

tions, I think we are not only discussing here the question of legislative visibility, although I admit that that is one facet of it, but I think the deeper issue here is the constitutional prerequisites which must be met before a bill finally becomes a law.

This goes to the heart of these subjects, and the leading case on this subject has been discussed over and over again, the Redwood Case. It is my recollection that in the Court of Appeals, the State in that case was represented by Chief Judge Hall Hammond, and Circuit Court Judge Harrison L. Winters, who is the highest federal court judge we have in the State, and I would like to ask you so that you can put it on the record, who was the counsel for the taxpayer in that case who won the case and started all this mess in the first place?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: As Delegate Case will know, from the copy of the case which I handed to him a few minutes ago, the counsel was Mr. Robert Thomas. Would you also like to know the name of his co-counsel?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: I think in the parlance of some of the larger firms in Baltimore, they are called associates.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Thomas' associate was then a rising young lawyer by the name of H. Vernon Eney.

Mr. President, you don't want to ask me anything else about that case, do you?

THE CHAIRMAN: Amendment No. 21. The Clerk will read the amendment.

READING CLERK: Amendment No. 21 to Committee Recommendation LB-2 by Delegate James:

On page 5, section 3.17, Journal and Passage of Bills in lines 4 and 5 strike out the words "and a transcript of its debates"; and in line 6 strike out the words "the transcript" and insert in lieu thereof the word "it."

THE CHAIRMAN: The amendment is submitted by Delegate James. Is there a second?

DELEGATE BENNETT: Second.

THE CHAIRMAN: The amendment having been seconded, the Chair recognizes Delegate James to speak to the amendment.

DELEGATE JAMES: Mr. Chairman, fellow delegates, I do not wish to prolong this matter. I would simply like to reiterate once again that we are violating fundamental constitutional principles here in becoming so detailed, in providing for the legislative procedure.

No outstanding constitutional authorities would agree that you must provide all of this procedural detail for the passage of bills.

Section 3.17 raises very seriously the question of providing that a transcript of the debates must be maintained as a constitutional matter. I interpret that as mandatory and when something is mandatory, there is no discretion whatsoever, so that if you are depending upon mechanical equipment for recording of the debates, and if the mechanical equipment does not work to your knowledge, or if you are depending upon stenographic transcript, and the stenographer loses his notes, a very serious legal question arises as to whether you have the type of a record which would sustain the legality of any legislative proceedings which might have been taken.

I checked the federal Constitution and I found no such requirements as we have here. The federal Constitution, which we will note for brevity and which we certainly here have not in any manner succeeded in following, says, each house shall keep a journal of its proceedings and from time to time publish the same, excepting such parts as in their judgment require secrecy, and the yeas and nays of the members of either house on any question are at the desire of one-fifth of those present to be entered on the journal; so there is no requirement really for entry of the journal in the record of the full house of the federal Congress.

The federal Congress, of course, has unlimited functions, which is an area where money means nothing, because it is the general philosophy that you do what you have to and worry about it later, and they provide a very expensive type of journal.

This will cost the taxpayers of Maryland something in the neighborhood of \$100,000 a year. It is a gigantic proposition, which requires not only the taking of notes, but checking out, proofing and all that sort of thing and it is not worth anything unless you do the necessary checking to make certain that it is accurate. Of course, as I understand, Congress may be accurate and it may not be, because you can go into it to change it all around to suit the member.