WOMEN’S ISSUES

\*\*\*A monthly information and learning resource on various issues for Republican Senate candidates in 1984.

\*\*\*A service provided by the National Republican Senatorial Committee (NRSC). Prepared by Beatrice Comty, October 6, 1983. Contact Ceci Cole, NRSC Communications Director, (202) 224-2351.

\*\*\*Previous mailings include talking points on education, environment, and fairness.

\*\*\*Copies available upon request.

WOMEN'S ISSUES

INTRODUCTION

Women make up 53 percent of the population in the United States. In 1980, more women than men voted. With women surpassing men in total number of registered voters, women are becoming a key voting bloc in American elections.

The material contained in the following pages covers a variety of areas and aims to arm you with talking points on the economy and Reagan's accomplishments in office, along with some suggestions as how to deal with “women’s issues” during the campaign. Additionally, major legislation acted upon or likely to occur in the 98th Congress is summarized.

Typically, Republicans are viewed as tough, but insensitive to people. People view Democrats as compassionate but weak. Now is the time to show the people -- most importantly, the voters -- that Republicans are both strong and compassionate.

This packet cannot tell Republicans what issues to support in order to win the women’s vote in 1984. What it can do is make it obvious what issues are of primary importance to women and why, and arm you with the materials necessary to develop strong and compassionate positions on “women's issues.”

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The Gender Gap

Increasingly, attention has focused on a phenomenon referred to as the “gender gap" -- the difference between the number of men and women supporting President Reagan. Polls show Reagan's support among women is 7-8 points less than among men. In 1982, polls showed as much as a 20 point difference between men and women approving Reagan's performance.

There are numerous theories on the gender gap. According to some Republican polling data, the heart of the “gender gap“ is among women aged 25 - 40. A 1982 New York Times/CBS poll pinpointed single women as the group least friendly to President Reagan and the Republican Party, as they voted 63 to 34 percent for Democrat congressional candidates.

Although the NYT/CBS poll did document a small gender gap which has been statistically significant only since 1980, what it really found was a substantial “marriage gap." According to the poll, single voters of both sexes preferred Democrats over Republicans by 11 percentage points more than married voters did.

At first glance this seems alarming, but in perspective -- 64.9 % of the people in the U.S. are married -- it is a possible plus for Republicans. The "marriage gap" dwarfs the size of the "gender gap": based on population statistics and various polling questions, the GOP has the support of about 54% of the male population.

Women’s Issues

The issues of interest to single voters of both sexes tend to be primarily economic issues. Richard Wirthlin, President Reagan's pollster, and Ann Lewis, political director of the Democratic National Committee, agree that single voters feel more vulnerable to the recession and related conditions them married voters. Some Republican leaders and administration officials believe that the "gender gap” is a result of the recession, and that as the economy continues to improve the issue will disappear and the "marriage gap" may decline.

In an October 1982 GOP Report, "The Gender Gap: Do the Republicans Have a Woman Problem?", Lincoln Oliphant, of the Senate Republican Policy Committee, asserts that the gender gap is not correlated to "women’s issues” as they are commonly understood. “There are no significant differences between men and women regarding the Equal Rights Amendment or abortion, for example." There is, he says, however, a sizable difference on war and peace issues. Specifically Reagan's handling of the economy, foreign policy and defense. (See August 1983 Newsweek poll.) But these issues are not women's issues in the sense that their primary effect is on women. Matters of national policy -- foreign or domestic -- affect every man, woman, and child in the country.

Federal statistics show that during the last two decades, the percentage of women in jobs rose, as did the divorce rate. Women began to marry later and to stay employed after starting a family. The number of poor families headed by single women rose.

As the number of women as heads of households rises, issues such as increased support for day-care centers, enforcing anti-discrimination laws, and programs to help women in school and job training are of rising concern. These issues will be important to women in the 1984 election.

Failure to address the concerns of this powerful voting force is politically disastrous for any candidate for elective office -- man or woman. Thus, it is important to study “today's women,” and in your campaign, to demonstrate a knowledge of and concern for their needs.

WHO ARE THE WOMEN IN THE UNITED STATES?

STATISTICS ON WOMEN

-Women currently make up 53% of the population in the U.S.

-Women now make up a majority of registered voters.

-In 1980, more women than men voted.

-Women now make up 42% of the workforce.

-In 1948, women made up less than 30% of the workforce; in 1980, they were more than 40%; by 1990 they are expected to be more than 608.

-Only 7% of America’s population fits into the traditional family profile (breadwinner father, nonworking mother, two children).

-In 1960, husband-and-wife households with only one working spouse accounted for 43% of all households. By 1990 they will account for only 14% of all households.

-Wives contribute 25% of family income. By 1990 wives will contribute about 40% of family income.

-By 1990, more than one third of the couples first married in the 1970's will have divorced. More than one third of the children born in the 1970's will have lived with a single parent.

-Currently, 32 million children under age 18 -- 55% of all children -- have working mothers.

-One of every six families nationally is headed by a woman.

-In 1939, women working full-time made 58% of the average full-time income of working men.

-In 1981, women made 59% of the average full-time income of working men.

-More women are in college and graduate school than men. Many of the new college women are over the age of 35.

-Between 1972 and 1979, the number of self-employed women increased 43%. This is five times the increase for men.

(Sources: Megatrends by John Naisbitt, and Congressional Caucus for Women's Issues.)

A NEWSWEEK POLL ON THE GENDER GAP: SHARP DIFFERENCES

“Ronald Reagan gets significantly lower approval ratings from women than from men. But sex discrimination is hardly the most important reason; female voters care far more about the economy and defense. And they rate the president far lower on these issues than do men.

"Do you approve or disapprove of the way Ronald Reagan is handling his job as president?

|  |  |  |  |
| --- | --- | --- | --- |
| 8/83 | Total | Men | Women |
| Approve | 44% | 49% | 40% |
| Disapprove | 47% | 42% | 51% |
| Don't know | 9% | 9% | 9% |

"How important to you will the following issues be in the next year's presidential campaign: (a) one of the most important issues; (b) important but not one of the most important issues, or (c) not so important?

Percent saying an issue would be one of the most important

|  |  |  |  |
| --- | --- | --- | --- |
|  | Total | Men | Women |
| Economic conditions in the country | 80% | 80% | 80% |
| Relations with the Soviet Union | 41 | 44 | 39 |
| Defense spending | 57 | 60 | 54 |
| The quality of public education | 62 | 58 | 65 |
| U.S. nuclear-weapons policy | 54 | 50 | 58 |
| Sex discrimination and the problems of women | 32 | 27 | 38 |

"Do you approve or disapprove of the way Ronald Reagan is handling the following:

Percent who approve

|  |  |  |  |
| --- | --- | --- | --- |
|  | Total | Men | Women |
| Economic conditions in this country | 41% | 47% | 36% |
| Defense spending | 46 | 54 | 38 |
| Relations with the Soviet Union | 46 | 54 | 38 |
| The U.S. role in Central America | 34 | 39 | 28 |
| The Mideast situation | 37 | 41 | 34 |
| U.S. nuclear-weapons policy | 41 | 52 | 31 |
| Sex discrimination and the problems of women | 40 | 41 | 38 |

"Do the following statements apply to Ronald Reagan or not?

Percent saying yes

|  |  |  |  |
| --- | --- | --- | --- |
|  | Total | Men | Women |
| I like him personally. | 52% | 56% | 49% |
| I trust his judgment in a crisis. | 51 | 55 | 47 |
| He cares about the less fortunate. | 43 | 46 | 41 |
| He has an old-fashioned attitude toward women. | 63 | 60 | 65 |

(For this Newsweek Poll, the Gallup Organization interviewed 507 men and women by telephone between Aug. 29 and Aug. 31, 1983.)"

REAGAN POPULARITY

MEN VS. WOMEN

(Percent approving--average of two Gallup polls)

Question: "Do you approve or disapprove of the way Ronald Reagan is handling his job as President?”

JUNE 1983

|  |  |  |  |
| --- | --- | --- | --- |
| NATIONAL | MEN | WOMEN | DIFFERENCE (points) |
|  | 50% | 41% | 9 |
| Race |  |  |  |
| White | 55 | 45 | 10 |
| Non-White | 16 | 12 | 4 |
| Education |  |  |  |
| College | 59 | 48 | 11 |
| High School | 48 | 40 | 8 |
| Grade School | 35 | 30 | 5 |
| Region |  |  |  |
| East | 49 | 36 | 13 |
| Midwest | 48 | 46 | 2 |
| South | 51 | 44 | 7 |
| West | 51 | 38 | 13 |
| Age |  |  |  |
| 18-29 years | 50 | 39 | 11 |
| 30-49 years | 52 | 42 | 10 |
| 50 & older | 48 | 42 | 6 |
| Politics |  |  |  |
| Republican | 86 | 75 | 11 |
| Democrat | 28 | 21 | 7 |
| Independent | 51 | 50 | 1 |
| Income |  |  |  |
| $20,000 & over | 58 | 47 | 11 |
| less than $20,000 | 42 | 36 | 6 |
| Religion |  |  |  |
| Protestant | 52 | 43 | 9 |
| Catholic | 52 | 42 | 10 |
| Labor Union |  |  |  |
| Labor union families | 41 | 37 | 4 |
| Non-labor union families | 53 | 42 | 11 |

(Based on two 1983 Gallup polls: June 10-13 and 24-27.)

REAGAN JOB PERFORMANCE APPROVAL RATINGS

(Percent approving)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| DATE 1983 | BOTH SEXES | MEN | WOMEN | DIFFERENCE (POINTS) |
| June 24-27 | 47% | 52% | 42% | 10 |
| June 10-13 | 43% | 47% | 403% | 7 |
| May 20-23 | 46% | 49% | 43% | 6 |
| May 13-16 | 43% | 50% | 36% | 14 |
| April 29- May 2 | 43% | 48% | 38% | 10 |
| April 15-18 | 41% | 42% | 39% | 3 |
| March 11-14 | 41% | 47% | 35% | 12 |
| February 25-28 | 40% | 43% | 37% | 6 |
| January 28-31 | 35% | 39% | 32% | 7 |
| January 21-24 | 37% | 39% | 35% | 4 |
| January 14-17 | 37% | 42% | 32% | 10 |
| Averages |  |  |  |  |
| Entire Tenure (49) | 49% | 53% | 44% | 9 |
| 1983 to date (11) | 41% | 45% | 37% | 8 |
| 1982 (19) | 44% | 48% | 403% | 8 |
| 1981 (19) | 58% | 62% | 53% | 9 |

PRESIDENTIAL PERFORMANCE RATINGS

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Reagan | 49% | 53% | 44% | 9 |
| Carter | 47 | 46 | 47 | 1 |
| Ford | 46 | 45 | 46 | 1 |
| Nixon | 49 | 50 | 47 | 3 |
| Johnson | 55 | 56 | 54 | 2 |
| Kennedy | 70 | 70 | 70 | - |
| Eisenhower | 64 | 63 | 65 | 2 |

Based on Gallup Polls

(Figures in parentheses indicate number of surveys.)

