

THE CHAIRMAN: Delegate Storm, the Chair suggests that the confusion arises because there is a difference between the language "no person shall be denied equal protection of laws because of sex" and the language "no person shall be discriminated against because of sex".

Delegate Hardwicke.

DELEGATE HARDWICKE: Mr. Chairman, I think I might be able to shed some light on the problem. The language that has been considered in the Congress of the United States with respect to an amendment to the federal Constitution would create an equal protection clause for women.

It does not get into the due process problem at all, and when we considered it in the Committee we considered it in the form of the proposed amendment to the federal Constitution. This would be a separate clause which would provide that a person shall not be denied the equal protection of the law because of sex. I believe that the case law is fairly clear, and that if you use that approach to it you do not run into the question raised by the Chair.

I would respectfully suggest that Delegate Storm withdraw the amendment for the time being, if the Chair would allow it, and that the concept be reintroduced in sound legal language of the type I think possibly Delegate Bamberger has in mind. The new language will avoid this question of a reasonable classification based upon sex, which we have to continue to permit in our society.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: Mr. Chairman, would it be possible for me to withdraw this, give it a little further thought, and try to work out something that would accomplish the purpose that I intend without any of the possible dangers that seem to be here?

THE CHAIRMAN: The Chair will advise you that you may withdraw the amendment now. If you act before the Committee of the Whole has concluded its consideration of Recommendation R&P-1, the Chair will recognize you to offer the amendment again, or to offer another amendment dealing with it in another section, whichever you choose.

Do you withdraw the amendment?

DELEGATE STORM: Yes.

THE CHAIRMAN: Amendment No. 4 is withdrawn.

Delegate L. Taylor.

DELEGATE L. TAYLOR: Mr. Chairman.

THE CHAIRMAN: Delegate Taylor, you have two amendments to proposed amendments.

Do you intend to offer both of them?

DELEGATE L. TAYLOR: Yes, I do.

THE CHAIRMAN: The Chair would suggest then that you consider first Amendment B.

The pages will distribute Amendment B. This will be Amendment No. 5.

Delegate Burgess.

DELEGATE BURGESS: Mr. Chairman, a point of personal privilege.

THE CHAIRMAN: State the privilege.

DELEGATE BURGESS: I would like as a member of the Committee to make reference to Delegate Storm's commentary about the negligent report of this Committee. I take exception to that statement, and I inform him that he is very mistaken in this regard.

This matter was very seriously considered and for a long period of time, and the report in my opinion as a member of the Committee is far from negligent.

THE CHAIRMAN: The Clerk will read the amendment.

For what purpose does Delegate Storm rise?

DELEGATE STORM: Mr. Chairman, I do want to apologize for a statement that I made regarding the Committee in heated debate.

I think I did go a little too far in saying they were negligent, and I would like to retract that statement.

THE CHAIRMAN: You certainly may do so. I am quite sure that no one regards that remark as intended to be critical, Delegate Storm.

The Clerk will read Amendment No. 5.

READING CLERK: Amendment No. 5 to Committee Recommendation No. R&P-1, by Delegate Lloyd Taylor:

On page 2, section 3, Right to Due Process and Equal Protection, in line 31 after the period add the following new sentence:

"The State or its political subdivisions