

If you did not reach that point, I do not want to press it.

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: We did not. I am aware of the facts in the Everson case. We adopted the statement of the court in establishing what it intended to be a separation of church and state, recognizing the fact that in many cases throughout the country, as well as the Supreme Court, there are decisions holding something is public use, something is for public purposes, something in aid of religion. These go in all directions.

DELEGATE J. CLARK (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: Again, I think that the Committee's attempt to provide for separation of church and state was an admirable one. I think the First Amendment has always been the avenue by which separation of church and state has been achieved, but the Everson case had this paragraph right after the one you quoted:

"On the other hand, other language of the amendment comments that New Jersey cannot hamper its citizens in the free exercise of their own religion. Consequently, it cannot exclude individual Catholics, Lutherans, Mohammedans, Baptists, Jews, Methodists, non-believers, Presbyterians, or members of any faith, because of their faith or lack of it, from receiving the benefits of public welfare legislation."

This is the next paragraph after the one you read. It is the complete rationale of Everson, and not just the "no establishment" aspect.

Would I be correct in assuming that this entire rationale, what you have quoted and what I have quoted, is the decision in Everson which the Committee found acceptable?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: Well, I think that is correct, because it states what is the law and what has to be followed in the Court of Appeals in Maryland, and it has nothing to do with the aid of religion, but, as I pointed out, there are situations which our court has held are matters involving public purposes. It is a matter, again, of the dog chasing the tail, where you do not get into aiding or infringing on the rights of people because of their religion.

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

DELEGATE WEIDEMEYER: In the Horace Mann case, did not the Court of Appeals cite the Everson case and refer to the paragraph that you have in your memorandum so that, by reference, in that Horace Mann case they adopted the Everson case construction of the First Amendment language?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: That is correct.

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

DELEGATE WILLONER: The paragraph that was just quoted by Delegate Gallagher, however, was not discussed in the Committee, was it?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: I do not remember that it was.

DELEGATE J. CLARK (presiding): Are there further questions on section 2? Delegate Clagett.

DELEGATE CLAGETT: Mr. Chairman, I rise to a point of personal privilege to remind the Delegates that upon occasion they have heard me refer to whispers, and have pointed in the direction of the portrait at the corner of the wall. I have not made it clear that our Journal Clerk, Mr. Oden Bowie, is the direct grandson of Governor Oden Bowie. I only refer to the fact so that there is a certain amount of company and companionship in some degree of burden and hardship.

However, I rise at this point to ask that you welcome here the granddaughter of Governor Oden Bowie, and our Journal Clerk's charming wife, Mrs. Laura Bowie, and their daughter Maudie.

(Applause.)

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

DELEGATE PULLEN: Mr. Chairman, I would like to know if you do not think that prolonged discussion on this topic this evening would interfere with our religious duties tomorrow.

DELEGATE J. CLARK (presiding): The Chair thinks that Delegate Powers has disappeared at the present time, but