

1 under the present law would permit or might permit the
2 jury to find a man guilty of a non-existent crime.

3 Now, it is for reasons like this, and also I
4 might add that Judge Sobeloff in a most recent opinion
5 which he considered mentioned the fact that he hoped
6 that this provision would be removed by this convention
7 giving the strong hint that if it did not on the next go-round
8 he would declare the whole thing unconstitutional. That
9 is the situation we find ourselves in.

10 I most earnestly ask you to remove what Judge
11 Dennis called the antique thorn from our sides.

12 THE CHAIRMAN: Does any delegate desire to speak
13 in favor of the motion to reconsider? Delegate Dorsey.

14 DELEGATE DORSEY: Mr. President, I have the highest
15 regard for Judge Henderson. I think he was one of our
16 great appellate court judges, but he has not had the trial
17 experience of other judges in this court. He has viewed this
18 section from an ivory tower in the appellate court.

19 I would like to call the role of the judges in
20 this convention who voted the other day to retain this
21 section in the Constitution of Maryland. Judge Ferdinand