

1                   THE CHAIRMAN: The Chair would like to make  
2 two comments with respect to this before we leave this  
3 period. I have not had the opportunity to read the major-  
4 ity opinion in the Whitehill case carefully. I think it  
5 is evident from the concluding portion of the opinion  
6 that the Supreme Court has not held that a statute similar  
7 to the Ober Law is necessarily unconstitutional, but has  
8 held that the statute as drawn does not meet the consti-  
9 tutional test; and in referring to the necessity of having,  
10 and I quote, "narrowly drawn legislation", has apparently  
11 left the door open for a statute similar, but perhaps  
12 more clearly stated than the present Ober Law.

13                   The second comment is really a question addressed  
14 to the Chairman of the Committee on General Provisions for  
15 purposes of clarification. Do I understand, Delegate  
16 Boyer, from your earlier comment that the last sentence  
17 in Lines 22 and 23 is not intended to forbid the enactment  
18 of a statute similar to the Ober Law, at least if the  
19 affirmation required under such a law is similar to that  
20 in the present law, which the Court of Appeals has held is  
21 not an oath?