THE STATE OF THE ECONOMY

Since the economy figures to be a "women's issue" in the '84 election, Republicans are advised to be well versed in just how successful the economic recovery program has been.

Inflation

-- In 1980 inflation was 12.4% (preceded by a rate of 13.3% in 1979.) Under the Reagan Administration the inflation rate was 3.5% over a 12 month period ending in May of 1983.

-- In 1978, food prices rose 11.8% -- an increase 380% greater than the 1982 increase of 3.1%.

-- In 1979 total housing costs increased at a rate of 15.2% -- an increase 422% greater than the 1982 increase of 3.6%.

-- In 1979 the cost of providing shelter increased at a rate of 17.4% -- an increase % greater than the 1982 increase of 2.4%.

-- In 1979 total transportation cost increased at a rate of 18.2% -- an increase 1,137% greater than the 1982 increase of 1.7%.

-- In 1979 gasoline costs skyrocketed 52.2%. In 1982 the cost of gasoline declined by 6.5%.

-- In 1979 energy costs increased at a rate of 37.4% -- an increase 2,876% greater than the 1982 increase of 1.3%.

-- Reduced inflation together with reduced taxes have left the typical American family with about $2000 in increased purchasing power.

-- Given the present annual rate of inflation, a woman working full time at the yearly median wage of $11,000 has received an increase of $1000 a year in purchasing power - or nearly $20 a week.

Interest Rates

-- At the end of 1980 the prime interest rate hit an all time high of 21.5% which was an increase of 15.5% during the Carter Administration. Under the Reagan Administration interest rates declined from 21.5% to 10.5%.

-- Mortgage rates were climbing in 1980: FHA loans were on their way to the 17-18% range. Under the Reagan Administration FHA loan rates have declined by 5.5% and are 12%: The monthly cost of a $50,000 mortgage is about $200 less this year than during the peak rates.

-- Increasing demand for consumer credit and the need for capital expansion is beginning to conflict with government demand for credit to finance increasing social programs. Unless the deficit is decreased by spending cuts, not tax increases, interest rates may very well remain at their current rate or even increase.

Housing

-- In 1980 housing starts were in a three year slump; not only were they down but they were continuing to decline.

-- Housing starts have increased 64% (from 911,000 to 1.56 million) since April of 1982.

-- Building permits have increased 78% over the past year.

-- Existing home sales for April increased by 31% -- 2.8 million homes were traded -- to the highest rate since December of 1980.

-- New home sales for April of 1983 have increased by 68% over new home sales of one year ago (342,000 to 573,000.)

-- In the past year 3 million families were added to the existing 40 million American families able to purchase a home.

Industrial Production

-- Industrial production increased for the fifth month in a row in April of 1983. The 2.1% increase was the largest increase in eight years.

-- Factories are operating at their highest capacity levels in 13 months -- 71.1%. (Factories usually operate at a capacity level below 100%; the average from 1954-1979 was 83%).

-- In April of 1983 new orders for manufactured goods were at the highest level in 18 months -- $166 billion.

-- Durable goods orders are 19% above recession lows and sales of "big ticket" durable goods alone increased 12.5% over the past year.

-- Auto production through May was 25% above the same period last year (annual rate of 7 million) and sales have increased 7.8% over the past year.

-- Producer prices declined at a 2.2% compounded annual rate during the first five months of 1983 -- compared with a 2.7% increase during the first half of 1982.

Unemployment

-- The total number of Americans employed to date is about 30,000 above the number employed in November of 1980.

-- There has been an increase of 800,000 jobs in total non-farm employment since December of 1982; the increase in May alone was 375,000.

-- 70% of the 186 industries in the Bureau of Labor Statistics diffusion index had increased employment: Construction -- 80,000 jobs; Durable goods manufacturing industries -- 95,000; Service industries -- 120,000.

-- Factory jobs increased by 110,000 in April followed by a 105,000 increase in May.

-- The rate of unemployment in the durable goods industries has declined from 17.1% to 13.5% since December of 1982.

-- Auto industry jobs increased by 105,000 since November of 1982 resulting in a 10% decline of the rate of unemployment within that industry (24.9% in November of 1982 compared to 14.3% in May of 1983.)

-- The unemployment rate of the nation as a whole has declined by nearly one percentage point (.8%) since December of 1982.

-- Seasonally unadjusted employment figures show an increase of 2.2 million jobs in the past three months.

Consumer Spending

-- Even consumers are joining the recovery. In April personal income increased by $20 billion; an annual rate increase of 10%.

-- Consumers stepped up credit purchases at an annual rate of 7% during the first quarter of 1983.

-- Personal consumption expenditures increased by $21.2 billion in April.

-- The Survey Research Center at the University of Michigan shows its index of consumer expectations at the highest levels in 11 years.

REMEMBER IT IS PERTINENT AND IMPORTANT TO USE ALL OF THESE CATEGORIES ON THE ECONOMIC GOOD NEWS WHEN SPEAKING/WRITING TO WOMEN. USING ONLY FOOD PRICE FIGURES, OR ANY CATEGORY ASSUMING WOMEN ONLY EXPERIENCE ECONOMIC CHANGES WHEN THEY WORK IN THE HOME IS MISTARGETED, OUT OF DATE, AND INAPPROPRIATE. (Republican National Committee)

TAX REFORM FOR WOMEN

The Reagan Administration has made significant advances in areas of tax reform of particular interest to women.

The Marriage Tax

-- Prior to 1981, married couples filing their tax returns jointly were taxed at substantially higher marginal rates than were single individuals earning the same income.

-- Because women generally entered the labor force after their husbands had, their income was, for tax purposes, added on top of their husbands’ income. The fact that women were faced with a much higher marginal tax rate beginning with their first dollar earned was a significant disincentive for them to work outside the home.

-- The 1981 Economic Recovery Tax Act (ERTA) greatly reduced the marriage penalty by allowing a partial deduction from married couples’ combined salaries, thus allowing the family to keep more of what they earn.

-- Under ERTA salaried spouses earning $15,000 each save about $300 a year on their tax bill.

Expansion of IRA Participation

-- ERTA removed the 15% income limitations on IRAs.

-- ERTA also increased the limits for contributions to IRAs from $1500 to $2000 per year.

-- ERTA permitted any working American to have an IRA account, even if the employer also provided its employees with a private pension or retirement plan.

-- Under ERTA salaried spouses can now contribute a total of $4000 each year to an IRA account, and $2250 can be contributed if one spouse is unsalaried.

-- Employed spouse contributions of $500 or more each year to spousal accounts will aid non-paid spouses who work as homemakers.

-- Women working outside the home will be better able to save for their retirement.

Reducing the Estate Tax

-- ERTA was responsible for the virtual elimination of estate taxes. This action greatly benefits widows and is of particular interest to women since they outlive men by an average of eight years.

-- Under ERTA women will be protected from having to sell family farms or businesses when the husband dies in order to pay the estate taxes.

-- ERTA provides for unlimited property transfers between spouses.

-- ERTA raised the tax exemption on inherited property from $175,625 in 1981 to $600,000 by 1987. This action preserves, intact, about 99.7% of all estates.

Tax and Child Care

-- For parents earning less than $10,000 a year, the tax credit for child care expenses will increase from $400 to $720 per child.

-- In 1983 a line on which this child care credit may be claimed will be included in the 1040A short-form tax return.

-- Parents with incomes of $28,000 or more have a fixed child care credit of $480 per child.

-- ERTA provides incentives for employers to include prepaid day care in their employee benefit packages.

-- ERTA also raises the dependent care tax credit from $4000 to $4800.

Tax Cuts and Caps

-- Spending power, as a result of direct federal taxes and inflation, declined between 1975 and 1981 by $1360 although median family income increased by $7306 during the same period.

-- Although increased Social Security taxes have offset, to a large extent, individual tax cuts, after-tax income has been steadily increasing throughout the Reagan Administration (up from $8680 in 1981 to $8832 in 1983).

-- A tax cut cap of $700, as passed by the Democrat controlled House, would hit families with gross incomes as low as $39,250 and individuals with gross incomes as low as $31,250. These income levels sound high but in 1970 dollars, these incomes are barely $15,000 and $12,000 respectively.

-- Under the Democrat tax cap families earning less than $35,200 or more than $109,400 in taxable income will receive the full 23% tax cut. Families in between, the majority of American families, would find their marginal tax rate jumping from 28% to 37% -- a 9% increase.

-- Statistics indicate that most women working outside the home earn between $15,000 and $20,000. At this income level single women or single heads of households would not be affected by the tax cap. However, if $15,000 to $20,000 is added to a husband's income of $20,000 the family faces an increase of 1/3 in their marginal tax rate.

Indexing

-- Indexing of tax brackets to inflation will save approximately 14% of the tax bill for women earning between $15,000 and $20,000 (the wage level of most women working outside the home.)

-- Indexing of dependent tax exemptions protects such exemptions from becoming devalued by inflation. Such protection is particularly important to the head of household who is single.

-- Low-income tax payers would suffer most from any repeal of indexing because the tax brackets at lower income levels are narrower and a small increase in income pushes the earner into a high bracket.

-- At present, when Congress claims it is making a tax cut, it is really (at best) restoring to the taxpayers revenues raised by inflation. With indexing, tax cuts will be real tax cuts, and tax increases will have to be made through the legislative process.

(Republican National Committee)

HIGHLIGHTS OF WOMEN AND THE GOP

-- 1872 saw the first official recognition of women in a major party platform -- the Republican Party platform.

-- 1896 saw the first equal rights of women plank carried in any major party platform -- the Republican Party platform.

-- 1916 saw the first woman elected to Congress. Jeanette Rankin was elected as the Republican member-at-large from Montana.

-- 1916 also saw the Republican Party as the first major party to favor federal women's suffrage.

-- In 1919, when Republicans regained control of the Congress, the first act was passage of the Equal Suffrage Amendment.

-- 1940 saw the first endorsement of an equal rights amendment for women in the platform of a major political party -- the Republican Party.

-- The first woman elected to the Senate, without first being appointed, was Margaret Chase Smith, a Republican from Maine. She represented her state in both the House and the Senate from June of 1940 to January of 1973.

-- In 1952, Ivy Baker Priest, later Treasurer of the United States, led the first organized effort to mobilize the American woman's vote -- the Candidate was Republican Presidential candidate Dwight D. Eisenhower.

-- In 1953, Republican President Dwight D. Eisenhower appointed Oveta Culp Hobby as the first woman Secretary of the Department of Health, Education and Welfare.

-- In 1964 U.S. Senator Margaret Chase Smith of Maine was the first woman ever nominated for President by a major American political party -- the Republican Party.

-- Senator Nancy Landon Kassebaum, Republican of Kansas, was the first woman elected to Congress without first having filled an unexpired term.

-- Senator Paula Hawkins, Republican of Florida, was the second woman to be elected to the Senate without first having been appointed.

-- Twenty-two women served in the 97th Congress. Twelve were Republicans, ten were Democrats.

