ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 8672

2379 SHESS SCR 12 - SJR 1

2379

What are the other benefits?

In addition to the benefits that were listed previously, consider the fact that:

- The local economy is stimulated. Amerigard account funds are deposited by the employer in local banks just as regular deposits are, thus increasing local capital reserve and allowing banks to be of greater service to businesses and individuals in the community.

- There is no reward for fraud. Participants who do not cheat get money back anyway!

- With no third party involvement, medical matters are private once more, between the physician and the patient.

- By keeping employees well and on the job, productivity gains may well surpass the premium savings realized.

- And remember, none of those time consuming forms are necessary!

Who likes Amerigard?

Employees like it because of the first dollar coverage; cash back if they stay well; they manage the program; medical matters are kept confidential.

Employers like it because it saves money; increases productivity by keeping people on the job; cuts down on administrative burden; it makes employees happy.

<u>Doctors</u> like Amerigard because bills are paid immediately (most spend one third of their money collecting the other two thirds); there are no forms so <u>their</u> administrative burden is reduced too; and, almost all patients they see are those who are really sick.

<u>Does anyone Not like Amerigard?</u>

So far, we have not heard of anyone who dissapproves of the idea of saving money while providing improved benefits to their employees; or of a doctor who does not care to be paid promptly.

<u>How much does the Amerigard service cost?</u>

We charge an initial enrollment fee of $10.00 per employee plus an annual fee of $10.00 per participating employee thereafter. That is the total charge for our services.

Health care costs in America <u>are</u> going to be controlled. We believe strongly that control should come by way of the <u>FREE ENTERPRISE</u> system and <u>WITHOUT GOVERNMENT INTERVENTION</u> which is our only alternative.

# APPENDIX

DAVID J. OR HELEN B. DOWNING
4321 MOUNTAIN DRIVE 825-4241
ANYWHERE, U.S.A. 80299

1034

______ 19____

92-3/1251

Pay to the order of ____________________ $ [ ]

____________________ Dollars

Rocky Mountain Bank Note
Your Bank Title and Address

SAMPLE VOID

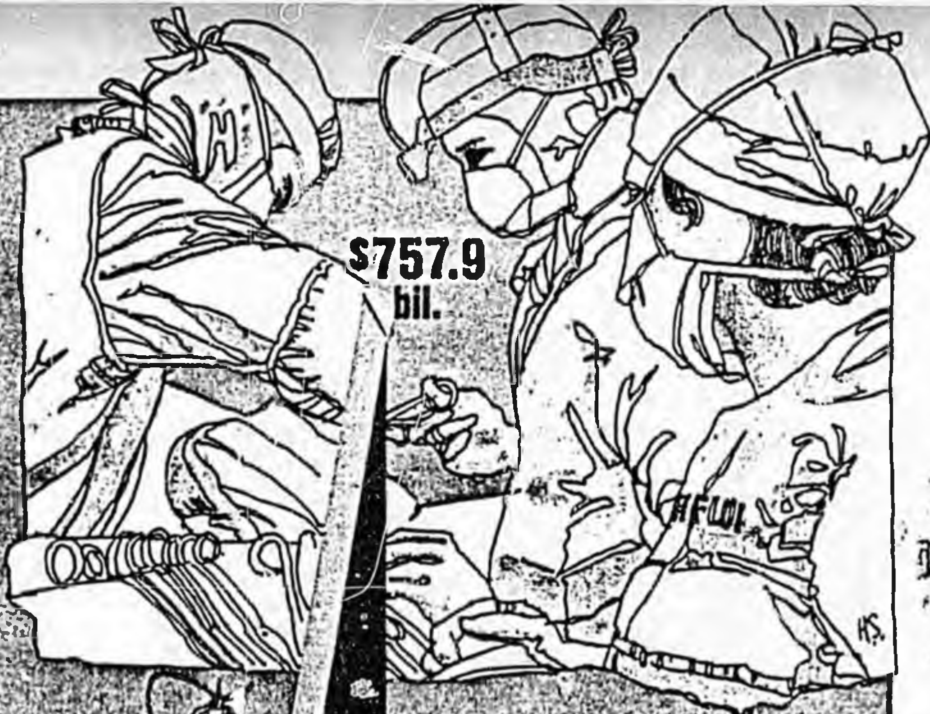
For ____________________ ____________________

⑆102000000⑆ 123⑈456⑈7⑈

Rocky Mountain Bank Note ®

PICTOGRAM®

# Exploding Cost of Health Care



There's no letup in sight to the spiraling cost of preventing and treating Americans' illnesses and injuries.

New government projections show that the per capita cost of medical care, estimated at $1,078 this year, will almost triple to $3,057 by 1990. From 4.5 percent of the nation's total output of goods and services in 1950, medical costs have grown to 9.5 percent today and could reach 11.5 percent a decade hence.

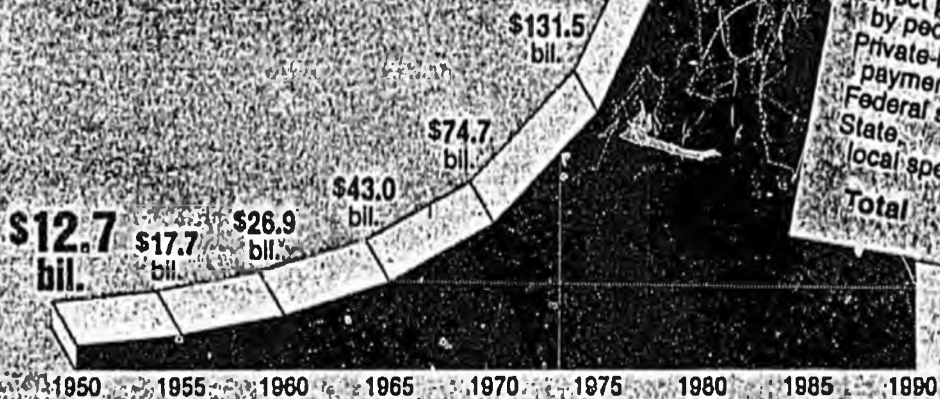
This rapid growth in costs is reflected in medical-care prices. Whereas consumer prices have risen 162 percent since 1965, the cost of a typical hospital room has skyrocketed 444 percent and physicians' fees have jumped 205 percent.

Beyond that, population growth, insistence on higher quality care and use of such expensive innovations as coronary-care units and computerized X-ray scanners have contributed to the cost runup.

Most Americans have escaped the direct impact of these soaring medical bills. Insurance companies and the federal government pay an ever larger share of medical expenses.

In the end, however, it all comes back to the consumer through higher insurance rates and bigger tax bites.

## In 40 Years, A 50-Fold Jump In Medical Costs




### Today's Medical Bill

| Item | Amount |
|---|---|
| Hospital care | $97.3 bil. |
| Physicians' services | $45.0 bil. |
| Dental, other professional services | $23.6 bil. |
| Nursing-home care | $21.6 bil. |
| Drugs and sundries | $18.1 bil. |
| Insurance, administrative costs | $11.6 bil. |
| Research, construction | $10.5 bil. |
| Public-health activities | $7.0 bil. |
| Eyeglasses | $4.7 bil. |
| Other health services | $5.2 bil. |
| Total | $244.6 bil. (est.) |

### And Who Pays It

| Payer | Amount |
|---|---|
| Direct payments by people | $68.4 bil. |
| Private-insurance payments | $75.7 bil. |
| Federal spending | $70.4 bil. |
| State, local spending | $30.1 bil. |
| Total | $244.6 bil. (est.) |

**Medical costs** account for an increasingly large share of the economy—almost $1 of every $10 spent today, compared with $1 of every $20 in 1960—and that share is expected to keep expanding.

USN&WR chart—Basic data: U.S. Dept. of Health & Human Services

An Idea Whose Time Has Come

- As the originators of MasterCharge, electronic calculators, and Xerox can tell you, even the best ideas meet some resistance. "Stay Well" is so simple, it's hard to understand, and people may have to hear it several times before the light comes on.

- Blue Cross, Blue Shield, and major insurance companies are trying to hold down health costs by attempting to influence the provider side of the equation by reducing the length of hospital stays, encouraging the pooling of expensive medical equipment, and providing health-related literature to their members.

- Amerigard applauds their efforts on the provider side but sees real benefit from influencing the demand side as well by seeking to reduce unnecessary lost time due to illness at the source, and by greatly simplifying the administrative system.

- Currently, Blue Shield, several major insurance companies, and even Crocker Bank of San Francisco are experimenting with variations of a "Stay Well" idea. They are learning what Amerigard knows--"Stay Well" works.

Newsweek August 25, 1980

# Making Good Health Pay Off—in Cash

The more people go to doctors, the higher the health-insurance premiums their employers must pay. Until last year health insurance ranked second only to salaries in the budget of the Mendocino County, Calif., Office of Education. But a new "stay well" plan that provides a cash incentive to avoid unnecessary doctor bills might help trim the exorbitant cost of health care.

Under the plan, employees are paid to stay away from doctors. The California agency used to spend $105 a month for each of its 218 employees for insurance to cover nearly all medical expenses. The new plan eliminates this coverage and instead provides a $500-deductible Blue Shield policy that costs the county $65 for each employee. In addition, another $40 a month is set aside to provide a pool to cover the first $500 of the employee's bills. If the employee spends less than $500 in any year, he can collect the difference in cash when he leaves his job. A worker who spent only $100 annually for two years would collect $800. "It's so simple that it's screwy nobody ever thought of it before," says Assistant Superintendent Ed Nickerman.

The idea seems to be working. After eleven months, nearly 100 employees had incurred no medical bills, 47 had spent less than $200 and only 22 had exceeded their $500 limit. "Before, I kind of overdid it," says teacher Dan Raner. "Now I feel I have an investment in my own health." Partly as a result of the plan, the county doesn't face a premium increase this year. "I think this is probably the most innovative concept since major-medical insurance caught on in the 1950s," says Larry Parcell, vice president of Blue Shield of California.

The stay-well plan promises to spread throughout California. Other school districts, the state administration and private businesses all are considering versions. The Bank of America, for example, soon hopes to start a pilot program among some of its 63,000 employees, who now contribute from $10 to $25 out of their own paychecks for health insurance. Under the bank's plan, employees who file no health-insurance claims during one year would get free coverage the next. None of the plans, experts seem to agree, would discourage anyone who is really sick from going to the doctor. But, health economists say, at least half of all physician visits are unnecessary.

THE SUNDAY OREGONIAN
MAY 17, 1981

# Health insurance plan rewards well patients

A Beaverton doctor who sees "about 10,000 patients a year" has come up with a new health care insurance plan that "pays people not to be sick."

"My office is loaded with people who come in and the company says they are sick and have to see a doctor before they can come back to work," Dr. Charles K. Chapman said in an interview. "Individuals take sick leave and use their medical insurance at a cost to both the individual and the company. It costs the individual sick-leave time and the company the loss of the employee's services for a day."

Noting that most health insurance is prepaid, Chapman said: "The only way to derive benefit from the prepaid plan is to use the benefits, whether needed or not. 'It's paid for, so I may as well use it' seems to be the all too-human response."

Chapman has a program called the *Americare Plan, which "rewards you for being well." Basically, the plan returns a part of the premium to the individual for not using the insurance.

Using $1,000 in premiums as an example, Chapman explained that it is divided into two $500 parts. The first part of the premium is used to purchase a $500 deductible major medical plan from any major insurance program. "This functions as any standard insurance plan would," he said, "covering costs in excess of $500."

The remaining $500 is deposited in a local bank as a "pool." This, according to Chapman, is the key to the plan because "the consumption or maintenance of these monies is in the hands of the patient." If the insured does not use any of the "pool" fund, he receives $250 back in cash the first of December, the anniversary date of the plan.

"Thus, his self-restraint is rewarded in the most tangible form that Americans understand — cash payment," the doctor said.

If the insured used $120 for health expenses, he would be returned $190 in cash or 50 percent of the $360 unused in the pool fund.

DR. CHARLES K. CHAPMAN

Money in the pool is used first. When that is exhausted, the major-medical part is tapped. If the pool is used completely, the insured does not receive any "reward."

Each participant is issued a credit card that is used when th[illegible] are medical expenses.

"Charges at the doctor's office, lab costs and other expenses are charged against the account and the doctor is paid immediately," he said. "No forms. No hassles."

The company realizes productivity gains, he said. "With up to 50 percent less lost time due to illness, the potential impact to worker and organization productivity is staggering. The premium savings could be a drop in the bucket compared with the money made here."

It also represents a boost to the local economy because the program funds are held in local banks.

*Prior to July 1981, Amerigard Inc. was known as Americare Inc.

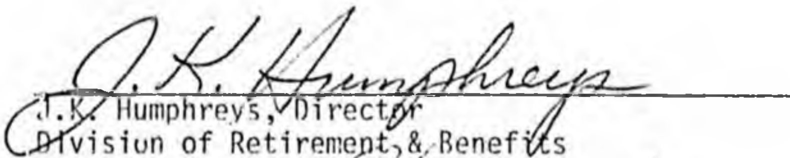
## Position Paper

## Senate Concurrent Resolution No. 12

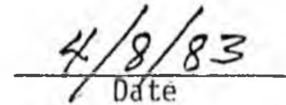
The Department of Administration is aware of so-called "stay well" programs and has already done some preliminary research on the feasibility of similar plans for the State of Alaska. We believe that SCR 12 might be fruitful if it were amended.

First, rather than establishing a task force to perform the original research work and develop alternatives, we suggest that this department develop the report which then could be circulated among and discussed with all concerned parties. Second, it is important that the scope of the report be broadened to include other possible cost containment alternatives such as modifying our existing cafeteria style Supplemental Benefits System. The approach should be well integrated and take into account possibilities such as federal taxation of employer-paid health insurance premiums and consider the tax consequences of any cash distributions under the program.

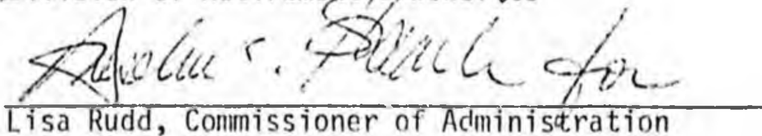
The department could support such an amended resolution but cannot support the existing version. Technical groundwork must be laid before informed decisions on alternatives can be made.



