

1 DELEGATE JAMES: Let me recognize Delegate Dorsey
2 and then we will have the questions.

3 DELEGATE DORSEY: Mr. President and ladies and
4 gentlemen of the Convention, for 100 years this provision
5 has been in the Constitution of Maryland and in the adminis-
6 tration of criminal justice in this state. It has worked
7 well. I have sat on both sides of the counsel table as
8 state's attorney and as defense counsel, and I have never
9 observed any miscarriage of justice because a jury was the
10 judge of both the law and the fact.

11 For the last 50 years there have been attempts
12 made to take this provision out of the Constitution of
13 Maryland. All of those attempts have failed. It was
14 amended so that the courts could pass on the sufficiency of
15 the evidence. I feel that that is a good provision. I have
16 said for 100 years it has worked in this state, so why change
17 for the sake of change.

18 I hope, ladies, and gentlemen, that this amend-
19 ment will fail.

20 DELEGATE JAMES: Delegate Bothe, do you wish to
21 ask a question of Delegate Moser?