-- Twenty-four women are currently serving in the 98th Congress. Eleven are Republicans, and 13 are Democrats.

(Republican Study Committee)

THE REAGAN ADMINISTRATION AND WOMEN APPOINTEES

President Reagan has continued the time honored Republican tradition of welcoming the talents and energies of American women and it is important for Americans to be familiar with these facts. President Reagan considers “the women of this nation a great source of strength, creativity, and stability." In accordance with this belief, the President has placed women in key positions throughout his Administration.

-- President Reagan has selected 314 women to serve in direct Presidential appointments and Presidential appointments requiring Senate approval

-- A majority of all Schedule C positions (55%) have been filled by women.

-- 37% of the Schedule C's serve in managerial or supervisory positions at the level of GS-13 through GS-15.

-- President Reagan appointed Sandra Day O'Connor Associate Justice of the U.S. Supreme Court (the first woman in history to serve on the Supreme Court.)

-- President Reagan appointed Jeane Kirkpatrick as United States Ambassador to the UN (the first woman with ambassadorial rank to represent the U.S. in the U.N.)

-- President Reagan appointed Elizabeth Dole Secretary of Transportation.

-- President Reagan appointed Margaret Heckler Secretary of Health and Human Services.

-- Secretaries Dole and Heckler, along with Ambassador Kirkpatrick, comprise a record of three women in the Presidential Cabinet.

-- President Reagan has appointed women to head the Peace Corps, the Consumer Product Safety Commission, and the Federal Labor

Relations Board.

-- President Reagan is the first to have appointed a woman as Director of Presidential personnel at the White House.

(Republican Study Committee)

WOMEN'S GROUPS’ RATINGS OF DEMOCRATS UP IN '84

(would these women's groups support these Democrats?)

The American Association of University Women (AAUW) and the National Women's Political Caucus (NWPC) rated all 100 U.S. Senators on the groups’ legislative priorities. AAUW based their 1981 rating on 11 budget-related votes. NWPC based their rating in the 96th Congress on 13 votes and on 15 votes in the 97th Congress. The votes ranged from support for the ERA, abortion and affirmative action to balancing the budget and increasing funding for spending programs. Both groups use a rating scale of 0-100.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | AAUW Scores 1981 | AAUW Likely Support? | NWPC Scores 96th | NWPC Scores 98th | NWPC Likely Support? |
| Heflin (AL) | 38% | ? | 56% | 33% | ? |
| Pryor (AR) | 60 | Y | 89 | 73 | Y |
| Biden (DE) | 64 | Y | 40 | 59 | Y |
| Nunn (GA) | 45 | ? | 68 | 46 | Y |
| Huddleston (KY) | 64 | Y | 40 | 53 | Y |
| Johnston (LA) | 50 | Y | 52 | 40 | Y |
| Tsongas (MA) | 100 | Y | 100 | 92 | Y |
| Levin (MI) | 100 | Y | 100 | 92 | Y |
| Baucus (MT) | 82 | Y | 100 | 73 | Y |
| Exon (NE) | 36 | ? | 34 | 40 | ? |
| Bradley (NJ) | 91 | Y | 100 | 92 | 4 |
| Boren (OK) | 27 | N | 23 | 40 | N |
| Pell (RI) | 100 | Y | 84 | 86 | Y |

"?" denotes women's group rating not sufficient information to determine if this group would support this senator.

Notes on Women's Groups

-The American Association of University Women (AAUW) and the National Women's Political Caucus (NWPC) are officially bipartisan, but still left of center, with AAUW the more moderate.

-The National Organization of Women (NOW) is officially bipartisan, but supports political candidates who are pro-gay rights, pro-abortion, and pro-ERA...usually liberal Democrats.

-According to a September 1983 Los Angeles Times poll, -only 28% of women polled said they thought groups such as NOW and NWPC speak for a majority of American women, and 56% said these groups represent a ‘small minority.’

There are several other women's groups in addition to AAUW, NWPC and NOW:

officially non-partisan or bipartisan but leaning liberal:

- National Abortion Rights Action League

- United Methodist Women

- Women's Equity Action League

- National Federation of Business and Professional Women

- American Nurses Association

more conservative leaning:

- Eagle Forum (Phyllis Schlafly's group)

- American Life Lobby

- Concerned Women of America

- Pro-America

-Remember, no one group can represent all women's interests.

CAMPAIGN IDEAS

\*Organize a women's brain trust: meet with influential women around the state and get them to be members of “Women for Smith Committee."

\*Involve qualified women visibly in your campaign.

\*Become involved with "the 50 States Project” to assist governors in identifying and correcting your state laws that discriminate against women.

\*Take care not to send a surrogate -- particularly a wife -- to appear for you before women's groups. This has been done too often in the past. Show that the group is worth your time.

\*Compile a list of federally-funded day care centers in your state, and get a list of mothers using it, if available.

\*Hold a town forum to discuss the program of child support enforcement.

\*Identify all women’s organizations active in your state, and see which make their membership lists available.

\*Encourage women in your state to participate in the political process at the local level: school board, city council, mayoral office, etc. If you hold any elected or party office currently and so have a pretext to do so, sponsor a daylong seminar to encourage women interested in running for office. For help, contact the National Federation of Republican Women at (202) 863-8500.

\*Fill campaign positions with qualified women whenever possible.

\*Hold town meetings to develop a women's issues agenda in your state.

\*Familiarize yourself with Reagan's accomplishments with regards to the improving economy and its effect on women; tax reforms benefitting women, and presidential appointments.

\*Visit a spouse abuse center and/or rape victim emergency unit in your state, learn what they do and deal with, prove your concern.

\*Organize a drive to raise funds for spouse abuse center, day care center, rape emergency unit, etc.

\*Organize a Job Fair to match women entering, or homemakers re-entering, the work force with employers.

\*Set up a facsimile to "Warren Village" -- a local program to give low-income, single parent families an opportunity to work or to improve job skills or education. For more information contact Ms. Lee Edwards at the Republican National Committee, (202) 863-8500.

\*Organize a panel of insurance representatives and citizens of the community to discuss the various aspects of non-discriminatory insurance (the positive and negative affects).

\*Organize a state-wide conference to enlist the support of the private sector in setting up a revolving loan program for women-owned businesses.

98th CONGRESS

MAJOR WOMEN’S LEGISLATION

There are several major areas of legislative activity related to women's issues during the 98th Congress.

A. THE ECONOMIC EQUITY ACT (S.888 and H.R.2090)

Issue Definition

The Economic Equity Act is a package of several bills introduced as one and aimed at reducing economic discrimination against women. It is divided into five distinct areas: tax and retirement, dependent care, non-discrimination in insurance, regulatory reform, and child support enforcement.

Legislative Action/Status

S.888 (Durenberger, R-MN). The Economic put ty Act. Introduced as package, Mar. 14, 1983; referred to Finance Committee. Hearings held. No further action.

HR.2090 (Schroeder, D-CO). The Economic equity Act. Introduced as package, Mar. 14, 1983; referred to Education and Labor, Energy and Commerce, Judiciary, Post Office and Civil Service, and Ways and Means Committees. No further action.

1. TAX and RETIREMENT

Issue Definition

This section of the Economic Equity Act changes several laws concerning retirement plans and the tax treatment of women.

Legislative Action/Status

S19 (Dole, R-KS). Retirement Equity Act of 1983. Amends the Employee Retirement and the Internal Revenue Code of 1954 to assure equality of economic opportunities for women and men under retirement plans. Introduced Jan. 26, 1983; referred to Finance Committee. No further action.

S.128 (Roth, R-DE). Equal Opportunity Retirement Act of 1983. Increases maximum tax deduction allowed for amounts contributed to retirement savings plans by married couples and certain divorced individuals. Introduced Jan. 26, 1983; referred to Finance Committee. No further action.

S.918 (Hatfield, R-OR). Private Pension Reform Act of 1983. Lowers the minimum age of participation in pension plans from 25 to 21; insures adequate pension coverage for women. Introduced Mar. 24, 1983; referred to Finance and Labor and Human Resources Committees. No further action.

HR.2901 (Schroeder, D-CO). Amends the Railroad Retirement Act so that court orders may be honored which treat railroad retirement benefits as property subject to division in divorce cases. Introduced May 4, 1983; referred to Energy and Commerce subcommittee on Commerce, Transportation and Tourism. No further action.

1. DEPENDENT CARE

Issue Definition

This section would change the tax code to make dependent-care facilities more available. It would apply not only to day care for children, but care for other dependent relatives such as aging parents.

Legislative Action/Status

5-80 (Jepsen, R-IA). Permits an individual maintaining a household in which resides a dependent of age 65 or more to take either a $250 tax credit or a $1000 deduction for the taxable year. Introduced Jan. 26, 1983; referred to Finance. No further action.

S.1359 (Metzenbaum, D-OH). Credit for Household and Dependent Care Services. Increases the amount of the credit for dependent care to households with incomes of $10,000 or less. Introduced May 25, 1983; referred to Finance Committee. No further action.

S.1360 (Hart, D-CO). Child Care Information and Referral Services Act. Establishes a grant program to provide for centralized system of child care information and referral. Introduced May 25, 1983; referred to Labor and Human Resources Committee. No further action.

S.1531 (Riegle, D-MI). School Facilities Child Care Act. Encourages the use of public school facilities before and after school hours for the care of school-age children. Introduced June 23, 1983; referred to Labor and Human Resources Committee. No further action.

HR.76 (Biaggi, D-NY). see $.90. Introduced Jan. 3, 1983; referred to Ways and Means Committee. No further action.

HR.264 (Quillen, R-TN). see S.90. Introduced Jan. 3, 1983; referred to Ways and Means Committee. No further action.

HR.666 (Roybal, D-CA). Child Care Act of 1983. Provides assistance and coordination in the provision of child care services for children living in homes of working parents. Introduced Jan. 6, 1983; referred to Education and Labor subcommittee on Human Resources, Feb. 2, 1983. No further action.

HR.1295 (Frank, D=-MA). Provides that the section of the Social Security Act which requires that certain income of a stepparent living with a dependent child be taken into account in determining such child's need under the Aid to Families with Dependent Children (ADC) program, shall not apply in any case where the parent was already living with the child at the time this section became law. Introduced Feb. 7, 1983; referred to Ways and Means Committee. Pending in subcommittee on Public Assistance and Unemployment Compensation.

HR.2468 (Bereuter, R-NE). Provides that a spouse having less than $250 of compensation shall not be disqualified from having a spousal individual retirement account. Introduced April 12, 1983; referred to Ways and Means Committee. No further action.

HR.3179 (Collins, D-IL). Establishes a comprehensive federal child care program designed to improve the quality and availability of child care services while protecting parental rights. Introduced June l, 1983; referred to Education and Labor Committee. Pending in subcommittee on Human Resources.

HR.3512 (Stark, D-CA). Improves the Aid to Families with Dependent Children (AFDC) program in order to make it more manageable, more effective, and better designed to serve needy families. Introduced July 11, 1983; referred to Ways and Means Committee, Hearings held in subcommittee on Public Assistance and Unemployment Compensation. No further action.

