

ests will show they will expect the legislature to listen to their pleas that we should grant these lottery opportunities to nice people which we believe will give them the opportunity to muscle in and take over.

We know the very serious situation that has developed in some parts of Maryland where slot machines came into effect, and with all the power and prestige of the State of Maryland acting with all of the energy commanded by the Honorary President of this Convention and until recently Governor of Maryland, all of this effort was required to phase out what the rest of the State felt was an evil influence, this whole lottery picture.

We believe that we will be relieving the legislature of the turmoil and pressure, the constant effort to have the legislature let down the bars, lower them and grant these people the right to operate.

You now have a new situation. You have a situation where local subdivisions, unless restrained by the legislature, will have the right to operate lotteries. Now, we have asked you to consider this from this point of view. How can the legislature having the power to grant lotteries and permits say: we will grant lottery permits and not strike down the phase-out of gambling through the slot machine in the southern counties of Maryland. If you are going to grant the lotteries, their argument is going to be, why not leave what you intended to strike out?

If the lottery ban is continued in the Constitution, we relieve the legislature of this kind of pressure. The legislative leaders have given no indication that they want the power or the right to grant lotteries or lottery permits. They made their positions clear, I believe you will hear from one of them. I know you will hear today with respect to the views of the General Assembly.

Now, we do not believe that the lottery situation is an isolated and emotional issue and here I am using some of the words of a minority report, because other forms of gambling are permitted. Let me discuss with you the fallacy of that argument. Our Committee voted, I think it was 10 to 4 to put this restraint, this ban into the Constitution with only one abstention. We had before us the proposal dealing with the whole idea.

We also had before us another proposal offered by three delegates which went into great detail suggesting how lotteries should be operated, who should get the benefits and the money from them in the form of a

page and a half of statutory language about how to operate the lottery and who should and how you get the benefits from it.

And we also had from another delegate who will speak here today a proposal out of which our report and recommendation was distilled, namely no more lottery grants and no more opportunities for the State to permit them because they will be restrained by the constitutional prohibition.

At the hearing we heard the argument that if you put in this restraint against lotteries there will thereupon be a restraint also against bingo. We heard the arguments that also if you listened and read carefully what has been in the Constitution, all it said was: there shall be no lottery grants by the State.

All of this has been set to rest by the statutory law of this State and by opinions of the attorney general. A long time ago, more than 30 years ago, the attorney general ruled that the present provision in the Constitution prohibits the State from authorizing a lottery to be operated either by the State or by an individual, so that the language means neither the State nor an individual could operate a lottery, and this has not been challenged or attacked since 1935, and no lottery has been granted.

Thereafter, the subject arose as to whether or not bingo is legal. Bingo is operated by reason of the fact that the State of Maryland through the General Assembly has granted under the criminal statutes, under its present laws, a distinction saying that bingo is not a crime and, therefore, they passed a statute in which they regulated bingo.

Prior to that, there had been three opinions of the attorney general of Maryland, each of them dealing with the subject of these bingo statutes and each of them holding that the question before them was one that dealt with a valid statute, namely, the right to operate bingo under the law.

On the subject of whether or not these matters are proper for our legislature to determine the argument is made that if you operate bingo and the pari-mutuel tracks, why don't you operate the lotteries by the State?

My answer is simply this, that under the statutes, the public policy of this State has been, that on these fire engine volunteer areas of the bingo operation, on these small minor church operations, as long as they keep within the statute, they have construed them as not being a lottery.