J.K. Humphreys, Director
Division of Retirement & Benefits



Date



Lisa Rudd, Commissioner of Administration

Date

-

Introduced: 3/21/83
Referred: Health, Education and Social Services and Finance

1 IN THE SENATE BY JOSEPHSON

2 SENATE CONCURRENT RESOLUTION NO. 12

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 Requesting the governor to establish a
6 task force to investigate the feasibil-
7 ity of instituting a "stay well" health
8 insurance plans for state employees.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 WHEREAS the cost of health care services is escalating more rapidly
11 than the cost of other human services; and

12 WHEREAS the quality of life of all state residents is a primary con-
13 cern of the legislature; and

14 WHEREAS the state is a major employer of state residents and is there-
15 fore a major provider of health insurance coverage; and

16 WHEREAS it is in the interests of the state, as an employer, and of
17 state employees, that incentives be provided to state employees to avoid
18 unnecessary health care service usage and health care service costs, as long
19 as current levels of health insurance coverage are maintained; and

20 WHEREAS incentives, such as making an annual payment to state
21 employees who use less than a specified level of health care services, will
22 have the additional effect of making the health care delivery system in the
23 state more efficient and accessible to all state residents;

24 BE IT RESOLVED by the Alaska State Legislature that the governor is
25 respectfully requested to establish a task force composed of the commis-
26 sioner of the Department of Administration, the director of the division of
27 personnel, and representatives of collective bargaining units to investi-
28 gate the feasibility of instituting a "stay well" health insurance plan for
29 state employees; and be it

omit

1 FURTHER RESOLVED that the health insurance plan studied by the task
2 force should include a provision for an annual payment to participating
3 state employees who use less than a specified amount of health care
4 services, to provide an incentive for limiting the over[illegible] of health care
5 services; and be it

DOA

6 FURTHER RESOLVED that the ~~task force be directed to~~ report its find-
7 ings to the governor and the legislature before January 16, 1984.
8 COPIES of this resolution shall be sent to the commissioner of the
9 Department of Administration and the Office of Management and Budget.

Introduced: 3/21/83
Referred: Health, Education and Social Services and Finance

1 IN THE SENATE BY JOSEPHSON

2 SENATE CONCURRENT RESOLUTION NO. 12

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26 ~~sioner of the~~ Department of Administration, ~~the director of the division of~~
27 ~~personnel, and representatives of collective bargaining units~~ to investi-
28 gate the feasibility ~~of~~ instituting a "stay well" health insurance plan for
29 state employees *and other*, and be it

1 FURTHER RESOLVED that the health insurance plan studied ~~by the task~~
2 ~~force~~ should include a provision for an annual payment to participating
3 state employees who use less than a specified amount of health care
4 services, to provide an incentive for limiting the overuse of health care
5 services; and be it

and include a report

6 FURTHER RESOLVED that the ~~task force~~ Department be directed to report its find-
7 ings to the governor and the legislature before January 16, 1984.
8 COPIES of this resolution shall be sent to the commissioner of the
9 Department of Administration and the Office of Management and Budget.

alternatives to the staywell plan

to investigate cost containment measures including a stay well plan

April 8, 1983

Joe, Vic, Paul

SCR 12

task force on "stay well" health insurance

Dennis DeWitt - Hosp. Assoc.

support

addresses utilization which affects health care costs.

John Borney - Amerigard Inc.

involved in "stay well" concept.

plan conceived to have individual take care of own insurance

Major medical costs taken care of; but individual responsible for taking care of 1st dollar coverage.

Overall cost starts at same level of cost of current insurance.

Policy put in place, deductible (usually $500) set up in bank account for each individual. Employer deposits money in each account — individual then responsible to pay out of account. limits insurance paperwork; have total coverage and first dollar coverage; incentive to individual to carefully use funds.

Current insurance plan a benefit only if USED

Plans set up so that money left at year end split between Employer and Employee.

Employer does different things

1) lower cost on following yr coverage

2) provide a pool for employees to get annual physicals
3) establish exercise programs in the workplace.

Incentives

Employee – control over medical care
– participate in cash sharing

Employer – caps cost of insurance
– morale factors – absenteeism cut at work!

Insur. Co. – not involved in processing small claims

also helps in bank activities, keeps money in communities.

Joe reaction of unions?

Since new, no real reaction – anything to control costs of interest to all.

Joe Charges of Ameriguard?

Only one to develop plan in toto; can't patent a concept.
Minor charge to set up plan $10/participant/year. Annual contract.

Vic other features to make money?

have at times gotten fees from banks on consultant basis. Savings to Employer greater than any annual amount charged.

Vic Copyright?

only the name, not the concept.

Started in Mendocino, Calif with sch. dist. → many of the same features.

frees up physician's time from unnecessary visits

Employees in MD's office hired only to fill out forms.

Joe Admin position paper

- do in house
- look at other issues
- Feds taxing insurance

questions have been raised about taxing cash return but so new, little info

Ken Humphries - Dir. Div of Ret. & Benefits

POSITION PAPER

Vic good Position paper

Have been aware of "stay well" plans. We are examining other options. Resolution good impetus to complete plan. Have reviewed Amerigard proposal. State on Experience rated basis

$50 DEDUCTIBLE - may want to increase that

If Feds tax value of premium, we need to lower premium cost by raising deductible

SBS - "cafeteria benefits" in lieu of Social Security

— annuity/disability/death/survivor/health

designed in an individual contributory plan
if none are chosen; it goes into annuity plan
(tax sheltered).
Make sure that alternatives look at are
feasible for state.

Joe Gov. direct study done by Depart of Admin
- also look at
investigate cost-contain measures
for State of Alaska, including a
"Stay Well" plan.
STATE HAS BENEFIT CONSULTANT WHO
COULD DO WORK

V.C $25,000?

only an estimate of cost on comprehensive
job

V.C Can't you absorb cost?
Not to do a comprehensive study as we intend

520 SW YAMHILL ST., SUITE 424 PORTLAND, OREGON 97204 503/224-2555

March 14, 1983

Ms. Nancy Die[illegible]ch
c/o Senator Josephson
Pouch V
State Capitol Building
Juneau, AK 99811

Dear Nancy:

This information concerning Amerigard is that which we are using in making presentations to clients. As you can see, we work in concert with insurance agents as well as employers.

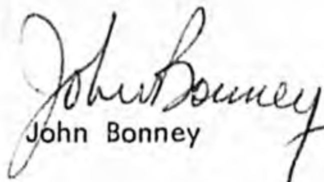
Also, Nancy, is included some detail on the operational procedures and you can see how simple the plan is to administer.

At present we are operating in Oregon and Washington. To operate in Alaska we will apply for authorization. I have secured the necessary forms and will be processing them promptly.

As we proceed, we will be available to meet with anyone to further explain the program.

Thanks for this interest in Amerigard.

Sincerely,



John Bonney

JB:lp
Enc.

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST
Bill/Resolution No.: CSSCR 12
Title: Health Insurance Task Force
Sponsor: Josephson
Requestor:

II. FISCAL DETAIL
Agency Affected: Administration
Program Category Affected: Cen. Admin. Service
BRU, Program of Subprogram(s) Affected:
Retirement & Benefits

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|---|---|---|---|---|---|---|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | 25.0 | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC | | | | | | |
| TOTAL OPERATING | | 25.0 | | | | |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|---|---|---|---|---|---|---|
| GENERAL FUND | | 25.0 | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |

POSITIONS:

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|---|---|---|---|---|---|---|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

RECEIVED
MAY 18 1983
Josephson

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: J.K. Humphreys, Director Phone: 465-4460
Division: Retirement & Benefits Date: 5-18-83

Approved by Commissioner: Lisa Rudd, Commissioner Date: 5-18-83
Department: Administration

Distribution:
Original to Legislative Finance
Copy to Office of Management and Budget (for Legislature introduced bills)
Copy to Department (for Governor introduced bills)
Copy to Sponsor
Copy to Requestor (if different from Sponsor)

3/8/83

State of Alaska

Fiscal Note

CSSCR 12

IV Analysis: The $25.0 expenditure is for benefit consultation and research.

# Alaska State Legislature

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

June 21, 1983

John Bonney
400 SW 6th Ave, #904
Portland, Oregon 97204

Dear John,

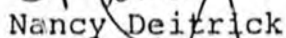
As hard as it is to believe, we are still here in Juneau working on the budget as we rapidly approach the end of the fiscal year.

SCR 12 made it to the House Finance Committee where it will probably languish until January when this fine madness begins again.

I thought you might be interested in the attached article which was recently printed in the Los Angeles Daily Journal.

Happy Solstice!

Sincerely yours,



Nancy Deitrick

...d of a session. Just ...ipulate that only a ...l could reduce the ...ices project.

...mmittee has also ...million budget au...rvices. That won't ...since 1981, when a ...illion budget was ...it it's a step in the ...espect, the House ...se a decent budget ...ice that Congress ...s a right to fill.

...nal

...Angeles ...npany ...141

...e Low ...Marsh ...Ownby ...oboff

...lifornia Newspaper ...n Court and Com... ...wspaper of general ...ally adjudicated on ...

...1026, Los Angeles ...lished without pre... circumstances will ...correspondence or ...

...t and is for the sole ...r used in any man... ...t to legal redress...

# The Stay Well Plan: How a Law Firm Can Save on Health Insurance

By BILL BARNES

ANCHORAGE, Alaska — The term "insurance" as applied to medical insurance plans is a misnomer. "Insurance" indicates a spreading of risk through large numbers. There is no spreading of risk in health insurance because the money paid to the insurance organization in premiums is paid out by the insurance people in 90 days to pay health claims. The difference between premiums and claims is known as the "retention rate" and generally is about 8 percent to 15 percent of the premiums paid.

If the premiums don't equal the claims plus the other expenses, then the insurance company will raise the rates or terminate the coverage. Any case of over 100 participants will ultimately be self funded. That is to say the carrier will relate the premiums directly to experience when setting the charges.

Small groups of less than 100 have their premiums set by participation in a Multiple Employer Trust (MET). The claims of a large number of small groups are pooled and the rates are determined by this average experience. There may be considerable variation between rates in METs because of the different composition of the experience pool.

Because of pooling of experience one group in a MET may have to pay an increase in rates even though they have had no claims. They are paying other peoples claims.

Shopping around for good "rates" is a waste of time. Here are the facts:

• "Rates" are not set by an insurance company. They are set by experience in claims. The charges will be related to actual and anticipated experience.

• "Rates" will change all the time because experience changes.

• The average time that an insurance company or Blue Cross organization retains a case of 100 lives or more is about two years. Group health insurance is like a game of musical chairs.

• Insurance companies will come in and deliberately bid low to get the business. Then when it doesn't work out they will try to get more money.

• Benefit managers of large companies sometimes have the idea that they can get a discount if it is a big case. In other words if we have 5,000 employees we should be able to get cheaper "rates" than if we had 50 employees, or 500. This isn't so. The reason is that premiums reflect claims experience which can't be discounted. Claims processing per individual is not cheaper just because there are more people in the case.

There is no use repeating the litany of facts relating to the $162 billion we in the U.S. paid for health care in 1982. Like the weather everybody talks about it but nobody does anything about it.

The one thing which will check these costs is raising the deductible to make the people participating in the plan pay more of the expenses themselves.

This isn't going to be popular or easy. In the case of Chrysler, Lee Iaccoca says that health insurance costs $300 per car and he wants to raise the deductible on the UAW Health plan. The head of the UAW says "never" and threatens to strike. Chrysler could pay these costs so long as they were competing with GM and Ford that had similar UAW contracts. But they can't pay these health insurance premium and compete with Datsun, Toyota, and Honda.

Management will have to bite the bullet and raise deductibles. Here is how it can be done without causing a strike or widespread dissatisfaction in the work force. These figures were developed in working with an Alaskan law firm and the principles will hold good regardless of whether there are 57 in the plan, 570 or 5,700.

This law firm has 14 male employees, 21 female employees, eight male dependents and 14 female dependents. It is a prosperous organization able to pay group health insurance costs of about $6,000 per month. In 1981 it had two large health claims and the life insurance company said it would require a substantial increase in premiums. This is a fully insured plan of conventional design. The deductable is $100 and the insurance company will pay 80 percent of the claims up to $5,000. After $5,000 100 percent of the costs will be paid with an upper limit of $2,000,000.

We developed quotations from various insurance organizations. The larger the amount of risk assumed by the Alaskan law firm, the lower the payments to the insurance company.

The annual premium with a $100 deductible would have been $59,820. But the annual premium with a $250 deductible would have been only $44,028, a savings o $13,792. With this savings we developed a "stay well plan."

With 57 participants we can set up a separate savings account for each person and deposit $150 into it. The account can be captioned "Medical Reserve Account of John Lawyer." The participant can draw out the money anytime that he wants to do so.

There are no restrictions, but he/she must pay the $250 deductible. This will require $8,550 for 57 deposits of $150. Even if you consider this item pure expense, the Alaskan law firm will save $7,242 as compared to the fully insured $100 deductable plan.

This plan is similar to that installed by the Mendocino County School District of California that created a substantial drop in health insurance costs.

This plan rewards those who stay well and don't make claims.

*Bill Barnes is a lawyer in Anchorage, Alaska.*

# If Silence is Golden, I've Been Demonetized

Somewhere there must be a judge who would welcome this case. Somewhere there must be a class act lawyer looking for a class action suit.

I need relief and it isn't spelled Roll Aids.

My ears, the avenues to my inner skull, are under constant invasion.

I go to the beach and skaters dance to the blast of their electronic packs.

I get on the elevator and tehre is canned music for the rise and descent of the people dumbwaiter.

I have been on buses that spewed commercials with their carbon exausts.

But grow bold along with me the worst is yet to be.

IT IS THE TELEPHONEY.

I go starkers mad when I am put on terminal hold in the course of returning a call and made captive to the scratchy tweet of a looping tape which sounds like Satan backmasked.

If I must wait for the average idiot call, why not a moment for silent mediation or the freedom in sweet quietude to look over the madness on my own desk.

"Put you on hold for a minute, sir", suddenly gives some flunky the right to have me earbound to listen to some musical primate's primal screams.

And when a machine answers and Benny and Bea do a 60-second singing off key commercial about "we're out, don't pout, cause that's what life is all about. Leave your number, before we slumber; we'll return your call, that's all. Love and Kisses from Benny and the Mrs. Hall to thee from Benny and Bea."

I feel like doing my own silent jingle:

*O counsellor pro bono,*<br>
*I'm frenetic from the phone, O*<br>
*It hits me like a howitzer,*<br>
*to rhyme perhaps with Pollczer!*

If you think there is a case here I'd like to know. Don't call me. I'll call you. Actually I won't because your hold button may sing; and that's my problem.