3)NON-DISCRIMINATORY INSURANCE

Issue Definition

This section would bar discrimination in insurance or annuities on the basis of race, color, religion, sex, or national origin.

Legislative Action/Status

S.372 (Packwood, R-OR). Fair Insurance Practices Act. Prohibits the use of gender In determining insurance rates and benefits. Introduced Feb. 1, 1983; referred to Commerce Committee. Consideration and mark up, June 10. No further action.

HR.100 (Dingell, D-MI). Non-discrimination in Insurance Act. see $.372. Introduced Jan. 3, 1983; referred to Energy and Commerce Committee. Pending consideration in full committee.

HR.660 (Pickle, D-TX). Makes miscellaneous and technical improvements related to cash management, gender-based distinctions, coverage, and other matters under the Old Age, Survivors, and Disability Insurance programs. Introduced Jan. 5, 1983; referred to Ways and Means Committee. Incorporated into HR.1900 (Rostenkowski, D-IL), Mar. 25. Became law, PL.98-21, Apr. 20, 1983.

4)REGULATORY REFORM

Issue Definition

This section would direct federal agencies to rewrite regulations, rules, and guidelines to make them “sex-neutral." It would apply to any sex distinctions -- as well as those which result in different treatment.

Legislative Action/Status

S.501 (Dole, R-KS). Amends the laws of the United States to eliminate gender-based distinctions in 100 laws. Introduced Feb. 16, 1983; referred to Judiciary Committee. Pending action in subcommittee on Constitution as of March 16.

5)CHILD SUPPORT ENFORCEMENT

Issue Definition

This section would revise title IV-D of the Social Security Act, regarding state child support enforcement programs. It would ensure they cover any needy family -- not just those receiving funds under the AFDC program.

Legislative Action/Status

S.1398 (Wallop, R-WY). Child Support Tax Act. Provides for the support of dependent children through a child support tax on absent parents. Introduced May 26, 1983; referred to Finance Committee. No further action.

S.1691 (Armstrong, R-CO). Child Support Enforcement Amendments of 1983. Improves ability of states to collect child support for non-AFDC families. Introduced July 27, 1983; referred to Finance Committee. Hearings held in Social Security subcommittee, Sept. 15. No further action.

S.1708 (Grassley, R-IA). Child Support Enforcement Act of 1983. Assures that all children needing assistance in securing financial support from their parents will receive such assistance. Introduced July 29, 1983; referred to Finance Committee. Hearings held, Sept. 15. No further action.

S.1777 (Trible, R-VA). Immediate Child Support Enforcement Act. Requires each state to develop, implement, and enforce a system of mandatory minimum deductions from wages for the collection of child support payments. Introduced Aug. 4, 1983; referred to Finance Committee. No further action.

HR.216 (Long, D-MD). Provides that the procedures currently available on behalf of AFDC families for the collection of past-due child support from federal tax refunds shall also be made available to non-AFDC families. Introduced Jan. 3, 1983; referred to Ways and Means Committee. Hearings held in subcommittee on Public Assistance, Jan. 10. No further action.

HR.817 (Jenkins, D-GA). Increases from $600 to $900 the minimum support a parent not having custody of a child must provide for the support of the child in certain cases in order to claim a personal exemption for the child. Introduced Jan. 25, 1983; referred to Ways and Means Committee. No further action.

HR.926 (Stark, D-CA). Requires states to require employers to submit quarterly wage reports to be used by state child support enforcement programs. Introduced Jan. 25, 1983; referred to Ways and Means Committee. Hearings held in Public Assistance and Unemployment subcommittee, July 14, 1983. No further action.

HR.1014 (Biaggi, D-NY). Establishes bipartisan commission to study and determine the factors contributing to the high rate of nonpayment of child support and develops ways to improve and enforce such obligations. Introduced Jan.27, 1983; referred to Ways and Means Committee. No further action.

HR.3354 (Roukema, R-NJ). Provides for the collection of child support through mandatory wage withholding. Introduced June 16, 1983; referred to Ways and Means Committee. Hearings held in Public Assistance subcommittee, July 14. No further action.

HR.3545 (Campbell, R-SC). See S.1708. Introduced July 13, 1983; referred to Ways and Means subcommittee on Public Assistance and Unemployment Compensation, July 25. No further action.

HR.3546 (Conable, R-NY). The Administration's child support enforcement legislation. Introduced July 13, 1983; referred to Ways and Means Committee. No further action.

H.J.Res.273 (Biaggi, D-NY). Designates the month of August 1983 as "National Child Support Enforcement Month." Introduced May 18, 1983. Pending in subcommittee on Census and Population as of May 25, 1983.

B.OTHER ECONOMIC WOMEN-RELATED LEGISLATION

1) INDIVIDUAL RETIREMENT ACCOUNTS

Issue Definition

Currently, employed individuals may contribute up to $2000 per year to an Individual Retirement Account (IRA). A couple having a non-working spouse may jointly contribute only up to

$2250 per year to an IRA, thereby denying non-working spouses full IRA benefits. For non-working women this is a concern because of longer life expectancies and concern over retirement security.

Legislative Action/Status

S. Grassley, R-IA). Allows couples with a non-working spouse to contribute an amount equal to the contributions of two-earner couples, i.e., $4000. Introduced Jan. 27, 1983; referred to Finance Committee. No further action.

S.960 (Armstrong, R-CO). See. S.214. Introduced Apr. 6, 1983; referred to Finance Committee. No further action.

S.1434 (D'Amato, R-NY). Requires that the minimum interspousal IRA be $2,250 regardless of whether the lesser earning spouse has no income in an amount less than $250. Introduced June 8, 1983; referred to Finance Committee. No further action.

HR.351 (Roe, D-NJ). Permits married individuals filing a joint return to deduct certain payments to an IRA to be established for the benefit of a working spouse. Introduced Jan. 3, 1983; referred to Ways and Means Committee. No further action.

HR.2468 (Bereuter, R-NE). Provides that a spouse having less than $250 of compensation shall not be disqualified from having a spousal individual retirement account. Introduced Apr. 12, 1983; referred to Ways and Means Committee. No further action.

HR.3554 (Lewis, R-FL). The Women's Economic Parity Act. Reforms private pension plans, liberalizes IRA eligibility for non-working and part-time working women employees, establishes a displaced homemaker targeted tax credit, and provides a child care tax credit for women who perform substantial volunteer work. Introduced July 13, 1983; referred to Education and Ways and Means Committees. No further action.

2)WOMEN and JOBS

Issue Definition

Women are a substantial part of the workforce (40%). They work for the same reason as men -- economic necessity -- and feel they are entitled to an adequate share of federal dollars for job programs.

Legislative Action/Status

S.242 (Quayle, R-IN). Employment Opportunities Act of 1983. Provides $2 million in additional beds for job training and job creating programs. Introduced Jan. 27, 1983; referred to Labor and Human Resources Committee. Placed on Senate Calendar, pending vote.

S.266 (Metzenbaum, D-OH). Community Renewal Employment Act of 1983. Provides funds for training of women in low income and undeveloped areas. Introduced Jan. 27, 1983; referred to Labor and Human Resources Committee. No further action.

S.484 (Hatfield, OR). Appropriations for Productive Employment and humanitarian Assistance. Provides $4.4 billion for various jobs programs, job search assistance, and child care. Introduced Feb. 15, 1983; referred to Appropriations Committee. No further action.

S.493 (Kennedy, D-MA). Emergency Jobs Training and Assistance Act. Authorizes $7.3 billion in additional funds for jobs programs for FY83 and FY84. Introduced Feb. 16, 1983; referred to Labor and Human Resources Committee. No further action.

S.1124 (Stafford, R-VT). Work Incentive Act of 1983. Restores to women who work for low wages financial assistance provided by AFDC by repealing the "4-month" provision of the AFDC law to the Social Security Act that can cancel all benefits after four months of work. Introduced Apr. 21, 1983; referred to Finance Committee. No further action.

HR.1718 (Whitten, D-MS). Emergency Supplemental Appropriations, Fiscal 1983/Jobs. Provides $16,340,108,000 in FY83 supplemental appropriations, including $5.2 billion for emergency jobs and recession relief. Introduced Mar. l, 1983, became law, PL.98-8, Mar. 24, 1983.

3) OTHER

S.3 (Cranston, D-CA). Social Security Equity Act of 1983. Requires that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes. Introduced Jan. 26, 1983; referred to Finance Committee. No further action.

S.4 (Cranston, D-CA). Child Care Assistance Act of 1983. Provides assistance in providing child care for children living in homes with working parents. Introduced Jan. 26, 1983; referred to Labor and Human Resources Committee. No further action.

S.6 (Cranston, D-CA). Maternal and Child Health Act. Extends and improves Medicaid services to low-income children and pregnant women. Introduced Jan. 26, 1983; referred to Finance Committee. No further action.

S.7 (Cranston, D-CA). Medicaid Coverage for Pregnant Women. Extends Medicaid eligibility to certain low-income pregnant women and newborn children. Introduced Jan. 26, 1983; referred to Finance Committee. No further action.

S.177 (Inouye, D-HI). Nurse-Midwife Service. Provides for coverage under Medicare of services performed by a nurse-midwife. Introduced Jan. 26, 1983; referred to Finance Committee. Pending action in Government Affairs subcommittee as of Feb. l.

S.178 (Inouye, D-HI). Nurse-Midwife Service. Provides payments under government health plans for service of nurse-midwifes not employed in connection with a physician. Introduced Jan. 26, 1983; referred to Finance Committee. No further action.

S.572 (Dodd, D-CT). Emergency Assistance for Children. Restores cuts in health, nutrition and education programs for youths. Introduced Feb. 23, 1983; referred to Finance Committee. No further action.

S. 1124 (Stafford, R-VT). Restores work incentives to low-income working mothers under the Aid to Families with Dependent Children program. Introduced Apr. 21, 1983; referred to Finance Committee. No further action.

S.1381 (Levin, D-MI). Provides for a 6-month transitional benefit for widows, surviving divorced wives, whose spouse died while such individual was between ages of 55 and 60. Introduced May 25, 1983, referred to Finance Committee.

HR.246 (Pursell, R-MI). Allows divorced or widowed spouses to disregard the incomes of their previous spouse, and figure their tax liability on just their own income. Introduced Jan. 3, 1983; referred to Ways and Means Committee. No further action.

HR.338 (Roe, D-NJ). Provides that divorced spouses may qualify for benefits on the basis of a marriage which lasted for as few as five years, rather than the current 10, in the case of certain late-life divorces. Introduced Jan. 3, 1983; referred to Ways and Means. No further action.

HR.1468 (Jacobs, D-IN). Provides that surviving divorced wives, as well as widows, may marry after attaining age 60 without affecting their entitlement to widow's insurance benefits. Introduced Feb. 15, 1983; became law, PL.98-2l, Apr. 20, 1983.

