

There is no question that the State, under its police powers, can regulate to a certain extent obscenity, immorality and lewdness in shows and exhibitions as is being attempted by the instant statute. While recognizing this right of the State to minimize all incentives to crime to protect the public health and morals, we must also recognize the constitutional rights of the public affected by the legislation, namely, the right to freedom of speech and the right to use one's property as long as there is no infringement on the rights of others.

Since the statute in question fails to give fair notice to those of normal intelligence of specifically what acts will be punished, a conviction under it would clearly violate the accused's right to procedural due process.

Very truly yours,

(s) Thomas B. Finan,
Attorney General.

TBF/h

Senate Bill No. 509—Assessors in Frederick County

AN ACT to add new Section 241 to Article 81 of the Annotated Code of Maryland (1957 Edition and 1962 Supplement), title "Revenue and Taxes," subtitle "State Tax Commission," to follow immediately after Section 240 thereof, providing that not all of the tax assessors in Frederick County shall be affiliated with the same political party. AND PROVIDING THAT NO CHANGE SHALL BE MADE IN THE PRESENT COMPOSITION OF THE ASSESSOR'S OFFICE.

May 6, 1963.

Honorable William S. James
President of the Senate
State House
Annapolis, Maryland

Dear Mr. President:

In accordance with Section 17 of Article II of the Maryland Constitution, I am returning herewith Senate Bill 509 which I have today vetoed.

Senate Bill 509 provides that before an Assessor in Frederick County can be appointed under Section 237 of Article 81 of the Annotated Code of Maryland, the applicant's political affiliation must be determined before the appointment, in order to avoid having all the Assessors affiliated with the same political party.

The Director of the State Department of Assessments and Taxation advised me that he feels this is undesirable legislation, since it would create an atmosphere of politics in the appointment of our tax assessors and, because of the nature of their duties and responsibilities, political consideration should have no part in their appointment.

I concur in the opinion of the Director and feel that it would be a mistake to make one's political affiliation a condition precedent to