

DELEGATE BYRNES: Your question was what would happen if a petition were presented, and a bill were amended and passed by the legislature? Our suggestion was that the legislature be empowered to enact a law that would set up a flexible procedure so that the proponents could withdraw their bill from the ballot. This would occur at a stage when the legislature would say that it thought the petitioners had a good idea, but that there were some technical problems or some substantial problems that required editing and amending. The legislature would go through the process, submit the bill back to the proponents who might be ten or five in number, who would then have an opportunity to react to the changes. The proponents would have the opportunity to say they thought it better than the one they suggested and, therefore, that they would withdraw, and no longer want to go on the ballot because they had accomplished their objective. If on the other hand the legislature said it did not think the proposal had merit or public support the people would have the right to go to the ballot.

DELEGATE WINSLOW: I have a further question, Mr. Chairman. When you say proponents might make a decision as I understand it, proponents would be numbered in the tens of thousands.

How would you get a decision from this group?

DELEGATE BYRNES: Our understanding is from the practices in other states that the proponents are a clearly defined group of individuals and are not the petition signatories. I think we have left this flexible. We would want the legislature to enact legislation to define proponents. I think this is done in one of the major states; proponents are the ten people, for example, who are the original organizers and sustaining organizers of the petition and not all the petition signatories.

DELEGATE WINSLOW: One further question, Mr. Chairman. Would it be possible through the indirect initiative to repeal a law recently passed by the General Assembly?

DELEGATE BYRNES: I would say yes. I think you could design a positive law to have a negative effect on a current law, yes.

DELEGATE WINSLOW: A final question, if I may. Did your group consider the idea of applying the initiative to constitu-

tional amendments where it would seem to me it might have a much more important use than it would in this case?

DELEGATE BYRNES: As I recall, you suggested that to us and we did, but the Committee as a group did not discuss it. The members of the subcommittee involved in referendum and initiative, I recall, did discuss it. We frankly decided that there would be great reluctance on the part of the members of this Convention, being a Constitutional Convention, to give that particular right to the people. Our research indicated that there was some reluctance to extend it to matters of a constitutional nature.

The answer to the question is we decided not to include it for constitutional amendments for the reasons I suggested.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: Delegate Byrnes, could the same thing not be accomplished if a member of the electorate persuaded his elected representative to introduce a bill similar to his feeling?

DELEGATE BYRNES: I think this is a very appropriate question. I meant to deal with it in the discussion.

The answer to the question is absolutely and unequivocally no. I had, as I mentioned before on the floor of the house, the opportunity of working with the General Assembly and I think it is clear that simply submitting something by request, this is what it amounts to, has little or no effect.

We are talking now about fundamental issues, things that we frankly would like to jar the legislature a little into thinking about and reacting to. Of course, they will not react at all now because of the press of time and lack of time to anything other than those bills which are clearly designated by the leadership and by perhaps some public clamor to be of a fundamental nature.

I think simply making it by request will not do the job.

THE CHAIRMAN: Delegate White.

DELEGATE WHITE: Mr. Chairman, I wish to point out that in the gallery to the rear of the podium is that great freedom fighter of the N.A.A.C.P. in Washington, Mr. Clarence Mitchell, who is the husband of Delegate Juanita Mitchell and the father of Senator Clarence Mitchell.

THE CHAIRMAN: We are happy to