HR.2422 (Albosta, D-MI). Provides that each state must establish a job fair program for recipients of AFDC, food stamps, and public housing programs as a condition of the State's eligibility for federal assistance with these programs. Introduced Apr. 7, 1983; referred to Agriculture, Banking, Education and Labor, and Ways and Means Committees. No further action.

HR.2651 (Mikulski, D-MD). Provides payments under government health plans for services of nurse-midwives. Introduced Apr. 20, 1983; referred to Civil Service subcommittee on Compensation. No further action.

HR.2652 (Mikulski, D-MD). Provides for coverage under Medicare of services performed by nurse-midwives. Introduced Apr. 22, 1983; referred to Ways and Means subcommittee on Health and Energy, and on Energy and Commerce subcommittee on Health and Environment, Apr. 26, 1983. No further action.

HR.3574 (Kennelly, D-CT). Eliminates the current restrictions on the payment of AFDC benefits to pregnant women. Introduced July 14, 1983; referred to Ways and Means Committee. No further action.

HR.3613 (Oberstar, D-MN). Provides that an individual may become entitled to widow's or widower’s insurance on the basis of disability without a waiting period if the individual is also entitled to disability insurance benefits. Introduced July 20, 1983; referred to Ways and Means Committee. No further action.

HR.3686 (Bilirakis, R-FL). Provides benefits under the survivor benefit plan to surviving spouses of certain members of the Armed Forces retired before Sept. 21, 1972. Introduced July 28, 1983; referred to Armed Services Committee. No further action.

C.NON-ECONOMIC WOMEN-RELATED LEGISLATION

1) ERA

Issue Definition

An Equal Rights Amendment guarantees equality to women is unequivocally affirmed to all.

Legislative Action/Status

S.J.Res.10 (Tsongas-D-MA). Equal Rights Amendment. Amends the Constitution to provide equal rights for men and women. Introduced Jan. 26, 1983; referred to Judiciary subcommittee on the Constitution, hearings held May 26-Sept. 13. No further action.

H.J.Res.1 (Rodino, D-NJ). Same as S.J.Res.10. Introduced Jan. 3, 1983; referred to Judiciary Committee. No further action.

H.J.Res.66 (Kindness, R-OH). Amends the Constitution to provide that equality of rights shall not be denied on account of sex. Introduced Jan. 6, 1983; referred to Judiciary Committee. No further action.

2) ABORTION

Legislative Action/Status

S.J.Res.3 (Hatch, R-UT). The Human Life Federalism Amendment. Amends the Constitution to establish legislative authority In Congress and the States with respect to abortion. Introduced Jan. 26, 1983; referred to Judiciary Committee. Rejected in the Senate 49-50 ( R:34-19, D:15-31 ), June 28, 1983.

S.J.Res.4 (Baker, R-TN for Garn, R-UT). Amendment to protect life of the unborn. Introduced Jan. 26, 1983; referred to Judiciary Committee. No further action.

S.J.Res.8 (Helms, R-NC). Right to Life. Amendment to guarantee the right to life. Condemns the 1973 Supreme Court decision in Roe v. Wade and defines the beginning of human life at conception and extends all human rights to all humans. Introduced Jan. 26, 1983; referred to Judiciary Committee. No further action.

S.J.Res.9 (Helms, R-NC). Unity Right to Life. Amendment to protect the right to life; protects the life of the unborn. Introduced Jan. 26, 1983; referred to Judiciary Committee. No further action.

S.J.Res.13 (Helms, R-NC). Amendment to protect right of life to the unborn. Introduced Jan. 26, 1983; referred to Judiciary Committee. No further action.

S.26 (Helms, R-NC). Legal Protection for Unborn Human Beings. Introduced Jan. 26, 1583, referred to Judiciary Committee. No further action.

S.467 (Jepsen, R-IA). Respect Human Life Act of 1983. Prohibits federal involvement in the performance of abortions, except when the life of the mother would be endangered if the child were carried to term. Introduced Feb. 3, 1983: referred to Government Affairs Committee. No further action.

H.J.Res.84 (Hyde, R-IL). same as S.J.Res.13. Introduced Jan. 25, 1983; referred to Judiciary Committee. No further action.

3) OTHER

S.Res.149 (Dodd, D-CT). Expresses the sense that Title IX of the Education Amendments of 1972 should not be amended in any manner which will lessen the comprehensive coverage of such title in eliminating gender discrimination in the educational system. Introduced May 17, 1983; referred to Labor and Human Resources Committee. No further action.

S.J.Res.37 (Hatch, R-UT). Women's History Week. Provides that the week containing March 8 of 1983, 1984, and 1985 shall be designated as "Women's History Week." Introduced Feb. 17, 1983; referred to Judiciary Committee. Became law, PL.98-3, March 8, 1983.

HR.1131 (Kramer, D-CO). Establishes gender as a suspect classification, under the equal protection clause of the 14th Amendment, in order to establish a uniform nationwide standard governing classifications based on gender. Introduced Feb. 9, 1983; referred to Judiciary subcommittee on Civil and Constitutional Rights. No further action.

HR.1397 (Mikulski, D-MD). Provides federal support and encouragement of state, local, and community activities to prevent domestic violence and assist victims of this violence. Introduced Mar. 9, 1983; referred to Education and Labor subcommittee on Select Education. No further action.

HR.1527 (Green, R-NY). Eliminates certain gender-based distinctions in the U.S. Code. Introduced March 3, referred to Judiciary subcommittee on Civil and Constitutional Rights. No further action.

HR.3180 (Erlenborn, R-IL). Repeals the separate statutory authority for the Summer Food Care program, the Child Care Food program, and the Nutrition Education and Training program, in lieu of a General Nutrition Assistance program (the Administration's proposal). Introduced June 1, 1983; referred to Agriculture and Education and Labor Committees. No further action.

H.J.Res.230 (Nelson, D-FL). Amendment providing equal rights for men and women; prohibits homosexual marriages and the military drafting of women. Introduced Apr. 11, 1983; referred to Judiciary subcommittee on Civil and Constitutional Rights. No further action.

H.J.Res.274 (Jeffords, R-VT). Proposes an Equal Rights Amendment, but stipulates that Congress and the President shall determine matters involving conscriptive military service and combat. Introduced May 18, 1983; referred to Judiciary Committee. No further action.

H.Res.190 (Schneider, R-RI). Reaffirms the broad and comprehensive coverage of Title IX of the Education Amendments of 1972. Introduced May 10, 1983; referred to Education and Labor Committee. No further action.

97th CONGRESS

MAJOR WOMEN-RELATED LEGISLATION

S.888 (Durenberger, R-MN). Economic Equity Act. A package of several bills introduced as one and aimed at reducing economic discrimination against women. Introduced April 7, 1981; referred to and died in Finance Committee. Reintroduced in 98th Congress, Mar. 14, 1983.

S.3008 (Dole, R-KS). Eliminates gender-based distinctions in the U.S. Code. Introduced Oct. 1, 1982; referred to and died in Judiciary subcommittee on Courts, Oct. 29. Reintroduced in 98th Congress as S.501, Feb. 16, 1983.

HR.4242 (Rostenkowski, D-IL). Economic Recovery Tax Act of 1981. The major Republican “tax cut" bill. Among its provisions, this act reduced tax rates, introduced tax indexing, adjusted and reduced the “marriage penalty," increased the tax credit for child care expenses, increased maximum amount for contributions to Individual Retirement Accounts, and increased amount of estate and gift tax exemptions. Signed into law, PL.97-34, August 13, 1981.

S.2248 (Tower, R-TX). FY83 DOD Authorization Act. Title X of this act establishes procedures for the division of military pension after divorce. Passed and signed into law, PL. 97-252, Sept. 8, 1982.

S.2422 (Inouye, D-HI). Provides equitable sharing by the spouses of qualified CIA officers in retirement benefits earned as a result of service with the Agency. Incorporated into HR.6068, Intelligence Authorization Act. Signed into law, PL.97-269, Sept. 27, 1982.

S.3034 (Cranston, D-CA). Social Security Equity Act. Requires that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes. Died in Finance Committee.

HR.1513 (Oakar, D-OH. Social Security Modernization Act. Identical to S.3034. Died In Ways and Means subcommittee on Social Security.

S.2240 (Stevens, R-AK). The Federal Employees Flexible and Compressed Work Schedules Act of 1982 - Permits federal employees to arrive for and depart from work at varying times so that working parents can structure their work schedules to best attend to their children's needs. Became law, PL.97-221, July 23, 1983.

S.1090 (Denton, D-AL). Adolescent Family Life Demonstration Projects. Authorizes $30 million annually for each of next 3 years to provide teenagers with prenatal care and counseling, and prevention services to discourage premarital sexual activity. Signed into law, PL.97-35, August 13, 1981.

S.1701 (Hawkins, R-FL). Missing Children Act. Requires Attorney General to acquire, collect, Classify, and preserve information which would assist in identifying otherwise unidentifiable bodies. Incorporated into HR.6976 (Simon, D-IL). Became law, PL.97-222, Oct.12, 1982.

Washington Post, Saturday, August 27, 1983

Women’s ‘Greatest Political Opportunity... Rests With the Republican Party’

Excerpts of President Reagan's speech to the Republican Women's Leadership Forum yesterday in San Diego:

I’m proud that this administration has continued the tradition of political opportunity for women. Just look at the record. For the first time in history, three women serve in the Cabinet of the United States-Secretary [of Transportation Elizabeth Hanford] Dole, Secretary [f Health and Human Services Margaret M.] Heckler, and Ambassador [to the United Nations Jeane J.| Kirkpatrick ....

We've also appointed more women to top policy-making positions in our first two years than any previous administration has in a similar period. And we have appointed more than 1,200 women to executive positions throughout the government ....We appointed the first woman to the Supreme Court. What all this adds up to is clear: the greatest political opportunity for women in this country-real progress rather than words and promises-rests with the Republican Party.

What some cannot accept is that women are not a monolithic group. Women in the 1980s are a diverse majority with varied interests and varied futures. Some seek to start their own businesses. Some seek to advance in their chosen careers. Some seek to focus on the home and family. Some seek political office. And some women seek to do all those things.

We must meet these needs in different ways.

For women whose former husbands are delinquent in child-support payments, we’ve proposed strengthening the Federal Child Support Enforcement System.

For women receiving Aid to Families with Dependent Children, we've increased training opportunities that will help them secure permanent, productive jobs. Our Job Training Partnership Act, which replaces the discredited CETA Program, specifically targets these women as a group that must be served.

For women and men working in the federal government, I signed into law the bill extending flexible work hours, but this especially helps women who are holding down a job and raising a family.

For all women, we've provided various forms of tax relief. We've greatly

reduced the income-tax marriage penalty and increased-almost doubled- the maximum child-care tax credit for working mothers. We've expanded participation in IRA accounts, benefiting women whether they work at home or in paid jobs.

And we're acting to remedy the inequity some women suffer in pension programs. Of course, we've also virtually eliminated what was once known as the “widow's tax"-the estate taxes levied on a surviving spouse. This has special benefit to those with family farms and small businesses where women have been hard-working partners,

But I know your interests range far beyond what are narrowly called “women's issues.” Women are interested in the very same issues that interest men-those that affect the peace and prosperity of this nation....