*Professor Kramer is of counsel to the firm of Fisher and Moest, Century City. He is not a recognized poet.*

HAVE AN OPINION?
SHARE IT WITH 100,000 OTHER READERS.
OpenForum — The Los Angeles Daily Journal
P.O.Box 54026, Los Angeles, CA 90054

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

I. REQUEST
Bill/Resolution No.: CSSCR 12
Title: Health Insurance Task Force
Sponsor: Josephson
Requestor:
Date of Request:

II. FISCAL DETAIL
Agency Affected: Administration
Program Category Affected: Cent Adm Svcs
BRU, Program of Subprogram(s) Affected:
Retirement & Benefits

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|---|---|---|---|---|---|---|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | 25.0 | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC | | | | | | |
| | | | | | | |
| TOTAL OPERATING | 25.0 | | | | | |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|---|---|---|---|---|---|---|
| GENERAL FUND | 25.0 | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|---|---|---|---|---|---|---|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |
| TOTAL | | | | | | |

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: J.K. Humphreys, Director J.K. Humphreys Phone: 465-4460
Division: Retirement & Benefits Date: 11-9-83

Approved by Commissioner: Lisa Rudd Date:
Department: Commissioner
Original Submission:
Distribution:
Original to Legislative Finance
Copy to Office of Management & Budget (for legislature intro. bills)
Copy to Department (for Governor intro. bills)
Copy to Sponsor
Copy to Requestor (if different from Sponsor)

State of Alaska

Fiscal Note

CSSCR 12

IV Analysis: The $25.0 expenditure is for benefit consultation and research.

For additional information, write or call:

---

**AMERIGARD, INC.**
520 SW Yamhill
Suite 424
Portland, OR 97204
(503) 224-2555

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# ☆AMERIGARD

# The stay well plan that rewards good health.

☆YOU determine how your health care dollar is spent, from the beginning, with "first dollar coverage"

☆YOU are paid for good health: the plan pays cash back for staying well

☆YOU decide the schedule of benefits:

- no schedule of surgical fees
- you and your doctor make the decisions

☆YOU choose your own doctor:

- free choice of doctor or hospital
- you may pay for care from any licensed practitioner

☆Stay well provision lets YOU make the health care decisions:

- preventive care
- well baby care
- routine examinations
- coverage to $1,000,000

☆NO:

- insurance forms
- exclusions
- waiting for payment
- third party approval

SCR
23

# COMMITTEE REPORT

# SENATE

FURTHER:

Date: ____________________

Mr. President:

The Committee on ____________________ has had ____________________

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[ ] replace with CS for ____________________ [ ] same title [ ] new title

and recommends ____________________

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation

[ ] referred to the ____________________ Committee

MEMBERS SIGNING DO PASS

MEMBERS HAVING OTHER RECOMMENDATIONS

CHAIRMAN

BILL SHEFFIELD, GOVERNOR

GOVERNORS COUNCIL FOR THE HANDICAPPED AND GIFTED

UNIVERSITY PLAZA OFFICES WEST • SUITE C • 600 UNIVERSITY AVENUE • FAIRBANKS, ALASKA 99701
PHONE (907) 479-6507

February 21, 1984

Senator Joe Jospehson
Alaska State Legislature
Pouch V (MS 3100)
Juneau, AK 99811

Senator Josephson,

The Governor's Council for the Handicapped and Gifted supports the passage of SCR 23, "Relating to the teaching of sign language."

We would like to suggest that the wording of the resolution be expanded to include the following, "Be it resolved by the Alaska State Legislature that the Department of Education and Board of Regents are encouraged to offer sign language courses through the public schools and post-secondary education and accredit them in the same manner as other languages are accredited." By expanding the resolution to include all levels of education in Alaska, more students will have the option of taking sign language as a foreign language.

This is a very worthy resolution. It could do a great deal to foster communication between hearing and hearing impaired Alaskans.

Thank you for your consideration.

Sincerely,

Caroline Wolf

Caroline Wolf, Chair

RECEIVED

SENATE [illegible] COMMITTEE OBSERVER/WITNESS SIGN-UP SHEET

DATE: 6/9/83 SPONSOR: Halford

SUBJECT(S): SCR 23 Sign Language

| NAME | REPRESENTING | ADDRESS | PHONE | Observer | Witness | | |
|---|---|---|---|---|---|---|---|
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MEMORANDUM

TO: SENATE HESS
FROM: NANCY
RE: SCR 23 - RELATING TO THE TEACHING OF SIGN LANGUAGE

THE RESULOTION DIRECTS THE DEPARTMENT OF EDUCATION TO OFFER SIGN LANGUAGE COURSES THROUGH THE PUBLIC SCHOOLS AND CREDIT THEM THE SAME WAY THAT A FOREIGN LANGUAGE IS CREDITED.

THE DEPARTMENT HAS SUGGESTED THAT IT IS HIGHLY DOUBTFUL THAT A UNIVERSITY WOULD ACCEPT A SIGN LANGUAGE COURSE IN PLACE OF A FOREIGN LANGUAGE.

CURRICULUMS ARE ESTABLISHED BY SCHOOL DISTRICTS, AND THE DEPARTMENT SUGGESTS THAT THERE ARE MANY WAYS IN WHICH THE OFFERING OF SUCH COURSES COULD BE ENCOURAGED, HOWEVER, THEY FEEL IT WOULD BE MORE LIKELY HANDLED BY MAKING SIGN LANGUAGE AN ELECTIVE COURSE.

THE HOUSE HESS COMMITTEE PASSED AN IDENTICAL RESOLUTION BY REP. FURNACE WITH A CS CHANGING:

LINE 8 - CHANGED "FOREIGN" LANGUAGE TO "SPOKEN" LANGUAGE

LINE 16 - CHANGED "FOREIGN" TO "OTHER"

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. **REQUEST**

Bill/Resolution No.: HCR 38 / SCR 23
Title: ...teaching of sign language...
Sponsor: Furnace HALFORD
Requestor: Rep. Furnace

II. **FISCAL DETAIL**

Agency Affected: Education
Program Category Affected:
BRU, Program of Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|---|---|---|---|---|---|---|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC | | | | | | |
| | | | | | | |
| TOTAL OPERATING | | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|---|---|---|---|---|---|---|
| GENERAL FUND | | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |
| | | | | | | |

POSITIONS:

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|---|---|---|---|---|---|---|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |
| | | | | | | |

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Steve Hole Phone: 465-2875
Division: Management, Law an Finance Date: 5/25/83

Approved by Commissioner: Harold Raynolds, Jr. Date: 5/25/83
Department: Education

Distribution:
Original to Legislative Finance
Copy to Office of Management and Budget (for Legislature introduced bills)
Copy to Department (for Governor introduced bills)
Copy to Sponsor
Copy to Requestor (if different from Sponsor)

3/8/83

enrollment. No children will be provisionally admitted except in exceptional circumstances. Where exceptions are granted, they shall be reported to and discussed with the Communicable Disease Section of the Division of Public Health, Department of Health and Social Services, who will then be responsible for determining that the required immunizations are completed during the provisional period.

(d) If a parent or guardian is unable to pay the cost of immunization, or immunization is not available in the district or community, immunization shall be provided by state or federal public health services.

(e) Immunizations shall be recorded on each pupil's permanent health record form.

(f) School districts shall initiate action to exclude from school any child to whom this section applies but who has not been immunized as required by this section. (Eff. 1/13/73, Reg. 44; am 8/28/77, Reg. 63)

Authority: AS 14.07.020(7) and (8)
AS 14.30.125

4 AAC 06.060. SUSPENSION OR DENIAL OF ADMISSION. (a) In the district schools, the superintendent or principal may suspend pupils under the provisions of AS 14.30.045, and the pupils may be reinstated by the superintendent or principal or by the school board.

(b) Expulsion or denial of admission of a pupil shall be only upon the action of the governing school board in a district school.

(c) A pupil suspended or expelled under this section may appeal to the district board. (In effect before 7/28/59; am 9/24/65, Reg. 20; am 9/8/66, Reg. 24; am 1/9/68, Reg. 26; am 5/10/78, Reg. 66)

Authority: AS 14.30.045

4 AAC 06.070. ELEMENTARY COURSE OF STUDY. The Course of Study for the Elementary Schools in Alaska, reissued by the department in 1971, is officially adopted as the standard for elementary schools. (In effect before 7/28/59; am 5/30/71, Reg. 38)

Authority: AS 14.07.020(4)

4 AAC 06.075. HIGH SCHOOL GRADUATION REQUIREMENTS. (a) Each chief school administrator shall develop and submit to the district board for approval a plan consisting of district high school graduation requirements. The plan must require, at a minimum, that before graduation a student must have earned 19 units of credit. However, any portion of the total program may be based upon competencies.

(b) Specific subject area units of credit requirements must be set out in each district plan and must require that before graduation a student must have completed no less than one unit of credit in each of the following:

(1) language arts;

(2) social studies;

(3) mathematics;

(4) science; and

(5) physical education.

(c) Districts which do not require 19 units of credit for graduation on March 1, 1978, must increase their requirements by at least one unit each school year until the number of units required attains or exceeds 19.

(d) Transfer students who have earned 10 units of credit while in attendance outside the district may, at the discretion of the district, be excused from the district subject area unit of credit requirements. (Eff. 3/1/78, Reg. 65)

Authority: AS 14.07.020(1),(2) and (4)
AS 14.07.060

4 AAC 06.080. ADMINISTRATIVE MANUAL FOR SECONDARY SCHOOLS. Repealed 3/1/78.

4 AAC 06.090. A MANUAL FOR ALASKA SCHOOL BOARDS. Repealed 9/23/78.

4 AAC 06.100. MANUAL FOR ADVISORY SCHOOL BOARDS. Repealed 12/30/77.

SCR

26

# COMMITTEE REPORT

# SENATE

5/5/83

FURTHER:

Date: May 18 '83

Mr. President:

The Committee on HESS has had SCR 26

Relating to the feasibility of creating local advisory boards.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

[✓] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[ ] replace with CS for ______ [ ] same title [ ] new title

and recommends ______

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation

[ ] referred to the ______ Committee

MEMBERS SIGNING DO PASS

MEMBERS HAVING OTHER RECOMMENDATIONS:

CHAIRMAN

SPEECH
May 18, 1983

SENATE CONCURRENT RESOLUTION NO. 26
Local School Advisory Boards

SCR 26 IS AN EFFORT TO ENABLE TEACHERS THE OPPORTUNITY TO PROVIDE INPUT TO THE DECISION MAKING PROCESS AND POLICIES OF LOCAL SCHOOL BOARDS. AS IT IS NOW, TEACHERS HAVE VERY LITTLE ACCESS TO THE DECISIONS MADE ON PROGRAM, CURRICULUM, AND EVEN TEACHING MATERIALS AND TEXTBOOKS THAT ARE USED IN THE CLASSROOM.

LEGISLATION COULD PROVIDE A PROCESS WHEREBY TEACHERS, ADMINISTRATION, AND THE COMMUNITY ALL HAVE A SAY IN THE QUALITY OF EDUCATION THAT STUDENTS WILL RECEIVE.

IT IS REASONABLE TO ASSUME THAT TEACHERS HAVE KNOWLEDGE AND EXPERTISE IN THE AREA OF EDUCATION, AND THAT THEIR DIRECT DEALING WITH STUDENTS GIVES THEM THE ADDITIONAL ADVANTAGE OF BEING AWARE OF STUDENTS NEEDS AND CAPABILITIES. BECAUSE OF THIS ADVANTAGE, TEACHERS WOULD BE AN INVALUABLE ASSET ON A LOCAL ADVISORY BOARD, WHICH WOULD REPORT TO LOCAL

SCHOOL BOARDS, AND THEREBY HAVE A MORE DIRECT EFFECT ON POLICIES THAT AFFECT THEM AND STUDENTS.

THE QUALITY OF EDUCATION NEEDS TO BE A HIGH PRIORITY WITH THIS LEGISLATURE AND PROVIDING FOR LOCAL SCHOOL ADVISORY BOARDS IS ONE STEP IN THE RIGHT DIRECTION.

COMMITTEE OBSERVER/WITNESS SIGN-UP SHEET

DATE: 5/18/83 SPONSOR: Ferguson

SUBJECT(S): SCR 26 - Local advisory boards

| NAME | REPRESENTING | ADDRESS | PHONE | Observer | Witness | | |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

SJR

/

**Health, Education and Social Services Committee**

Official Business

# Alaska State Legislature

## Senate

Pouch V
State Capitol
Juneau, Alaska 99811
465-4907
465-4908

February 2, 1983

Jack Bacher
7219 Madelynne
Anchorage, Alaska 99504

Dear Mr. Bacher:

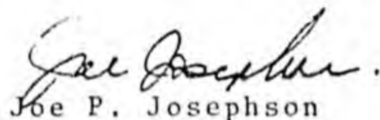
I appreciate your message concerning the Equal Rights Amendment issue.

I support the joint resolution asking for resubmission to the states of an Equal Rights Amendment to the Federal Constitution, as I supported ERA in the past.

Thank you for communicating your views as you have done.

With best wishes, I am

Sincerely,



Joe P. Josephson

JPJ/rmc

Health, Education and
Social Services Committee

Official Business

# Alaska State Legislature

## Senate

Pouch V
State Capitol
Juneau, Alaska 99811
465-4907
465-4908

January 31, 1983

Glenn Hackney
1136 Sunset Drive
Fairbanks, Alaska 99701

Dear Glenn:

I appreciate your message concerning the Equal Rights Amendment issue. I support the joint resolution asking for resubmission to the state of an Equal Rights Amendment to the Federal Constitution.

I am enclosing some materials on the subject which I ask you to consider because I believe that these materials place the issue in the right perspective.

I am sorry that we do not agree on this particular question, but I hope and trust that on the vast majority of issues which come before the legislature, your views and mine coincide.

Thanks again for communicating your views as you have done.

With best wishes, I am

Sincerely,

Joe P. Josephson

JPJ/rmc

Encl.

Packet SJR 1

- letters of support
  - NEA ALASKA
  - League of Women Voters
- Explaination of ERA from AK. Comm. on Status of Women
- Statement by Dorothy Haaland, Chair Anch. NOW
- Speech by Helen Milliken - ERA - Eastern Mich. U
- ERA and Court System
- Legis history of ERA from Congressional Record
- 1979 testimony to Congress by Myra Wolfgang in opposition to ERA

info to Halford
history of state protection of gender — what specifically??
V. Fischer?

Speech by Helen W. Milliken on

"THE EQUAL RIGHTS AMENDMENT"

EASTERN MICHIGAN UNIVERSITY

On the twenty-second of March there were two celebrations held in Washington, D.C., on the opposite sides of town and on opposite sides of the issue. While the Stop-ERA forces were claiming victory in the expiration of the original deadline for the Equal Rights Amendment, the voices of 150 national women's groups supporting ERA were represented in a news conference by Ellie Smeal who declared, "We are winning the battle." A 39-month extension of the original 7-year time limit was passed by Congress last fall, with January 30, 1982 the new deadline. What is the battle and who is waging it?

The battle was begun over two hundred years ago as our founding fathers were wrestling with the basic concepts to be embodied in our Constitution. Abigail Adams wrote to her husband, "John, don't forget the ladies." But they did. The right to vote was extended only to white propertied males. It was denied to slaves, Indians, mentally unfit, criminals, and women. The author of the Declaration of Independence, Thomas Jefferson, said, "Were our state a pure democracy, there would still be excluded from our deliberations women, who, to prevent deprivation of morals and ambiguity of issues, should not mix promiscuously in gatherings of men." Jefferson was a lawyer and a good one, and knew his Blackstone well. And Blackstone's "Commentaries" took a dismal view of women. A wife was considered the "chattel" or property, of her husband, with the same legal rights as a goat, a hog, or a piece of land. Marriage for a woman was civil death.

