

fresh water. Any legislative dealing with natural resources is very difficult to get passed.

We have a Department of Natural Resources which works with other conservationists in the State, and they say, our hands are tied. We cannot make them act.

I oppose this amendment. I think the Committee report is a good one. It mandates the General Assembly to act, and I hope that everyone in this room, in the many years in the future, will be able to breathe clean air and drink fresh water; this is our goal. This is legislation in the field of natural resources. It is lobbied very heavily in the General Assembly. The Bureau of Natural Resources' hands are tied unless there is a mandate in this Constitution.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

*(There was no response.)*

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: Mr. Chairman, and members of the Committee of the Whole, my proposal certainly was not intended to have a negative effect upon the conservation policy of the State. My problem with the Committee report was that it is simply not workable, and those of us who favor natural resources legislation, and consider the thing very seriously, just simply could not vote for amending the constitution for the legislature to act any time on legislation. It is my purpose in proposing the amendment to make something palatable and to do what I see would be accomplished by the committee report.

I take it from remarks of delegates such as Delegate Scanlan that they are opposed both to the policy statement that I have proposed in my amendment and they are opposed to the statement of the committee report, because they consider both of them to have the same effect.

Frankly, I would like to say that I have no objection whatsoever to exhortatory language in our constitution, and I hope when the time comes to consider other exhortatory language that we will give consideration to it not on the basis that it is exhortatory or not exhortatory, but on the basis of the language in the case.

I hope we will not set out here an anti-septic constitution which will be so sterile, which will consist of such meaningless and

dried, hard, legal phrases that it will make such dull reading that nobody will look at it.

I do not object to exhortatory language in the constitution. It has a good effect, sets guidelines. If you cannot put exhortatory language in the constitution, I submit there is no place for it whatsoever. A constitution is an exhortatory instrument.

Let me say this, that I do not really care what happens to the amendment insofar as conservation is concerned. I would like to see some conservation provision in our constitution. It seems to me that this is a palatable way to have it, but there is nothing magic in the amendment and there may be other ideas which will be good.

THE CHAIRMAN: I think the Committee of the Whole would like me to take note of the fact that Delegate Miller is out of the hospital and back with us, and to say to him we are delighted to have him with us again.

*(Applause.)*

THE CHAIRMAN: Does Delegate Pullen desire to speak in opposition to the amendment?

DELEGATE PULLEN: Yes, sir.

THE CHAIRMAN: The Chair recognizes you.

DELEGATE PULLEN: If I follow the logic underlying this amendment, then I see no reason but to write nine-tenths of what we are reading. Exhortatory language is not bad if we read the preamble of the Constitution of the United States. We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare"—think of what Roosevelt did under that—"and secure the blessings of liberty to ourselves and our posterity, do ordain and establish a Constitution of the United States."

In my opinion, it is my opinion that the position of a Constitutional Convention is mandatory upon the legislature.

I should like Delegate Hardwicke to tell me, and I ask this in all sincerity, under what legalistic or constitutional provision did the federal court substitute its judgment for that of the legislature in regard to reapportionment.

THE CHAIRMAN: Delegate Hardwicke, do you desire to respond to the question?