore, are not concepts that we think should concern people for only the next five years but shall be equally as applicable a hundred years from now as they were two hundreds years ago when they were first enunciated. Because of this, our recommended rights are simple, terse statements which are capable of being judicially interpreted as conditions change over the years.

As an example, in matters involving cruel and unusual punishment, what was cruel and unusual punishment two hundred years ago may not be cruel and unusual punishment today. It most likely would be the other way around. Things that were countenanced two hundred or even one hundred years ago may today, by our concepts, be cruel and unusual punishment. So if we state the concept and leave it to the courts and to the legislature to implement these great basic truths of freedom, I think we will have provided a far greater service than if we try to spell them all out in detail.

Finally, ladies and gentlemen, regardless of what we say or what we think, these declarations of rights, these personal freedoms must reach to and include everyone, white, black, brown, yellow, male and female, urban, suburban, rural. There can be no group or no person who can say that these rights are not written for them. In other words, they apply to everybody.

*(President H. Vernon Eney resumed the chair.)*

DELEGATE KIEFER: Now, I want very briefly and very quickly to go over these recommendations with you. I am not going to repeat the material that is in the

memorandum. I hope that you have read it and that you will have a chance to read it tonight if you have not.

I do want to make some very brief comments on several items. I will skip over others very quickly. We simply numbered these sections 1, 2, 3 and 4, because it seemed to us that the Style and Drafting Committee will arrange whatever system of numbering there is to be. We just felt they were a little bit more dignified by referring to them as section 1, rather than section 1.01, or something of that sort.

Nevertheless, section 1, Freedom of Expression, (a), Right of Assembly states: "The people shall have the right peaceably to assemble and to petition the government for a redress of grievances."

This is the First Amendment of the U. S. Constitution, and it is also Article 13 of our own Declaration of Rights. I do not think there is any question about it. I do not know that there is any need to elaborate.

"Freedom of the press and freedom of speech shall not be abridged, each person remaining responsible for abuse of these rights." This is the second part of this basic freedom.

Ladies and gentlemen, this is a living freedom. This is constantly subject to interpretation and implementation by courts. It is a jealously guarded freedom and one which we can cherish. It was not always so. Back in 1798, the famous Sedition Acts made it a crime to speak against the government, and in World War I we had sedition acts that were almost as bad. But at this point in our history the rights of the freedom of press and freedom of speech have been pretty clearly enunciated, and even as late as last week the Supreme Court has again ruled upon and emphasized these rights.

Section 2, Freedom of Religion. This is a section I shall dwell on just briefly, but I want to read it to you as we have recommended it to you: "No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof."

Ladies and gentlemen, on the Recommendation, the word "or" appears as "nor", and I have anticipated, I am sure, a half a dozen questions by some of the people of this Convention when I tell you that was a misprint and the word should be "or". So will you please make that change in Section 2? The language of the First Amendment language is exactly that, or as close to that as we can get it.