

kins, as always, is very persuasive with me. I think what he has suggested is preferred if we are to do anything along these lines, but I would like to say this: the Chairman of the Committee, as he began his remarks, announced to my surprise that this was an emotional issue. As I listened to the debate, I have seen how correct he was in those remarks.

Whatever we put in this constitution, Mr. Carson, would not have saved the rockfish, if there had been an exhortatory article in the previous Constitution. It is when the people of this state through their representatives come alive to the fact that conservation is all-important, then and then only will we achieve the true conservation measures that we all desire. No exhortation in the constitution is going to bring that about.

For example, the 14th Amendment lasted nearly a hundred years before Congress took action to implement this great principle of the Civil Rights Act of 1958, despite the fact it was an exhortation in the 14th Amendment that Congress could implement the principles of that amendment by statute.

The representatives of the people in the long run will determine the type of conservation they have in this State. Therefore, I think it either is a meaningless statement of a platitude, or more dangerous as has been suggested in the debate, somehow to create a judicially enforceable article. It is for that reason I prefer Delegate Adkins' suggestion, which has the virtue of candor and honesty since it is a pure exhortation. Unless the legislature acts and implements it, it is meaningless.

Furthermore, it has been perfectly clear and the Chairman of the Committee admitted that the legislature has the plenary power, contrary to Mr. Gleason's situation. The federal government can only conserve to the exercise of its delegated powers, over interstate powers, waterways or some of the other specifically delegated powers, but a state, including this State, has the plenary power to act to conserve. It can do that now, and no amount of exhortation to do it is going to bring it about, if the representatives of the people are not ready to do it.

Finally, I think we create a dangerous precedent if we put this fine, meaningless declaration in the constitution to satisfy the conservationists. The consumer credit people, the labor people, the farmers and the others, are all behind with their ex-

hortatory proposals. If that is the kind of constitution you think you have come here to write, go write it. To me it does not make any sense.

THE CHAIRMAN: The Chair recognizes Delegate Bothe to speak in opposition to the amendment.

DELEGATE BOTHE: Actually, Mr. Chairman, Delegate Scanlan expressed my views quite perfectly on the subject of an exhortatory declaration of this or any other matter in the constitution.

I point out to Delegate Bard, that Article 43 in the Declaration of Rights, exhorts the legislature not only to encourage the diffusion of knowledge but says further that it should encourage the diffusion of virtue.

That provision has been here a long time and I challenge him to give me an example of its operative effect.

I feel that by placing matters of this kind in the constitution, whether they pertain to conservation, which of course I subscribe to wholeheartedly, to the next item recommended by the General Provisions Committee, consumer protection, or any other of such provisions, is to hold out a false hope and to create a document which is more decorous than definitive and responsible, and for that reason, I would oppose both the amendment to the amendment and the Committee's Recommendation with regard to such reference being included in the present constitution.

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

Delegate White?

DELEGATE WHITE: Mr. Chairman, I have listened for the past two hours, and I find the discussion a bit confusing.

Great emphasis has been placed on directing the legislature to perform certain functions. Apparently many delegates here will reject this concept on the theory that certain things may not be enforceable, that they are mere expressions of high ideals that may not be attainable; however, I see a provision which this same Convention has passed saying that a post-audit shall be provided by the General Assembly. And when I go over the general provisions section, it also says that certain other things "shall be." So I am wondering, are we fearful of attempting to protect our natural resources? Are we using the same arguments