

Congress which refers to bribes and makes it a criminal offense for any congressman to accept bribes for various offenses.

Despite that, the language of the Constitution of the United States immunizes a congressman, a United States legislator against such prosecution.

DELEGATE GALLAGHER: Yes. I saw that point, but the difference between the federal statute was that it was not passed pursuant to a constitutional mandate that it be passed; therefore, the constitutional protection was extended in a diluted form, whereas the Maryland practice has been to provide for the immunity and then pursuant to the constitutional mandate, to pass the statute.

Now, it is quite true that we have not provided the comparable Article III, section 50 that existed in the 1867 Constitution, but we state for the record that it is our intention that the same interpretation which has been given to the immunity section under the 1867 Constitution, that is to say not to exclude legislators from prosecution for bribery, shall likewise extend to the interpretation of section 3.10 in the new constitution.

You may feel better if we carried over section 50 of Article III of the 1867 Constitution, but I do not think it is necessary.

THE CHAIRMAN: Are there any further questions, Delegate Marion?

DELEGATE MARION: The use of the first two words, "words used," or similar words in the State Constitution has been held to include not only speeches on the floor but votes cast by the member. Is it the Committee's intention to include a vote in "words used" by a member of the General Assembly?

DELEGATE GALLAGHER: I do not think that the Committee considered that as such. However, I took it up with the Committee this morning, and as I read Judge Thompson's opinion, which was reversed by the Fourth Circuit, he thought a vote was tantamount to the word "word," or "words".

However, I found out that the Supreme Court or the Fourth Circuit did not specifically agree with him, and I am not certain that what you say is true.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: If it should be held that "words used" include a vote, then it would be the intention of the Committee

not to immunize a bribe taken for a vote as well?

DELEGATE GALLAGHER: That is true. I want to thank Delegate Marion for asking that yesterday, because I had never heard of it before.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: Mr. Chairman, I would like to ask Delegate Gallagher this question: One of the criticisms of state constitutions is that they are cluttered with all sorts of procedural hobbles on the General Assembly.

Coming to 3.17 again, suppose you are in the last busy days of the legislative session, and the stenographer taking the transcript of testimony gets sick; do you have to stop proceedings?

DELEGATE GALLAGHER: You could get another stenographer.

DELEGATE JAMES: Suppose you are depending upon mechanical equipment to take down the debate?

The point I am raising is this: Is it lawful for the General Assembly to proceed without any method of recording, even though the necessity of completing business may be urgent?

Are we drafting into the constitution a legal requirement that could affect the validity of legislation?

DELEGATE GALLAGHER: Senator, I think this is a question of values. The question is, it seems to me, that we must weigh between having the legislature move as swiftly as is humanly possible, or having it move as swiftly as circumstances will allow, providing simultaneously to the public an opportunity to know what is happening, and to determine after the fact what did happen and who caused it to happen.

I think the public notice and public ability to be informed is as much a consideration as is speedy dispatch of the General Assembly.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: I understand that that is more or less a political answer. The question I am asking is do you think, and does the Committee intend, to lay down a rule that if a transcript of testimony is not taken, that no bill could be passed under that situation?

THE CHAIRMAN: Delegate Gallagher.