

a lot of additional language in the Constitution.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Macdonald.

DELEGATE MACDONALD: Delegate Kiefer, I had understood that in answer to my questions you had stated that it was the intent of the Committee in adopting section 2 in its present form to adopt the rationale and the decision of the majority in the Horace Mann case.

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: That is correct.

DELEGATE J. CLARK (presiding): Delegate Macdonald.

DELEGATE MACDONALD: As a result of the questions posed to you by Delegates Gallagher and Hardwicke, am I correct or incorrect in understanding that your intent in inserting this provision is flexible?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: No, that is not correct. You misunderstood, or I did not make myself clear, Delegate Macdonald.

The Committee's position was unequivocally in favor of the effective separation of church and state. Now, we recognize that there are, of course, certain basic limitations on this. In other words, no one would quarrel about a fire engine coming to put out a fire at a church, or a policeman directing traffic in front of a church, or somebody aiding in connection with an emergency of some sort.

We also frankly realize that it would be completely unconstitutional, improper and illegal for the State to contribute money to a sectarian school, as has been established.

What we have said is that we are in favor of, as a Committee, unanimously, the separation of church and state.

We have agreed 16 to 1 that the most effective way to state this is the First Amendment language, because we have a specific ruling by the Court of Appeals in the Horace Mann case which unequivocally states the separation of church and state.

Now, where I think I may have misled you is when I said I do not know what a future court would do. I simply don't know if the Supreme Court held in the same set of circumstances that this would be a valid grant, any one of these statutes, whether

or not the Court of Appeals would hold to that.

What we are saying to this Convention is that our intention was to state as unequivocally as we could the separation of church and state, and we think we have done it.

If you will refer to the Horace Mann language, and I will read you some of it, if you want, I have it right here, it in effect states the very things which I think may have worried you in connection with the question of contributing tax money to the support of sectarian schools.

If I might read it to you: "After consideration of all the Supreme Court decisions and our statement of their rationale quoted above, we have reached the conclusion that insofar as the issue of the First Amendment is concerned we should apply the following standards in measuring the statutes under consideration."

Then they go on to list a number of these.

"A State cannot contribute tax-raised funds to the support of an institution which teaches the tenets and faith of any church."

Then it quotes the exact language of the Everson case that I quoted to you yesterday afternoon.

DELEGATE J. CLARK (presiding): Delegate Macdonald.

DELEGATE MACDONALD: Do I understand, so we have this clear, that this is the intent of your Committee in suggesting section 2 in its present form?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: Yes, sir.

DELEGATE J. CLARK (presiding): Delegate Macdonald.

DELEGATE MACDONALD: Do I understand now that that intent is firm and meant to be permanent, that this is what you intend as long as this section is in its present form?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: This was our intent, yes.

DELEGATE J. CLARK (presiding): Delegate Macdonald.