

MINUTES OF JOINT HEARING
SENATE AND ASSEMBLY JUDICIARY COMMITTEE

FEBRUARY 5, 1977

The hearing was called to order at 9:00 a.m. in the Chambers of the Las Vegas City Commissioners. Senator Close was in the Chair.

PRESENT: Senator Close, Chairman
Senator Bryan
Senator Sheerin
Senator Gojack
Senator Ashworth
Assemblyman Barengo, Chairman
Assemblywoman Hayes
Assemblyman Banner
Assemblyman Coulter
Assemblyman Polish
Assemblyman Price
Assemblyman Ross
Assemblyman Sena
Assemblywoman Wagner

ABSENT: Senator Dodge
Senator Foote

SJR 5 Ratifies proposed constitutional amendment relative to equal rights for men and women.

Senator Close stated that the main speaker for each side would have 10 minutes. All other speakers would be limited to 3 minutes beginning with the opponents and alternating with the proponents.

Mr. Lamond Mills was the main speaker for the opponents of the amendment. His testimony is as follows:

I am not impressed by the platitudes of equality nor the fact that we call it an Equal Rights Amendment. More concerned am I with the effects of the proposed Twenty-seventh Amendment and what the results will be. As I look at the present laws, I am not impressed with arguments that men and women are different in wages or other areas or stratum in our society or in our economy because I appreciate that both federal and state laws today prohibit discrimination based on sex, race, color or religion. That discrimination is absolutely prohibited by the law and those laws will not change one iota by the effects of this amendment. I have represented women in cases against their employer based on discrimination on sex and as I examined the broad generalities of the proposed 27th amendment, I can't see how that will change one iota. I do see some effects however and I will try to focus on a few of them. There is no question in the legal reviews that I have read that the ERA will result in the draft-

SJR 5 ing of women. Despite the assertion I have heard from one of the proponents that only 2% served in the military, which is incorrect, women will serve in combat. I can see no benefit to women for them to be drafted. They will serve at all levels. Another area that causes me a great deal of concern is in the area of employment. Today, if an employer discriminates on the basis of sex in Nevada, on wages for example, he can go to jail for six months. The Fourteenth Amendment, which prohibited discrimination on the basis of race, really wasn't effective, as black Americans are well aware, until the 1964 Civil Rights Act, the 1972 Act and other legislation, the fact that there was a constitutional amendment that existed on the books, wasn't effective until federal legislation was passed which prohibited discrimination. That federal legislation prohibited discrimination on the basis of sex as well race, color and religion. That legislation has not brought about changes in our society as black Americans are well aware; they still make less than white, female Americans. The constitutional amendment has not changed that situation for them. What is possible under this proposed amendment? Under Title VII and the 14th Amendment there has been a thing called quotas established. I would support any law that prohibited discrimination on the basis of sex, race, color or religion but just as I am opposed to an employer discriminating on those basis against a person, I am also opposed to an employer being compelled by the federal government to hire a certain class of citizens. If the law review articles and other scholars are correct in their conclusion that the federal government can come into the state of Nevada with broad powers and order that certain employers having anything to do federal funds be required to hire a certain percentage of females, regardless of qualifications, then to that I am opposed. The recent Supreme Court rulings are quite clear that if there is a law in any state which makes a classification based on sex, that those laws are unconstitutional. If there are laws in Nevada which discriminate against women, then I urge this Committee to take back a recommendation to change those laws but let's not grant power to the federal government to tell us what laws to change or what rights to enforce.

