

DELEGATE VECERA: I take it you are advocating that we remain silent on the particular point.

DELEGATE J. CLARK (presiding): Delegate Dukes.

DELEGATE DUKES: That is correct.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Pullen.

DELEGATE PULLEN: Could you tell us the reasons why our ancestors put this prohibition in the Constitution in 1867? Experience? Morality or what?

DELEGATE J. CLARK (presiding): Delegate Dukes.

DELEGATE DUKES: As I recall such studies we did in the Committee and such as I did myself privately showed that at the time the prohibition was first placed in the constitution a good deal of shenanigans were being played in the legislature and by the legislature in terms of private grants to individuals to run a lottery. At the time the grant was first placed in the Maryland Constitution, it is my opinion and my observation on what I have read that the only intention at that time was to prohibit grants to private individuals and not to prohibit the State itself from conducting a lottery or its political subdivisions. It is only by the opinion of the attorney general that we now have the restriction and the interpretation that the State itself may not engage in lottery. I think the purpose was to prevent private grants to private individuals.

DELEGATE J. CLARK (presiding): Delegate Pullen.

DELEGATE PULLEN: Would those same reasons hold for the Constitution in 1854 and in 1850 and are those reasons sound today as they were then?

DELEGATE J. CLARK (presiding): Delegate Dukes.

DELEGATE DUKES: I do not think it was sound then.

DELEGATE J. CLARK (presiding): Delegate Pullen.

DELEGATE PULLEN: Would you mind elaborating upon your reasons on that other than what you have told us already?

DELEGATE J. CLARK (presiding): Delegate Dukes.

DELEGATE DUKES: Yes, sir, I will be glad to do so. I do not think the constitution is a place where we shall try to say

you shall or shall not try to do a number of things which I consider to be the duty of the legislature. I feel a number of items that we have passed already probably fall in that category. Some I voted for, some I voted against. Some I voted for only because others had passed and I wanted to be consistent.

I can give you a list of half a dozen other things already that I do not think belong in the constitution. This easily is one of them. I think it is very clear that if we put this ban in the constitution, it stands out like a lone pine tree on a hill among all the sins that go on in the State.

We simply would have made an announcement that means nothing whatsoever, we will have picked out an isolated consensus of evil, I suppose, by the group that has been sent down here and we will not begin to touch on all the myriad other things that we could probably also reach a consensus on that should be banned in the constitution.

I think it is silly to pick out one.

DELEGATE J. CLARK (presiding): Delegate Pullen.

DELEGATE PULLEN: You say that this prohibition was put in the three Constitutions to correct an evil that those people thought existed in those days. Is that a correct assumption?

DELEGATE J. CLARK (presiding): Delegate Dukes.

DELEGATE DUKES: I do not know that I used the word "evil". I agree that I am a spokesman of evil. I do not know the word in that time. However, I know it was something that they thought should not be going on. I assume that the people who passed the Constitution at the time the ban was first put in had a practice going on in the State of Maryland which they wished to outlaw. They did it in the Constitution. I would say it should have been done in the legislature even then if it was a thing that should have been barred.

DELEGATE J. CLARK (presiding): Delegate Pullen.

DELEGATE PULLEN: Nevertheless, they did it?

DELEGATE J. CLARK (presiding): Delegate Dukes.

DELEGATE DUKES: Apparently so.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Ulrich.