When we got to Washington, inflation was running at double-digit levels.... Inflation was taking an especially serious toll on those on fixed incomes, a disproportionate number of whom are women.... Well, we have reduced that inflation to 2.4 percent for the last 12 months, the lowest 12-month rate in over 17 years ....

We cut the prime interest rate from 21 1/2 percent to 11 percent. There will be a little jiggling up and down but, if the Congress acts responsibly, rates will continue to decline.

... Following five years in which the federal tax take doubled, we came in and reduced personal income tax rates by 25 percent across the board. And soon they will be indexed so that the federal government will never again profit from inflation at the people’s expense.

The cumulative effect of all our economic efforts is now being felt. As they say down at Cape Canaveral, we have lift-off. Our economy is lifting off and it's because of the policies we've been pursuing over the past 2 1/2 years.

Consumer confidence and spending are up. Productivity is up. Industrial production, retail sales, auto sales, housing and construction are all up since the beginning of the year. Last quarter, the economy grew at an annual rate of 9.2 percent, a much bigger jump than expected.

Unemployment, of course, is the last of the major indicators to show improvement. The rate is still too high, but last month we achieved the biggest monthly drop in almost 24 years.

Nearly 2 million new jobs have been added to the economy since the first of the year. And the unemployment rate for adult women has dropped from 9.2 percent in December to 7.9 percent today.

A majority of new jobs created in the next decade will be filled by women. And I'm very optimistic about women's business ownership. There are almost 3 million women-owned businesses in the United States, and their number is growing dramatically-substantially faster than men’s in recent years ....

At this point in the pursuit of equality, economic opportunity provides the greatest, most immediate advancement for women. It’s economic recovery that will move women forward the fastest. It’s economic recovery that will produce more options for women than anything else. ...

Now certainly economic opportunity does not guarantee equal opportunity. There are laws already on the hooks to safeguard the rights of women. Those laws must be enforced. Some must be strengthened.

I think it's time to cut through the fog of demagoguery that surrounds this whole issue. All of us are interested in one goal: ensuring legal equity for women.

At my direction, by executive order, our administration started by making a comprehensive search of federal laws and regulations that unfairly differentiate on the basis of sex.

I initiated this because I believe it's important. And contrary to what you might have heard or read, that process is going forward. After receiving a preliminary report, we worked with Sen. [Robert J.] Dole on legislation that will make many of the necessary corrections recommended by the report.

Recently the third quarterly report was submitted for review to the Cabinet Council on Legal Policy. I have directed the Justice Department and the Cabinet Council to accelerate their review of federal laws and to have specific recommendations on my desk for discussion immediately upon my return to Washington.

In addition to the review of federal laws, I initiated a project to encourage the states to review their own laws.

Of course, the federal government could not and should not tell the states what to do but, if the states are not moving fast enough, you who live in the states can help. Let the state know, let us know where we can make faster progress.

October 9, 1983

Push for Woman on Ticket Goes Beyond Anti-Reaganism

Democrats, Too, Face a Gender Gap

By ADAM CLYMER

For nearly two years, the fact that women like Ronald Reagan less than men do has frustrated Republicans and cheered Democrats. And when Democratic women began last weekend to press seriously their claim for a Vice Presidential nomination, the occasion got far less attention “gender gap” is not solely a Republican concern.

Not only does the gender gap mean that women vote more heavily for Democrats than Republicans, which is the Republican problem. It also means they are beginning to expect a return from the Democrats, not just speeches about issues they hold dear but also offices and power.

The available evidence shows no lessening of the trend Republicans worry about. In the most recent New York Times/ CBS News Poll, 53 percent of men but just 39 percent of women said they approved of Mr. Reagan's handling of his job. But one corollary of that imbalance has largely gone unnoticed. In 1980, women cast nearly three-fifths of the votes Jimmy Carter got. In 1983, Democratic women are using such statistics to argue that the party owes them.

Whether or not they get either a Vice Presidential nomination or even the "serious consideration" which the men running for President in 1984 promise them, it is likely that they will be heard from, even more insistently, in 1988. Ann F. Lewis, political director of the Democratic National Committee, predicted last week that "1984 will be the last year that all the candidates for President will be male."

But for 1984 itself, the male roster of candidates and near candidates finds the whole area tricky. Senator John Glenn was booed when he tried to tell the National Organization of Women that ‘‘we all loafed on the E.R.A. too much.”’ The women thought he meant them and were furious. Then the Vice President whom the women want to run against, George Bush, called the Democrats' courting of NOW "degrading." The organization said that proved once again the Administration doesn’t take women seriously. Mr. Reagan sought a safer harbor in Louisville, Ky., Friday, when he told the adulatory National Federation of Republican Women that "because we're looking for the best, we've appointed many women to key jobs" and that he wanted to see more of them in Congress.

The phenomenon that gave the Democratic women assembled at NOW’s convention the opportunity to ask for the Vice Presidential nomination is imperfectly understood. Poll takers and politicians have groped for explanations, usually seeing the roots of increasing Democratic tendencies in fears about Mr. Reagan as someone who risks war and as a politician lacking in compassion, especially in economic matters.

Public Explanations

That same Times/CBS News Poll sought explanations from another source, the public. It found evidence of additional reasons for the differences. It found a considerable measure of personal antagonism among women for Mr. Reagan himself. But it also recorded what his aides have argued is part of the explanation - that men like Mr. Reagan's style and personality.

Twenty-one percent of the men in the poll answered yes when asked “Is there anything about Ronald Reagan that appeals to you, as a man, that wouldn't necessarily appeal to a woman?”’ The answers were scattered, but focused on toughness and his general style.

They talked of his support for a stronger defense, of his old-fashioned views and often of his old-fashioned views and often of his opposition to the Equal Rights Amendment. A 66-year-old Washington state man said he liked Mr. Reagan because ‘‘he’s trying to build up our defenses.'’ While women might want to ‘‘pull out”’ of a foreign involvement, he said, ‘‘men know the danger." Adjectives like "outspoken" and "tough" and "firm" came up repeatedly. A young Missouri Republican said what he liked was the President's "old fashioned view of the role of men and women in our society.”

At the same time, 26 percent of the women polled said yes when asked ‘Is there anything about Ronald Reagan that bothers you, as a woman, that wouldn’t necessarily bother a man?" Again, the answers were scattered. But more than a third dealt in one way or another with the ‘‘women’s issues"’ that most analysts feel have played only a very minor part in the development of the diverging political attitudes.

A Wisconsin woman, a 35-year-old independent-leaning Republican who said in general she approved of how he handled his job, complained of ‘‘the way he has dealt with women." A 63-year-old Missouri Republican who also approved generally said she was bothered by the President’s ‘‘making outlandish remarks on women.” A 73-year-old Iowa widow, another Republican, gave the poll takers’ textbook answer: ‘‘He has no compassion for the needy and this is generally more important to women than men.”’

Asked to explain why Mr. Reagan was more popular with men than women, quite a few respondents answered with hostility toward the other sex. A young New Jersey woman said the President appealed to men because he was a

“sexist, chauvinistic old man.” A 39-year-old Arizona man said Mr. Reagan was better off with men than women because he "thinks with logic, not emotions." And for simplicity of expression, it would be hard to top these two explanations: "Because men don’t know any better," from another New Jersey woman; "Women are irrational,” from a man in Wisconsin.

Further efforts toward getting a woman on the Democratic ticket would probably spur that hostility, which appeared most strongly among men who approve of Mr. Reagan's job performance. That might be a high price for an office that even under Mr. Bush has little more than symbolic authority. But it’s a step, and to women politicians an important one, in considerable measure as a way to break through some stereotypes. The same poll of 1,587 adults, after all, asked if anyone "active in public life now" had the qualities of an ideal President. Everyone from Mr. Reagan to local ward leaders, from George Washington to God to George Burns, was mentioned. But only three respondents picked women.

Equal benefits for women

The US Supreme Court's pension decision may be narrowly viewed as another measured step forward in the drive of women for equality in all aspects of American society- and particularly for economic equality. Its broader significance is that it forces employers further in the direction of viewing all their employees as individuals, rather than considering people as a group - a crucial element in the court's action. Insurance companies now must be permitted the higher pension premiums almost surely needed to finance this decision. But it is essential that state insurance regulatory agencies be vigilant in protecting the public’s interest - and insist that the increases be only what is really necessary.

In a 5-4 decision the court ruled that it is not legal for men to get higher monthly pension annuity benefits than women if they pay in the same amount for premiums.

This differentiation had been based on actuarial tables, which showed that women as a group live longer than men. As a consequence, insurance companies had argued, over their total lifespans women on average would collect as much pension money as men, though the monthly income differed.

The court majority held this differentiation was not legally proper. Justice Thurgood Marshall, writing the majority opinion, embraced an earlier high court ruling. He said it "squarely rejected the notion that, because women as a class live longer than men, an employer may adopt a retirement plan that treats every individual woman less favorably than every individual man."

Actuarial tables could find life expectancy differences based on race or national origin, he noted, as well as sex. He added that it would be "unlawful to use race-based actuarial tables" - thus it is unlawful to use tables based on sex.

Moving now through Congress are a number of bills which sponsors say would correct many economic inequities against women- the total package often called the Economic Equity Act. The bills include further pension

reform, higher tax credits for day-care services, and moves to force fathers to contribute court-ordered child support.

With 1984 an election year and both parties especially aware of the ballot-box clout of women, at least some of these proposals are considered to have a reasonable prospect of passage. Some congressional supporters of

these bills felt at first glance that the court decision modestly advanced their cause, if only by "keeping the issues alive" during a congressional recess, as one put it.

For women to achieve complete equity in the marketplace other steps also need to be taken which do not require legislation. One is to see that qualified women are seriously considered for executive positions. Another- increasingly a long-term aim of some women activists - is to raise the salary for skilled jobs traditionally filled by women, such as teaching, social work, and positions in good day-care centers, so that it is comparable to the pay in other fields which require similar amounts of training and demonstrated skill.

Christian Science Monitor, July 8, 1983

The New York Times, Monday, October 3, 1983

Earnings Gap is Narrowing Slightly for Women

By Robert Pear

Special to The New York Times

WASHINGTON, Oct. 2- The difference in earnings for women and men has narrowed slightly, according to new data from the Census Bureau, but women working year-round at full-time jobs still earn only 62 percent of what men make.

Women working full time last year and median annual earnings of $13, 014, was against a median of $21, 077 for men, the bureau reported. Half of any group has income above the median, and half was below it.

Despite steady growth in the number of working women over the last two decades, there was little change in the ratio of women's earnings to men's earnings. It fluctuated in the range of 57(?) to 60 percent until last year, when it rose to 62 percent.

Change Considered Significant

Labor Department economists said they did not consider the small fluctuations in the 1960's and 70's to be meaningful, but that they regarded the recent change as more significant. The department cited another statistic to show an even further reduction in the earnings disparity between men and women. The Bureau of Labor Statistics recently reported that full-time working women had median earnings of $253 a week in the second quarter of 1983. This was 66 percent of the median earnings for men. This ratio has risen about one percentage point a year since the Government began collecting such data in 1979.

