

January 15, 1973

(Start of Belt #2)

SPEAKER: Is there any further discussion of the motion. The Chair recognizes Senator Kennedy.

SENATOR KENNEDY: Mr. President, I would like to say that I went through that procedure I believe as far back as a couple of weeks ago and I think probably it's a very good thing for the body to ask for the same thing that I did and I also went to our Ombudsman's office for identical situation, I also visited with a private attorney and I have a written opinion only from the private attorneys because it seems to be difficult to get that opinion, but I do feel that there is a possibility even though it's been a court decision, that courts do not rely 100% on the past decisions so that I still think that maybe it will be our obligation to go through the procedure. But I particularly notified the people that visited with me that this was the opinion of three different law people and so I would hope that we would proceed and at least do what this body feels correct. If we have made a mistake, and we feel that we made a mistake then we should change it, whether the law will agree with us in future court action is questionable, but my feeling was that these people that were visiting with me should immediately contact the other states and I did have Mr. Vince Brown call Washington D. C., and get the states that have ratified and they are 22 that have ratified and I sent that copy to all the people that have sent me letters, but I think that it would be great if this body would ask the Attorney General's opinion the same as I tried to get and I question whether we will get it in writing, but I hope that the entire body would back that particular asking.

SPEAKER: The Chair recognizes Senator Proud and then Senator Carpenter.

SENATOR PROUD: Mr. President I join Senator Marsh in this motion and I would like to take this opportunity to timidly remind her that this body can do anything that it wants if it has 25 votes regardless of any court or anything else and I don't intend to surrender my prerogative to the courts or anybody else, and I would just say one further word on this, I hope that you ladies and gentlemen will hang loose on my resolution because this is a very serious and a very important thing. Last session we hung a little too loose or were a little too up tight or something, this proposition did not have a public hearing, this is what it desires and you will find before this is over a great deal of support from the women of this State for the resolution.

SPEAKER: The chair recognizes Senator Carpenter.

SENATOR CARPENTER: Well Mr. President, I rise to oppose writing the letter to the Attorney General for an opinion. Because an opinion isn't worth anything anyway, even he admits that it's just his personal opinion and I don't think it's well for this body to past the buck to him to do for him what we ought to do for ourselves. Now the bill has been introduced as I recall and let's have the hearing on it. When the legislature makes up his mind, what's what, what it wants to do lets presume that it wants to repeal what we did. Then we got something that is tangible we can then direct the Attorney General to go in the Supreme Court to see if what we did was constitutional or valid. Now we are going to get ourselves in one grand mess if we find any reason to find an excuse not to hold the hearing and let these women blow off their steam or whatever you want to call it. Your letters are going to increase, it's one of these things that women think they understand everybody would be divided and brother when you got that position your really in trouble. Let's have the hearing, let's not use any method to preclude the hearing and letting this body made a determination and take the responsibility on what we do. And I would hope we would not ask the Attorney General for an opinion because he is