

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: I would like to yield three minutes to Delegate Hutchinson.

DELEGATE HUTCHINSON: Mr. Chairman, if the people of this convention and people of the State of Maryland believe at all in popular sovereignty, it seems to me we should include within the constitution a proposal for initiative. It seems to me we must speak in favor of public involvement and the initiative would encourage public involvement. If this is what we are looking for, then initiative is the answer.

Also the initiative has never been a substitute for legislation. Instead it is a complement to it. It is not to restrict the legislature from acting, it only says we want you to act in this way, and we hope you do it. If you do not, we will move on and take care of it ourselves. This is all the initiative does. It does give the legislature the opportunity to act on a piece of legislation. This is the reason I am in favor of including the initiative in the constitution.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: I would like to yield to Delegate Cardin.

THE CHAIRMAN: Delegate Cardin.

DELEGATE CARDIN: Mr. Chairman, fellow delegates, I am sorry I must oppose Delegate Byrnes who worked admirably on the subcommittee on referendum and initiative. However, I feel that indirect initiative actually is a total opposition of the philosophy which we held. We believe the people should reserve the right to referendum, we did not mean for them to begin legislating in 1968. We have not ever had this right in the state. It has not been seen fit earlier to introduce it; this is no time to begin.

I would like to suggest several pit-falls in this procedure. First the sponsors who, as you know, need not be pinpointed or especially singled out, can dictate to the legislature how, what, and when to legislate. Certainly the new constitution does not purport to do this or should not do this. We have now decided upon a new stream-lined legislature and it would be more than presumptuous, it would be insulting to tell them that the people have the right to tell them how, when, and why to legislate. This is what indirect initiative would do.

I would like to bring to your attention

also several states who have it, but who have not had, for example, any initiative in the past ten to fifteen years. Since 1958 Maine has had nothing initiated on the ballot. Nevada has had two measures, which were rejected.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: I would like to yield five minutes to Delegate Schloeder.

THE CHAIRMAN: Delegate Schloeder.

DELEGATE SCHLOEDER: Thank you. I do not think I will take the full time. I think Delegate Byrnes has very ably summed up both in his original presentation and question and answer period the case for initiative.

I would like to say a desire to pass initiative is no reflection on the present legislature or any legislature that may sit in the near future.

But it seems to me here in this Convention we are wrestling in all our deliberations with a very fundamental question. We are trying in some way on the one hand to have an efficient governmental structure and on the other hand we are trying to have democratic participation in that governmental structure.

We got a long way away from the original concept of democratic participation that existed in Athens and during the early Teutonic tribes. I do not suggest we can ever go back to that. But I would suggest that in our present complex, highly industrialized society, that as the state legislature becomes smaller, as it becomes more elite, as it becomes less representative of the people, that the people must reserve to themselves some options, that they must reserve to themselves the opportunity to initiate legislation.

I think that we have a real fear in this country of a growing alienation on the part of our society. It seems to me that any democratic society or any democratic political structure is going to die if the people become alienated from that power structure or from that establishment. I know there are a lot of specific arguments against indirect initiative. One of the arguments is that a lot of regressive legislation is initiated. I would suggest that most of the examples, the example of California's fair housing, was direct initiative and not indirect initiative.

I would also say there is going to be in this Chamber before the week is out, I