Testifying against the Equal Rights Amendment, in the following order were:

Jerry Sieler
Reverend James Washington
Marylin Kelch Gubler
Elbert Edwards
Reverend Don Loving
Tori Cornwall
Geraldine Stocker
Reverend Tom Popelka
Carrie Bagley
Addie Bartlett

Minutes of Joint Hearing
February 5, 1977
Page Three

SJR 5 Bishop T. Tolefree
Ruby Davis
Joe Bowler
Dan Howerton
Joan Pickard
A. J. Thompson
Reverend Laurence Daniels
Ted Latour
Melvin Wilcox
Sharon Peterson
Lucile Brown
Elaine Reese
Glen Sanford
Mike Thompson
Pat Leavitt
Sam Stroffee-Reins
Stan Wardle
Mary Knappenburger
Virginia Zobrist
Sidney Dunlap
Lucy Bunker
Robert Jones
Linda Star
Jeanne Bowman
Jeanne Carnwall
Stanley Paher
Delia Mathews
Jan Hill
Reverend Darrell Reyman
Louis Casey
Claudia Von Buskirk
Art McCarthy
Lauri Lifter
Olive Casey
Betty Tanner
Genevieve Smith
Alice Fife
Annita Demille
Irene Latour
Judy Peterson
Marie Leavitt
Linda Copelin
Carol Carlton
Julie Taggart
Alta Baird
Shirley Hildreth
Donna Crouthers
Carla Worthen
David Van Wagner
Evelyn Sanford
Ilene Ludwig
Patsy Loveland
Keith Edwards
Reverend J. Benton Bell

SJR 5 Carmen DANE
Joyce Solomon
James B. Gibson, Jr.
Judy Brailsford
Lynette Reese
Dan Maddlock
Joann Trent
Richard Hodges
Mary Lou Griffen
Laura Snyder

Testimony presented by this group concurred wholeheartedly with Mr. Mills comments. They further felt that the basis of strength in this country is the family unit and they expressed concern that this amendment may undermine this strength by forcing all women to join the work force. The main thrust of their comments was that there are already laws in existence which protect the rights of women and that these should be utilized before adopting an amendment to the Constitution.

Mr. Lee Walker was the main speaker for the proponents of the Equal Rights amendment. Inasmuch as Mr. Walker wanted to be explicit as to his testimony and wanting to make certain that all points were covered, he prepared his statement in writing. A copy of Mr. Lee Walker's testimony is attached hereto and marked as Exhibit "A".

Testifying in favor of the Equal Rights Amendment, in the following order were:

Leo Kanowitz
Judge Joan Dempsey Klein
Ralph Denton
Rosemary Masek
Charles Mc Crea
Jane Greenspun
Lloyd Katz
Jessie Emmett
Steve Morris
Hank Greenspun
Joe Delaney
Peggy N. Petrie
Fedora Bontempi Simpkin
Didi Carson
Kit Carson
Russell Munson
Janet MacEachern
Stephanie Barrett
Robin Miles
Laurie Young
Charles Kothe


SJR 5 Jean Ford
Genevieve Mullally
Louis Vitale
Terri Long
Ed Dunn
Beulah M. Bates
Nadyne Gatzke
Marelyn J. Swanson
Barbara Radecki
Myrna Williams
Theresa Long
Marguerite Segretti
Peggy WeaverKathleen Foley
Charlene Goldman
Adreanna B. Christie
Frank E. Doherty
Janet R. Line
Helen Myers
Joan Dunn
Linda Tiffany
D. Deecie Ennis
Harold Cunningham
Bill Middleton
Bea Levinson
Mike Cherry
Virginia Carabillo
Ruth Stemock
Shannon Beesley
Margaret Quinn
Jude Gary
Tom Hood
Nancy Lange
Patricia L. Kukulski
Ellen Stoddard
Lee Bilderback
Helen Heenan
Ruth A. Stringer
Diana Crites
Corinne Stutz
Kerin Scianna
Charles E. Kipp
Charles Waterman
Mary Forrester
June Talvitie
Mary Ann Kozlowski
Janet Ford
John Unrue
Mari Peer
Linda Miller

Testimony presented by this group also concurred in concept with the comments made by their main speaker, Mr. Lee Walker. The majority of speakers felt concern that women were not being treated equally under the law. They felt that the basic

SJR 5 principle of our Constitution is equal opportunity for all citizens, regardless of their circumstance, race, religion or other characteristics. They asked for passage of the Equal Rights Amendment to finally afford such equal opportunity to women. The speakers also touched on other areas of equality that they wished to gain by this amendment, i. e., equal job opportunity, equal opportunity for credit and equal opportunity to be a property owner. The main thrust of the comments in retaliation to those comments of the anti-Era speakers was that they felt passage of this ERA is necessary to the growth of this nation and that it can only strengthen home, family and religious beliefs to have women treated with respect and dignity under the law.

