

lottery, then that option would not be open to the court.

DELEGATE SHERBOW: No, and there would be nothing to stop the General Assembly from granting all the lottery permits it wanted.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: In other words, it is the horns of a dilemma either way.

DELEGATE SHERBOW: I do not think so, I do not think it is on the horns of a dilemma, I think if you keep what you have, that which was worked and served its purpose and which will avoid the legislature having these problems, I think in the words of Governor Chaffee this is the kind of situation that it is bad in a constitution to change. I think experience shows that is so. Let it stay in, it is all right.

THE CHAIRMAN: Delegate Sollins.

DELEGATE SOLLINS: Delegate Sherbow, by use of this term "political subdivisions" in line 10 of your recommendation, by political subdivision do you mean to include all the various governmental units as were defined in the local government article such as intergovernmental authorities, civil units, et cetera.

DELEGATE SHERBOW: Yes, you see it is a broad inclusion. Of course, some would never have such power any way.

THE CHAIRMAN: If there are no further questions, the Chair calls on Delegate Dukes to present the Minority Report. While Delegate Dukes is coming forward to do that, I request the Reading Clerk to read this announcement.

READING CLERK: Announcement by Delegate Rush and Delegate Caldwell in behalf of delegates from Baltimore County.

Mr. President, ladies and gentlemen of the Convention: it is with deep regret that we announce the death on December 1, 1967, of Howard E. Burkhardt. He was for many years Supervisor of Assessments for Baltimore County, in which position he served the people of Baltimore County with great distinction. Those of us who knew him wish to express our deepest sympathy to his wife and family.

THE CHAIRMAN: Delegate Dukes.

DELEGATE DUKES: Mr. Chairman, virtuous delegates, fellow sinners, we, the spokesmen of eagles, salute you. We are happy to have this opportunity to give you an opportunity to look into the darkness

in which we dwelt. As I peer out over the rostrum, into the kindly and wise face of my leader, Chairman Sherbow, and his sagacious colleague, Walker Lewis, we of the minority are fully aware that the road we tread toward success against such opposition is indeed fraught with adversity and we realize that we will encounter at every turn both a good deal of scholarship and learning. We are not unaware we are much in the role of Don Quixote as he charged the windmill. No analogy intended, of course, between the learned opponents and the windmill. We recognize it is quite clear that the majority has donned the white hats and as the official spokesman of sin, we will have to do the best we can to convince you that the lottery provision simply should not be in the constitution.

We are aware of the adage of Al Capp's Mammy Yokum that good is better than bad because it is nicer and we realize that our opponents follow straight down that narrow path. Nevertheless we feel it is incumbent upon us to urge you that this matter, like many others that have come before this Convention, is not a constitutional matter and that even if it were, it is not nearly so important as has been alleged.

I will not trouble you with going at length through the minority report. It has been presented to you and I will try to limit my appeal to about five minutes, if you will promise to read the minority report sometime while the majority is talking.

Judge Sherbow has already anticipated most of the minority report. He has set it up, and he has decimated it with his argument, and we will not trouble you with it again. Fortunately, most of the items which he covered we did not intend to cover, anyway.

There are four basic points to our report. The first is that we readily agree that there is a strong argument that a lottery or any system of lottery, either controlled by the State or its subdivisions, or by independent parties will not necessarily relieve the State and its citizens of the entire tax burden. We do not feel that the lottery will supplant all the income taxes and all the sales taxes and all the property taxes and all the other taxes.

We feel that it may still be necessary, even if the legislature some day saw fit to have a lottery that it would have taxes also. We simply urge to you that it is not foreclosed that a lottery cannot be a successful means of self-finance.