

1 No matter how you draft the language, you are
2 going to have the problems of the snake charmers and
3 Black Muslims. We have had the same problem on the Federal
4 level under the First Amendment. No matter what language
5 you draft, it is always going to be this question,
6 whether this is truly free exercise of religious belief
7 or whether the State in its power can prohibit, just as
8 we can adopt, as in Black's words, the First Amendment
9 is mandatory, are there going to be the cases where
10 people can't wrap snakes around themselves and disrupt
11 the prisons in the name of religious freedom. These
12 problems we are always going to have with us. The Commission
13 has established the problem, and I support their language.

14 THE CHAIRMAN: Any further comment?

15 MRS. BOTHE: I would like to make one comment
16 on what Professor Asper said about the necessity of putting
17 the second part of Section 3 in because of the recent
18 decisions.

19 Right now, the jury trial decision in Schowgurow
20 is very fresh, the Horace Mann case is very fresh, but
21 this Constitution is supposed to last a long time, and I