

out to the members before the forces of the administration can muster themselves and defeat it.

I was shocked, Mr. President, when you called me yesterday to the rostrum and said, "Do you still want to propose this amendment?"

Mr. President, if this is a democracy—I am sorry my voice is so bad as it is; I am not going to stay with you long today—but I believe in fair play, and I believe that in writing a constitution for a democracy we should use democratic policies, not gestapo policies, and that is exactly what happened.

I do not know how you knew I had this amendment. You were not supposed to know. But you knew.

This does not happen in the General Assembly of Maryland, which everybody here wants to upgrade. I do not think you have a right to know amendments I am going to introduce on this floor.

Now, that is how I feel about it. That is how I feel about this Convention. The theory of democracy is not among us. I believe in fair play. I blame your staff, or some clerks in your staff, for giving you the contents of that amendment. You were not supposed to know what was in it, nor was anybody else, so that you could not build up your resistance against it.

But there is something here that I do not like. Why, in a democracy, when we write a constitution for a democratic State, why can we not have fair play? If I do not want these amendments known to this honorable body, why should you know about it, Mr. President? I feel very strongly on this point.

Of course I know, sir, that you are going to run this Convention the way you want to. I know that. But for heaven sakes, run it in a democratic fashion.

THE CHAIRMAN: The Chair feels that a statement concerning the statement made by Delegate Malkus is in order.

In the first place, the Chair had no knowledge whatsoever that Delegate Malkus requested any amendment be kept secret. The purpose of this Convention is to act and act intelligently on the amendments brought to the floor for consideration, and I would think that intelligent consideration could best be given by the widest possible publicity and opportunity for the amendments to be considered. However, if any delegate

desires to pursue the policy of keeping his amendment secret, he may do so.

The policy pursued with respect to all amendments is known to the entire Convention and was publicly stated. When the amendment is printed, a copy is given to the clerk. He hands me the group of amendments pertaining to each section as that section is called for consideration. This is necessary so that the Chair can assemble the amendments in some sort of coherent order. The amendment to which Delegate Malkus referred was handed to me about three minutes before amendments to the section to which the amendment pertained was called for consideration.

When I saw the amendment, I saw that it covered the same subject matter as had been previously acted upon by the Committee of the Whole, and I had a question in mind as to whether or not the amendment was in order. The amendment was considered and was voted down.

Delegate Malkus, do you have a further statement?

DELEGATE MALKUS: Yes, sir, I do.

THE CHAIRMAN: Proceed.

DELEGATE MALKUS: It was at least an hour and a half after you called me to the rostrum that the amendment was voted down.

THE CHAIRMAN: That is not what I said. I said that the amendment was called to my attention three minutes before the section to which it pertained was called for consideration. I do not desire to take up the time of the Convention to engage in any further personal altercation. If you have a further statement to make as a matter of personal privilege, please state it.

DELEGATE MALKUS: I will be brief, Mr. President.

Of course, maybe I have been trained a long time in law making, but this is the first time that any amendment to a proposal has been sent to the President of the Maryland Senate or the Speaker of the House of Delegates. We run legislation in a democratic fashion and let the amendment stand on its own. We do not have to send our amendments to the General Assembly so that they can be censored.

THE CHAIRMAN: The Clerk will read Amendment No. 34. Let me ask that you mark Amendment No. 34 to indicate that the sponsor is Delegate James Clark.