In the early 19th century only one state, Massachusetts, forbade wive-beating. Restrictions included by other states, at least read that a man could beat his wife with a stick no bigger than a judge's thumb. A woman's brain was generally believed to be smaller in capacity and therefore inferior in quality to that of a man. Indeed, many thought the results would be physically harmful if women were to be educated.

All employment for women was centered in the home, preferably in connection with marriage. Weaving, spinning, making lace, soap, shoes and candles were a woman's obligation in addition to caring for her household and family. In the 19th Century the industrial revolution moved production of goods out of the home and into the factory. Men moved from the home-oriented and stable cultured world into an expanding world of educational and business opportunity. Women, on the other hand, found their spheres narrowed, their roles restricted. Fidelity, purity and domesticity characterized a woman's expectations.

By the mid-nineteenth century, a few women were asserting their right to write and speak freely. They focused their energies on the reform movements which were surging through the churches, in missionary work, education societies, movements for anti-slavery, temperance, and eventually women's rights.

The first women's rights meeting in America was held at Seneca Falls, New York, in 1848. A farm woman driving her horse-drawn wagon to the convention wrote of her pride in "being part of a great procession of women moving forward." Among the resolutions passed in the "Declaration of Rights and Sentiments" were demands for: opportunities for women in education, trade, commerce, the professions, and rights in property, free speech, and the guardianship of their children. They also took the daring step and asked for suffrage.

It is difficult for us to conceive of not having the fundamental right to vote. And yet when Elizabeth Cady Stanton first proposed that women should have this right her father was so upset he made a special visit to his daughter's home to see if she had suffered a mental breakdown. Although relieved to find her sane and sound, he told her, "My child, I wish you had waited until I was under the sod before you had done this foolish thing."

The saga of the suffrage movement unfolded for 72 years, marked by many setbacks. Two of the most disappointing being the passage of the 14th Amendment extending the right to vote to all <u>male</u> citizens, and in 1870 the passage of the 15th Amendment

in which black males achieved suffrage.

With the turn of the century, as women sought the right to vote, came escalating marches and picketing - with activities which could and did result in actions ranging from ridicule to being thrown in jail. In the great suffrage parade of 1913 the women marching in their white dresses down Pennsylvania Avenue were forced to disband in front of the National Archives Building by a mob of angry bystanders who spat upon the women and burned them with lighted cigars. The courage and persistence of those early feminists were personified by Susan B. Anthony, whose motto was, "Failure is impossible." She did not live to see the dream fulfilled, passage of the 19th Amendment in 1920.

That milestone in American history culminated decades of labors by a few dedicated feminists. The lateness of its coming did not diminish the rightness of the cause. Eleanor Flexner called the suffrage amendment "a vital step toward winning human dignity, and recognition that they (women) too, were endowed with the faculty of reason, the power of judgment, the capacity for social responsibility."

Women achieved the right to vote, but they did not achieve equal rights for women. In order to insure equality of rights under the law, in 1923 Alice Paul first wrote the Equal Rights Amendment. The National Women's Party, which she helped to found, saw to it that the Amendment was introduced in every Congress for the next 49 years. Finally, in 1972, sponsored by Congresswoman Martha Griffiths of Michigan, the Equal Rights Amendment was overwhelmingly passed by both Houses of Congress. Alice Paul Died in August, 1977 at the age of 92. She had lived to see the amendment ratified by 35 states, needing 3 more to make it official as the 27th Amendment to the Constitution of the United States.

WHAT DOES THE ERA SAY? Section 1: "That Equality of Rights under the law shall not be denied or abridged by the United States or by any state on account of sex. Section 2: The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article. Section 3: This Amendment shall take effect two years after the date of ratification.

WHY IS A CONSTITUTIONAL AMENDMENT NECESSARY? Adoption of the ERA is necessary to safeguard - to all persons -- the right to pursue their individual talents and capacities free of sex discrimination caused by outmoded sex-role stereotyping in laws and governmental practices. Only by amending our Constitution can we wipe out the sex discrimination that has pervaded our legal system for the past 200 years, and ensure equal justice in the future. Said Representative Martha Griffiths in 1973, "In 196 years of this country's being, any government could make any law it chose against women and the Supreme Court has upheld that law -- Corporations have been "people" for more than 100 years. It is high time that we, too, became human."

WHAT WILL THE ERA DO? It will remove sex as a factor in determining the legal rights of men and women. It will primarily affect government action. It will not interfere with private relationships. For example, the questions of who will wash the dishes, open the door, or bring home the paycheck are outside the jurisdistion of the ERA. The general principle is: if a law restricts rights, it will no longer be valid; if it protects rights, it will be extended to both men and women.

WHY DO WE NEED THE ERA? Even though there are some laws on the books forbidding discrimination against women, there is no clear constitutional protection. The Supreme Court has never decided whether the 14th Amendment prohibits discrimination based on sex. Today, 54 years after ERA was first introduced, women in some states cannot start a business, get a mortgage, control their own property, their own paychecks or the property and money of their children on the same basis as men.

WHAT ARE SOME EXAMPLES OF WHAT THE ERA WILL DO? The ERA would outlaw these practices: - all discrimination in public schools - from de facto segregation of vocational schools to exclusion of women from athletic programs.

Outlaw discrimination in public employment such as that which relegates women to the lowest paid job.

Outlaw denial of Social Security and other government benefits to the families of employed women, when those benefits are paid to the families of employed men.

Outlaw all sex-based legal presumptions with regard to the ownership or control or marital property, - for example, presumption that all household goods are owned by the husband. In Georgia the family home belongs exclusively to the husband, even if the wife is the principal wage earner, supports the husband, and makes payments on the home. In Virginia, a husband's property cannot be seized to pay his wife's debts.

...Finally, maintenance (alimony) and child support laws will not rest on the notion that all men are independent breadwinners - and all women are dependent caretakers of home and children. Dependent men who have fulfilled homemaker and child-rearing roles will be entitled to maintenance and child support if their wives are family breadwinners; dependent women in the same situation would continue to be entitled to maintenance for themselves and support for children in their custody.

Will the ERA wipe out the right of a woman and her children to be supported by her husband? No. The ERA would require that any support be written in a sex-neutral fashion -- that support flow from the spouse able to give it to the spouse who needs it. In most cases, this means support will run from the husband to the wife and children. Thirty-three states now have support laws that do not designate the sex of the spouse on whom the support obligation is placed.

What about co-ed bathrooms? Both the legislative history of the ERA and the constitutional principles of personal privacy are very clear on this point: The ERA will not require sex-integrated bathrooms, nor will it require sex integration in any public facility in which people engage in personal body functions. This separation would be permitted in sleeping facilities such as dormitories, as well as rest rooms, locker rooms, and public showers.

Will women be drafted under the ERA? If a draft is reinstated, women will be subject to it just as men are. Exemptions for child or other dependent-care responsibilities, physical incapacity, and hardship will be available to women as well as to men. Women fully qualified to do so could serve in combat units; they would be subject to physical fitness standards for such service as stringent as those applicable to men. Under the ERA women will have equal opportunity to enlist in the armed forces, and to receive valuable job training, educational benefits, medical benefits, retirement benefits, and all employment preferences accorded veterans. Currently, service opportunities for women who seek them are far more limited then for men.

Will the ERA require private clubs, churches, and other groups to cease any sex-discriminatory policies? No the ERA applies only to actions of the government. It does not apply to private persons, groups, or organizations.

Will the ERA affect the legal status of abortion? No. The Supreme Court reached its decisions in the abortion cases based upon principles now contained in the Constitution. The ERA would neither add to nor detract from those decisions.

Does the ERA deprive states of their sovereign right to legislate in such areas as family law, criminal law, and education? No. The ERA respects the states' rights and encourages states to conform their laws to the equality principle. Thus, the ERA does not become effective until two years after it is adopted, in order to give state legislatures ample time to put their own houses in order.

What about all the dire things that the opponents of ERA say will happen if it passes? The proof is in the pudding. In those 16 states which have passed their own ERA, such as Washington, New Mexico and Pennsylvania, None of the inevitabilities cited by opponents have come to pass. Needy women have not been deprived of support. Men and women have been assured of privacy in the bathroom. Homosexual marriage has not been legalized. Nor have unwilling women been forced to go out and work.

The final argument of ERA opponents is that equality of men and women will be injurious to the family (an echo of the argument used against suffrage). Dr. Joyce Brothers speaks to this issue:

"Many men are against the women's liberation movement today without knowing

anything about it. Men are not going to be emasculated, dominated, or weakened by women's liberation. Actually men have much to gain from having women free to develop their own potentials. For one thing, it will lift some burdens that have been placed on men by emotionally and economically dependent women. This is an unhealthy situation for both sexes and an unrealistic one.

"Women's liberation should eventually improve the quality of marriages in almost every way I can think of -- sexually, emotionally, and economically."

The cresendo of organized opposition to the ERA is personified in Phyllis Schlafly, an Illinois conservative, who wrote in 1972: "The claim that American women are downtrodden and unfairly treated is the fraud of the century. The truth is that American women never had it so good." It appears to be a matter of viewpoint. The 7 million working women who are heads of households would take exception. As would minority and older women. As would the 56% of the labor force who are women, and who earn on the average of 59¢ for every dollar a man makes for the same kind of work. It depends where you are coming from.

The position of the homemaker is at issue in the ERA debate. Anti's claim that married women will be robbed of great privileges and rights. The fact of the matter is the legal position of the American homemaker in most of our states is far from good. Under common law that prevails in most states the unemployed wife is considered the property of her husband. If he leaves no will she would be left penniless. Similarly her so-called right to be supported during the marriage depends more on her husband's generosity than on any legal requirement.

In a recent Nebraska case, McGuire v. McGuire, a husband had close to $200,000 in assets, but refused to equip his house with plumbing, trade in his 1927 car, or give his wife, who had done much of the house and farm work for 30 years, an allowance for clothes or personal needs. Her bid for a court order to get $50 a month spending money was turned down on grounds that the court could not intervene in an ongoing marriage.

Hundreds of archaic state laws that degrade homemakers would be wiped off the books if ERA were passed. One example in Florida law. A woman who is physically abused by her husband could not sue him to recover damages, though if he were the victim he could sue her.

ERA would enforce the principle (now ignored in most states) that the homemaker's role in marriage has economic value that entitles her or him to full partnership under the law.

Opposition to the ERA in the Southern states is based upon deeply rooted social and cultural traditions, as evidenced in the views of Representative Dave Smith of Florida who was quoted as saying : "Women should be kissed and cuddled, hugged and pampered and cherished. They should be put on pedestals, smell sweet and be well scrubbed at all times." In response to this attitude Supreme Court Justice William J. Brennan commented: "There can be no doubt our nation has a long and unfortunate history of sex discrimination. Traditionally, such discrimination was rationalized as an attitude of romantic paternalism which, in practical effect, put women not on a pedestal but in a cage..."

The organized opposition to the ERA has intensified and coalesced in the far right of the political spectrum, much of it originating in the South. Among this group are Daughters of the American Revolution, the John Birch Society, the American Independent Party, the Ku Klux Klan, the Christian Anticommunism Crusade, and Stop ERA. Notable in the church category are the National Council of Catholic Women and the Mormon Church. In the political category, Southern Democratic Senator Sam J. Ervin, who has steadfastly opposed ERA along with civil rights, and the G.O.P. right wing are most prominant.

In opposing the ERA with its principle of legal equality for all, these groups have relied on emotions, prejudice, misinformation, and fear. Senator Ervin's minority views, stated in the Senate Report on the Equal Rights Amendment, are based on an April, 1921 Yale Law Journal. Many of his excerpts, which are widely quoted by the opposition, are totally misleading in that phrases are lifted from context,

or deletions greatly alter the meanings.

Organized support for the ERA comes from an overwhelming number of political, civic and labor organizations, notable among which have been Common Cause, League of Women Voters, American Civil Liberties Union, the National Association of University Women, the Democratic National Committee, the Republican National Committee, the A.F.L. - C.I.O., the National Council of Jewish Women, the United Presbyterian Church, N.A.A.C.P. and the Girl Scouts.

Use of the boycott to further the cause of ERA was begun in 1974, when several women's organizations voted not to hold further meetings in states which would deny women equal rights. The boycott has snowballed to include almost 200 organizations, and has meant the loss of millions in revenue for the unratified states. To those men who criticize the women's movement for this action we would remind them they first led the way with the Boston Tea Party. This famous act was a form of economic sanction and one of the acts which led to the founding of this country.

Thirty-five states have ratified the ERA. Thirty-eight are needed to make it part of the Constitution. Efforts to ratify ERA in 3 additional states have been at a standstill for 2 years, including this year, in Illinois where a legislative ruling requiring a 3/5 majority vote has stalled ratification.

Outside of Illinois, opposition comes almost entirely from southern states and from those where Mormon Church opposition is strong. In some of these states conservative committee tactics in the legislature have prevented ERA from even coming to the floor for a vote.

It was for this reason, lack of full and open debate on the crucial issue, as well as the arbitrary time limit of 7 years established by Congress, that the National Organization for Women initiated the push for an extension beyond the March 1979 deadline.

In July, last summer, 100,000 women marched in Washington as part of that Herculean and successful effort. It was a joyous and festive group, in contrast to Alice Paul's suffragists who were forced to disband.

The extension, for the ERA forces is an important victory. It will allow more time to debate the real issues. There has been a deep lack of understanding on the part of the public and a flood of misrepresentation by the opposition. And it appears that truth and logic are gaining ground, with the latest ABC News, Harris poll (Feb. 19) showing 57% of Americans approve of the ERA.

In the coming weeks there will be renewed charges and counter-charges in the struggle for women's rights. And as we listen, it is important to evaluate them in the context of the social and political history of our nation. The women's movement will neither dissolve nor dissipate. The ERA will not go away. "The changes which have affected women and brought them together represent the workings of long-term, historical forces that are never going to be reversed", according to Elizabeth Janeway. The ERA recognizes those historical forces. The ERA offers women, for the first time, in real measure, those opportunities for "life, liberty, and the pursuite of happiness", envisioned by our founding fathers.

The ERA will not only let women into the Constitution,

The ERA will recognize the dignity and worth of every individual, man or woman. Its enactment would radiate out from this nation to impact the rest of the world.

For the quest for human rights will be seen to include that half of humanity that are women.

* * * * *

January 25, 1983
P.O. Box 3-5000
Juneau, Alaska 99801

My name is JoAnn Thorson. I am a homemaker and a mother of two children, a boy and a girl. My husband is a Chief Petty Officer in the Coast Guard.

