

The word "public" in its concept is changing and evolving constantly. We do not know, and we dare not attempt to provide for what these governmental responsibilities may be in the years yet to come; but there is one safeguard, and that safeguard is the court. And in every instance where there has been any question, it is the courts that have made the final determination of whether or not this is a public purpose.

Let me give you one example. There is not anybody in the central part of the State of Maryland around Baltimore City who is not aware of the tremendous need for a hospital in the area where many of the underprivileged live. We have at the present Provident Hospital, a privately run non-sectarian—when I say "privately run," I mean it is not run by the State—non-sectarian hospital, most of whose patients are Negroes, most of whose doctors are Negroes.

The hospital is utterly and completely incapable of taking care of the needs of the area that it serves. Private philanthropy is either being dried up or is not going in the areas that it used to a few years ago.

It is tough enough at the end of the year to pass the hat to maintain our private hospitals, but I tell you, it is next to impossible to obtain the funds with which to provide for total construction of hospitals.

Facing this problem with respect to Provident Hospital, they needed the new location, the new structure, the new everything, and private philanthropy began its march to try to raise money.

This federal government that we have heard a lot about over in Washington has provided a big chunk of money for this construction through what we call the Hill-Burton Act. But then there was presented to Governor Tawes and his fiscal advisers the problem and the need. The question that required determination was: Is that a public need? The answer was yes, this is a public purpose, and a bond issue was passed by the General Assembly with the governor's approval, and that additional money was provided.

But as you wait it is not enough, because construction costs go up, and so the same problem was presented to Baltimore City and Baltimore City, likewise, approved a bond issue for this purpose, which is to provide the funds for the construction of

what you may call a private hospital. However, we do not. This is truly a public enterprise.

You may multiply this again and again, because not too long ago the State of Maryland again, in this same administration—no; I think it was when Governor Tawes was Comptroller—in any event, the Johns Hopkins University needed funds for dormitories and other portions of an engineering building. This is a private institution, if you give the word "private" the most narrow meaning. This institution provides the State of Maryland with many opportunities for the young available students unable to provide their own funds to go to a top-flight engineering school through scholarship. But when this bond issue was presented, it raised these same questions, because what the State of Maryland was doing was giving cash to the Johns Hopkins University, after the State of Maryland had provided for this bond issue. And the Court of Appeals held that the word "gift" does not mean what you say it means. This is not a gift in the usual sense, but a gift serving a public purpose where it is a gift of cash received from the bond issue.

Now, we can multiply this, but there is one question I know running through your minds, and I want to meet it head-on right now:

What do you do when you have the money made available to what may be privately owned or privately run or privately managed institutions having some form of religious identification?

The State of Maryland has provided year after year in the budget for aid to colleges and universities, making a specific grant to them. No question was ever raised at that time about whether or not these were public purposes. But there came to a head at about the same time two cases. In addition to these grants to colleges, the State of Maryland had provided that it would loan money to hospitals in aid of construction, pay it off, but give the hospitals an opportunity to pay it back over a longer period of time and at a lower rate of interest. Two questions arose: first, was this a public purpose; and secondly, if it was a public purpose, was it barred by the First Amendment of the Constitution, which, as you know, prohibits generally—I hate to say it this way because it is almost too much an over-simplification—any aid to religion, or organized religion. These cases came up in this fashion: The Horace Mann League decided that it would go to