

noon about section 3.17 about whether it will keep a transcript and whether it will do all these things. Is that needless too?

DELEGATE SCANLAN: I will confess that perhaps on this point I am open to the charge of advising you here on this instance to do as I say and not as I did in supporting my Chairman in the debate on Senator James' amendments. I do think there is a distinction. The section, was it 3.17, that dealt with the legislative procedure was in a sense laying restrictions on the legislative activity in the public interest. It could be fairly argued that the restrictions laid upon them were restrictions that should not rise to the level of constitutional amendments. I feel otherwise. There you were laying restrictions on the exercise of legislative procedure as opposed to legislative power in the public interest. Here you are telling the legislature to act in a situation where there is no power on earth except the power of the people to require them to act, when they have the power already to act. As a matter of fact, it is really quite unfair, it is a delusion to put this in the constitution and say presto we will have an effective conflict of interest legislation. I think in a few years we will have. I understand the legislative counsel is pursuing it, and despite the previous failures the new legislature is with us, and I do believe we are going to reach that point. I do not mean to suggest that conflict of interest legislation is not important; it is very important, but it does not in my opinion rise to the level of constitutional dimension.

THE CHAIRMAN: Are there any further questions of the minority spokesman?

If not, you may return to your seat, and we will consider the amendment.

During the interlude I can announce a note has been handed to me indicating the score is 19 to 4 in favor of the Navy. That is the final score. I do not know what effect the resolution adopted several days ago had on that.

DELEGATE JAMES: Mr. Chairman, I call for the removal of the sign, "Go Army"!

*(Laughter.)*

THE CHAIRMAN: The Chair would like to state at this time in view of the hour and the rather strenuous week that we have put in and the fact that there are a few more amendments that I would hope we could conclude consideration of this recommendation within the next thirty min-

utes or so and then adjourn until Monday and not begin a consideration of the next item on the agenda.

Have the pages distributed Amendment D?

The Clerk will read the amendment.

READING CLERK: Amendment No. 24 to accompany Minority Report LB-2 (B), by Delegates Scanlan, Della, Gilchrist, Linton, Peters:

On page 5 strike out all of section 3.18 Conflict of Interest comprising lines 23 through 28, inclusive.

THE CHAIRMAN: The amendment marked "D" is Amendment No. 24.

The amendment having been seconded is before you. Delegate Scanlan has indicated he does not desire to discuss it further at this time. The Chair recognizes Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman and ladies and gentlemen: I will not abuse the kindness of the Convention by going too long. I will say when Delegate Scanlan goes one way and Delegate Gallagher goes another it is a new version of Irish partition, which I am unhappy to see, because generally the celebrated member of Montgomery County is with the Committee by and large.

I should like to say that in view of the history of what has happened with conflict of interest legislation and code of ethics legislation here in Maryland, that is to say, a uniform history of failure in the past three or four years of twenty-seven bills, at least twenty-four of them were turned down, died and never saw the light of day, it is quite obvious that there is not going to be any conflict of interest or code of ethics legislation unless there is some prodding power or some provoking force. I submit to you that that provoking force is not going to be the public, and I submit if there is going to be any effective prodding it is going to be this Constitutional Convention and the language that we provide. Now, last year two bills were referred to the special subcommittee on that subject matter, and that subcommittee came back with the wonderful idea that there indeed ought to be a conflict of interest legislation, but it only should apply to the executive branch of government and not to the General Assembly of Maryland, so they have nicely handled that problem. In order to see to it, however, that there should be some kind of regulation with respect to the General Assembly of Mary-