

WE MUST EDUCATE THE "GOOD GUYS"

MAXWELL C. WHEAT, JR.

We are not only going to be battling the lumber, power and resort interests with their particular purposes for the Forest Preserve, but we may find ourselves debating the "good guys"—unless we can educate them—in our effort to help retain the 'forever wild' protection of these irreplaceable wilderness riches when the Constitutional Convention convenes in April. The delegates who will revise the constitution of New York State and present it to the voters for final approval, could, with the stroke of a red pencil, slash the 'forever wild' protection. Or they could add some words and make the provision even more of a fortress for perhaps additional natural resources in the state.

The "good guys" are those who sincerely want a streamlined, flexible, model constitution with all the legal maneuverability of a jet airplane. These constitutional streamliners have no particular desires to wield axes, pile up dams, or slash ski trails across mountain slopes of Red Spruce. But they want to unhitch the State from what they somewhat obsessively call a "horse and buggy" constitution.

One of the unhitchers would be widely respected Prof. Jack Weinstein, member of the Columbia University law faculty and former member of the Temporary State Commission on the Revision and Simplification of the Constitution—and a candidate for delegate in this fall's elections. Prof. Weinstein presented an impressively scholarly overview at a well attended symposium on the constitutional convention held last spring on Long Island. He emphasized that a number of groups were seeking special provisions, even bills of rights. He listed labor, education, etc. But whom did he single out for an example to elaborate his point? Those who wanted a bill of rights for conservation and wanted to keep the Forest Preserve 'forever wild.'

Prof. Weinstein questioned this provision saying that what worked well in years past should perhaps be examined again in light of today's rapidly changing times. He specifically questioned why, if a ski tow is needed in the Forest Preserve to meet expanding recreational demands, it has to be approved by two consecutively elected legislatures and finally by the electorate. This is the amending procedure spelled out by the current constitution.

The fact that Prof. Weinstein made this suggestion instead of a representative for a lumber company, power interest, or resort is thought-provoking, because Prof. Weinstein is a "good guy." Perhaps he had been motivated by the quantity of leaflets spread out on the tables by the Constitutional Council for the Forest Preserve, an organization formed last year by representatives of the state's leading conservation and outdoor organizations to fight for continuing the 'forever wild' protection.

At first the protection of the Forest Preserve was in the hands of the Legislature. In 1885 the lawmakers passed a bill establishing the Forest Preserve and declared that it should be protected as 'forever wild.' In 1893 they passed and the Governor signed—over the raging protests of conservationists—a bill that allowed the sale of mature timber. Immediately big cutting projects were proposed. Some of the problems we had many years ago we still have today.

The dejected conservationists were going to break up a meeting shortly afterwards when Frank S. Gardner remarked that he was "convinced that the forests never will be made safe until they are put into the State Constitution." This remark is supposed to have instigated the movement for constitutional protection, a drive that was successful only a year later when the Constitutional Convention was held.

This provision, 'forever' protecting the Forest Preserve, has clearly demonstrated an essential function of a constitution—to protect. It has been a bulwark against the impulses for destructive highways, resort areas, dams—any one of which could have been passed by a particular legislature. Despite the need for flexibility in many areas of life in this unbelievably fast-moving society, this protective function of a constitution should not be lost. Indeed, because of increasing pressures, it may be even more vital.

Federation members who attended the annual meeting last spring heard a stirring call for a Conservation Bill of Rights by the eloquent attorney-conservationist Irving Like of the Citizens Committee that successfully fought for a Fire Island National Seashore. Mr. Like asked for expansion of the 'forever wild' concept to other natural resources of the State. This could be done perhaps through local option.

If all this sounds too restrictive to the public, we should remember that we are not talking about the relations between people that are involved in the rapidly changing trends in education, civil rights, labor, business, all of which do appear to demand flexibility in a constitution. The forests, marshes, meadows, etc., are simply there—and once too easily used for any or all purposes can never be replaced.

It is hoped that all clubs will attempt, as the first important contribution to this fight, to schedule an open conservation meeting about the Forest Preserve protection this fall before the elections. Materials and suggestions can be obtained by writing either David Newhouse, chairman, Constitutional Council for the Forest Preserve, 402 Terrace Road, Schenectady, N.Y., 12306 or Mr. Rod Vandivert, Secretary, Suite 1625, New York, N.Y. 10036.

* * * * *

We will go into our fight for the Forest Preserve without the interest and support of a man who knew it well and who served outstandingly as conservation chairman of the Federation, Joseph A. Blake who died last spring.

333 Bedell Street, Freeport, N.Y. 11520