I am opposed to Senate Joint Resolution No. 1 for the following:

The recognition of the difference between men and women does not in itself demean individuals. To pass an amendment that would force laws to be passed that do not recognize the differences between men and women are illogical and socially detrimental.

In 1952 the Commission of Life and Work of Women in the "Church of World Council of Churches" made this statement regarding men and women's differences:

> "There is a real danger for women in the equalizing process. Equal conditions of work and living do not guarantee equal conditions for women. Women need different conditions than men to give them equal freedom."

The problems and issues of women in today's society are not going to be resolved in this amendment, but by enforcing and strengthening the already existing laws. Therefore this proposal is a waste of time and money.

Sincerely,

JoAnn Thorson

NATIONAL ORGANIZATION FOR WOMEN
Anchorage Chapter
P.O. Box 1722
Anchorage, Alaska 99510

# WHY THE EQUAL RIGHTS AMENDMENT?

By

Dorothy Awes Haaland*

Today I wish to address the Equal Rights Amendment, commonly known as the ERA, and its effects on the family. This amendment was passed by Congress in 1972, and must be ratified by three-fourths, or 38 of the 50 states to become effective. In the first few months after ERA was passed, it was ratified by a majority of the states. Then groups like Stop ERA, headed by Phyllis Schlafly, the John Birch Society, and now Moral Majority, began attacking the amendment and frightening many people. Since this attack began, only one additional state, Indiana, has ratified. Three more states must ratify before the deadline of July 22, 1982. This delay and possible defeat has occurred although polls repeatedly show that a large majority of both women ane men favor the amendment.

Unfortunately much of the debate stirred up has been emotional and unrelated to the subject of sex equality and legal status of women, with opponents charging that it will endanger our form of government, require all women to work outside the home, mandate unisex bathrooms, and force the recognition of homosexual marriage, at the same time destroying heterosexual marriages. These will not be the effects of the Equal Rights Amendment since the courts will interpret it with the benefit of a lengthy legislative history which refutes these arguments. Also, at least 14 states--including Alaska--have their own equal rights provisions, none of which has resulted in any of the harmful effects promised.

The substantive part of the Amendment is very short, reading as follows: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." The majority report of the U.S. Senate Judiciary describes what Congress intended by this amendment:

> The basic principle on which the Amendment rests may be stated shortly: sex should not be a factor in determining

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*An abbreviated version of this article was presented by Dorothy Awes Haaland at the local Anchorage hearings on the White House Conference on Families on March 14, 1980. The author is a long-time local attorney and is the Chairperson of the Legislative Committee of Anchorage N.O.W. She was the first President of Free Voices, was a delegate to the Alaska Constitutional Convention and was a member of the Alaska Territorial Legislature.

> the legal rights of men or women. The Amendment thus recognizes the fundamental dignity and individuality of each human being. The Amendment will affect only governmental action; the private actions and the private relationships of men and women are unaffected.

The basic principle, therefore, of the ERA is not that men and women are the same but that the law cannot treat them differently solely because of sex.

As to the family, women during marriage have traditionally been treated as second class citizens. Many laws still reflect the view of the common law that the woman is the property of her husband. Some of the most repressive laws, such as those denying the wife the right to own property or to be granted custody of her own children, have been changed, but there are still many laws which deny women equal rights.

In some states the husband has the legal right to manage all marital property, including disposal of it, even though it was earned or purchased by the wife. It should be noted that the woman who wishes to be a full-time homemaker has the least legal and economic protection of all. Many states do not recognize her labor as having any economic value. Tax laws often discriminate against the wife. In most states, when a marriage ends the wife is discriminated against in the distribution of marital property. Even a wife's jewelry may be considered the property of the husband, as was the situation in Pennsylvania until the state adopted its own ERA. Social security laws also discriminate against the homemaker.

Much is made by opponents of a wife's right to support. As a matter of fact, any such duty on the part of the husband is largely unenforceable. During a marriage the courts will almost never interfere. As for child support after divorce, most men are not ordered to pay the full cost of support, and a recent study showed that 62% of men pay less than ordered by the court the first year after the divorce, and after 10 years 79% were making no payment at all. Therefore most divorced mothers must work or turn to welfare. The ERA will at least result in better working conditions with better wages for mothers who must work.

One of the most emotional arguments against the ERA is that women must be drafted and sent to the front lines. In this connection it should be noted, as has been made obvious by recent events, that Congress already has the authority to draft women, the ERA not being necessary for this purpose. The difference is that, if the ERA is enacted, the government may be required to draft women. It will also require that women who are drafted are entitled to the benefits that are given to men, such as equal pay for equal work, equal standards for those who want to enlist as well as equal training and post-war benefits. Further it should be pointed out that this does not mean, as opponents of the ERA would have us believe, that all women will be drafted indiscriminately

and sent to the front lines. As with men, women will be classified according to any physical and mental abilities, family obligations and even their desires in some circumstances. Also it should be borne in mind that it requires 7 or 8 persons behind the lines to meet the needs of one person on the front lines, which means that only a small percentage of either men or women will ever be on the front lines.

It is also argued that so many inequities have already been corrected that we no longer need the ERA. This is not true. The U.S. Civil Rights Commission recently compiled a list of over 800 federal statutes that currently discriminate on the basis of sex. Add to that the thousands of discriminatory state laws and regulations, and the continued need for the ERA becomes obvious. Until there is a Constitutional mandate for legal equality, neither the federal nor state governments, nor the courts will have any overwhelming reason to initiate, implement, or enforce equal rights for women.

In summary, the ERA will not alter the family structure. It will not force women out of the home or downgrade the roles of homemaker and mother. To quote Congresswomen Florence Dwyer:

> Indeed, it would give new dignity to these important roles. By confirming equality under the law, by upholding woman's right to choose her place in society, the Equal Rights Amendment can only enhance the status of traditional women's occupations. For these would become positions accepted by women as equals, not roles imposed on them as inferiors.

Dorothy Awes Haaland

THE FOLLOWING DOCUMENT(S) MAY NOT FILM LEGIBLY BECAUSE OF POOR QUALITY OF THE ORIGINAL.

It is our conviction that:

1. The Amendment is unnecessary. The fifth and fourteenth Amendments guarantee to all persons due process and equal protection of the laws without arbitrary discrimination. Most of the inequalities about which its advocates complain are due to custom and tradition, not to law.

2. The adoption of the amendment would nullify Michigan's labor laws for the protection of women. This legislation is perhaps more necessary than before because of the number and proportion of women in the labor force.

3. Adoption of the amendment would cause great confusion in the wide field of laws relating to property, personal status and marriage.

We ask the Committee's consideration of the position of the Michigan Women's Commission.

## STATEMENT OF MRS. MYRA K. WOLFGANG, VICE PRESIDENT, HOTEL AND RESTAURANT EMPLOYEES AND BARTENDERS INTERNATIONAL UNION, AFL-CIO, IN BEHALF OF MICHIGAN WOMEN'S COMMISSION

Mrs. WOLFGANG. My name is Myra Wolfgang. I reside in the city of Detroit. I am the international vice president of the Hotel and Restaurant Employees Union, AFL-CIO, and also the secretary-treasurer of its Detroit local. I bring to this hearing 25 years of experience in representing the interests of service workers, both organized, and may I hasten to add, unorganized as well. I am a member of the Michigan Minimum Wage Board representing service employees thereon. I have been a member of the mayor's committee on human relations, and as Mrs. [illegible], chairman of the commission, indicated, I am a member of the city [illegible] commission on the status of women [illegible]

[illegible]

ment is the result of a growing anger amongst women over job discrimination, social and political discrimination, and many outmoded cultural habits of our way of life.

And the anger is justified, for certainly discrimination against women exists. I do not believe, however, that passage of the equal rights amendment will satisfy, or is the solution to the problem. The problem of discrimination against women will not be solved by an equal rights amendment to the Constitution, conversely, the amendment will create a whole new series of problems. It will neither bring about equal pay for equal work, nor guarantee job promotion free from discrimination. It will not compel the partner of a senior law firm to hire a woman lawyer if he has prejudice against a woman lawyer. And may I point out at this time that if that law firm employs less than 25 persons, they are not even covered by the title VII of the Civil Rights Act. And I would suggest that would be a good place to start a fight against law firms that won't hire lady lawyers.

The amendment is excessively sweeping in scope, reaching into the work force, into family and social relationships, and other institutions, in which, incidentally, "equality" cannot always be achieved through "identity." Differences in laws are not necessarily discriminatory, nor should all laws containing different provisions for men and women be abolished, as the equal rights amendment would do.

Opposed as I am to the equal rights amendment, certainly does not mean that I am opposed to equality. The campaign for an equal rights amendment, in many instances, has become a field day for sloganeers and has become as jingoistic as the "right to work" law campaign [illegible]. The "right to work" laws do not guarantee a [illegible] the equal rights amendment will [illegible] equality. [illegible]

[illegible]

Mrs. Wolfgang. I think it is bad and I don't think that the equal rights amendment will correct that. And if you will permit me to continue testifying, I will try to show you what my position is.

Senator Bayh. I would be happy to let you continue but the whole thrust of this intimation that there is some devious means of——

Mrs. Wolfgang. Well, why don't you wait until I conclude my testimony, and let me assure you I don't think it is devious. I think it is unfortunate that the women who are working washing dishes or working in the laundry can't afford to be here while the rest of us can. And I list myself amongst the fortunate.

Senator Bayh. I will try not to interrupt anymore.

Mrs. Wolfgang. Thank you.

Some feminist groups have concluded that since only females reproduce—and to be a mother is to be a "slave eternal"—that nothing short of the destruction of the family and the end of internal reproduction will do. Having discovered "artificial insemination" all that is missing now, in order to do away with women, entirely, is discovering an artificial womb.

You will be hearing, I am sure, from many who will contend that there are no real differences between men and women, other than those [illegible] by culture. Has culture created the differences in the size of the hands, in muscular mass, in respiratory capacity? Of course not. The differences are physical.

Let me add some more. Women on the average—these are averages, Senator—are 85 percent as heavy as men and have only [illegible] percent as much physical strength. Therefore, they cannot lift as heavy [illegible] [illegible]

The elimination of laws regulating hours women may work permits employers to force them to work excessive overtime, endangering not only their health and safety, but disrupting the entire family relationship.

The women in the work force who are in the greatest need of the protection of maximum hour legislation are in no position to fight for themselves.

Do you want me to wait, Senator? Would you want me to pause?

Senator BAYH. No, ma'am. I didn't want to interrupt. Go right ahead.

Mrs. WOLFGANG. Well, I noticed that you were in a conference.

Senator BAYH. That is quite all right. I will try to do my job and I know you will try to do yours.

Mrs. WOLFGANG. Thank you.

Let me emphasize again that the majority of them are not represented by labor unions (working as they do in organized industries); thousands are not covered by the Fair Labor Standards Act since their employers do not gross $500,000 a year, which is the definition of interstate commerce. And may I point out that as a result of that, that all of these women who are not covered by the Fair Labor Standards Act do not even get premium pay when they are compelled to work overtime. Nor are they covered by title VII of the Equal Employment Opportunities Act, or of the Civil Rights Act. As you well know, that act only applies to employers of 25 persons or more. So we find that the woman worker, particularly the service worker, is not covered by the Fair Labor Standards Act; therefore, will not receive overtime when she works it, is not covered by the Equal Employment Opportunities, or by title VII, and gets neither protections.

Yet, we are told that the decision of the Equal Employment Opportunity Commission stating that State laws are superseded by the Federal law, should remove objection to enactment of the equal rights amendment. The Equal Employment Opportunity Commission in issuing guidelines on the question of labor protective laws applying to women only, stated that:

> Such laws and regulations conflict with Title VII of the Civil Rights Act of 1964 and will not be considered a "defense" to an otherwise established unlawful employment practice or as a basis for the application of the bona fide occupational qualification exception.

The new guidelines, as such, give protection to a small minority — [illegible]

[illegible]

say that the best way to accomplish that would be to exclude professional women, administrators, and executives, but the approach that I am suggesting is that the specific problem—and I am only using hours as an example now—can be more equitably handled by amending, repealing, strengthening State laws where it is required, than by having an amendment to the Constitution which would make it impossible to do such things unless they are applied equally to men and women.

In this mad whirl toward equality and sameness one question remains unanswered: Who will take care of the children, the home, cleaning, the laundry, and the cooking? Can we extend this equality into the home? Obviously not, since the proponents of the equal rights amendment are quick to point out the amendment would restrict only governmental action and would not apply to purely private action.

I would like to point out that this was a statement made by my good friend Congresswoman Martha Griffiths. It was inserted in the Congressional Record, and on that subject I agree that the social security laws are discriminatory, and I respectfully suggest that the way to correct that would be by amending the social security laws. And it seems to me that if it cannot be amended as a result of an intelligent discussion even with the powerful voice of Congresswoman Griffiths in the Ways and Means Committee that perhaps there are issues involved in the entire social security picture which make it appear that what was stated here yesterday is an oversimplification of the facts.

Unfortunately, I am a widow. I pay the same amount of social security as do all other persons, male or female. I have no husband to leave it to. But let me assure you I do not feel that my social security taxes are being used to support your widows, as is felt by Congresswoman Griffiths, according to her testimony given yesterday. I feel my social security taxes are being used to support ADC mothers, and I hope that they can get more support. I am much more concerned, Senator, about my tax dollars being sent to Cambodia, than I am whether it supports your widow or not.

Senator BAYH. Well, at the risk of interrupting again, if it were possible for this committee to consider that issue and to pass it out, at least this morning, we would have a unanimous vote to bring the troops back from Cambodia. But unfortunately, that isn't before us and I think we have to deal with the specific question. I think you said a moment ago, did you not, that you realized the inequities that exist in social security relative to women?

Mrs. [illegible]. Oh, yes. I recognize them, but I think they should be corrected by amending the Social Security Act. And I venture to say—that is my point, Senator, that if it can't be done there, even though it is so very, very simple, there must be some reasoning there—in other words, what we are trying to get in amending social security through an equal rights amendment is we are trying to get something through the back door that we can't get through the front door.

[illegible]

I know the pressures upon you have been great, and I am aware of the recent position taken by the Citizens Advisory Council on the Status of Women in support of the equal rights amendment. Since it differs with the report of President Kennedy Commission on the Status of Women, what has occurred to explain this change? You know, as it is said, in order to know the players, you have to have a scorecard. Well, have women changed since 1963? No. Have the fifth and 14th amendments to the Constitution been changed, repealed, or amended since 1963? The only thing that has changed is the personnel of the Citizens Advisory Council. The new Council was appointed last August and consists of business and professional women whose knowledge of proper labor standards for workers is negligible. And if you don't believe me, ask the domestics that work in their homes. Not one labor representative is on that Council.

