

THE CHAIRMAN: Delegate Winslow.

DELEGATE WINSLOW: Delegate Boyer, my position today is exactly as it was when I appeared before the Commission. I do not know that I have changed any, except perhaps that I have become a little more harsh, for I think I did not at that time suggest that not more than one-fourth of the petition should come from any one county.

I am very serious about this one-fourth. I do not want amendments to pop up all over the place. I want this to be used only in very extreme cases where other ways of getting amendments seem to be impossible.

THE CHAIRMAN: Delegate Boyer, do you desire to speak either in favor or in opposition to the amendment?

DELEGATE BOYER: Mr. Chairman, I have no strong feeling on this one way or another. I would like to report what the Committee, however, had adopted. We had considered the matter of inclusion of initiative, and there were eight reasons why we did not adopt it.

Number one, we felt that the mandatory provision for calling a convention every twenty-five years, if desired by the people, was a safeguard. We felt that the electorate should not necessarily control the legislature. We felt that there was a danger of the initiative petition by special interest groups. We felt that the shortened constitution leaves detail to the legislature, and therefore the amendment to change detail was not necessary. We felt that a properly apportioned legislature could be trusted to reflect the demands of the people. We felt that unified control drafting a written law should remain in the legislature. We felt that the initiative of legislation was defeated by the Convention. We lastly felt that the right of the people to pass on the proposed amendments was retained, and therefore that the direct initiative by the people was not necessarily an emergency measure. For these reasons, for the arguments against the inclusion of initiative, we declined to put it in our GP-7.

As I say, I have no strong position on it, either necessarily for it or opposed to it, but I thought that to help enlighten the Committee of the Whole I should bring out these eight reasons why the Committee did consider it and decided not to adopt it.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

*(There was no response.)*

Is there any other delegate in opposition?

Delegate Scanlan.

DELEGATE SCANLAN: Mr. Chairman, fellow delegates, it always grieves me to take a position contrary to my distinguished colleague from Baltimore County with whom I have had the pleasure of service on the Constitutional Convention Commission before which Commission he advanced the idea now reflected in Amendment No. 2.

I always feel that the positions I should take to agree with him are the positions I would have taken many years ago in my political science courses in Columbia, where I gave the answers that agreed with the position taken by Delegate Boyer today and my professors approved.

It is not always the conservatives who do not learn by the lesson of experience. I think sometimes the liberals and idealists do not. The ideal of initiative is a hold-over from the great days of George L. Morris and the liberalism of that day, but the experience of the years has shown that the initiative can be subject to the gravest abuse, and the most recent manifestation of that was in California on the open housing referendum there.

Today only thirteen states retain it, and even most of them require that when enough signatures are gathered the petition must be filed with the General Assembly or the legislature at its next session so the legislature would have an opportunity either to accept it and put it on the ballot in regular form, or to reject it.

The proposal before you does not go that far.

Secondly, when legislatures were malapportioned, when they truly did not represent the people, when there was no concept of one man one vote in most of the states of this nation, I think there was a certain validity for providing a means to break the log jam, but even there I do not believe the initiative was used successfully in one single state to break the log jam of malapportionment.

Malapportionment, at least in the legislatures of the land, is behind us, and the people now are represented by their representatives at the state capital as we are in Maryland.

The amending procedures proposed by the Committee are very liberal. First you have the three-fifths traditional procedure, and secondly in their next proposal you will