

OPINION NO. 83 (1967)  
Opinion No. 507(1966)  
Answered by Letter(Mansur)

March 29, 1967

Honorable Lem T. Jones, Jr.  
State Senator  
Tenth District - Jackson County  
100 Waltower Building  
Kansas City, Missouri 64106



Dear Senator Jones:

In your letter of October 28, 1966, you enclosed a copy of Section 1484, p. 380, Laws of New York, which statute prohibits the wearing of uniforms similar to that worn by the military and other officials or semi-official forces of foreign countries and requested an opinion from this office as to the constitutionality of such a statute if enacted in this state.

This statute amended a former statute dealing with the same subject in the State of New York, and as amended, became effective September, 1966. We have been unable to find any appellate court decisions in New York passing on the validity of this statute. We have also been unable to find any appellate court decisions in any other state passing on the constitutionality of a similar statute. At the present time, we do not have any statute in this state similar to the one under consideration.

When the constitutionality of a statute is in question, the invalidity of the law must appear beyond a reasonable doubt before the Supreme Court of this state will pronounce it void. There is likewise a presumption indulged in the favor of its constitutionality by the courts of this state. In the past, this office has followed this rule of interpretation. Unless the statute is clearly in conflict with the express conditions of our constitution, we consider the act constitutional until the court rules otherwise. Since the validity of this statute under consideration

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has not been passed upon by an appellate court, it does not conflict with any express provisions of our constitution, we would consider the statute constitutional in this state at the present time.

If you have any further questions, please advise.

Yours very truly,

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NORMAN H. ANDERSON  
Attorney General