

not involve a trespass. This would avoid this argument in that it would go to things like a laser beam that might be able to pierce a wall and photograph within a room what was going on in that room where there was an intent to maintain privacy, and that is why we wanted that "or other invasions of privacy".

The other language that we criticize in the change is "no warrant shall issue but upon probable cause", which is classic language that has again come down to us. The Committee I do not think intended to make a substantive change, but I think they have made a substantive change and I think it is important we return to the language that was as carefully drafted as this language in the R&P Recommendation.

THE PRESIDENT: I think before discussion continues the Chair should make an explanatory comment with regard to this section.

Most of the changes in the section recommended by the Committee on Style were not in the original draft. The Chair suggested to the Committee that the change be made because of the Chair's understanding of the debate that had occurred when the Committee Report was presented and the belief that on the basis of that debate it was intended to broaden the Fourth Amendment rights and to have a much broader prohibition against interception of communication and invasions, "other invasions of privacy", than would be limited to persons, houses, papers and effects.

As Delegate Willoner has pointed out, the Committee did not intend to have this broader effect. They intended the prohibition against interception of communications and invasions of privacy to be limited to the four things named in line 27.

Therefore, if that were the intention of the Committee of the Whole also, the change by the Committee on Style would indeed be a change of substance.

The question before you, therefore, although presented in terms of style, is a question of substance, and you ought to have that clearly before you.

As the section was drafted previously, the prohibition against interception of communications, and so forth, was narrower than it would be under this section.

Delegate Bothe.

DELEGATE BOTHE: Mr. President, may I ask that the question be divided between the first and second sentence?

As to the first, I believe there may be a substantive issue.

As to the second, it is merely a question whether the federal language should be followed.

THE PRESIDENT: You mean as to the change in lines 31 and 32?

DELEGATE BOTHE: That is right.

THE PRESIDENT: I think it can be divided.

You do not want to divide the first sentence as between "interceptions of communications" or "invasions of privacy", I take it.

DELEGATE BOTHE: No.

THE PRESIDENT: Very well. The question will for purposes of discussion and voting then be divided. The first question to be submitted to you will be whether you adopt the recommendations of the Committee on Style as to amendments suggested in lines 23 to 30, inclusive.

Delegate Kiefer.

DELEGATE KIEFER: Mr. President, as Delegate Willoner has suggested, this is a committee recommendation or amendment, but in light of what you said, I wonder if the amendment would not be clearer if we eliminated the commas in line 11 and line 12 of the amendment.

THE PRESIDENT: We do not have an amendment before us. We are considering the section on page 2 as it is drafted.

DELEGATE KIEFER: Oh, then I would hope that it would be rejected so we can make this correction.

THE PRESIDENT: I do not think you follow it, then.

The matter now before you is whether or not to adopt the amendment suggested by the Committee on Style in section 1.05, or at least that portion of it down to and including line 30. A vote no would leave the language the way it was.

Now, I do not know whether that leaves the commas where you want them or not. You would have to tell me.

DELEGATE KIEFER: I do not believe that it does. I think we might have to make that additional correction.