

moral and social problems does not violate equal protection. There was a state statute which forbade women to act as bartenders.

There have been a number of other cases which have gone to the Supreme Court where the court has held likewise.

THE CHAIRMAN: Delegate Mitchell, were any of the cases that you have referred to arising under constitutional provisions similar to that covered by this amendment?

DELEGATE MITCHELL: No. They were really arising under state laws.

THE CHAIRMAN: Very well.

Delegate Storm.

DELEGATE STORM: Mr. Chairman, could I ask the Chairman of the Committee a question?

THE CHAIRMAN: Certainly.

Delegate Kiefer, do you yield to a question?

DELEGATE KIEFER: Yes.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: Chairman Kiefer, in reading the Committee's memorandum, I had the idea that the use of "no person" at the beginning of this section really made the section as originally written apply to both male and female, and even those in between.

Was this a proper interpretation?

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: I think so.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: Then, actually, under the original committee recommendation, any unwise result from the use of "no person" by eliminating any protection that women have, would have resulted under the original committee recommendation as well as under my amendment, isn't that right?

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: No, that is not quite correct. What I said was, and what the committee report says, was that "no person shall be denied the equal protection of the laws" applies to all persons.

Now, there have been concerted efforts in Congress for a good many years to provide a separate amendment with respect to sex, and I think the reason for it was to

particularly eliminate any probable confusion.

These questions do not come up under the equal protection clause. The language that would be used, which has been offered in this constitutional amendment, was "equality of rights under law shall not be denied on account of sex," and what that exactly would mean I am not sure. But it seems to have been the consensus of opinion, at least in Congress, and as a matter of fact in various other states that this should be the subject of some special kind of arrangement, not just thrown in by this equal protection thing.

It is true I have said, no persons, means all persons. However, I do believe this does lead to some situations which are somewhat distinct and different from the question of race, and we have great doubt in that.

THE CHAIRMAN: Any delegate desire to speak in favor of the amendment?

Delegate Bamberger?

DELEGATE BAMBERGER: Mr. Chairman, I would respectfully request Delegate Storm to withdraw this amendment until we have some opportunity to have explained to us more fully its effects.

I think, as the Chair has suggested, that including this in the constitution would raise some serious question about the validity of laws which establish different regulations regarding employment for women, laws which allow alimony for female spouses, and not male spouses, and several other respects.

I do not know that it has ever been included in any of the state constitutions. I am sorry I cannot recite all of the problems it raises, but if you will take my assurance, that it raises some very serious problems, I will get the authorities for you.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: Mr. Chairman, I am perfectly willing to postpone action, if someone wants to bring in information to show that the original committee report was very negligent in this respect. But I had faith that "no person" meant "no person" in that report, and that there would be no harmful effects from it.

Now, I feel a little bit confused. I am really glad I voted for that non-discriminatory clause because evidently things were not as I understood them.

Now, if you want to postpone it and if that is in order, I am perfectly willing to wait to have some authorities brought in.