Women are less likely than men to work year-round, so the difference in earnings is somewhat larger when the Government compares earnings for a full year rather than a three-month period.

Howard Hayghe, an economist at the Bureau of Labor Statistics, suggested two reasons for the narrowing of the gap between male and female earnings: the effects of equal employment opportunity laws, which bar discrimination on the basis of sex, and the slow entry of women into higher-paying occupations.

Also, Labor Department economists said the recession had had more of an adverse effect on men's wages than on women's. They noted that men dominated the work force in many industries particularly hard hit by the recession, such as steel and automobile manufacturing.

Demands Made for Equity

The continuing disparity between male and female earnings has led some women's groups and labor unions to step up demands for pay equity. A Federal judge rules last month that the State of Washington had violated civil rights laws by paying women less than men who performed jobs of comparable worth.

Other states have begun to worry about similar lawsuits. In comparing the worth of various jobs, personnel specialists typically points based on the knowledge and skills required and the amount of responsibility associated with the jobs.

In 1960, 23 million women, representing 38 percent of all women aged 16 and older, were in the labor force, according to the Bureau of Labor Statistics. Today more than 49 million women, representing 53 percent of all adult women, are in the labor force.

But, according to Janet L. Norwood, the Commissioner of Labor Statistics, "most women continue to work in the country's lowest paying industries," such as clothing and textile products. In the long run, she said, changes in the structure of the nation's economy could further reduce the gap between male and female earnings. Many men have lost high-wage jobs in manufacturing industries, she noted, and "some of today's jobs requiring little training and skill at the low end of the pay scale are being displaced by new technology."

Movement into Computer Field

The use of computer technology in the telecommunications industry led to a 30 percent decline in the number of women employed as telephone operators in the last decade, according to the Bureau of Labor Statistics.

Women are moving into better-paid professional jobs as computer programmers and computer systems analysts. The number of women in such jobs jumped to 203,000 in 1982 from 45,000 in 1972, and women now account for 30 percent of the workers in those categories. The number of women employed in clerical jobs as computer operators grew fivefold, to 372,200(?) in 1982, and women now account for 63 percent of all such operators.

Economists said that part of the difference in earnings between men and women was due to the fact that women had less seniority in many jobs, especially the better-paying occupations. However, the disparity was found at every level of educational achievement. Whether they were college graduates or high school dropouts, women on the average earned less than two-thirds of what their male counterparts were paid.

The Labor Department said that in the last three years, the earnings difference had narrowed more rapidly for younger than for older women. "In 1982," it said, "women 16 to 24 years old earned 82 percent as much as men of the same age, compared with 76 percent in 1979."

Despite these changes, the Census Bureau estimates that of all the women who worked last year at full-time or part-time jobs, only 10 percent earned more than $20,000. On college faculties, in Government circles and in big cities, there are growing numbers of couples where both husband and wife are professionals earning relatively high salaries. But such couples are relatively rare in the total work force, where one-third of working women still hold clerical jobs.

Census data show that wives are more likely to work as the husbands' income rises from $3,000 to $5,000 a year, 34 percent of the wives are working or looking for work. In families where the husband makes $15,000 to $20,000 a year, 60 percent of the wives are in the labor force. But as the husband's income rises above $20,000, the women are less and less likely to work.

Small Earnings Range

Working wives make a substantial contribution to family income, the Bureau of Labor Statistics says. For families with husband and wife both working, but no other earners in the home, the median income was $29,100(?) last year. This was 28 percent more than the $23,000 median for families where the husband was the only earner.

At present, full-time working wives tend to have earnings concentrated in a small range, from $9,000 to $17,000 a year, regardless of whether their husbands make a lot of money or a little, the census data show.

The entry of women into the labor force has generated an intense debate over this question: Do working wives cause greater inequality in the distribution of family incomes? Those who have most closely studied the question say the answer is no.

Francis W. Horvath, an economist at the Bureau of Labor Statistics, said: "Working wives move the aggregate family earnings distribution toward greater equality. The distribution of family earnings has shown more relative equality than the distribution of husbands' earnings. Despite larger numbers of wives from higher income families in the labor force, working wives still tend to be an equalizing force on the distribution of family earnings."

This, he said, is likely to remain true until the earnings distribution of women begins to spread out and resemble the earnings distribution for men.

Threatened by Success

Barbara R. Bergmann, a professor of economics at the University of Maryland, said the argument that working wives increased family income inequality had been made by men who "felt threatened by the increasing economic independence and success of women."

"It's amazing that it has taken so long for the entry of women into business management, medicine and the law to cause a significant change in the ratio of women's to men's earnings," Professor Bergmann said. Even in these occupations, women earn less than men, partly because they have less seniority, economists said. Median earnings for male lawyers last year were $863(?) a week, or 33 percent more than the median for female lawyers.

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Toward a New ERA?

Lincoln C. Oliphant

The Equal Rights Amendment is dead. But the faithful, led by Tip O'Neill in the House, Paul Tsongas in the Senate, and Judy Goldsmith in the streets, have begun calling it to arise, Lazarus-like, to five again. On May 26, the prayers of the faithful were partially answered, when the Senate Subcommittee on the Constitution began hearings on S. J. Res. 10/H. J. Res. 1: the same Equal Rights Amendment that was first proposed in 1972. A two-thirds vote in each House would reanimate this once-dead amendment, although three-fourths of the state legislatures would then need to adopt it for it to become part of the Constitution.

Amending the Constitution is just shy of impossible. Of some nine thousand constitutional amendments that have been introduced in Congress, only 26 have been ratified-11 of them in the eighteenth century. Generally, conservatives do not favor amending the Constitution, and the proposed 1972 Equal Rights Amendment was particularly ill-favored. But should opponents of that ERA oppose every amendment that would set a constitutional! standard for sex-based classifications? Perhaps not.

Equal-rights amendments are not all created equal. One can see the need for an ERA without having any particular affection for the version that sprang forth in the spring of 1972-a version that was itself different from the original proposal of 1923. The 1972 version had more infirmities than strengths. yet it was not without the latter. Foremost among its strengths was an ability to express quite starkly a broad principle of equality that made many friends for the amendment. Ironically, some of these ostensible friends were responsible for the amendment's demise.

In addition, the infirmities of the 1972 amendment made it many enemies. It left gaping holes to be filled by the federal judiciary, and while some hole-filling is inevitable, the people-whose Constitution it is-ought to minimize the opportunities for judicial governance. When a Senate subcommittee asked about the meaning of the 1972 amendment, its chief Senate sponsor, Paul Tsongas of Massachusetts, could only repeat, “The courts will decide... the courts will decide... the courts will decide...” Yet in many highly sensitive areas where the meaning of the 1972 amendment was reasonably discernible, it would have set bad rules in constitutional concrete. The amendment was, in other words, both too vague and too specific, in the sense that its specifics were wrongly chosen. This seemingly contradictory criticism helps to explain the confusion about the meaning of the 1972 amendment, and the charges and countercharges exchanged during ten years of rancorous debate.

It also suggests that the 1972 Equal Rights Amendment ought to remain interred. Does this mean that there will be no Equal Rights Amendment at all? For now, it means exactly that. But, in the long run, we must ask ourselves if we are content with the status quo. The status quo is that the Supreme Court makes up sex-discrimination rules out of whole cloth.

Indeed, the current rules vary from case to case. Most recently, the Court has upheld some laws that classify persons according to sex, but only when the government can advance an “exceedingly persuasive” justification for such classifications. This rule is about right, in my judgment, but it cannot be said to be grounded in the original understanding of the Fourteenth Amendment or any other provision of the Constitution. Though the Court had no business doing so, it has done an admirable job of rulemaking. Had it not, the 1972 ERA would today be the law of the land. The Court-created rules substantially reduced the felt need for an equal-rights amendment.

Since the current rules are more the Court's than the Constitution's, however, they are the Court's to change. Change will not occur haphazardly, for the Court has its precedents. But trusting the status quo is trusting the Court with its own rules. To propose and adopt a new amendment would be to entrust the Court with the people's ratified rule. There is risk in both alternatives, but that is the point: accepting the status quo is not a risk-free alternative.

A new equal-rights amendment should deal with fundamental questions about the nature of men and women, about the nature of equality, and about American constitutional government differently from the way the 1972 amendment did. The general rule of the 1972 amendment was that “sex should not be a factor in determining the legal rights of men or of women.” Most Americans, while agreeing that in most cases sex should be irrelevant, would stop short of such an absolute rule. The gap between mostly not and never, while not wide, can be deep, and brimful of the most important questions facing the human race.

If the best rule is not an absolute one, then it will be one anchored in an equality that recognizes important differences between the sexes.

742 National Review/ June 24, 1983 Mr. Oliphant, a lawyer, is on the staff of the Republican Policy Committee of the U.S. Senate.

The new rule should partake of the sort of insight shown by Professor Elizabeth H. Wolgast in her book, Equality and the Rights of Women:

Justice requires men and women to be treated differently, not in all areas but in some important ones. It is not just a curious fact that men never bear babies. Nor do women bear them because society teaches them how and insists they do, while guarding this knowledge from men. And from this difference other consequences flow. A good society will acknowledge the differences, treating them with respect and fairness and accommodating institutions to the human condition. To proceed otherwise is to imitate Procrustes, who invited guests to spend the night and then cut them down or stretched them to fit his bed. It is to be guided by a strange sense of priorities.

Under an equal-rights amendment grounded in reality rather than in ideology, sex classifications would be carefully scrutinized but not always prohibited. A classification by sex ought to be permissible, for example. if its real effect is to bring about more equal treatment. The 1972 ERA seems to require a blind indifference to sex under the banner of fairness and equality.

For instance, the National Organization for Women (NOW), currently led by Judy Goldsmith, opposes the use of sex-based actuarial tables in insurance plans. The ERA would have eliminated this evil, NOW says. Of course there are real differences between women as a group and men as a group. Young women, as a group, are better drivers than young men. Women, as a group, live longer than men. The lifespan of any woman or any man is unknowable, but the best possible way to treat her or him fairly is to use all available data, including statistical data. NOW complains that this is stereotyping, not enlightened thinking, and it is currently litigating its complaints under the 1964 Civil Rights Act (by the time this article is published, the Supreme Court may have decided the issue as regards pensions); but in the words of Chief Justice Burger (in dissent), “This is in no sense a failure to treat women as ‘individuals.’ . . . It is to treat them as individually as it is possible to do in the face of the unknowable length of each individual life.” Eliminating sex-based actuarial tables is also likely to increase the total insurance costs women will have to pay.

The idea that men and women can be importantly different without being fundamentally unequal is the necessary starting-point for all serious analysis of how to achieve equal rights between the sexes. Rather than a Procrustean rule, a new amendment should offer the flexibility of equal protection under the laws. The difference between these two concepts was illustrated in a recent 5 to 4 decision of the Washington State Supreme Court.

