

THE CHAIRMAN: Very well, I suggest, Delegate Penniman, that you have your secretary make a note of that particular phrase as indicating the meaning of the intention.

Delegate Dukes, before we begin the period of controlled debate, the Chair is not clear as to whether you intend to suggest merely disapproval of this recommendation or whether you intend to propose an amendment. If the latter it should be offered at this time.

Delegate Dukes.

DELEGATE DUKES: We intend to recommend disapproval. There will be no recommendation whatsoever.

THE CHAIRMAN: Very well.

Delegate Dukes.

DELEGATE DUKES: Mr. Chairman, recognizing as we do the shadow of darkness in which we work we will attempt to present a very diversified field. We will start off by yielding three minutes to that screaming delegate from Baltimore, Delegate Bothe.

THE CHAIRMAN: Delegate Bothe.

DELEGATE BOTHE: Fellow delegates, I feel vastly honored at the introduction and the opportunity to be the first person on this floor to argue in favor of the Minority Report understanding that we had a very objective presentation on both sides along with questions only intended to secure enlightenment up to this point. However, I am going to argue very narrowly. I am not going to say which side of evil or good I happen to be on or express what views I may have on lottery.

Frankly, I have none. Perhaps rather than as a screaming liberal, Delegate Dukes called on me as a member of the Constitutional Convention Commission. We did not have anywhere near as much fun discussing the subject because we narrowed down our consideration purely to the issue of whether the subject matter belongs in the constitution and readily determined that it did not.

Now, I suggest to you, fellow delegates, that the question of a ban on lottery is merely one which would tie the hands of the legislature and in a very strange way. I have been serving on the Committee on Personal Rights and Preamble during the last few weeks and we devoted a great deal of discussion to the restrictions that should be placed on legislative action that

might offend the people. Here we are in the strange position of protecting the legislature from the people. Certainly this is not the area in which the constitution should deal in any respect. I am willing to gamble here and take a chance on a mature constitution and I suggest that all of us leave this kind of matter out, make the legislature stand up to its responsibilities and make the kind of determinations which we are here to make, whether we are going to have a state lottery or not going to have it, whatever it means. Incidentally, if we adopt the language with the construction which Delegate Sherbow has said goes with it, we are going far beyond the present constitution.

THE CHAIRMAN: You have one-quarter minute, Delegate Bothe.

DELEGATE BOTHE: I would not think in 1967 we have to be so much more moralistic than they were in 1867.

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: I yield five minutes to Delegate James.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: Mr. Chairman and fellow delegates, I would like to direct my remarks to the general proposition that a prohibition against the lottery should be in the constitution and to initiate these remarks I would like to read a statement I filed with the Committee, a memorandum to the State Finance Committee on "Financing Government by Lottery."

I advocate inclusion in the constitution of a prohibition against financing governmental expenditures by lottery. As a course of conduct, gambling, however fascinating, has two basic flaws: (1) Its attraction is the concept of something for nothing. (2) It takes from the many and gives to the few. The State should not play upon human weakness to finance its expenditures. Nor should it promote a false economics in the name of taxation.

Entirely aside from the basic impropriety of state financing by games of chance, experience shows that gambling is an unreliable source of revenue. New Hampshire and New York are now face to face with this hard fact. The fiasco of reliance upon lottery revenues by state government is most evident in New York. So disappointing are the results that New York is contemplating an ignoble promotion of chance taking at the expense of the poor and the gullible.