

THE CHAIRMAN: Has that sentence not been deleted?

DELEGATE VECERA: It has been deleted.

I am going further into the matter. I think it would do no harm to have the remainder of the amendment, Delegate Willoner, in the constitution. I do not think it is doing any harm.

How it will be effective or effectuated by the General Assembly is a matter for the General Assembly.

THE CHAIRMAN: Delegate Willoner.

DELEGATE WILLONER: Well, as I understand your answer, is it true this is to have no effect?

THE CHAIRMAN: Delegate Vecera.

DELEGATE VECERA: As I understand it, Delegate Willoner, this amendment previously had an oath to go with the amendment that was stricken in the recent case of the University of Maryland professor. Let me read you a sentence. Maybe it will clear up the matter of why we want it in. "In the recent case of *Whitehill v. Elkins*, 36 Law Week 4006, November 6, 1967, the Supreme Court of the United States held that the sworn statement required by the State of the plaintiff as a condition precedent to his taking a teaching job at the University of Maryland was unconstitutional under the United States Constitution because it impinged upon freedoms guaranteed by the first amendment." The Supreme Court did not indicate that any such required statement would be unconstitutional but found that the statement required of Whitehill was bad because it was so vague that it did not permit a man of common intelligence to know specifically what was encompassed in his oath. The majority of the Court found that the form of oath could be interpreted as incorporating by reference the more specific language of the Ober Law and that when so read the oath impinged upon rights of free speech protected by the first amendment.

What I am trying to say, Delegate Willoner, is that possibly the General Assembly could come up, in the future, with some kind of language that would protect our rights, in order that people such as this would not be able to hold office.

THE CHAIRMAN: Delegate Willoner, do you have a further question?

DELEGATE WILLONER: For the purpose of the legislative history, other than

as a statement of principle, is this not to have any operative effect? Is it to be non-justiciable?

THE CHAIRMAN: Delegate Vecera.

DELEGATE VECERA: I hope it will have an operative effect.

DELEGATE WILLONER: Would you state how it will have an operable effect?

DELEGATE VECERA: I think that would be entirely up to the General Assembly, or perhaps the judiciary.

I defer to Delegate Grant.

THE CHAIRMAN: Delegate Grant, do you have a question?

DELEGATE GRANT: I had a comment to that, which I think should be made, since I suggested they make the change.

THE CHAIRMAN: Very well.

DELEGATE GRANT: I intend to vote for this, but I would not want anybody to vote for it with the thoughts that it could not be enforced. It is very enforceable. It is part of the Bill of Rights. I would remind you that the Bill of Rights is what is used to interpret the Constitution.

Now, the Constitution provides for the General Assembly to create offices, and in creating offices they claim they will be filled by people who are eligible to fill the offices. If you have a case of someone who is a subversive, who has to be removed from office, all you have to do is go to the bill of rights, which indicates the person is not eligible to hold office, and he can be removed.

THE CHAIRMAN: Does any other delegate desire to speak in opposition?

Delegate Sherbow.

DELEGATE SHERBOW: I desire to speak in opposition.

THE CHAIRMAN: Go ahead.

DELEGATE SHERBOW: Ladies and gentlemen: The hour is late, and this is so important that I just feel that even though one would like to support this kind of a general statement, we have to recognize what we are doing.

History shows this. Mr. Ober, one of the outstanding members of the bar, after a brilliant address before the State Bar Association on this entire subject, prepared a law. It was very, very carefully worked out. This was then known and still is, as