

READING CLERK: Amendment No. 6 to Committee Recommendation R&P-1, by Delegate L. 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 General Assembly shall have power to enforce this section by appropriate legislation."

THE CHAIRMAN: The amendment is offered by Delegate Taylor.

Is there a second?

*(Whereupon, the amendment was duly seconded.)*

THE CHAIRMAN: Delegate Beatrice Miller seconds the motion.

The Chair recognizes Lloyd Taylor to speak to the amendment.

DELEGATE L. TAYLOR: Mr. Chairman, this was taken from the United States Constitution. The fifth section of the United States Constitution reads:

"The Congress shall compile appropriate legislation to enforce the provisions of this article."

I feel this is an affirmative statement empowering the General Assembly to enforce the provisions of this section which we have adopted.

I feel that so many times we have a lack of laws, and the General Assembly and the people of Maryland need encouragement that we shall receive affirmative action. Many times the government of Maryland has operated in a vacuum, with no laws pertaining to equal protection, and often we have relied upon the United States Constitution.

According to a United States Civil Rights Commission report on schools it says, "Section 5 gives the Congress the power to enforce the amendment by 'appropriate legislation.' Recent Supreme Court decisions make it clear that section 5 is an affirmative grant which authorizes the Congress to determine what legislation is needed to further the aims of the amendment."

I feel that the General Assembly should be encouraged to enact laws to secure the protection of all the citizens of the State of Maryland.

THE CHAIRMAN: Are there any questions of the sponsor of the amendment? Delegate Gleason.

DELEGATE GLEASON: Delegate Taylor, were you referring to section 5 of Article XIV?

THE CHAIRMAN: Delegate Taylor.

DELEGATE L. TAYLOR: Yes.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: Nothing further.

THE CHAIRMAN: Are there any other questions?

Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, I rise to oppose this amendment, primarily because it is not only unnecessary, but I must call your attention to the fact that the Bill of Rights which we have proposed here is a statement of those inalienable rights that the government shall not take away from individuals. Consequently, the implementation of a concept like this takes place automatically and, as the legislature thinks from time to time may be necessary. We are not stating an affirmative right which the government shall implement by action of the General Assembly.

What we are stating is an inalienable right which shall not be taken away by the government or any court. Therefore, this language is not necessary. It is even ridiculous. It is not to be compared with the 14th Amendment.

All we are doing is restating a basic inalienable right and, therefore, I would suggest to you that additional language such as this neither adds to the provision nor is necessary. I think it is also a little out of place. I would therefore recommend that you reject the amendment.

THE CHAIRMAN: For what purpose does Delegate Taylor rise?

Does any other delegate desire to speak in favor of the amendment?

Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Mr. President, I would like to ask Delegate Taylor if he would consider striking out the three words in line 5 "have power to," which would let that amendment read, "the General Assembly shall enforce this section by appropriate legislation." This would be more positive than saying that they have the power. If he strikes out "have power to" it means it would be mandatory upon the General Assembly to enforce the provisions of section 3, along with Amendment No. 3 that was added this afternoon.

THE CHAIRMAN: Delegate Taylor, did you understand the suggestion?