

1 constitutional provision only to have it slapped down  
2 where it means anything.

3 Then the most you can say is, well, you are  
4 not being fair. You are not doing what the Constitution  
5 says you should do. The public debate over this thing,  
6 if it ever gets to that point, will mention the Consti-  
7 tution and the people will assess the pros and cons. The  
8 Constitution itself will furnish no real guidance, and  
9 I don't know that you've accomplished anything. That's  
10 the difficulty about using it.

11 Now, on the other hand, I don't know that it  
12 hurts anything to put in a provision, not just like that,  
13 but a provision to say that everybody should try to be  
14 as fair as you can to everybody, under all circumstances.  
15 I think this is a nice thing to put in the Constitution  
16 and it has a broader range. I mean, it can't hurt you, but  
17 it does -- you smile -- and there is an element of silli-  
18 ness in trying to write broad generalities into a con-  
19 stitution because you get to a point where it's kind of  
20 reductio ad absurdum.

21 I come back to my basic point of you've got