

gamble. With the assistance of millions of our most law-abiding citizens, illegal gambling has become the backbone of organized crime in America today. That backbone appears to be unbreakable. Prohibition profits were meager compared to the gambling profits of today. The whys are baffling and the over-all picture exhibits little logic.

Many factors explain why we have such a frustrating situation. Included are:

One, public participation in illegal gambling;

Two, public indifference to the by-products of illegal gambling;

Three, inadequate laws and inadequate enforcement machinery;

Four, illegal gambling cases demand a lengthy period of surveillance before search and seizure warrants can be obtained.

It is completely impossible for the federal or local police to combat, consistently, all of the illegal gambling in any area over a period of time. The reason is lack of personnel for enforcing this type of misdemeanor.

As general counsel to the Maryland Crime Investigating Commission for the past five years, I have worked closely with that agency's Executive Director, Alvin Zumbun, and I agree with his public statement that "gambling in moderation is not injurious if the racketeers are not keeping the profits and illegal gambling has become one of the biggest businesses in Maryland today. The outlets provided by the illegal gambling for the propensity of people to gamble are more readily available than those which the lawmakers have provided."

I do not think that you, fellow delegates, or I should place ourselves in such a holy position as to think we must protect the Maryland citizens from our elected legislative representatives.

THE CHAIRMAN: Your time has expired, Delegate Finch.

DELEGATE FINCH: Thank you.

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: I yield four minutes to Delegate Chabot.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Mr. Chairman, in New York City budding politicians have been told for many years they should find

something they can praise about Israel, something they can praise about Italy, something they can praise about Ireland. For a while I thought we were going off on that tangent here. Since all three of those states have lotteries I am supposed to stake what little future I have in my hand condemning the lottery nevertheless.

Mr. Chairman, the minority have posed the question we often heard on this floor. Is the matter before us one of constitutional importance? This one sentence of a dozen words we have before us is a limitation upon the power of the General Assembly and at every level of government in the State. Without this limitation, the power of the General Assembly and the power of twenty-four counties would be sufficient to permit them to authorize what amounts to a regressive tax. This provision before us restricts these powers. It is clear then that the recommendation of the Committee on State Finance performs a constitutional function. It is not exhortatory.

Is the lottery so outmoded a danger that we no longer have to guard against it in our Constitution? Regrettably, no. For many years a New York City Republican Congressman has been urging federal lotteries. New York State has joined New Hampshire in deluding the taxpayers by creating state lotteries. The siren song of painless taxes is now being sounded even here as one of our delegates so ably pointed out.

The danger of the state government or county government creating the lottery should not be discounted too much. It is clear then that the recommendation of the Committee on State Finance guards against a potentially real danger.

Mr. Chairman, we have been told the legislature ought to remain free to handle this matter. Yet all through this constitution we have been picking and choosing those areas in which we felt the legislature would be too tempted to do something that we felt was improper. In those areas which we felt would offer too great temptations we have limited their powers to put a limit on their size. We put a limit upon their power to raise their salaries. We put a limit on their sessions. We put a limit on their power to affect the structure of the executive branch, limit on their power over the judicial branch and a limit on their power to redistrict themselves.

We have been asked by the minority to disregard our own history of more than a century on this matter. We have been told