

1 you reenact Section 11 of Article XV of the Constitution  
2 of Maryland in the light of the present Supreme Court  
3 decision, then you would be violating any obligation you  
4 all have and we have to support the Federal Constitution.

5 MRS. BOTHE: I guess you are right. This was  
6 exactly the argument used in the Supreme Court.

7 MR. CASE: That's the question.

8 MRS. BOTHE: In the Gerende case, and soon-to-  
9 be Judge Murphy who was representing the State as a mem-  
10 ber of the Attorney General's staff told the Supreme  
11 Court that this wording wouldn't mean what it said because  
12 the implementation of the Constitution and of the Ober  
13 Law was such as to the oath which people are required to  
14 sign, in order to prove their worthiness under this section  
15 did state and define subversive organization. The Supreme  
16 Court, in its decision, said, Well, so long as the State  
17 is actually enforcing its laws in a constitutional manner  
18 that this will -- we will not prevent the State from hav-  
19 ing a general provision which is properly carried out.

20 Now, I agree with you, Mel, but the Courts have  
21 said that we can do this --