

DELEGATE L. TAYLOR: Delegate Byrnes, you stated in your speech that the process of the initiative works for the interests of minority groups. I would like to ask this question. Can the initiative be used against the aims or benefits of minority groups? Can this be used by the majority to really work against the minority?

DELEGATE BYRNES: If I may answer that directly and candidly, I must say I do not think there is any question whatever that when you provide in the constitution of the state that people shall have a direct right of involvement in their government, you run the risk of both benefit and abuse.

I said in the address, I think it is worth the possible abuse to gain the benefit. I think history proves out that the times when abuses of the referendum occurred, and my study nationally of the use of initiative indicates that abuses are few and far between. There is no question that a minority group can use the initiative to go to the legislature and seek perhaps the trampling of another person's rights. The point is what will happen when it gets on the ballot; that is the critical issue. History indicates that the white hats are vindicated time after time. I prefer to give black hats and write hats the opportunity to express themselves rather than to deny both.

DELEGATE L. TAYLOR: Do you have any information on what type of legislation has been enacted by the process of initiative?

DELEGATE BYRNES: Nationally?

DELEGATE L. TAYLOR: Nationally.

DELEGATE BYRNES: I could refer you directly to the memorandum accompanying delegate proposal No. 57 which surveyed the entire country. I can give you some examples. Reapportionment is one. We deleted that from our own provision. Alaska, for example, used it to bring the state into being. I have seen it used to designate silly things perhaps, designate the name of a college, of the state university. But maybe that it not silly there, I don't know. I suggest we refer to delegate proposals of No. 57 which covers the spectrum. I could pick them out, but they would be biased in my favor while the ones against me would be left out. I suggest it would be more equitable if I read all of them.

DELEGATE L. TAYLOR: Do you feel there is a strong need for initiative in the State of Maryland?

DELEGATE BYRNES: I did not hear you, sir.

DELEGATE L. TAYLOR: Do you feel there is a strong need for initiative in the State of Maryland because of the make-up?

DELEGATE BYRNES: I have no question about it in my mind. I frankly do not think I would be standing here if I did not. I think that this Convention should extend the powers of government in a way we never knew before because in the future with the development of regional governments there will undoubtedly be a smaller legislature which is further physically, or in any event, psychologically, from the people, perhaps more efficient, but unquestionably further from the people. I think if we see that the government is going further from the people and growing more complex in its operations and effects on people we should in reality do something during this Convention to counter that development.

Since we made this judgment, I think we have to recognize there are devices we can properly give to the people so that they can first of all actually participate in self-government but more importantly know that they have that right which has a great psychological advantage. I think unquestionably it is needed.

THE CHAIRMAN: Delegate Cardin.

DELEGATE CARDIN: Delegate Byrnes, I would like to ask two questions. First, is it possible by the procedure which you have outlined that sponsors will introduce a petition which will be amended by the legislature but not to the satisfaction of the sponsors? If this is so, is it not possible that you could then have a referendum and initiative petition both on the ballot at the same time?

DELEGATE BYRNES: I think that would presume that saying the proponents, who would prefer—

DELEGATE CARDIN: That's the next question. The first would be brought by the sponsors with the 90,000 signatures to the legislature who in their wisdom would see fit to amend it, but the amendment not suiting the sponsors would then have a group take to referendum the amended bill and the sponsors would still insist that their initiative be there. Would you not have both on the ballot at the same time?

DELEGATE BYRNES: You are suggesting that there would be two groups in the State who would be interested in this