

1 et cetera, would it hurt if this sentence was set up in
2 a way to say that the General Assembly or the State
3 cannot borrow money, except for a public use?

4 MR. CASE: Let me say this about that, Congress-
5 man: The present unworkable Section 34 is written in the
6 negative. This Section is written in the affirmative.
7 We think it is a better approach. It is a matter of
8 style, and it is a question of approach. We think the
9 affirmative approach, what it can rather than what it
10 cannot do is best.

11 MR. MILLER: What apparently concerns our good
12 professors is it is just stating a truism and not a
13 limitation.

14 MR. CASE: It is a limitation, as you read it
15 in context, but it states it in an affirmative rather than
16 a negative way. You see, you have got to think in terms
17 of the history, as I tried to describe it. The State
18 borrowed money originally without any provision in the
19 Constitution. The Constitution of 1776 had nothing in it
20 about money. You went ahead and borrowed and turned the
21 bonds over to the railroads and canals, so that based on