An old (1927) Washington state law requires each of its political parties to be governed by a state central committee. This committee is composed of two members from each county, one man and one woman. The chairman and vice chairman of the state central committee are to be of opposite sexes. The law was challenged under the state's Equal Rights Amendment. Five justices upheld the law, holding that “while there is certainly a classification [by sex], there is equality of treatment and this is sufficient to meet the requirements of the Equal Rights Amendment.” Four justices dissented, writing, “The Equal Rights Amendment... absolutely forbids any classifications of persons based on sex.”

The four dissenters in this case are quite clearly in accord with the stated objective of the 1972 Equal Rights Amendment. Unlike that amendment, a properly drawn national amendment would tolerate the Washington law. The women of Washington and the 49 other states should consider such matters when contemplating their participation in political life and their support for a federal equal-rights amendment.

Even more fundamentally, the 1972 Equal Rights Amendment contradicted certain important heterosexual rights. We live in a heterosexual society based on heterosexual values. Correspondingly, we have established various heterosexual rights, the most important of which pertain to marriage. But heterosexual rights cannot be consistent with a constitutional amendment that prohibits all sex-based classifications.

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The ideal non-heterosexual, non-sexist society has been described by Professor Richard Wasserstrom:

If a non-sexist society is a society in which one's sex is no more significant than eye color in our society today, then laws which require the persons who are getting married to be of different sexes would clearly be sexist laws. [The] typical adult in this kind of non-sexist society would be... indifferent to the sexual, physiological differences of other persons for all significant interpersonal relationships. Bisexuality, not heterosexuality or homosexuality, would be the typical intimate, sexual relationship in the ideal society that was assimilationist in respect to sex.

Would the 1972 Equal Rights Amendment have created a society like the one Wasserstrom describes-one that is “assimilationist in respect to sex”? No, if for no other reason than that human heterosexuality runs deeper than does positive law. But the 1972 amendment would have undermined the legal foundations of a heterosexual society because a heterosexual society requires some classifications by sex.

Some supporters of the 1972 version argue that it does not conflict with legal preferences for heterosexuality because it contains two inherent exceptions to the general rule against all sex classifications. The first exception, these supporters say, permits classifications based on physical characteristics unique to one sex and “closely, directly, and narrowly confined” to the unique characteristic. The second alleged exception is for privacy. Doubts have been raised about the real existence of these exceptions. The doubts began when the Senate flatly rejected Senator Sam Ervin's proposed amendments to the 1972 ERA that would have included in the language of the amendment specific exceptions for privacy and unique physical characteristics. Doubt is all too natural when proponents of a measure refuse to spell out what they aver is there implicitly. If an exception is really there, sub silentio, why not remove all doubt by writing it down? I have never heard a satisfactory answer to that question.

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If the 1972 version permits exceptions for unique physical characteristics, the exceptions are few indeed, and mostly irrelevant. Laws affecting sperm banks and wet nurses are the favorite examples of the amendment’s advocates. Sperm-bank and wet-nurse laws hardly scem to go to the heart of the polity's concerns, however. Consider instead the example of statutory rape.

Michael M. was charged under California law with the statutory rape of Sharon, a 16-year-old. Michael M. challenged the constitutionality of the law because it was sex-specific (“Sexual intercourse accomplished with a female not the wife of the perpetrator, where the female is under the age of 18 years”). He lost in both the California Supreme Court and the United States Supreme Court, but not for lack of powerful frends. The Women's Legal Defense Fund (WLDF) and the American Civil Liberties Union (ACLU) urged, with Mr. M., that the California law was unconstitutional under the Equal Protection Clause of the Fourteenth Amendment.

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By one vote, the U.S. Supreme Court disagreed. If the litigation had taken place within the framework of the 1972 Equal Rights Amendment rather than the Equal Protection Clause. the statute would almost certainly have fallen.

There are reasons for treating young men and young women differently in matters such as statutory rape, but the 1972 ERA would not have countenanced these reasons. Some of the reasons that different treatment should be constitutionally permissible were explained by the Solicitor General of the United States in the Carter Administration, who came to the defense of the California statute: “Young men and young women are not similarly situated with regard to the problems and risks of sexual intercourse,” because only women can become pregnant. There are “dramatic biological distinctions between prepubescent males and females” that expose the young female, but not the young male, to serious physical injury and the risk of later illness such as cervical cancer. Females may be engaged in sexual intercourse while still very young; very young males are generally incapable of intercourse. “Sexual assaults on young females are a far greater problem than sexual assaults on young males.” And carnal-knowledge and statutory-rape laws “facilitate the prosecution of forcible rapes involving young victims” where, as in the Michael M. case, there are serious evidentiary problems that would make forcible rape difficult to prove.

As noted, part of the justification for the statute was based on a "unique physical characteristic": only females can become pregnant. (The WLDF thought this was a ruse because "only penetration and not emission is necessary to complete the crime..." Next, I suppose, the WLDF is going to be requiring prosecutors in rape trials to prove penetration, emission, and fertility.) The fact of female pregnancy did not satisfy the feminist and civil-libertarian litigators here. and it will not satisfy them in the future. These are the same people who brought us the 1972 amendment, and they are the people who will be defining, in the courts, any equal-rights amendment that is eventually ratified. Look for sperm banks and wet nurses to be within the alleged exception for unique physical characteristics, and statutory rape to be without it.

Concurring in the Court's judgment in the Michael M. case, Justice Stewart wrote:

The Equal Protection Clause does not mean that the physiological differences between men and women must be disregarded. While those differences must never be permitted to become a pretext for invidious discrimination, no such discrimination is presented by this case. The Constitution surely does not require a state to pretend that demonstrable differences between men and women do not really exist.

A new amendment should reflect Justice Stewart's approach, allowing legislatures to enact sex-specific statutory-rape laws justified in part as pregnancy-prevention measures.

The 1972 ERA is also alleged to have an implicit exception for privacy. There is reason to doubt the reality of this exception, too, at least if we judge from the words of two important advocates of that amendment, the United States Commission on Civil Rights and the NOW Legal Defense and Education Fund (LDEF). (The LDEF prepared the “draft report” that was the “basis for [the commission's] discussions.” A very cozy arrangement.)

The Civil Rights Commission said in its 1981 report on the ERA that the 1972 version would close the bona fide occupational qualification (bfoq) “loophole” (the commission's word) of Title VII of the 1964 Civil Rights Act. Title VII prohibits sex discrimination in employment, but sex can be a bfoq permissible under the statute, where, for example, an employer wants to hire a man to play Hamlet. The bfoq exception is a tiny exception to the nationwide rule against sex discrimination in employment.

The bfoq exception is very important, however, for protecting privacy. The exception has been used to allow hospitals to limit their obstetrics and gynecology nurses to members of the female sex. States and localities have been permitted to require juvenile-home supervisors to be females in the girls’ home and males in the boys’ home. Based on records showing the system to be “rampant [with] violence” and like a “jungle,” Alabama has been permitted to exclude women from “contact” positions in its all-male prisons, and men from such positions in all-female prisons.

The 1972 version-according to its prominent supporters, the Civil Rights Commission and the LDEF- would eliminate the bfoq exception to Title VII. When that exception is eliminated, our legitimate rights of privacy will be diminished. How the bfoq exception can be eliminated when the ERA is supposed to have its own exception for privacy is a great mystery-unless the alleged exception is itself an illusion.

Some of the weaknesses of the 1972 amendment have been described here partly because that version is now once again a live issue; also because any movement toward a new amendment must begin with the knowledge obtained from the debate over the old. The wording for such an amendment, drawing on some of the lessons of the old one, is set out below. The proposal is my own, although most

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of the phrases have been borrowed from others. Like the 1972 amendment, this is a text that can be improved.

Section 1. Neither the United States nor any state shall deny to any person the equal protection of the laws on account of sex.

Section 1 is based on the Equal Protection Clause and contains the general rule, which requires equal protection or equal treatment. Sex classifications are not absolutely prohibited.

Section 2. This article shall not prohibit the United States or any state from making legal distinctions respecting motherhood or based on pregnancy or other physical differences between the sexes, or from making laws respecting privacy.

The references to pregnancy and motherhood recognize that humankind is a two-sex species and that women are

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Any movement toward a new equal-rights amendment must begin with the knowledge obtained from the debate over the old

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different from men in the important respect of having babies. This amendment would not prohibit laws reasonably related to the status of women as mothers. The references to motherhood and pregnancy are intended, inter alia, to emphasize the legitimacy of laws relating to heterosexuality and the primacy of the family among heterosexual institutions.

Section 2 also explicates what is said to be implicit in the 1972 version. Distinctions based on bona fide physical differences are made clearly allowable and legislatures are permitted to weigh privacy more heavily than equality when making legislative judgments. The subtleties of the 1972 amendment are not to be trusted. If an exception is real, let it be explicit.

Section 3. This article shall not prohibit the United States or any state from exempting women from compulsory military service or combat assignment, or from regulating abortion or sexual offenses.

Section 3 lists specific exemptions where policy objections can now be anticipated and where reasonable legislative prerogatives should be preserved. The most important areas are included, although readers may find the list too long or too short.

Contrary to the assertions of some advocates of the 1972 ERA, that proposal has a great deal to do with abortion. (Some, but by no means all, of the available evidence is collected in Congressman Henry Hyde's testimony of May

26, 1983, to the Senate Subcommittee on the Constitution.)

Section 4. Congress and the several states shall have the power to enforce this article by appropriate legislation.

Section 4 permits the states and Congress to enforce the article within their respective jurisdictions. States might differ on their methods of enforcing the equal protection of the laws. For example, some states might require political parties to be organized along the lines required by Washington state. Other states might prohibit such restrictions and simply require that the two top vote-getters be the county representatives to the state central committee. Both approaches could be upheld under the new amendment. There is enormous strength in a system so combining equality and flexibility.

Any attempt to draft a constitutional amendment to regulate sexual classifications is fraught with difficulty. It is easy to prohibit all classifications, and easy to permit them all, but delineating a reasonable standard between the two extremes is difficult indeed- which is an excellent reason for permitting some legislative flexibility. The drafting difficulties are substantial, but they will be dwarfed by the political realities. Radical feminists, by and large, will disapprove of a new amendment. They are committed to their 1972 version, now being revived in Congress. Opponents of the 1972 amendment are going to be much tempted to accept the status quo, a temptation that I find alluring myself. It must be remembered, however, that the status quo consists in the Supreme Court's making up rules out of an Equal Protection Clause that was not designed for the purpose.

There is no safety in the status quo. Arguably, there is less danger in the status quo than in a change, but that is arguable. In fact, a new amendment may be far preferable to hoping that the Supreme Court will reject, year after year, the absolutist arguments thrust at it by radical feminists and civil libertarians.

The Court is not now bound by the chains of the Constitution, although it will pay some deference to its own precedents. A new amendment would provide the opportunity to bind the Court to something besides its own dispositions.

(a cartoon of a man and a woman in wooden stocks with the caption- “Thee and thy Equal Rights Amendment!”)

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