

The U. S. Supreme Court has also applied the Eighth Amendment which is a prohibition against cruel and unusual punishment, but it has not related all of the eight amendments. It has specifically refused to hold certain parts of the Fifth Amendment as being applicable to state action, and it has specifically provided that such things as trial by jury in both civil and criminal cases are a matter of state action and are not matters covered by the Fourteenth Amendment. There may come a time, and I suspect there will come a time when these, too, will be brought under the umbrella of the Fourteenth Amendment and applied to all state action.

In the areas of segregation and racial discrimination, the Court has broadened the impact of the Fourteenth Amendment until people feel it covers completely all questions with respect to racial discrimination in the public area.

Now, on what basis has the court done this? I will not try to get into this except to say that, in the words of Justice Frankfurter, the court must consider each situation to see if it "offends those canons of decency and fairness which express the notions of justice of English-speaking people."

Ladies and gentlemen, you may not like this, but this is the life we live today, and the Supreme Court's rulings with respect to these areas are controlling upon this State and every state. Consequently the thoughts we have and actions we take with respect to the framing of personal rights must not ignore the effect of the Supreme Court rulings in connection with the application of the United States Bill of Rights to our own state situation.

As a matter of fact, within the last year, more than twenty-five cases have been decided by the Supreme Court on the basis of the application of the Fourteenth Amendment into such areas as freedom of speech, freedom of the press, criminal application, segregation, and freedom of religion.

A very recent case voided the Virginia anti-miscegenation clause, which of course applied to Maryland, too.

Also, just the other day you may have seen in the newspaper that the Court has agreed to hear a case involving open housing in a suburban area. I think it is in Missouri.

In any event, we are in an era of constant change, but where the same fundamental basic concepts of personal free-

dom still exist. Therefore, what we are presenting to you, ladies and gentlemen, and what I think you will find, are the same stalwart statements of personal rights, personal liberties that have been maintained through the years and have been not diminished but expanded by actions of the Supreme Court.

Now, with that very brief and certainly unlearned discussion, I want to tell you just a little bit about this Committee. I am frank to say that when we first gathered, and you saw what a fine bunch of people they are, we were strangers who sat down and looked at each other. I am not at all sure that we were not like a bunch of male cats out in the alley during mating season, but we soon got to the point where after discussion, hearings and debates we realized that we were a lot closer together in much of our thinking than we had first thought we might be.

We received, as you well know, 123 proposals. I guess we were the disposal for the proposals, and we certainly had them. We talked to and heard from more than 100 witnesses ranging everywhere from constitutional law experts down to people who were dedicated espousers of some particular peculiar idea. We had constitutional lawyers, I want you to know, who were experts on the Fourteenth Amendment or on the First Amendment. These fellows are like doctors, you know. They specialize not only on the Bill of Rights, but on certain aspects of the Bill of Rights, and this is why none of us on this Committee can hope or claim to have any great expertise.

We have books and libraries on this subject. We can simply give you these concepts and these pictures, and hope that when we finish you will have caught the spirit that I think permeated this Committee, and adopt these Recommendations without too much difficulty. I hope that by this time, the compulsive amenders have worn themselves out and that you will find little in this that will need much doctoring.

Now, having heard all these proposals, having seen and talked to these witnesses and having debated among ourselves, we adopted several basic concepts, and these I hope you will bear in mind when you consider and go over the Recommendation R&P-1 of this Committee.

The first is set forth in the memorandum, and states very well our concept that the Declaration of Rights should reserve and declare those personal rights of individuals which no governmental official, agency, in-