

DELEGATE WILLONER: I think I could speak on behalf of the minority.

THE CHAIRMAN: All right. Can you make your explanation in one minute?

DELEGATE WILLONER: I think I could, Mr. Chairman.

The report that was filed with the Minority Report uses the language of the draft, and the report that supports that is essentially reporting language of the draft.

We had difficulty with that language because nobody did know what it meant. We do state it because that is exactly what the courts have said is the area discrimination is protected against, and that is all it says. It is the state action as interpreted by the Supreme Court and other federal courts, and so that there is not any misunderstanding despite what some delegates have said, we had no constitutional lawyer comment that they did not understand what state action meant.

THE CHAIRMAN: Very well.

Would you ring the quorum bell?

The question arises on the adoption of Amendment No. 3. This does not include Delegate Storm's amendment adding the word "sex". That will be submitted to you afterwards if this amendment passes.

At the present time, the question arises on the adoption of Amendment No. 3, as presented; a vote Aye is a vote in favor of the amendment; a vote No is a vote against.

Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 100 votes in the affirmative and 20 in the negative, the motion is carried. Amendment No. 3 is adopted.

Do you now desire to offer your amendment, Delegate Storm?

DELEGATE STORM: Yes.

THE CHAIRMAN: The pages have already distributed ZE.

THE CHAIRMAN: Will you please mark the amendment ZE as Amendment No. 4. Strike out the words "to Amendment No. 3", and make these corrections in the text: On page 2 of the recommendation in line 31 at the end of section 3 as amended by amendment 3 and strike out the words

"one of the amendment" in lines six and seven.

I will give that to you again. On page 2 of the recommendation in line 31 at the end of section 3 as amended by Amendment No. 3, and then strike out the printed words "of one of the amendment" in lines six and 7.

The Clerk will read the amendment as modified.

READING CLERK: On page 2 of the recommendation in line 31, at the end of section 3 as amended by Amendment No. 3, strike out the words "or national origin" and insert in lieu thereof "national origin, or sex".

THE CHAIRMAN: The amendment has been submitted by Delegate Storm. Is there a second?

Delegate Stern, do you second?

DELEGATE STERN: I rise to second.

THE CHAIRMAN: The amendment has been seconded by Delegate Stern. The Chair recognizes Delegate Storm.

DELEGATE STORM: Mr. Chairman, we had a rather peculiar vote last time, because I felt the Committee Recommendation really was an excellent one, when considered with the language on page 9, I think, of their report and memorandum.

However, I voted against their recommendation because I felt the psychological advantage of having these words in the constitution was a tremendous one and an important one, and had been recognized by the Constitutional Convention Commission.

I am afraid that we have been a little restricted by adopting that amendment, and I voted for it even so. But now, since we have been, I think, a little restricted, I would like to broaden the language and include "sex".

I think sex was included as a non-discriminatory feature under the original Committee proposal, and I ask all of you who voted with me on Amendment No. 3 to please vote with me on this one the same way.

I think we have been a little restricted. We did so to provide the psychological advantage. Let us put sex in there.

Thank you, Mr. Chairman.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: I also thank you for letting me put this amendment in this way.