You have been reminded in strong and ominous tones, and I was here yesterday and heard it, that women represent the majority of the voters. That is true. But there is no more unanimity of opinion among women than there is amongst men. Indeed, a woman on welfare in Harlem, and a unionized laundryworker in California, an elderly socialite from Philadelphia may be of the same sex and they may be wives and mothers, but they have little in common to cause them to be of one opinion.

Whatever happens to the structure of opportunity, women are increasingly motivated to work—and they want to work short hours on schedules that meet their needs as wives and mothers. They want fewer hours a week because emancipation, while it has released them for work, has not released them from home and family responsibilities.

I oppose the equal rights amendment since the equality it may achieve, may well be equality of mistreatment.

I would be very happy to answer any question that you direct.

(The prepared statement follows:)

TESTIMONY BY MYRA K. WOLFGANG RE EQUAL RIGHTS AMENDMENT

My name is Myra K. Wolfgang. I reside in the City of Detroit, State of Michigan. I am the Vice President of the Hotel and Restaurant Employees and Bartenders International Union AFL-CIO and Secretary-Treasurer of its Detroit Local, No. 705. [illegible]

[illegible]

[illegible]

one out of ten women in the work force have had four or more years of college, so I am not speaking of or representing the "bird in the gilded cage". I speak for "Tillie the Toiler".

I am opposed to enactment of the Equal Rights Amendment to our Constitution. I recognize that, the impetus for the passage of the Equal Rights Amendment is the result of a growing anger amongst women over job discrimination, social and political discrimination and many out-moded cultural habits of our way of life.

The anger is justified, for certainly discrimination against women exists. I do not believe, however, that passage of the Equal Rights Amendment will satisfy, or is the solution to, the problem. The problem of discrimination against women will not be solved by an Equal Rights Amendment to the Constitution, conversely, the Amendment will create a whole new series of problems. It will not bring about equal pay for equal work, nor guarantee job promotion free from discrimination. The Equal Rights Amendment is a negative law with no positive or specific provisions to combat discrimination.

The Amendment is excessively sweeping in scope, reaching into the work force, into family and social relationships and other institutions, in which "equality" cannot always be achieved through "identity". Differences in laws are not necessarily discriminatory, nor should all laws containing different provisions for men and women be abolished.

Opposed, as I am, to the Equal Rights Amendment, certainly does not mean that I am opposed to equality. The campaign for an Equal Rights Amendment, has become a field day for sloganeers and has become as jingoistic as did the "Right to Work" law campaign. "Right to Work" laws do not guarantee a job, anymore than the Equal Rights Amendment guarantees equality.

Representing women service workers, gives me a special concern over the threat that a simple Equal Rights Amendment would present to minimum labor standards legislation, since such standards influence working conditions. Many such State laws apply only to women.

Today, the 50 States, the District of Columbia and Puerto Rico, all have minimum labor standards laws applying to women. The principal subjects of regulations are: (1) minimum wage; (2) overtime compensation; (3) hours of work, meal and rest periods; (4) equal pay; (5) industrial homework; (6) employment before and after childbirth; (7) [illegible]; and (8) other standards, such as seating and washroom facilities and [illegible]. It would be desirable for some of these laws to be extended to men, but the practical fact is that an Equal Rights Amendment is likely to destroy the laws altogether rather than bring about coverage for both sexes. Those State laws that are out-moded or discriminatory, should be repealed or amended and should be handled on a "case by case" basis. Let us be sure [illegible] that we agree on what is "discriminatory" before we rush into [illegible] legislation.

[illegible]

[illegible]

[illegible]

At an average age of thirteen comes the tremendous change and the *one great* difference between the boy and the girl. From that date on, she is able to bear children. With the development of this child-bearing function, a monthly cycle of changes and variations occur. Many women's capacity to work is affected by these changes during this cycle. It has been known, for instances, that women singers will perform differently during such periods because of effects on their vocal cords. The effects of these changes on the central nervous system are quite obvious. This is not to suggest that women are incapacitated during this cycle, yet 25% of them have symptoms so severe as to cause them to seek medical relief. From puberty onward, woman's general muscle strength is never equal to that of a man.

Women are on the average only 85% as heavy as men and have only about 60% as much physical strength. Therefore, they cannot lift as heavy weights, they cannot direct as much weight or have the same strength for the pushing or pulling of loads. Their grip is not as strong. Women are built on a smaller anatomical scale than men, their standing and sitting height, arm length and size of hands and feet all being smaller.

One can take any cell from a human being and determine whether it came from a male or a female. This does not suggest superiority or inferiority among the sexes, it emphasizes the differences. Because of the physical and I emphasize *physical* differences between men and women, the question of protective legislation for women must be reviewed. In addition, the dual role of women in our modern society, makes protective legislation a necessity.

The working mother has no "wife" to care for her or her children. She assumes the role of homemaker and worker and must perform both these roles in a 24-hour period. Even in the two-parent households, there is an unequal division of domestic chores. While much could be done to ease the burden of the working women by men assuming a fair and equal share of domestic chores, they are not prepared to do so. What is more, society as a whole, is reluctant to expect this of men or to build child care centers to ease the burden of woman's dual role.

*If the community does not take action, through protective legislation to enable women to work outside the home, then the expressed desire for equal rights is an empty promise and myth.* The Equal Rights Amendment would [illegible]

[illegible]

point out that State laws limiting the number of hours women can work, protect the woman who cannot and does not want to work overtime. The decision of the Equal Employment Opportunity Commission gives the woman who wants overtime, the right to insist that her employer offer it to her. The rights of thousands of women who are unable to work excessive overtime, who are not covered by the Equal Employment Opportunities provision of the Civil Rights Act and who consider overtime a punishment not a privilege, must also be protected. The Equal Rights Amendment will make it impossible to do so.

In this mad whirl to "equalize"—male, female—everyone, one question remains unanswered—who will take care of the children, the home, the cleaning, the laundry and the cooking? Can we extend this "equality" into the home? Obviously not, since the proponents of the Equal Rights Amendment are quick to point out that the Amendment would restrict only governmental action and would not apply to purely private action.

I know the pressures upon you have been great and that you are aware of the recent position taken by the Citizens Advisory Council on the Status of Women in support of the Equal Rights Amendment. Since it differs with the report of President Kennedy's Commission on the Status of Women, what has occurred to explain this change? Have women changed since 1963? Of course not. Have the 5th and 14th Amendments to the Constitution been changed, repealed or amended since 1963? Of course not. The only thing that has changed is the personnel of the Citizens Advisory Council. The new Council was appointed last August and consists of business and professional women whose knowledge of proper labor standards for workers is negligible. Ask the domestics that work in their home! Not one labor representative is on that Council. In addition, I am sure my sisters in the Women's Liberation Movement have reminded you in strong and ominous tones that women represent the majority of voters. True but there is no more unanimity of opinion among women than among men. Indeed, a woman on welfare in Harlem, a unionized laundry worker in California, an elderly socialite from Philadelphia may be of the same sex and they may be wives and mothers, but they have little in common to cause them to be of one opinion.

Whatever happens to the structure of opportunity, women are increasingly motivated to work—and they want to work short hours on schedules that [illegible] their needs as wives and mothers. They want fewer hours [illegible] [illegible] while it has released them for work, has not [illegible] [illegible] and family responsibilities.

I oppose the Equal Rights Amendment since the equality it may [illegible] will be equality of mistreatment.

Thank you.

Senator [illegible]. Well, being a member of a minority group in this [illegible]

[illegible] aren't you glad the majority isn't of one mind?

[illegible] I was just about to say that is the most heartening [illegible] so far. It is proved conclusively by the testimony [illegible] that indeed proof is needed.

[illegible]

Mrs. Wolfgang. The expressions were mine.

Senator Bayh. Excuse me. You were here yesterday and you heard me suggest that I disagreed with some of the ladies who were on the other side of this issue with you. I said then that I didn't feel the passage of this amendment was going to be a panacea such that all of a sudden discrimination was going to disappear, but rather that it was going to take active pursuit of the rights given under this Constitutional amendment to bring about changes in due course. But you stress now the equalities provided under the Fifth and 14th amendments. Can you specify one court case that has reached the Supreme Court today in all these years of history that has been based on the fifth and 14th amendments that has been successful for women's rights?

Mrs. Wolfgang. I believe the trial on the question of serving on an Alabama jury raised the question of the 14th amendment and as a result of that litigation women can now serve on juries in Alabama.

However, Senator, I also heard yesterday——

Senator Bayh. That was——

Mrs. Wolfgang. Just a minute. You asked me a question. Let me answer it.

Senator Bayh. Yes, but you were not accurate; that was not a Supreme Court case. That was a district court case.

Mrs. Wolfgang. I thought you were talking about the validity of the application of the 14th amendment. Because I know there were many instances where the lower courts didn't uphold it, and therefore it was said that the 14th amendment does [illegible] apply. And that was said yesterday and you interrogated them so I [illegible] you [illegible] both areas of the court. However, the expression was mine [illegible] when I spoke of legal equality. What I meant, and let me clarify it, is that equality will not be achieved by legislation. Perhaps the word "legal" is not used in the correct context there. I do not believe that you can legislate equality no more than you can legislate antidiscrimination. You have antidiscrimination laws on your books, but the [illegible] people feel on the question of [illegible] relations is indicated by the [illegible] to suburbia all over this country, and there isn't any law you [illegible] put on the books that is going to change that. There isn't any law that is going to alter the fact that people [illegible] where they live, even determine the schools their children go to, and yet, you cannot stop that exodus.

Senator Bayh. Granted that you are not going to legislate equality. But according to your testimony, and you are [illegible] the [illegible] [illegible] literally on the floor representing women who clean and wash dishes——

Mrs. Wolfgang. I venture to say the dishwasher in Gary, Ind., doesn't like to work more than 10 hours a day.

Senator Bayh. The efforts we have made to date [illegible]

stated in a constitutional amendment going to be able to create the attitude and aura of movement in this direction more than a piece by piece statute?

Mrs. WOLFGANG. Well, Senator, I am inclined to agree with you an equal rights amendment would do that. If you recall from my testimony I said my opposition to it is based only on the fact of its impact on protective labor legislation because I am aware of the fact that the majority of the women in this country, and incidentally, you know, when they speak of the women's median wage being so much less than the men's, there are factors other than the fact that the majority of them are in the unskilled occupations. Whether we like it or not in Government service in spite of Presidential orders going all the way back to President Kennedy, you have this wide range of the average earnings of the women and men because you know women do not achieve the same tenure. They are in the work force and they are out of it, and they return to it, and that is as it should be if that is the way the individual woman wants it to be.

Senator BAYH. But I think you would be the first to suggest that that is not the only reason why there is this discrepancy between a woman executive working in Government and a man executive.

Mrs. WOLFGANG. Of course not. Amongst the executives it is now assumed that there are laws to protect that. I would suggest that either the laws be enforced or that the women fight more aggressively to see that they get what they are entitled to under law, not to pass an amendment to the Constitution that will take the rights away from that woman who is making less than $3,000 a year, leave her without any legislation that says her employer can make her work 10 and 12 hours a day and then go home to a day of housework. That is where a majority of the working women are.

[illegible]

the UAW. The action was supported by the UAW women in the Rawsonville Ford Motor plant, the Ac Spark Plug plant from Flint, Mich., Chrysler Corp. in Lyons, Mich. This just wasn't service workers. The women who are covered by EEOC equally as concerned with the impact of excessive overtime.

There was a 5-month period when the law was not on our books.

Now, that is a wild situation there. Our legislature passed two pieces of legislation. One repealed the law. The other referred it to an occupational safety standards commission. The attorney general ruled that one that repealed the law was invalid, but during that period there was three months' time when we did not have the hours law on our books. The result was so catastrophic that women actually in this day and age, even though we were told here yesterday that the days of exploitation are over, were working 12 hours a day, 7 days a week. In the Chrysler Motor Co. Chrysler Verner-North plant in the city of Detroit, they were put on a schedule of 12 hours a day, 7 days a week, and women were compelled to quit their jobs because they could not work these hours and go home afterward and do their housework. And that is why we took them to court and that is why I think we will again.

Senator BAYH. Let me ask you if you think it is a good practice to have men working 12 hours a day, 7 days a week.

Mrs. WOLFGANG. I think it is a very bad practice for a man to have to work 12 hours a day, and I think this legislation should apply to both. The question that I asked in my statement, and that may have been at the moment when you were discussing something else, was what do we do until legislatures amend the law to include both men and women. That is the question that is before us.

Senator BAYH. Let me suggest to you that I am very sensitive to criticism that I would be in favor of or consider legislation that would lower the standards and working conditions of the [illegible].

Mrs. WOLFGANG. I am sure you would, Senator. That is why I am testifying the way I am.

Senator BAYH. In most instances I think my legislative record has shown I have been on the other side of such issues. I am not convinced yet that [illegible] the equal rights amendment [illegible] on the side of [illegible]. The amendment is subject to different interpretations [illegible], but it is entirely possible to interpret that if there is a 8-hour law in Michigan in which a woman is not permitted to work more than 8 hours, that under the proposed amendment it would be just as reasonable to conclude that the 8-hour law would be applied to men and women, as that it would be repealed as it applies to women.

Mrs. WOLFGANG. Senator, are you aware of the fact that [illegible]

good for women will remain for men, I have to ask the question, and I hope one of the proponents of this bill will answer it in their testimony; they haven't yet—why are they opposed to the Hayden amendment, which would do just that? I can't answer it. Somebody else will have to.

Senator BAYH. I can answer that myself.

Mrs. WOLFGANG. Well, good.

Senator BAYH. I am not sure that I can answer it to your satisfaction.

Mrs. WOLFGANG. No, no. I just want to know what the answer is.

Senator BAYH. Anyone who is familiar with the Hayden amendment, can argue the merits of this amendment: the whole question of whether we should have an amendment to the Constitution, is answered by the amending the Constitution on the one hand saying one thing and then on the other hand saying that we really didn't mean anything we said——

Mrs. WOLFGANG. No, no. I agree with you there.

Senator BAYH. It is just totally ridiculous to suggest we go through this overture. It is just a political ploy, it seems to me, to do it, and I think the Congress has been guilty of this.

Mrs. WOLFGANG. Well, I don't think we ought to attribute motives to anyone else. I don't. I think that the—I hope that proponents of the equal rights amendment will recognize my sincerity and commitment to labor legislation for the unskilled, untrained women workers who are my primary concern. By the same token I wouldn't say that this a ploy.

Senator BAYH. I don't think—all right.

Mrs. WOLFGANG. That it was a ploy. I think that the contribution that was made there at least made a lot of people aware of the fact that the equal rights amendment is a possible threat to protective legislation. We both concede that the courts are going to have to make the determination. And I am not a lawyer, so I won't discuss it.

Senator BAYH. Is it reasonable to assume that passing an equal rights amendment with the Hayden rider would leave us exactly where we are today?

