

1 DELEGATE MARION: Mr. President, like Dr.
2 Pullen, I am too a preacher's son, but I think that this
3 parenthetical language in the Constitution is out of
4 place. When it was considered before the comment was
5 made in very effective argument against a similar amendment,
6 that we would be taking away from the people something
7 that is in the present Constitution --

8 I think that is incorrect, and I don't believe
9 that the present oath that has been used in the current
10 Constitution has a reference to the Deity in it. If
11 the intention is to make this type of phrase, or this
12 phrase an optional one, it will be omitted from the
13 Constitution because, if there, even in parentheses,
14 there is the same element of compulsion the Supreme
15 Court found in the case of Engel against **Vitale**, and it
16 seems to me that it is, or that it will not be long before,
17 based upon the decision in Engel against **Vitale**, when
18 combined with the decision in the Torcaso case, that this
19 entire oath will be struck down because of this language.

20 I think too, as a more practical matter, this
21 will pose a problem which we do not wish to create. I