

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: Yes, indeed.

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: Then it is perfectly clear that this proposal means not to include bingo within the definition of lottery, sir?

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: Bingo as we now understand it.

THE CHAIRMAN: Are there any further questions?

Delegate Johnson.

DELEGATE JOHNSON: Delegate Sherbow, you spoke of a period in Maryland's history when lotteries were held in an unsatisfactory and improper manner. When was that period?

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: That whole history goes back to the days up until the middle 1820's and then continued until the legislature could finally extricate itself from what had developed.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: Delegate Sherbow, you also indicated that you had some fear of the local subdivisions possibly taking advantage if we removed the prohibition, but do you not anticipate as many of us do that the legislature will very likely go into special session immediately after the adoption of this constitution and at that time they could take such steps as may be necessary to prohibit the local subdivisions from carrying out a lottery?

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: Well, my answer, Delegate Johnson, is simply this. The legislature may decide no. What is good for a State to run may be good for a city or county and why not do it?

I can give you one example of this actually occurring. It frightens me when I think of it, but there were some of us who were quite eager to provide some money for the poor during the depth of the depression in 1935 and 1936. All the tax proposals were turned down by the General Assembly. On the last night they passed a tax on off-track betting and made this an exception to gambling restrictions. Within a few days the gamblers had come to Baltimore from many big cities and were hiring

the Palace Theater; when that hit the public knowledge, I think then the public woke up.

I think the reaction was just like a cannon boom in this room and within less than ten days Governor Nice vetoed that bill. The legislature passed it the last minute, Governor Nice vetoed it and I think thereafter we had other taxes to take its place.

All I can say to you is that the legislature may not act the way you think they may, and this is possible.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: You do not mean to imply that the members of the underworld, the Mafia, as you put it, are currently lobbying to eliminate the prohibition of the lottery from our Constitution?

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: No, I would not say that, but I will tell you what I will predict, that if you do eliminate the prohibition by whatever name they are called, and I do not know what is the correct name for them, within less than the next ten or 15 years, you could write the article about England and just change the name. Here again you have touched me on a subject I know. In 1949, 1950, 1951 and 1952, I think I knew about as much as there was to know sitting where I was in criminal court about the corruption that came. When I was there it almost reached up to the top until the Supreme Court granted it — well, anyway the top man got out. I am saying to you, it does happen. It can happen. I am not a prophet of doom as I repeat, but it could happen here. I hope it never does. I hope we do not give them the chance.

THE CHAIRMAN: Are there any other questions?

Delegate Gleason?

DELEGATE GLEASON: I am a little bit disturbed by your answers to Delegate Scanlan's question and I wonder if I could explore it.

As I understand it, the Committee did not attempt to define what was or what was not a lottery, is that correct?

DELEGATE SHERBOW: That is correct.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: Did the Committee attempt to put an implication of what was a lottery to the extent that its