Mrs. WOLFGANG. That is reasonable to assume, and I think as far as the equal rights amendment in this type of legislation, that is where I would like to be. I believe that the laws have to be amended and strengthened on a case-by-case basis. I am not prepared to throw the baby out with the wash.

Mrs. FINEMAN. Senator, you made a statement that you thought the protective legislation might be interpreted so that the hours would be the same for men; in other words, they would have a 5[illegible]-hour week, but I think that is an unrealistic approach because of the trend that has been happening across the country, that the laws have been removed, not extended to cover men, but have been removed so that women who have [illegible] are [illegible] protected. And I feel very strongly that this is a necessity in [illegible]. I don't think that we can assume that the other interpretation would take place.

Senator BAYH. But neither can we assume that, at least we cannot accurately say that this amendment would prohibit that from happening.

Mrs. WOLFGANG. That is correct. So our statement that this would be decided by the courts is a correct one.

Senator BAYH. Let me ask just one last general question here.

What has been accomplished by your commission, Mrs. Finegan? The reason I ask is not to be critical of your efforts or the commission's efforts, but to try to point out the fact that what is being done now for some reason or another is not doing the job.

Mrs. Wolfgang pointed out a number of areas in which under present "protective" laws, there are large numbers of people that are being discriminated against. Now, it seems this is totally contradictory if we don't want to repeal those laws or we don't want to pass a constitutional amendment because we might affect those laws which provide protection which in essence doesn't exist.

Mrs. FINEGAN. You are talking about passing a law without an amendment, isn't that correct?

Senator BAYH. Yes, ma'am.

Mrs. FINEGAN. And isn't the Hayden rider——

Senator BAYH. You see I asked Mr. Furay this yesterday. He went through a very well documented graphic presentation of the shortcomings, the work conditions, the strains on various parts of the body, all of which are going on today. And yet, he suggests that to pass the amendment, and you suggested to pass it, is going to take away this protection which apparently isn't effective.

Mrs. WOLFGANG. That is why it should be strengthened, those laws. Even EEOC should be strengthened so it has enforcement provision.

Mrs. FINEGAN. You might be interested to know that at a public hearing in Michigan there was one representative from industry and everybody else represented the labor force. I think this indicates the lack of concern on the part of industry if they are permitted to force people, if they can force people to work beyond the normal working week. I think this indicates that they are certainly going to take advantage of this?

But you did ask what our commission had accomplished, and the present commission has been in existence just a year. We have taken a stand on the abortion laws in Michigan. We have published a pamphlet on laws applying to women. We are at the present time engaged in four ongoing programs dealing with household employees, with family planning, with parttime employment opportunities for women, and these are ongoing projects at the present time. Since we have only been in existence a year I would say that our stand on the abortion issue and our fight on the abortion issue has been the most significant contribution of this commission.

Mrs. WOLFGANG. Senator, Mrs. Finegan has been very modest. Our commission didn't just take a stand on the abortion hearings. Mrs. Finegan as our chairman has been one of the leaders of the struggle for abortion reform in Michigan.

Senator BAYH. Well, thank you. I am glad of that for the record.

Mrs. WOLFGANG. Senator, [illegible] may I make a short statement. There was a great deal of questioning yesterday [illegible] of the

witnesses here on the organized labor movement, and the employment of women officials. Incidentally, you were interrogating a nonelected official of the labor movement, a trade union functionary. As an elected official of one of the five largest unions in the AFL–CIO and its international vice president, I would like to point out that in my way of thinking there are three reasons why there aren't more women leadership positions in the labor movement, and you expressed a concern about it yesterday. As a matter of fact, I thought the labor movement was on trial yesterday. The first one is that the men in the labor movement——

Senator BAYH. Let me suggest I think that is patently fair. There is nobody more sympathetic with the labor movement than I, and I suggest it is reasonable to ask if you have a union comprised of women who run sewing machines why you don't have a preponderance of female leaders at the higher levels as well as at the local level?

Now, I don't see how that puts anybody on trial. That is trying to get some facts on the record.

Mrs. WOLFGANG. I think that is a very reasonable question to ask and I would like to answer you have a preponderance of women in the country, 53 percent of them, and one woman in the U.S. Senate, but I would like to continue that there are three reasons for this, Senator, and I do respect your sincerity. I think you really want to know. In my way of thinking the first one is male chauvinism. I think the men in the labor movement are not different than any other men.

But the second and the more important reason is that the women in the labor movement who are members of the [illegible] who are in the work force in the main have to go home to [illegible] household duties when they get through [illegible] meeting to participate in the union [illegible] that men do.

[illegible]

to be a woman. I will always vote for who I consider to be the best candidate. I mean we have a secret ballot but everybody may as well know I will vote for Senator Hart rather than Mrs. Romney even though Lenore Romney is a charming woman and a personal friend of mine. I will vote for the man because I happen to think he is a better candidate for office.

Senator BAYH. Perhaps that is a good note to thank you for your testimony and ask for the next witness.

Thank you very much, ladies.

Our next witnesses are Miss Gloria Steinem and Miss Caroline Bird, Miss Steinem, a writer and critic of some renown, and Miss Bird, author of "Born Female." What was the other title, "The High Cost of Keeping Women Down"—is that the one?

Miss BIRD. I happen to have it with me.

Senator BAYH. We won't call that commercialism. You go right ahead.

Make sure you get a picture of that book.

Thank you, ladies, for taking your time to be with us. We are looking forward to hearing your testimony.

## STATEMENT OF GLORIA STEINEM, WRITER AND CRITIC

Miss STEINEM. My name is Gloria Steinem. I am a writer and editor, and I am currently a member of the policy council of the Democratic committee. And I work regularly with the lowest-paid workers in the country, the migrant workers, men, women, and children both in California and in my own State of New York.

I am here in support of the equal rights amendment. [illegible]

THE PRECEDING DOCUMENT(S) MAY NOT FILM LEGIBLY BECAUSE OF POOR QUALITY OF THE ORIGINAL.

... before the Supreme Court. The court has never declared "sex" as suspect category as it has with race.

1. *In 1948, the Supreme Court allowed Michigan to restrict women from being bartenders. "The constitution does not require legislatures to reflect sociological insight or shifting social standards,"* *__Goesaert vs. Cleary__* *decision. This means that the state laws that bar women from other occupations such as mining and wrestling would probably be upheld.*

2. *In 1961, the Supreme Court denied an appeal from a convicted woman who said she was not tried by her peers because Florida allows women on the jury only if they go to the courthouse and request to be put on the list. As justification the court said "a woman is still regarded as the center of home and the family."*

3. *In 1971, the Supreme Court upheld the validity of sex-segregated public schools. In this Vorsheimer case, a young girl was denied admittance to Central H.S. in Philadelphia because she was a girl; the school offered superior math and science training for superior* *__male__* *students.*

4. *In 1972, the Supreme Court said states could force women to use husband's names on drivers' licenses.*

5. *In 1974, the Supreme Court upheld a Florida statute which provided a $500 property tax exemption to all widows but not widowers.*

__*EXAMPLES OF STATE AND FEDERAL LAWS THAT THE ERA WOULD LIKELY MAKE ILLEGAL:*__

*"In cases challenging laws under the Equal Rights Amendment, the courts will be faced with essentially two alternatives: either to invalidate the law or to equalize its application to the two sexes." (__Sex Discrimination__, 1975).*

1. *N.Y. State, Virginia and nine other states, allow women to refuse jury duty on the basis of sex. N.Y. City will NOT pay the salary of a female employee on jury duty but it will pay the salary of male employees. Only 32 states have the same jury laws for men and women.*

2. *In New Mexico, Texas and Utah a "passion shooting" is accepted for husbands but not for wives. That means the man would get no penalty and the woman would be tried for murder.*

3. *Kentucky allows adultery for husbands but not for wives. That is, it is a crime for a woman to commit adultery, but not for a man.*

4. *In most states it is recognized that prostitution is applied only against females (not customers or male prostitutes). A 1976 Massachusetts state Supreme Court decision reaffirmed this position.*

5. *New Jersey law gives a judge authority to give longer sentences for women than men. Many other states do the same. Sometimes a woman is sent to a reformatory rather than a prison and stays there longer.*

6. *In many states, men are not eligible for alimony.*

7. *Martin case, 1978. Nevada, Louisiana law making the husband manager of property. Mrs. Martin was the only one who worked and supported the family, her husband being a student. She also bought a house for them to live in. Her husband wanted to borrow money by mortgaging the house, and she objected. He made the loan without her consent or signature, and did not repay. The bank sued to foreclose and Mrs. Martin sued to stop foreclosure on grounds that she had bought the property and had not consented to the loan. The Louisiana court held that the husband had full control of all marital property under all circumstances and allowed foreclosure. Affirmed by the Louisiana Supreme Court.*

   *Mrs. Martin indicated that she would get a divorce and did not want to be married at such sacrifice.*

#### 8. SPECIAL ELECTION BY THE SECTION 2 MECHANISM

Senator Robert Griffin testified before the Subcommittee in support of Senate Joint Resolution 160, which would change the traditional method of selecting Vice Presidential nominees. Following the Presidential election, the President-elect would nominate a person for Vice President who would be then subject to confirmation by the new Congress, utilizing the procedures in Section 2 of the 25th Amendment. Thus, under Senate Joint Resolution 160, every Vice Presidential nominee would be subject to the same intensive scrutiny as were Vice President Ford and Vice President Rockefeller.

Several witnesses expressed concern that this proposal would distract the new President and Congress from their other responsibilities and would delay the organization of every new administration and the implementation of its programs. Furthermore, such a plan would leave the Presidency without a successor for an interim period and difficulties could arise if the President were to become disabled during that period.

#### CONCLUSION

The hearings to review the first implementation of the Twenty-Fifth Amendment revealed widespread satisfaction with the operation of the amendment, and little support for any specific alternative to Section 2. Although a few witnesses expressed views favoring change, there was an absence of agreement as to the type of change, and serious objections were raised to each of the varying proposals. Clearly, the Subcommittee believes the Twenty-Fifth Amendment, which has been applied twice in its short existence, successfully met its first, and perhaps most difficult, tests.

The Subcommittee issued a detailed report on the first implementation of the Twenty-Fifth Amendment (See "A Review of the Implementation of Section 2 of the 25th Amendment", September, 1975, 94th Congress, 1st Session) and published a compilation of testimony taken by the Subcommittee in the course of its examination of the Section 2 mechanism. (See "Examination of the First Implementation of Section Two of the Twenty-Fifth Amendment," February 25, February 26, and March 11, 1975, 94th Congress, 1st Session.)

## EQUAL RIGHTS AMENDMENT

#### LEGISLATIVE HISTORY

Proposed constitutional amendments providing for equal rights for men and women have been introduced in every Congress since 1923, shortly after the ratification of the 19th Amendment extending the right to vote to women. Resolutions were reported favorably by the Subcommittee in the 88th, 89th and 90th Congresses, as well as a number of earlier Congresses. Resolutions were reported favorably by the Committee on the Judiciary in the 80th, 81st, 82nd, 83rd, 84th, 86th, 87th and 88th Congresses.

In the 81st Congress, and again in the 83rd Congress, resolutions passed the Senate with a floor amendment. This floor amendment or "rider" provided that the language set out above "shall not be construed to impair any rights, benefits or exemptions now or hereafter

conferred by law upon members of the female sex." In both instances, the House of Representatives failed to act. The same floor amendment was added to an equal rights resolution during Senate consideration in the 86th Congress. Upon the motion of the resolution's principal sponsors, it was recommitted to the Judiciary Committee.

On May 5, 6, and 7, 1970, the Subcommittee held hearings on the equal rights amendment. It received testimony from 42 witnesses, five of whom opposed passage, received 75 additional insertions of material, and compiled a hearing record of almost 800 pages. (*The Equal Rights Amendment*, Hearings before the Subcommittee on Constitutional Amendments, 91st Congress, second session.) The Subcommittee met and reported Senate Joint Resolution 61 to the full Committee on August 10, 1970. Soon thereafter the full Committee held a further series of hearings on the amendment, on September 9, 10, 11, and 15, 1970. It listened to 25 witnesses and compiled a 430 page record of hearings. (*Equal Rights 1970*, Hearings before the Committee on the Judiciary, 91st Congress, second session.)

After voting to discharge its Judiciary Committee from further consideration of the bill, the House of Representatives passed the Equal Rights Amendment, House Joint Resolution 264, on August 10, 1970, by a vote of 350 to 15. The House-passed joint resolution was not referred to the Senate Judiciary Committee but placed on the Calendar pursuant to the request of the Senate leadership. House Joint Resolution 264 became the pending Senate business on October 6, 1970. After several days of debate, on October 13, 1970, the Senate adopted by a vote of 36 yeas to 33 nays Senator Ervin's amendment, No. 1049, to ensure the continued validity of laws exempting women from compulsory military service. Amendment 1049 added a second sentence to the first section of the joint resolution as follows: "This article shall not impair, however, the validity of any law of the United States which exempts women from compulsory military service." Amendment 1049 also imposed a seven-year time limit on the ratification process and made the joint resolution effective two years—instead of one year—after ratification.

After accepting the Ervin amendment, the Senate also adopted, 50 yeas to 20 nays, Senator Baker's amendment, No. 1048, which added to the pending joint resolution a second section proposing an additional constitutional amendment which would allow all persons lawfully assembled in public buildings to participate in nondenominational prayer. The second proposed article read as follows:

> Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

After further debate the Senate laid aside the joint resolution, as amended, on November 19, 1970, and proceeded to the consideration of other business. No further action was taken in the 91st Congress.

In the 92d Congress, Subcommittee No. 4 of the House Judiciary Committee held hearings on House Joint Resolution 208—which was identical to Senate Joint Resolutions 8 and 9 in the 92d Congress—on March 24, 25, and 31; and April 1, 2, and 5, 1971, hearing testimony from 35 witnesses. (*Equal Rights for Men and Women*, Hearings

Before Subcommittee No. 4 of the House Judiciary Committee, 92d Cong., 1st Sess. 1971). On April 29, 1971 the Subcommittee by a voice vote ordered the measure reported to the House Judiciary Committee. The full Committee amended the joint resolution on June 22, 1971 by a vote of 19 to 16 by adding a section which provided that the Amendment would "not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or any State which reasonably promotes the health and safety of the people." It then, by vote of 38 to 2, ordered the joint resolution reported favorably. The Committee Report, H.R. Rep. 92–259, was filed on July 14, 1971. Separate views were filed by 14 Representatives; Minority views were filed by 3.

On October 12, 1971 the House rejected by vote of 104 to 254 the Committee amendment to House Joint Resolution 208. After further debate, it approved the resolution in its original form by vote of 354 to 23 (117 Cong. Rec. H. 9392 (Daily ed. Oct. 12, 1971)).

