

Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Mr. Chairman, I wish to speak in opposition to Amendment No. 24 as drafted, and wish to speak in favor of 24-A as a substitute therefor.

THE CHAIRMAN: The question is now on the adoption of Amendment No. 24-A. Does any person desire to speak in opposition to Amendment No. 24-A?

Delegate Willoner.

DELEGATE WILLONER: Mr. Chairman, this body for the last two days has had about as much misinformation about the law as I have ever heard, but we continue to practice this morning.

We have a common law right to records. It is a part of the common law of Maryland. This provision it seems to me, abolishes the common law right, and leaves it exclusively in the hands of the General Assembly.

I contend that this is a step backward, and frankly is not the issue at issue. It is Mr. Kiefer's attempt to kill this thing by putting in something that does not mean anything. He does not mention anything about the meeting aspects, which is what we are trying to get at.

I would suggest we would be better off without anything than to have this provision.

As to the complaints he has with respect to Amendment No. 24, I should point out that when our founding fathers met in Philadelphia they came up with the language:

"No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof."

For example, does that permit Mormons to have more than one wife, because you did not pass a law prohibiting the free exercise of religion? Why, my God, this house would have crumpled.

Does that permit Mormons to have more than one wife? I hope we have reasonable men in the courts who will interpret it.

This has been interpreted. It has been given a more restrictive meaning than I would like, but to worry about what this does is just not a sound worry. Let us not be so afraid to adopt a new concept.

THE CHAIRMAN: Delegate Cardin.

DELEGATE CARDIN: Mr. Chairman, if possible I would like to ask a question of Delegate Willoner.

THE CHAIRMAN: Delegate Willoner, do you yield to a question?

DELEGATE WILLONER: I would yield, Mr. Chairman.

THE CHAIRMAN: Delegate Cardin.

DELEGATE CARDIN: Under the terminology of your Amendment No. 24, would it be possible for your state government, now that we have given it the right to collective bargaining, to go into closed session with the labor union if they wish, or would they be forced to stay open since I do not think that would qualify as an executive session?

THE CHAIRMAN: Delegate Willoner.

DELEGATE WILLONER: In answer to the question, I have to admit we had some difficulty with it because when this was written, it was not part of the law of Maryland. My feeling would be that it would come under an exception; that this would involve personnel matters and salary matters, and therefore the provision would open these up, but the legislature could cover it as is in the suggested statute.

This would be an area in the personnel matter that would be proper to close. In my opinion the provision provides for it. In three years the legislature would have a right to take care of the matter and it would be covered in the proposed statute we have given for consideration.

THE CHAIRMAN: Delegate Willoner's time has expired.

Delegate Cardin.

DELEGATE CARDIN: I would like to speak for Amendment No. 24-A.

THE CHAIRMAN: The Chair will recognize you after recognizing Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Mr. Chairman and members of the Committee, Delegate Miller raised the question, and I want to clarify my question, because every member of our Committee is very sympathetic and favorable to the right to know; therefore, when the Committee could not act on the matter, the minority brought the subject up before the Committee of the Whole.

However, 24-A is the amendment or provision which I had drafted, or prepared for our Committee, because it is a matter of approach.

The 24th amendment opens the floodgates to everything, and forces the legislature to pass closing-door enactments that