

tail for a state lottery to be operated under the constitution, but I asked the Chairman not to consider my proposal nor to put anything into the constitution regarding lottery because I know I fostered a bill for State lottery for four years in the State Legislature and in 1966 the very bill I gave to the Chairman of the Committee was passed by the House of Delegates by a constitutional majority which indicated to me from the letters I received from people throughout the State that there were numerous people who thought the State should operate a lottery.

Now, Mr. President, if we put in a prohibition as strong as the Committee has brought out then I know that right off the bat we have 50 percent of the people in the State of Maryland against this constitution. On the other hand, Mr. President, if it provides for a lottery, then we have a large number mad at our constitution.

Mr. President, you have worked too hard, I have worked too hard on this to have a large segment of our population go against our constitution just because of one little joker in our constitution. I hope that the Committee's recommendation will fail and that the constitution will remain silent as the Constitutional Convention Commission left it.

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: Mr. Chairman, I yield five minutes to Delegate Fox.

THE CHAIRMAN: Delegate Fox.

DELEGATE FOX: Mr. Chairman, and ladies and gentlemen of the Committee of the Whole: I am the culprit that introduced the delegate proposal that Judge Sherbow's Committee adopted, and was the source of this language. I might say that this came about as a result of a meeting in Salisbury called by the Chamber of Commerce and attended by a rather large number of people, about the largest number of people that questioned Delegate Adkins and me before we came to the Convention. The suggestion was made there that the ban on lottery should be retained in the constitution and I said at that time I would be glad to look into it and inquire about it a little bit and investigate it and I felt inclined to introduce such a proposal.

The more I looked into it and I submit that if the members of the Committee of the Whole would just take the time to read this report on legalized gambling that was prepared by Mr. Howard Bregel, a prominent Baltimore lawyer, who was interested

in the matter and had the report prepared, I think you would come to the same conclusion that I did, that it should be in the constitution not only because it is there now, but that is the significant point right now. It is there now. If we take it out after this debate, what are we saying to the legislature and what are we saying to the people of Maryland? The people of Maryland, as Judge Sherbow indicated, rejected this idea of legalizing lotteries in a referendum back in 1938. And so far as I know nothing has changed their opinion.

Delegate Koss touched on a very significant thing and that is if the State of Maryland should resort to lottery as a source of revenue, the people of Maryland do not have an opportunity to reject it by a referendum, because it is a tax matter and they do not have an opportunity to reject it by a referendum. Therefore, if we really believe that a lottery is a stupid thing, it is not a question of morality, a question of good or bad, it is just a question of good common sense. It did not work in Maryland in colonial times, it does not work in New York today, it does not work in New Hampshire. It is just a matter of good common sense. There is no reason to think it is going to work in Maryland as a tax raising measure any time in the future. The difficulty is that we are so anxious to take the tax burden off our shoulders that we grasp at any straw. We hear people misrepresent facts and try to indicate that a lottery will solve tax problems and we clutch at it only to find out, as Maryland found out, as New York is finding out and as New Hampshire is finding out, that it does not do the job.

I would hate to see the finances of the State of Maryland in such deplorable condition as I believe they would be if they depended in any significant measure on lotteries and I think it is just good common sense not to have them.

If it were passed as a revenue measure the people would not be able to vote on it. They could not pass on it by referendum, then I think it is time to place the ban in the constitution.

I realize attempts have been made to ridicule it with little corny humor and I do not know that I can compete with the ploughboy from Hyattsville but I do say to you sincerely that I think in view of the fact that it is in our Constitution and in states' constitutions that it would drastically affect the state's finances, that it is a serious matter and a matter of constitutional proportion.