

1 whether it wants to abolish a practice in Maryland that  
2 is to allow the juries to determine the degree of the  
3 offense within a felony murder situation, or in the lesser  
4 offenses of that nature. I think this body should know  
5 this before they vote on it, and I would ask that they  
6 reconsider it and then revote on it so that we have a better  
7 history than we had before.

8 THE CHAIRMAN: Does any other delegate desire to  
9 speak in opposition to the motion? Delegate Henderson.

10 DELEGATE HENDERSON: Mr. Chairman and fellow  
11 delegates, we voted the other day to eliminate this section  
12 from the Constitution, and I don't want to repeat the  
13 arguments that I made at that time or take up your time  
14 with it, but the delay and the carryover was for further  
15 investigation.

16 Now, the further investigation, it seems to  
17 me -- and I have read these memorandums prepared by Mr.  
18 Willoner and others -- it seems to me to be perfectly clear  
19 that a trial judge cannot direct a verdict. There are  
20 cases in the Supreme Court holding that. There is a case  
21 in the Fourth Circuit which holds that, the Fourth Circuit