

sary. I hope to get right on with the voting.

THE CHAIRMAN: The Clerk will ring the quorum bell.

Delegate Koss.

DELEGATE KOSS: I wonder if Chairman Kiefer could give us some idea of why some delegates felt it important? Was it just an attachment to ancient language or are there legal implications that some of us might not be aware of?

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: Delegate Koss, as near as I can understand, it was mostly sentimental, but Delegate Bard is one of the advocates. He may want to speak to it. That is the only person I can think of offhand.

THE CHAIRMAN: Delegate Bard.

DELEGATE BARD: Mr. Chairman, I had not desired to make a speech, but called upon, I will briefly indicate why I felt that at that time it was important.

The federal concept is a bilateral concept, one in which the United States Constitution makes clear the relationship to the states, and I felt that in a bilateral concept this should be done the other way around.

Some of the recent constitutions have done this. There are twenty-six constitutions that have mention of the supremacy of the federal government.

I would merely add in closing that there have been many occasions when we have debated this issue. Though the matter of invasion has ended, it is certainly true, Delegate Scanlan, that the matter of whether we fully agree in connection with the federal government's supremacy has not ended, as I listen to a goodly number of discussions that are going on. I for one would like to see it in, not for sentimentality, but because the contract is bilateral.

THE CHAIRMAN: Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Amendment No. 1 to Committee Recommendation R&P-2.

A vote Aye is a vote in favor of Amendment No. 1. A vote No is a vote against.

Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 101 votes in the affirmative and 16 in the negative, the motion carries. The amendment is adopted.

Delegate Scanlan, do you desire to offer your Amendment N?

DELEGATE SCANLAN: Yes, I do, Mr. Chairman.

THE CHAIRMAN: The pages will please distribute Amendment N. This will be Amendment No. 2.

The Clerk will read the amendment.

READING CLERK: Amendment No. 2 to Committee Recommendation R&P-2 by Delegates Scanlan and Moser:

On pages 1 and 2 section 2, Reserved Powers, strike out all of lines 21 through 24, inclusive, on page 1 and on page 2 strike out all of lines 1 and 2.

THE CHAIRMAN: The amendment having been seconded by Delegate Moser, the Chair recognizes Delegate Scanlan to speak to it.

DELEGATE SCANLAN: Mr. Chairman, for the same reasons that I urged the deletion of section 1, I now urge the deletion of section 2.

Section 2 as it now is offered by majority is, of course, a restatement of the Tenth Amendment of the Constitution of the United States. Again, I believe that there was historical justification in the Convention of 1867 when the people who dominated the Convention for the most part were sympathetic with the vanquished clause because of the Confederacy and this, I believe, was a compromise that they insisted upon, on the one hand, the supremacy clause, and, on the other hand, the Maryland version of the Tenth Amendment.

Again, neither Maryland nor any other state can make nor mar the Tenth Amendment by anything that we put in our constitution. The Tenth Amendment will be authoritatively interpreted by the Supreme Court of the United States. I must concede, and I think those of you who are familiar with constitutional law will agree, that for the most part in recent years, at least over the last thirty-five or forty years, the Tenth Amendment has been a rather forgotten amendment and does not seem to have much power.