

deviation which does not impair the object of the constitutional language set aside and caused to be declared invalid and otherwise valid enactment of the General Assembly.

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: I would address a question to the Chairman of the Committee.

THE CHAIRMAN: Delegate Gallagher, do you yield to a question?

DELEGATE GALLAGHER: Yes.

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: Mr. Chairman, in the sentence on lines 15 to 17, I may have misunderstood you but that sentence reads, "A vote in joint session, or by either house on any bill or resolution, or for the election or confirmation of any state office shall be taken only in public session," and did I understand you to say that it is the recommendation of the Committee that that be mandatory and that there be literal compliance with it?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: If I did not say it be mandatory and that there should be a literal compliance, I should have said because it was the intention of the Committee that the vote in public session be literally complied with. Thank you.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: Are we establishing a new legal concept, mandatory, substantial compliance?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: To the best of our ability we are establishing a concept, and if it is new, so be it.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: Mr. Chairman, just let me say in defense of the Committee's action here, that this action was taken to eliminate one of the arguments that Senator James has raised consistently with respect to the Eastland case.

Now, if that situation should occur again, where through some oversight of some clerk, beyond the control of the legislative body's legislative leaders that would not invalidate the legislation. We assume this is what he was after. We think this is the best solution.

THE CHAIRMAN: Are there any further questions of the Committee Chairman?

If not, we will proceed with debate on Amendment No. 20.

Does any Delegate desire to speak in favor of the amendment?

Delegate Barrick.

DELEGATE BARRICK: Mr. Chairman, it seems to me that this is a very unusual procedure to write in a Constitution.

I do not profess to be an expert in constitutional writing, but this, to me, is getting almost to the point where it is ridiculous. I quite frankly cannot follow everything Chairman Gallagher has said, and in order to vote intelligently on this, it seems to me we would have to have a copy of this in order to determine what these various sections will mean.

I suggest that we support Senator James' motion and take this sentence out of paragraph 3.17, and thereby solve all these problems.

THE CHAIRMAN: Does any delegate desire to speak in opposition to the amendment?

Delegate Gill.

DELEGATE GILL: I wish to speak in opposition to the amendment.

THE CHAIRMAN: Proceed.

DELEGATE GILL: I think two of the main reasons we are all down here are first, to strengthen the legislature itself, and second, to make democracy a great democracy closer to the people and one way to bring it closer to the people is to let them have a part in it. So often, when major committees decide whether or not to allow a piece of legislation to come out of committee, favorably or unfavorably, nobody knows who voted for what. People concerned are not visible, they are not responsible. The people who are interested in whatever the issue is have no way of going to their elected representatives and presenting their point of view and trying to get support for it, and it is not until it comes on the floor, if it does get to the floor, that they have a chance to work for that legislation.

If they knew ahead of time who was voting for it or against it, they would be able to contact them in advance and try to work for it.

I think that is one reason why so many people are not interested in what is going on in the legislature, because the action of those who vote for or against the bills is secret.