In the Senate, the Subcommittee on Constitutional Amendments, after repeatedly failing to get a quorum earlier in the year, met on November 22, 1971, and adopted by vote of 6 to 4 a motion by Senator Ervin, to substitute the following language for sections 1 and 2 of Senate Joint Resolution 8, and Senate Joint Resolution 9, and House Joint Resolution 208:

> SECTION 1. Neither the United States nor any State shall made any legal distinction between the rights and responsibilities of male and female persons unless such distinction is based on physiological or functional differences between them.
>
> SECTION 2. The Congress shall have the power to enforce the provisions of this article by appropriate legislation.

The Subcommittee then voted unanimously to report all three joint resolutions, as amended, to the full Judiciary Committee.

By vote of 15 to 1 of February 29, 1972, the Senate Judiciary Committee ordered Senate Joint Resolution 8, Senate Joint Resolution 9, and House Joint Resolution 208 reported favorably to the floor in their original form.

The full Committee's report on the Amendment, Senate Report 92–689, was submitted on March 14, 1972 together with minority views. Senate debate on the Amendment took place on March 15, 17, 20, 21, and 22, 1972. Final passage of the Amendment, by a vote of 84 to 8, occurred on March 22. *See* 118 Cong. Rec. S4612 (daily ed.) Mar. 22, 1972. Prior to final passage, the Senate took the following action on the Amendment: rejected by 18 yeas to 73 nays Senator Ervin's amendment No. 1065 dealing with military service; rejected by 18 yeas to 71 nays Ervin amendment No. 1066 dealing with service in combat units; rejected by 11 yeas to 75 nays Ervin amendment No. 1067 dealing with protective legislation; rejected by 14 yeas to 77 nays Ervin amendment No. 1068 dealing with exemptions for wives, mothers and widows; rejected by 17 yeas to 72 nays Ervin amendment No. 1069 dealing with child support; rejected by 11 yeas to 79 nays Ervin amendment No. 1070 dealing with privacy; rejected by 17 yeas to 71 nays Ervin amendment No. 1071 dealing with sexual offenses; rejected by 12 yeas to 78 nays Ervin amendment No. 472

dealing with physiological and functional differences; and rejected by 9 yeas to 82 nays Ervin amendment No. 1044 combining elements previously rejected.

Three-fourths (38) of the states must ratify the Equal Rights Amendment before March 22, 1979; it would take effect two years after ratification. The first state, Hawaii, did so within hours of final Congressional approval. To date, the following thirty-four states have ratified the amendment:

February 3, 1975.—North Dakota.
February 7, 1974.—Ohio.
January 21, 1974.—Montana.
January 8, 1974.—Maine.
March 22, 1973.—Washington.
March 15, 1973.—Connecticut.
February 21, 1973.—Vermont.
February 12, 1973.—New Mexico.
February 8, 1973.—Minnesota.
February 8, 1973.—Oregon.
February 2, 1973.—South Dakota
January 24, 1973.—Wyoming.
November 13, 1972.—California.
September 20, 1972.—Pennsylvania.
June 21, 1972.—Massachusetts.
June 15, 1972.—Kentucky.
May 26, 1972.—Maryland.
May 22, 1972.—Michigan.
May 22, 1972.—New York.
April 22, 1972.—West Virginia.
April 21, 1972.—Colorado.
April 20, 1972.—Wisconsin.
April 12, 1972.—New Jersey.
April 14, 1972.—Rhode Island.
April 5, 1972.—Alaska.
April 4, 1972.—Tennessee.
March 30, 1972.—Texas.
March 28, 1972.—Kansas.
March 24, 1972.—Idaho.
March 24, 1972.—Iowa.
March 23, 1972.—Delaware.
March 23, 1972.—Nebraska.
March 23, 1972.—New Hampshire.
March 22, 1972.—Hawaii.

Nebraska and Tennessee have since passed Resolutions of Recission, although there is a serious legal question whether such recissions are valid.

There are sixteen states which have not ratified the Equal Rights Amendment. The status of the Amendment in these states is as follows:

Alabama: No action taken.
Arizona: Both Houses defeated the amendment.
Arkansas: No action taken.
Florida: House approved; Senate rejected.
Georgia: Senate rejected.
Illinois: House passed; defeated in Senate Committee.

Indiana: House approved; defeated in Senate Committee.

Louisiana: Senate approved amended version; (rejecting in terms of ratification); House committee voted not to report.

Mississippi: No action taken.

Missouri: House passed; Senate defeated.

Nevada: House approved; Senate defeated.

North Carolina: House approved on first reading, defeated second reading.

Oklahoma: House defeated (measure cannot be considered again until 1977).

South Carolina: House tabled amendment.

Utah: House defeated.

Virginia: No action in House; Senate committee defeated.

### Abortion

The Subcommittee devoted a major portion of its time during 1975 to consideration of proposed constitutional amendments relating to abortion. Extensive hearings, begun during the second session of the 93rd Congress, were continued during the first session of the 94th Congress. Those hearings substantially revolved around four proposed abortion amendments that had been referred to the Subcommittee at the beginning of the 94th Congress. Senate Joint Resolution 6, which would protect from abortion all "persons" (from the moment of fertilization), Senate Joint Resolutions 10 and 11, which permit the termination of pregnancy only when necessary to save the life of the mother; and Senate Joint Resolution 91, which would reserve to the States the power to regulate circumstances under which pregnancy may be terminated.

#### LEGISLATIVE HISTORY

Under *Roe v. Wade*, 410 U.S. 113 (1973) and *Doe v. Bolton*, 410 U.S. 1970 (1973), the Supreme Court set forth the constitutional rights and restraints regarding abortion. The Court attempted in those cases to balance the three fundamental interests that it recognized: the constitutionally protected right to privacy; the State's interest in protecting maternal health; and the State's interest in preserving potential human life.

State criminal abortion laws that except from criminality only a life-saving procedure on the mother's behalf, without regard to the stage of her pregnancy and other interests involved was held by *Roe* and *Doe* to violate the Due Process Clause of the Fourteenth Amendment, which protects against state action the right to privacy, including a woman's qualified right to terminate her pregnancy. That qualified right was defined as follows:

> (a) For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant women's attending physician.
>
> (b) For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

TESTIMONY

Senate Joint Resolution 1
Room 504, 3:00 Hearing

Joe Josephson

I am opposed to your resolution to request to again propose an amendment to the United States Constitution guaranteeing equal rights to women.

The term of "sex" in the amendment is too ambiguous. I feel that my rights as a woman are already protected by existing bills (I won't list them because you know those bills from previous study and experience.) If there are areas that need improving, I feel our legal system should interpret our existing laws more appropriately.

More than the above, I am deeply concerned as a mother of three children what your amendment will do for the future of America. I feel the ERA undermines the traditional family. I suggest you get a copy of NOW's updated resolutions and read for yourselves what the feminists say. That small minority of people do not represent the majority of America's women as proven by the ERA's recent defeat even though the deadline was extended! Come on, Senators and Representatives, spend your time improving the life style in our state and country instead of trying to revive a dead horse!

Kathy K. Brown

Kathy K. Brown
P. O. Box 2869
Juneau, Alaska 99803
January 28, 1983

copies sent to: V. Fischer, Kerttula, Sturgulewski, Rodey, Fahrenkamp, and Josephson
Duncan, Miller, Ray
Young, Stephens, Murkowski

January 28, 1983
P.O. Box 2743
Juneau, AK 99803

My name is Elaine Brayton. I am a wife, mother, and grandmother.

I am very much opposed to the Senate Joint Resolution No. 1.

I believe the whole concept of the E.R.A. has been based on a lie. It is not just a battle for women's rights - and I very much object to women being used as a reason for an amendment that will not benefit them in the least, and will do away with many of their rights. We are already covered by the Constitution of the United States, the Civil Rights Act of 1964 and the Equal Opportunity Act of 1972.

I do not feel that our time and money should be spent promoting this amendment. We need to invest our time and money on more constructive acts.

Thank you.

Brayton

Respectively submitted,

Elaine Brayton

Elaine Brayton

 Testimony for H.E.SS. Committee, January 28, 1983

Senate Joint Resolution 2

Judy Lewis 8845 Gail Ave. Juneau, Ak. 99802

I am a housewife and mother of two children. I work part-time at the Valley Baptist pre-school. My name is Judy Lewis.

I have read the proposed Senate Joint Resolution No.2 and am opposed to its passage. My special concern is with lines 13 through 16 of this resolution which says: "Whereas, effective October 14, 1972, the Constitution of the State of Alaska was amended by a vote of the people to include a provision that no person is to be denied the enjoyment of any civil or political right because of sex.."

The reason I am concerned is because at one time, people, including myself, were sure of the meaning of a civil right and a political right.

No one was to be denied enjoyment of a civil right meant...civil rights: Those rights guaranteed to the individual by the 13th and 14th amendments to the Constitution of the U.S. and by certain other acts of Congress, especially exemption from involuntary servitude and equal treatment of all people with respect to the enjoyment of life, liberty and property and to the protection of the law." (Webster's Dictionary)

Today, civil rights have been reinterpreted to mean you have a right to life, only if you are born. If you are fully formed but unborn, you may not have a right to life.

What about liberty? Liberty has been reinterpreted to mean, you only have liberty to use your time, opportunities, energy, talents, ability and money to succeed so that most of what you have can be given to those who don't use their time, opportunities, energy, talents, ability and money to succeed. Liberty is interpreted as liberty to redistribute the wealth and make everyone equally mediocre.

Property has been reinterpreted to mean that which you save for, work for, purchase, maintain, pay taxes on, but which everyone else from city borough officials with their string of permits, State officials with compliance codes and Federal Officials with Regulatory agencies and enforcement by witholding funds, can tell you what do do with it.

Thus through reinterpretation of the word divil rights, we are already deprived of enjoyment of these civil rights, regardless of what sex we are and in spite of the Constitution of the State of Alaska.

We are also denied our political rights, which Websters defines as "the right to participate in determining the form, choosing the officials, making the laws and carrying on the functions of one's government."

An example is this ERA amendment. Because, when the nation has already voted an idea down, our representatives keep coming back with the reintroduction of this concept, saying in effect, we didn't know what we were voting for.

Now that I'm educated to the real meaning of the ERA amendment, I am aware of the social change that the NOW organization, the main support behind this amendment, is pushing. The goal is total socialism. I recommend you to read their phamphlet, "Revolution, Tomorrow is Now" a summary of NOW'S existing resolutions and policies (1973), and the even more shocking proposals of 1983.

Kindly inform yourself of the issues behind this proposal and do not pass this resolution, seemingly harmless, but in reality not.

Judy Lewis

Testimony presented to the Senate HESS Committee by Alice Bergdoll on Senate Joint Resolution No. 1 "Relating to the proposal by Congress of an Equal Rights Amendment." Janaury 28, 1983

Do you know that sex discrimination is already constitutional prohibited? The 14th Amendment provides that protection.

> Section 1: Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Why haven't sex-related inequalities been recognized and legislated against before? They have, let me name a few. Employment - The Equal Pay Act of 1963, the Equal Employment Opportunity Act of 1972, the Comprehensive Employment and Training Act of 1972, the Civil Rights Act of 1964, the Small Business Act of 1972. These also affect education, credit eligibility, housing and public accommodation.

Would ratification erase present inequalities? Has anti-segregation laws erased racial inequalities?

Has negative results and difficulities occurred for the "liberated" woman? Biostatistical studies indicate that in their rush to achieve "total equality" with the male, women are closing the gap with men in such areas as alcoholism, auto accidents, suicides and heart disease.

Was the amendment to the Constitution of the State of Alaska on October 14, 1972 even necessary?

Do you realize how much time, money and effort has been wasted towards an issue that appears to be unnecessary and even potentially detrimental to improving the conditons for women?

Why are we wasting everybody's valuable time on this issue?

As a woman interested in preserving the female sex and as a person of the State of Alaska, I request that my concerns be considered. Please reject this resolution.

Mrs. Alice Bergdoll

Mrs. Alice Bergdoll
5896 Lund Street
Juneau, Alaska 99801
586-1355

 Testimony for H.E.S.S. Committee, January 28, 1983

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January 28, 1983
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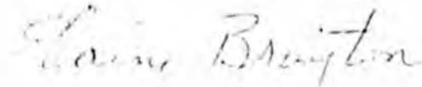
Thank you.

Respectively submitted,



Elaine Brayton

TESTIMONY

Senate Joint Resolution 1
Room 504, 3:00 Hearing

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January 28, 1983
Box 645
Douglas, Alaska 99824

In Romans 13:1 (Amp), the Bible says, "Let every person be loyally subject to the governing authorities. For there is no authority except from God--by His permission, His sanction; and those that exist do so by God's appointment." The Bible also says in I Timothy 2:1-2, "I exhort therefore, that, first of all, supplication, prayers, intercessions, and giving of thanks, be made for all men: For kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty."

The citizens of this state who adhere to and follow the teachings of the Bible are commanded by God to obey and pray for the men and women in authority over us. There are many who pray daily for the government of this state and for this nation. That is our sacred obligation to you.

But those who govern our state also have an obligation to it's citizens before God. Proverbs 29:2 states,that, "When the righteous are in authority, the people rejoice; but when the wicked man rules, the people groan and sigh." Proverbs 16:12 says, "It is an abomination to kings to commit wickedness: for the throne is established by righteousness."

Whether you adhere to the teachings of the Bible or not--you have an obligation to perform that which is right and just for <u>all</u> of the people you represent.

The Equal Rights Amendment is in direct conflict with the laws of God as spelled out in the Bible. In passing this law, you would pose enormous problems and conflicts with the religious beliefs of your most law abiding and respectable citizens. All over this state, people would be forced to break this law in order to obey their God. The Equal Rights Amendment has so many loopholes that it would hang literally thousands of innocent people.

Under the Equal Rights Amendment, my three daughters would be subject to the draft. To disregard their sex would mean that they could not have separate bathroom or living facilities

Believers are called to be separate and holy. They are called to follow Jesus Christ in word, deed, and example. They are not only to flee fornication and immoral situations, but to avoid the very appearance of evil(I Thess 5:22). To have my daughters living with men would certainly be evil and would pose innumerable problems for them as women.

The Equal Rights Amendment would absolve husbands from the financial responsibility of their wives. The Bible teaches that a man is responsible for the entire care and protection of his household.

The Equal Rights Amendment would guarantee rights to lesbians and homosexuals and force Bible believing citizens to hire them, even to teach their children. The Bible says in Romans 1:26-32, among others, that such practices are condemned by God.

Whether you believe the Bible or not, you have an obligation to hear and realize what a terrible burden this law would place on many. Thousands would be forced to obey God rather than men and like Daniel, they would be fed to the lions for their religious convictions.

This law does not protect women. On the contrary, it opens the door for all kinds of sexual abuse of women

Please vote "no" on Senate Joint Resolution #1 and protect those citizens whose only "crime" is that they wish to be allowed to serve and worship God according to the teachings of the Bible.

Thank you.

Respectfully,

Barbara B. Tyndall

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