

declaration of belief in the existence of a God from our previous Constitution because we were instructed to by the Supreme Court.

Third, the Committee on Declaration of Rights did not report this oath out with the belief, or the affirmation of God even in parentheses. It was included in an amendment and not part of that committee report.

I could be facetious and say that after the last time this was discussed, I received many oaths, many of which said "In the presence of" and fill in the blank, and the blanks were numerous.

There are many who believe in other forms of a Supreme Being than we do, and I feel that this could be a reflection on the one who may refuse to use these parenthetical words. That is the reason that I felt that I should bring this up this last time before the entire article goes before the Convention. I hope you support this amendment, remembering that anyone who is religious and believes in a Supreme Being will pray to him before he assumes any responsible task.

THE PRESIDENT: Delegate Harry Taylor.

DELEGATE H. TAYLOR: Mr. President, ladies and gentlemen of the Convention, the strongest argument seems to be one of doubt and I ask you all to resolve this doubt in favor of God and to allow people to endeavor to join the public service on a level that requires taking of an oath to make this election.

THE PRESIDENT: Does any other delegate desire to speak in favor?

Delegate Kiefer.

DELEGATE KIEFER: Mr. President, I do not desire to speak either way except to point out a matter of correct. This was not reported by the Committee on Personal Rights, but by the General Provisions Committee.

THE PRESIDENT: Does any other delegate desire to speak in favor?

Delegate Marion?

DELEGATE MARION: Mr. President, like Dr. Pullen, I am too a preacher's son, but I think that this parenthetical language in the constitution is out of place. When it was considered before the comment was made in very effective argument against a similar amendment, that we would be tak-

ing away from the people something that is in the present Constitution —

I think that is incorrect, and I do not believe that the present oath that has been used in the current constitution has a reference to the Deity in it. If the intention is to make this type of phrase, or this phrase an optional one, it will be omitted from the Constitution because, if, even in parentheses, there is the same element of compulsion the Supreme Court found in the case of *Engel v. Vitale*, and it seems to me that it is, or that it will not be long before, based upon the decision in *Engel v. Vitale*, when combined with the decision in the *Torcaso* case, that this entire oath will be struck down because of this language.

I think too, as a more practical matter, this will pose a problem which we do not wish to create. I would hate to see the time come when future office holders of this State are asked before they take the oath, are you going to take the oath with reference to the Deity in it or out of it and have newspaper stories say that governor-elect so and so will take the oath without reference to God, or that the governor so and so will take it with God in it.

I do not think this is a matter that we ought to put in the Constitution. I respectfully urge you to support the amendment, and leave the oath in essentially the form it is in the present Constitution.

THE PRESIDENT: Delegate Weidemyer.

DELEGATE WEIDEMEYER: Mr. President, I hope this amendment is defeated. The only reason given for it is that somebody somewhere has expressed some doubt.

I have no doubt of a Supreme Being and I have no doubt of the fact that I should have this in here, and if it is going to be taken out, I suggest that we not do it at this late hour, but have some judge in the future who does not want to believe in God and wants to spring him from this place in the Constitution. Let him do it. Let us not do it.

THE PRESIDENT: Any other delegate desire to speak in favor?

Delegate Case.

DELEGATE CASE: Mr. President, I move the previous question.

THE PRESIDENT: Second?

(Whereupon, the motion was duly seconded.)