

1 DELEGATE MITCHELL: Mr. President and fellow
2 delegates, this minority report is submitted by delegates
3 Bennett, Bothe, Burdette, Hardwicke, Taylor and Willoner.

4 We have agreed to the amendment of the minority
5 report language which we originally suggested in R&P-1(D),
6 which was identical to the commission draft.

7 The commission draft reads "No person shall be
8 deprived of life, liberty or property without due process
9 of law or be denied the equal protection of the laws or
10 be subject to discrimination by law or other governmental
11 action because of race, color, religion or national
12 origin."

13 The commission draft then proposed to add an
14 anti-discrimination clause to the 14th Amendment language
15 because we found upon questioning some of the commission
16 members some confusion as to what governmental action means.
17 We felt that it would be wisest to substitute for the
18 words on line 14 or rather the words "by law or other
19 governmental action", "by the state", the words "by the
20 state", because that language carries with it a long line
21 of decisions interpreting what is state action, and we