

There being 86 votes in the affirmative and 23 in the negative, the motion is carried and the vote by which Amendment No. 7 was neither approved nor disapproved so it is being reconsidered.

Amendment No. 7 is now before you.

Delegate Grumbacher, do you desire to speak further on the amendment?

DELEGATE GRUMBACHER: Only that to hope some of the votes stick.

THE CHAIRMAN: Delegate Gallagher, do you desire to speak further?

DELEGATE GALLAGHER: If there is another tie vote, I hope the stand-by committee on compromise will be ready to take it up.

DELEGATE SCANLAN: Mr. Chairman.

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: I would like to speak against the amendment. I was silent on it before because I did not think this amendment which is another example of the distrust of the legislature would gather the votes that it gathered.

But having gathered half of the members in the House who were present, there is a real danger that it will succeed, and I feel I am impelled to speak briefly against it.

Delegate Bard in his questioning of Delegate Grumbacher adverted to the caucus that precedes the election of the officers of the General Assembly. It is perfectly clear that the majority party elects the President of the Senate and the Speaker of the House and that that matter is determined in the caucus and there is nothing we can say in this constitution, or should say which can affect the manner in which the caucus of a political party is conducted.

If the Democrats or Republicans want to conduct their caucuses in secret it is their privilege and if they want to conduct them in public as is the custom, that is their privilege also, but even the election of officers if we should put them in the constitution would still be determined by the caucus vote that precedes the formal vote in the General Assembly.

I think we have made much of trying to strengthen the legislature and indicate our trust in their ability to handle their own affairs, and while I am a member of the Committee on the Legislative Branch and I think we have gone a long way in that direction, I must confess there is some

justice to Senator James' lament that we have put a lot of detail in which perhaps in other circumstances might be left to legislative rule. While I will probably disagree with him on most of the suggestions he has to change what we have done, certainly here I find myself in agreement with those that argue that this is a matter for the housekeeping of the General Assembly.

If the time comes when it is thought that secret ballots are absolutely indispensable to securing top-flight leadership in the Senate and the House of Delegates, then I am sure the General Assembly will adopt that procedure.

I believe there is no other state in the union that has a provision of the type that Delegate Grumbacher suggests here.

The Congress of the United States does not operate under this procedure. I see no reason why, there has been no real evidence in my opinion brought before our committee, nor certainly brought before this assembly, which would justify this further tying of the hands of the General Assembly to determine their own rules of procedure.

THE CHAIRMAN: Delegate Scanlan, you have one-quarter minute.

DELEGATE SCANLAN: I think I have said all I wanted to say, but I do hope that others who have views on this will speak up because we have only one shot at it.

THE CHAIRMAN: Do any other delegates desire to speak in favor?

Delegate Bennett.

DELEGATE BENNETT: Mr. Chairman, I would like to ask Mr. Scanlan if he will agree to do so whether or not a man who votes in caucus cannot change his vote—

THE CHAIRMAN: Delegate Scanlan does not have any time right now to answer any questions. He may later.

DELEGATE BENNETT: I have no real objections to this. Knowing human nature as I do, I know it is very easy to create resentments by the way one votes, and if he happens to be on the losing side, there is no question but that there can be reprisals against him in the legislative body. I think a man ought to be entitled to vote his views in secret.

THE CHAIRMAN: Delegate Sherbow?

DELEGATE SHERBOW: Mr. Chairman and ladies and gentlemen of the Committee of the Whole: I think we have been striv-