Inasmuch as there were no further people wishing to speak either for or against this issue, Senator Close adjourned this meeting in Las Vegas at 6:15 p.m.

Respectfully submitted,



Anne M. Peirce, Secretary

1 Mr. Chairman, I wish to be explicit about what I say.
2 I wish to not be misunderstood. For those reasons, I have written,
3 and will read, my statement. I do that for the further purpose of
4 making certain that I cover the matters I consider the most impor-
5 tant within the time allotted.

6 I do not appear as an attorney, and will therefore
7 make no attempt to argue the niceties of the law. Nor do I
8 appear as an ex-legislator attempting to persuade my former
9 colleagues, and will therefore not ask for either your support
10 or opposition. My desire is merely to convey my concern and
11 convictions for your consideration.

12 May I say also, that I do not appear here at the
13 request of any person or any group. No one asked me to testify.
14 The decision was mine alone. I came forward on my own.

15 The legislative record will reflect that in 1973
16 and again in 1975 I did, as a member of the State Senate, vote
17 in opposition to resolutions designed to ratify the Equal Rights
18 Amendment. I took that position each time fully convinced that
19 it reflected the view of the majority of my constituents.

20 Another matter which I do not wish to ignore, nor do
21 I want to be misunderstood, is that during my campaign just past,
22 I was offered and accepted the support of people who actively
23 opposed the Amendment. Having accepted that assistance, I would
24 have, had I been elected, again voted as I had previously.

25 The impelling reason for my appearance today arises

1 from a growing awareness, and a willingness to recognize the
2 existence of a condition which has for too long been too destruct-
3 ive-- destructive of human dignity and hope. I was resisting an
4 irresistable force which some day must and will prevail.

5 May I make one other thing very clear. It is not
6 my desire here, to question the integrity or the intent, the
7 motive or the sincerity of anyone who either supports or opposes
8 the Amendment. Nor, I hope, will anyone, at this point in time,
9 question mine.

10 The problem to which the Equal Rights Amendment is
11 addressed is as old as recorded history. Religious records abound
12 with references to superior/inferior relationships between men
13 and women respectively. There seemed to be an attempt by men,
14 as the biblical books illustrate, to elevate themselves by
15 degrading or debasing women. There were statements which
16 equated that which was bad or evil with those who were female.
17 An example is a reference to Satan's Church as "...the great
18 whore which shall corrupt the earth with her fornication..."
19 Other examples are as vivid.

20 My interest however, is not to change nor tamper
21 with the tenets of religious groups. I think, Mr. Chairman,
22 your committees have no interest in that.

23 But political and governmental action or inaction,
24 is fair game for comment.

25 This nation, settled by those seeking freedom, and our

1 own government, designed ostensibly to provide freedom, failed
2 from the outset to fully do that. The famous document, fashioned
3 200 years ago, and appropriately recognized so broadly last
4 year, The Declaration of Independence, asserts that we men were
5 created equal. There are those who say that the masculine
6 includes the feminine. If it did, then the Constitution, drafted
7 almost simultaneously with the Declaration of Independence, ought
8 to have been initially and always interpreted to extend
9 rather than deny equality. No further constitutional pronounce-
10 ment ought to be required.

11 Yet, in truth, all "men" were not initially covered--
12 only "white men." A constitutional pronouncement had to be made
13 in 1870 to say that black males were "men" for purposes of
14 voting. Then, a long fifty years later in 1920 the masculine
15 was finally extended constitutionally to include the feminine
16 for purposes of voting.

17 Progress comes slowly. The reason seems to be that
18 while some seek change, others fear it. Members of my own church
19 in earlier times, and in spite of the guarantees of the 1st
20 Amendment, experienced "denial of rights." They struggled for
21 the right to experience freedom.

