

ernmental authority your Committee concluded that an oath does have a proper place in our constitution.

We felt that freedom was fragile, and it should be handled with prayer. Your Committee recommends the resolution for favorable consideration.

THE CHAIRMAN: Are there any questions for purposes of clarification? Delegate Sickles?

DELEGATE SICKLES: I wonder if the Chairman of the Committee would explain to the Committee who would be covered, when it says, "every person elected or appointed to any office of profit or trust", under the Constitution or laws of this State; specifically I am concerned as to whether this oath would be applied to officeholders on the municipal level, county level, and bi-county agency level.

DELEGATE BOYER: Delegate Sickles, I do not think that the General Provisions Committee really came to any concrete conclusion in answer to your question. It would be my thought, humbly, that this would apply to any elected official, for an office of profit or trust or appointed official for such, on a statewide level. I probably stand subject to correction, but this is just my thought. I think this is the state constitution. I think this would probably be my second guess on it.

THE CHAIRMAN: Are there any further questions for purposes of clarification? Delegate Rybczynski?

DELEGATE RYBCZYNSKI: Mr. Chairman, was there a time when the oath contained a reference to the Deity?

DELEGATE BOYER: Not in our consideration. We did not ever hold that per se.

DELEGATE RYBCZYNSKI: In the history of the State, has the oath ever referred to the Deity?

DELEGATE BOYER: My recollection on research is that Maryland's maiden constitution was silent on this point. I am not quite sure of what the 1864 Constitution had. I do not know.

DELEGATE RYBCZYNSKI: If I may continue, in the Commission Report, on page 303, in section 6 there is no reference to the Deity, and I was wondering if that is because the Deity was never referred to in the first place or because it has been deleted by case law.

DELEGATE BOYER: Delegate Rybczynski, I truly do not know the answer to

it. I cannot say that it ever has or has not been in any previous constitution. I see Delegate Sickles rising. I wonder if he could clarify it.

THE CHAIRMAN: Delegate Sickles?

DELEGATE SICKLES: It is my understanding the current Constitution requires one who takes an oath must believe in the existence of God, but as a result of the Torcaso case this was held to be unconstitutional. Somebody is shaking their head.

THE CHAIRMAN: Delegate Henderson?

DELEGATE HENDERSON: I would like to ask, right along the line that has been suggested here, whether the Committee has the view that the non-believer, one who does not believe in God, which was the case in the Torcaso case, would be permitted to assume office without taking this oath?

DELEGATE BOYER: I have an answer to that, but I am going to yield if I may, Mr. Chairman, to Delegate Blair, who was the Chairman of this subcommittee.

DELEGATE BLAIR: Mr. Chairman, I think that can best be answered by the basis of the affirmation, substituted for the oath. It has been construed by an opinion of the attorney general that the affirmation would substitute for the oath, and that a belief in God would not be necessary.

The answer to the previous question on Article 37 of the Declaration of Rights would indicate that no religious test ought ever to be required as a qualification for any office or profit or trust in this State, other than a declaration of belief in the existence of God, nor shall the legislature prescribe any other oath of office other than the oath prescribed by this constitution.

That was declared unconstitutional under the case that you tried, I think, Judge Henderson.

DELEGATE HENDERSON: That was overruled.

DELEGATE BLAIR: That was overruled. That particular provision was declared unconstitutional. That is the only reference I have come across, with regard to God being a part of the prescription for oath. The Attorney General has ruled, and I think it is an acknowledged concept, that the United States Constitution, Article VI, prescribes that affirmation shall be