

1 what you intend to long as this section is in its present  
2 form?

3 DELEGATE CLARK: Delegate Kiefer.

4 DELEGATE KIEFER: This was our intent, yes.

5 DELEGATE CLARK: Delegate Macdonald.

6 DELEGATE MACDONALD: Is that true regardless  
7 of varying interpretations of the Court in the future?

8 DELEGATE CLARK: Delegate Kiefer.

9 DELEGATE KIEFER: We based this language --  
10 I will try again to make it clear, and I don't want to  
11 be cute with you.

12 We based the language that we have stated  
13 in Section 2 on what our Court of Appeals has said in the  
14 Horace Mann case and what the Supreme Court said in the  
15 Everson case.

16 This is the only basis on which we can  
17 tell you why we used the language of the First Amendment.

18 Now, in the Everson case -- and I will take again  
19 a moment to read you that famous language which I think  
20 establishes this concept:

21 "The establishment of religion clause of the