

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: Mr. Chairman, I rise in opposition to the amendment because I am concerned that those who speak for the amendment speak for the deletion of section 2, either because of their inability to construe it or because of the construction which they put upon it.

I would suggest to the members of this Committee that before you vote upon this, you read the construction of the amendment which appears on pages 3 and 4 of the majority report. It does not speak in terms of the input into a system, in terms of dollars spent in the education of a child. It speaks in terms of the output.

As I understand the intent, it is that there shall be a system of education which is equal in that it may take one child from a culturally less privileged background and educate him in a way which is different from the education which would be afforded to children who have conversations at home; and thus at the end, all things being equal, that education which is given to the child gives that child the same chance to develop as any other child.

THE CHAIRMAN: Your time has expired.

MR. BAMBERGER: The concept is one of output or product rather than input.

THE CHAIRMAN: Delegate Wheatley allowed you further time, Delegate Bamberger.

DELEGATE WHEATLEY: That is all right.

THE CHAIRMAN: Delegate Lord.

DELEGATE LORD: Mr. Chairman, I will yield three minutes to Delegate Winslow.

THE CHAIRMAN: Delegate Winslow.

DELEGATE WINSLOW: Mr. Chairman, what I wanted to say in particular in this area has been so ably said by Delegate Raley that I could, I suppose, merely say "Amen" and sit down, but I should like to raise a point or two before I do.

A few days ago we placed into the Bill of Rights a provision that no person in this State shall be denied equal protection of the laws. There was no statement made at that time as to what areas this covered. I had assumed that it covered all areas; that it therefore covers education, as well as peace and order, as well as protection of life and property.

What does this provision in this article do that that equal protection of the laws do not do?

It seems to me that if you start to put redundant language into the Constitution, we raise more questions of interpretation and application than we get rid of.

The wording of this section seems to me to be extremely obscure. First, we had it say "provided"; now we have it saying "promote".

One of the speakers insisted that this is not exhortatory language, but it is obviously also not language that can be justifiably enforced.

I suggest for the sake of clarity that we depend upon the "equal protection of the law" clause with respect to equal opportunities and delete this particular provision from the draft.

Otherwise, we have all these questions arising as to what constitutes equal facilities.

Do we mean gymnasiums in every school? These are equal opportunities as well as other things. It seems to me we would be wise merely to drop this matter and fall back on the general language of the Bill of Rights.

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: Mr. Chairman, how much time do I have left?

THE CHAIRMAN: You have about eight minutes.

DELEGATE WHEATLEY: I will reserve the balance of my time pending the completion of the minority.

THE CHAIRMAN: Delegate Lord.

DELEGATE LORD: Mr. Chairman, I will yield three minutes to Delegate Cardin.

THE CHAIRMAN: Delegate Cardin.

DELEGATE CARDIN: Mr. Chairman and fellow delegates, I was delighted that Delegate Bamberger explained his definition of the equal educational opportunities for all, because I think he only pointed out the difficulty in this definition. The Majority Report itself contends, and I quote, "The term, 'equal educational opportunities', is not susceptible of precise definition."

In my interpretation, it is an incorrect definition. We do not want equal opportunities for all. We want the type of opportunities that Delegate Borom referred to,