

eration of a lottery, whatever that may be, for the purpose of paying public revenue.

I had thought this was the original purpose of the proposal contained in SF-2. But during the debate upon questioning it became crystal clear and the Chair stated it unequivocally that if passed, and we did pass it, now it has been reconsidered, if passed it would bar any state toleration, sanctioning or authorization of a lottery whatever that subject encompasses, on the part of any private group.

In the minds of many of this assembly, that went much too far and far beyond the debate that went on before the Commission, far beyond what I thought was the original intention of Judge Sherbow's proposal.

In order to clarify it and refute that extreme position, I have offered this amendment. I will not repeat the debate on it. We debated it ad nauseum, but the proposal that passed but has been reconsidered, would permit the highest court of this State, to determine what forms of gambling embraced within the concepts of lottery would be permitted.

I want to read you the second definition in Webster's 7th New Collegiate Dictionary on lottery. I will read the first to be fair, because that is the one that is a little more familiar to us all.

The first definition given is lottery, a drawing of lots in which prizes are distributed to the winners, among persons buying a chance.

I would think that first definition would bar the private operation of a raffle, a give-away, even the gasoline stations where you have to buy something to get a prize; it certainly would bar bingo and a host of other things.

The second definition, equally acceptable, is an event or affair whose outcome is or seems to be determined by chance.

I have been to a few horse races that might be covered by that definition. But it seems to me that this would give a power in the court that should be denied them.

There is no excuse for putting in the constitution this type of prohibition unless one is to accept the suggestion of my good friend Delegate Malkus to bar all forms of gambling activity.

I suggest the amendment I have offered as originally proposed by the founders at least strikes a medium ground and I think

returns us to the original provision in the Constitution which would bar the State from conducting or authorizing the conduct of a lottery in its behalf.

The only change would be that the political subdivisions would now be subject to the same prohibition.

I urge that the delegate strike this happy compromise between unrealistic morality in a constitution and perhaps sound restraint on the General Assembly from adopting a lottery in the future.

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: I would like to ask my good friend Al Scanlan if he will yield to a question.

THE CHAIRMAN: Delegate Scanlan, do you yield to a question?

DELEGATE SCANLAN: Yes, Delegate Malkus.

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: Did I understand you to say that I was opposed to all forms of gambling?

DELEGATE SCANLAN: No, I did not mean to suggest that. I thought you had made a very good point in that it is very difficult to distinguish between horseracing and lotteries, and the second definition for lottery found in Webster's Dictionary indicates you may be closer to the truth than many of us here.

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: I thank the gentleman.

*(Laughter.)*

THE CHAIRMAN: Does any delegate desire to speak in opposition to the amendment?

Delegate Bennett.

DELEGATE BENNETT: Mr. Chairman, I rise to offer an amendment to the amendment. I propose that on line 7 the word "the" be struck and substitute therefor the word "any".

THE CHAIRMAN: The word what?

DELEGATE BENNETT: The word "any", A-n-y. After the word "purpose", a period, and the rest of the amendment be stricken.

In other words, what this will say is "neither the General Assembly nor the governing body of any political subdivision of