22 The blacks found that their effort didn't end with the
23 Civil War, nor the 13th Amendment, nor the 15th Amendment.

24 There are graphic parallels between the efforts to
25 assure parity before the law for blacks and for women. To illustrate,

1 may I refer to the moving and dramatic television production
2 "Roots." While emphasis is often added in drama to gain effect,
3 the basic message of the film was unmistakable.

4 For example, the attitude of whites was fixed and
5 inflexible toward blacks. So too, is the general attitude of
6 men toward women, both in the past and today. It was inconceivable
7 to whites that they were not socially, intellectually, morally and
8 even physically superior to blacks, and that such superior/inferior
9 condition was inherent. So too, is it generally inconceivable,
10 both in the past and today, for men to not consider themselves
11 socially, intellectually and physically superior to women. We
12 may grant them some superiority in the area of morals.

13 Whites dealt with blacks in a condescending way at best.
14 Those who felt the most guilt were the most benevolent in their
15 condescension. So too, do we men act in a condescending way
16 toward women. And again, the degree of benevolence in our
17 condescension is directly proportional to our degree of guilt.

18 As Chicken ^{George} ~~man~~, in the film, had the talent and
19 trained the fighting cocks, while the "Master" attended the fights,
20 pocketed the money and sought and accepted the glory, so too,
21 do men generally seek and accept the glory which often results
22 from the work of women.

23 Husbands usually are out in public making the
24 pronouncements, seeking and accepting the promotions, while the
25 wives do the quiet work. Men, by and large, hold the public

1 offices, or at least head the departments or hold the control
2 and accept the credit, while the women do the quiet work. Our
3 sporting activities have all been male oriented, and the men
4 enjoy that spotlight, while women make it possible by washing
5 the socks, tending the kids and doing the quiet work.

6 Even in war, which we are often told the women will
7 be subjected to under the Amendment, the men go off to the glory
8 of battle, and earn the silver stars and the medals of honor
9 and march and ride in the victory parades, while the women remain
10 unsung at home, holding the families together, raising the kids
11 alone, working the factories and doing the quiet work which
12 wins the wars.

13 One further word about "Roots." When "Toby" first
14 came to the plantation and voiced his hope for freedom, his trainer,
15 "Fiddler," beat him. Fiddler feared change, he didn't dare give
16 thought, let alone voice, to hope of change. But "Toby's"
17 will was strong. His hope finally became infectuous; he started
18 a contagion; movement began; progress was made.

19 Some women are like "Fiddler" was. They have
20 accepted the "one down" position -- the superior/inferior
21 relationship. They need a "Toby" to give them hope and drive
22 and direction. There are "Tobys" out there.

23 As one women said to me, when I had suggested,
24 benevolently, that we men wanted to provide and protect: "You
25 give us the tools (i.e., the law) and we'll provide for and

1 protect ourselves. First, so we can learn to do it, and second,
2 so we can feel the pride of achievement."

3 We talk of the natural differences between men and
4 women and the disparity in ability to perform in certain areas.
5 The first is factual, and the second is fictional. I suggest that
6 there is as much disparity within the sexes as between them.
7 An associate in my law office can't reach the books on the top
8 shelf: I can (So can my secretary, incidentally.) I can't
9 slam-dunk a basketball; Kareem Jabbar can. I can't adjust a
10 carburetor; my wife couldn't either; but she found someone
11 Tuesday who could.

12 I suggest that women are sufficiently imaginative and
13 creative, that they will, if given the opportunity, rise to any
14 occasion. I suggest that they need equality of opportunity, not
15 compassion. I don't want any one of my four daughters to someday
16 say to me: "Dad, are my brothers entitled to more opportunity
17 than I?"

18 Finally, as a student of political science and as a
19 former legislator may I say, that I'm aware that good legislative
20 process requires hearings with testimony, pro and con, and the
21 collection and assimilation of information and data, which is
22 evaluated and weighed. I am aware too, that some legislative
23 hearings are "window display" to conceal preconceived positions.

24 As a former colleague of most of you here, I am satis-
25 fied that you are open to the input of information and to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

persuasive argument, both for and against the issue before you.
Having been there, I don't envy you your task. Thank you.

---o0o---