

follows the line of the constitution adopted by that great convention in Philadelphia so many years ago. It should be flexible. It should in my judgment strengthen each branch of the government.

In the course of your debates, you will on many occasions be tempted to adopt legislation. You will be wise to guard against this natural temptation by the judicious and conscientious exercise of that statesmanship to which I have referred. You will need will power.

The state constitution is an organic document, a basis for government. It should not be a series of legislative enactments.

If you put too much legislation into the constitution, the end result will be frustration. When legislation is permitted to be put into a constitution, it frequently shackles one branch of the government or another branch of the government.

To quote one authority, the more precise and elaborate the provisions of the constitution, the greater are the obstacles to the reform of abuses. Litigation thrives on constitutional verbosity.

There is a way out of the dilemma. I suspect from what I have heard today here in Annapolis that you have already wisely chosen that way. That is, when in your judgment a proposal is legislative in character, that there be a presentment to the governor with the understanding the governor in turn will submit the proposals contained in the presentment to the legislature for their consideration. It has worked well for us in New Jersey, and we had a number of presentments. The result was we came out with one of the shortest constitutions of all the constitutions in the country, approximately 10,000 words.

I would like to touch on the three branches of government briefly and I am certainly not, I hope you will understand this, not presuming to pose as an authority, although the task of constitution-making is near and dear to my heart, not only as a former governor, but as president of the National Municipal League, which has been developing model constitutions over the years.

THE LEGISLATIVE BRANCH OF THE GOVERNMENT. Appropriate terms should be established for the legislative branch of the government so they are not running all the time. We have the unenviable record of having our house of assembly, our lower house, running every year. So that you can imagine where their

minds were when the governor was trying to get a program through. They were wondering not whether the program was a good program, but how the people back home would think about the program and would they have an opportunity to educate the people to the point where they would support it? We lengthened the term of our House of Assembly and we lengthened the term of our senators. We also lengthened the term of the governor.

While I am talking about elections, I might say that we decided that we would not have the governor elected in a year in which a president was to be selected, because in a presidential year the issues are likely to be largely federal in character and state issues become submerged and are not given the thoughtful attention which they frequently deserve.

We were of the opinion that this would be a good idea, and it was such a good idea that a person other than my own party succeeded me because he did not have to run when Eisenhower ran.

The duty confronting you today is not unlike that confronting the authors of the Declaration of Independence as explained by Thomas Jefferson in a letter to Henry Lee. The important task, Jefferson wrote, was not to find out new principles, or new arguments never before thought of, not merely to say things which had never been said before, but to place before mankind the common sense of the subject in terms so plain and firm as to command their consent.

So while you strengthen the legislative branch by giving it appropriate terms, so also it seems to me that as a believer in a strong governor, that you should strengthen the position of the governor.

There is one particular proposition that I touched upon when I appeared before the committee this morning that I would like to touch upon again. We had not only the traditional checks and balances, but we had checks and balances within the executive branch of our government under the old constitution. This gave the governor a good alibi. He could say, well, I did not appoint him and I am not responsible for him. He was either elected by the people, or he was elected by a joint session of the legislature.

It seems to me a governor has a right, or should have a right to appoint the heads of the various departments, with perhaps certain rare exceptions, where it may be desirable for the governor to appoint a