

citizens of the State of Maryland. Whether we should include this in the constitution or not I think is a question that each of us is struggling with. I have struggled with this question myself. We talk about what is in the present Constitution, that from a historical perspective has no meaning for us.

I say let's not try to write a constitution that will last a hundred years. Let's write it for now. If we have to do it again in twenty-five years, let's do so. I think our constitution should reflect problems we live with today. We cannot predict what will happen a hundred years from now. If exploitation is one thing we are living with, then let's try to deal with it in our constitution; otherwise we will come up with what I think is a very sterile constitution and it will have no meaning, no being, no essence.

We are going to have to try to persuade the voters to vote for this constitution in May. We should not have a sterile document. We will have to drag the voters out to the polls to vote for or against it. If they do not understand what we have done here, and they cannot feel we have attempted at least to look out for their interests through the constitution, then I would say forget it. You are only building a constitution that will fall into the hands of legal mumbo-jumbo and have no meaning to the average person. I say let's put a little heart in this constitution. Let's write it for a brief period but let's write it so it will have some effect on the people who live in this State.

THE CHAIRMAN: Does any other delegate desire to speak in opposition?

Delegate Winslow?

DELEGATE WINSLOW: Mr. Chairman, fellow delegates, I, too, am a customer. I suspect that as of today I have been a consumer longer than anyone else in this room. Moreover, I have had some interest in the protection of the unprotected consumer from unfair business practices, or unfair other kinds of practices, but I should like to say two things with respect to this measure: One, in answer to the gentleman's question a few moments ago, how do you determine what things are of a constitutional nature, I suggest this is rather simple. The purpose of a constitution is to allocate power, not to exercise it, and if we start allocating power in the constitution when the power is already there, we run, unfortunately, into a difficult situation of interpretation. It has long been the practice of the courts of this country to inter-

pret the constitution in such a way that when a power is expressed, the courts interpret that as being the limits. I can see it possible for the courts to take the wording of this provision as now stated and say that it was intended by the Convention that the only protection which the constitution demands of the legislature in this respect is with respect to the words themselves against harmful and unfair business practices, not other kinds of practices, only business practices.

This is going to give the courts some difficulty, and it has already been suggested that there is some question as to whether this includes professional practices.

It seems to me that we are on very dangerous ground here if we attempt to do something which may turn out by interpretation of the courts to be something that we did not want.

It may very well be that the passage of this particular provision will unfortunately leave the consumers in a worse position than that which they now occupy.

It seems to me perfectly reasonable to leave this matter of consumer protection along with other kinds of protection where it belongs, which is to say in General Assembly.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the proposal?

Does any other delegate desire to speak against?

Delegate Beatrice Miller.

DELEGATE B. MILLER: I would like to speak in favor of this proposal. Since 1930 the federal government has adopted its responsibility in the realm of economic services and security, in addition to the political area, and we have seen much evidence of consumer legislation on the federal level.

In 1962, President Kennedy sent to the Congress a message proposing a bill of rights for the consumer including the right to safety, the right to be informed, the right to choose, the right to be heard.

No one can deny that property rights have always been constitutionally protected. I would point out also that there is consumer protection in our present Constitution. The 1867 Constitution provides for the regulation of banks, for eminent domain, for the regulation of corporations, for the establishment of a legal right of