

court to test these bond issues—not these bond issues, but these gifts in the budget for four of our colleges, on the grounds that the gifts to these colleges were in aid of religion.

Almost at the same time but just a little bit behind it was a case which was filed by a taxpayer to test whether or not the State could give its help and assistance to hospitals which obviously had some religious identification.

In the case involving the gifts of the Horace Mann case, as we now call it, there was the most intense, competent, and complete exploration of whether or not these colleges could be treated in such a way as to identify the gifts to them as for a public purpose and not in any way in contravention of the law as set out by either the First Amendment to the United States Constitution, or whether it was in contravention of anything in the Maryland Constitution.

When these cases reached the Court of Appeals, in one of the lengthiest opinions that you will find, you can almost gauge it by physical weight, the Court went into every detail with relation to each of these institutions. It reached the conclusion that three of them were of such a nature that the basic purpose was of such a nature as to bring them within the framework and atmosphere of such religious identification as to contravene the constitutional prohibition. As to one, they ruled yes it was proper and the gift was legal and valid and the money could be turned over because while there was some slight reference in its origin and in its management perhaps to some religious reference, it was not religion-dominated, it was not religion-controlled and was free from any of the things that the law and the Constitution prohibited. When this case was decided by the Court of Appeals, it made perfectly clear that in Maryland the situation now gave us a complete open channel, that if we followed this decision at least we would have the guidelines and the beacon light all set out for us. This case was appealed in the non-technical sense to the Supreme Court. By that I mean an effort was made to take the case to the U. S. Supreme Court but they declined to hear it and in effect this ratifies the decision of the Court of Appeals. It was held then this was for what we call a public purpose.

Now, with reference to the hospitals, one of them without question had a religious identification, but this applied not to the people who were being benefited but to its

management and in some respects to its board. As to the others, not even this kind of a tenuous relationship was found to exist. But the Court of Appeals said that it was and it surely is a nonsectarian hospital. Nobody bothered to ask the patient what was his religion, nobody attempted to proselytize him or her to convert or to change. Its sole object was to get him or her well as quickly as possible. There the Court of Appeals properly had no trouble; there was no problem.

I could go over with you case after case and bewilder you just as I would be bewildered in giving you the nuances, the ramifications and the changes in thinking over the years. But there is this word of art. A public purpose means that it is not for private benefit but in its broadest sense is a purpose benefiting the people of the State of Maryland.

How this will change over the next fifty or a hundred years none of us knows, but as I think I said once before, the common law has changed with the changing times, the U. S. Constitution has changed in its interpretations of the same words with the changing times. Our courts change the meanings with the changing times. This is a concept which we believe is proper and technically we say, "Please accept it as it appears here because it is right and it is proper".

The prohibition that used to exist as to gifts creates a different problem. But is it really different? If you will look at section 6.02, it says assets or credit of the State shall not be given or loaned to any individual, association, or corporation unless a public purpose will be served thereby and unless authorized by an act of the General Assembly stating the public purpose.

A gift of assets may be authorized by the affirmative vote of a majority of all of the members of each house. But a gift of credit or a loan of credit or a loan of assets shall require the affirmative vote of three-fifths of the members.

Now, you ask why. When you talk about a gift of assets, this is a one-time item. Assets means cash. If the State chooses to give in the budget \$500,000 to Johns Hopkins University or to the hospital for a specific purpose which is a public purpose and is proper, this is given through the budget. It would be impractical and involve the legislature in an almost impossible practical situation to take a part of the budget, since this is a one-time thing, and say this part shall have this kind of a vote, the other part shall have a different