

Article I, the Declaration of Rights of the draft Constitution is concisely and courageously drawn with imaginative flexibility. I commend those who assisted in the drafting for their care and precision. However, I would like to make just a few observations about Article I.

In that respect, I think it most important that section 1.02 be adopted as in the draft, and particularly that the words, "each person remaining responsible for abuse of those rights," be retained. We have recently seen the error of allowing criminal incitement to riot attempt to hide behind the cherished constitutional right of freedom of expression. The draft language of section 1.03 courageously faces the truth that the right "not to worship," alien though it may seem to us who believe in God, provides the only absolute guarantee that we will not later be told how and to what degree we must worship. In my opinion, section 1.06, to be totally accurate, should be amended to read as follows: "Every person shall have the right of trial by jury of issues of fact in civil proceedings at law in the courts of this State, where the cause was recognized at common law and where the amount or value in controversy exceeds such minimum as may be fixed by statute." This change is suggested because there are certain administrative and purely statutory actions at law which did not exist at common law and for which no jury trial is assured.

I want to particularly commend and emphasize the need for the extension of the search and seizure protections of section 1.08 to cover the unreasonable interception of communications. The uncontrolled wiretap and other snooping devices must be outlawed. Reasonable use of such surveillance is assured under the warrant procedures and court jurisdiction. The protection against double jeopardy, not extended to the states by the federal 14th Amendment, is a progressive addition to our Declaration of Rights. Section 1.11 wisely leaves to the Legislature the question of capital punishment.

Article II governs our most precious right as free citizens — the right to elect those who govern us. In referring to voting age requirements, it is my intention to raise a question, not to criticize. I urge you to join me in serious consideration as to the logic and justice of retaining the traditional age of twenty-one years as a qualification for enfranchisement. If a man is old enough to die for his nation at eighteen, is he not old enough to vote? If a citizen is

required to perform civic obligations — to pay taxes to and defend his government — is a responsible government not obligated to guarantee equivalent rights?

Consistency of logic is a cogent constitutional objective. In Maryland, statutory provisions as to legal majority vary, but these are subordinate to the single constitutional issue you must confront. Is the attainment of twenty-one years of age a just, logical, pertinent or valid qualification for enfranchisement?

In Article II, tightening the referendum procedure and eliminating certain legislation from referendum petition is desirable. This portion removes ambiguities which clouded the 1867 Constitution yet guarantees the important right of referendum most effectively in terms of Maryland's present and projected population. There is one mechanical difficulty with section 2.08, however, which could cause trouble. In cases where there is a very short space of time between the date a bill becomes law and the date the bill becomes effective as law, the referendum petition could not be completed in time to stay the law's becoming operative. This would mean that a law, passed by a simple legislative majority and made effective immediately, would have to be implemented by the executive branch prior to referendum petition and would remain in force until 30 days after a possible defeat.

The point is that the implementation of some laws is costly and we have always, and properly I believe, felt that if a law to be questioned by a referendum vote is to be effective while that vote is awaited, it must be passed by a three-fifth's majority of both houses of the Legislature. Therefore, I suggest that the Constitution provide that any bill which is to become effective less than sixty days from the date that bill becomes law must be enacted by a three-fifth's majority of both houses.

Article III, defines the scope and powers of the legislative branch. I support the retention of the bicameral form, particularly for the reasons expressed in points 2, 3, 4, and 9 of the comments to the draft Constitution.

Section 3.03 of the draft instrument, providing for mandatory redistricting and reapportionment will assure fair and reasonable representation on a continuing basis.

Section 3.12 of the draft Constitution enables the General Assembly to convene