

1 distinguished from an over-all, broad guide to --

2 PROFESSOR ROSEN: Not enforceable at law?

3 MR. GENTRY: Perhaps not strictly enforceable
4 at law.

5 PROFESSOR ROSEN: I think it's clear on the
6 surface of the ACLU's position that it wants a Declaration
7 of Rights that is enforceable at law and subject to the
8 creative processes of interpretation under the judiciary.

9 MR. GENTRY: I'm not sure that is possible.
10 You say you want it strictly enforceable by law, and yet
11 you are dependent upon the judicial processes to add
12 something to it through, you say interpretation. I find
13 it more to be simple adding than interpretation.

14 PROFESSOR ROSEN: That is a point that we
15 could review all night, but I would prefer to view it as a
16 creative process interpreting the fundamental document of
17 the State, as the Federal, as I see it, sees it as inter-
18 preting a fundamental document. We would hope the judi-
19 ciary of the State would be charged with the creative
20 process of interpreting and applying the Declaration of
21 Rights, within the creative process of the judiciary.