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1 construction of facilities at these sites shall be completed
2 no later than Fall, 1977.

3 8. (a) Funds from en. 131 SLA 1976 shall
4 be utilized in a total amount not less than \$20,000,000 for
5 the purpose of paying the costs of rural secondary school
6 construction. The parties recognize that the Department
7 cannot guarantee passage of this bond issue by the voters.
8 If this bond issue is not passed, the plaintiffs reserve
9 their remedies under law.

10 (b) The Department shall exercise its best
11 efforts to secure legislative approval of an act providing
12 for the issuance of general obligation bonds in an amount
13 not less than the sum of \$20,570,000 (multiplied by the
14 appropriate inflationary factor derived in accordance with
15 subparagraph (d) below) and the amount, if any, determined
16 pursuant to paragraphs 12 and 13 below, for the purpose
17 of paying the costs of rural secondary school construction
18 at the sites set forth in Schedule C, and at the sites and
19 in the amounts determined pursuant to paragraphs 12 and 13,
20 and providing that the question of whether such bonds shall
21 be issued shall be submitted to the voters at the
22 State general election in November, 1978. Such best efforts
23 shall include, but not necessarily be limited to, recommending,
24 in the Governor's Capital Budget for Fiscal Year 1979,
25 construction of rural secondary schools at the sites set forth
26 in Schedule C and those determined pursuant to paragraphs 12
27 and 13, and good faith testimony before the legislature by
28 appropriate personnel of the Department on behalf of such
29 recommendations. The Department represents that it has
30 consulted with the Governor as to the provisions of this Consent
31 Decree, and that the Governor is committed to securing approval
32 by the legislature, and thereafter by the voters, of a bond issue

WILSON K. JONES, ALASKA DEBIT
PHONE 4653000

1 in an amount not less than the sum of \$20,570,000 (multiplied
2 by the appropriate inflationary factor) and the amount, if
3 any, determined pursuant to paragraphs 12 and 13, below, for
4 the purpose of paying the costs of rural secondary school
5 construction at the sites designated herein. The parties
6 recognize that the Department cannot guarantee passage of
7 a bond issue by either the legislature or the voters. If
8 a bond issue is not passed, or if lesser amounts are made
9 available, the plaintiffs reserve their remedies under law.

10 (c) In the event the voters approve ch. 131
11 SLA 1976, the sum to be recommended pursuant to subparagraph
12 (b), above, in the Governor's Capital Budget for Fiscal Year
13 1979 may be reduced as follows: the amount of \$20,570,000
14 set forth in subparagraph (b) above, may be reduced by
15 subtracting therefrom amounts, if any, in excess of \$20,000,000
16 which are utilized in accordance with this decree.

17 (d) The inflationary factor to be applied
18 to the amounts set forth in Schedule C, for the purpose of
19 determining amounts to be made available in a 1978 bond
20 issue, shall be computed according to the formula,
21 $I = 1 + r_1 + r_2 (1 + r_1)$ in which:

- 22
- 23 (1) I = the inflationary factor;
 - 24 (2) r_1 = the rate of increase in average building
25 construction costs in Alaska in the 12
26 months preceding November, 1976; and
 - 27 (3) r_2 = the rate of increase in average building
28 construction costs in Alaska in the 12
29 months preceding November, 1977.

30 The rate of increase in average building construction costs
31 shall be computed as the product obtained from multiplying
32 1.25 by the percent change in building construction costs in

1 the Seattle metropolitan area, as reported by Dodge Building
2 Cost Services, McGraw-Hill Systems Company, or shall be
3 determined by such other means to which the parties, through
4 their attorneys, may hereafter agree.

5 9. Rural secondary school construction funds
6 made available pursuant to paragraph 8, above, shall be
7 utilized as follows:

8 (a) Sufficient funds shall be made available
9 to ensure, at each of the 37 "Major Construction Sites"
10 set forth in Schedule C, the provision of comprehensive
11 secondary education facilities at each site, which shall
12 include, but not necessarily be limited to, academic classrooms,
13 facilities appropriate for instruction in vocational education
14 and home economics, indoor physical education space and related
15 support facilities and mechanical space. Such facilities
16 shall in other respects conform to Minimum Guidelines for
17 the construction of small secondary schools, hereafter to
18 be promulgated by the Department.

19 (b) Sufficient funds shall be made available
20 to ensure, at each of the 35 sites designated in Schedule C
21 as "Construction Sites for Projected Enrollments of 11 - 20
22 Students", the provision of secondary education facilities
23 (including classroom and indoor physical educational space
24 and related support facilities and mechanical space. The
25 funds may be used for construction of new secondary facilities
26 or renovation of existing public facilities.

27 (c) Sufficient funds shall be made available
28 to ensure, at each of the 36 sites designated in Schedule C
29 as "Sites of Minimal Construction or Renovation", the
30 provision of adequate secondary classroom space. The funds
31 shall be expended for the construction of secondary education
32 facilities or the renovation of existing public facilities.

1 10. Residents of each community in which a facility
 2 is to be constructed or renovated pursuant to this decree
 3 shall be afforded an opportunity, prior to final approval
 4 of the architectural plan for such construction or renovation,
 5 to present their ideas on the design of the facility in
 6 their community. Such ideas shall, to the extent practicable,
 7 be incorporated into the architectural plan. To the maximum
 8 extent consistent with education needs, a design for a school
 9 building constructed pursuant to this decree shall provide
 10 for multiple use of the building for community purposes.

11 11. Any resident of a community specified in
 12 Schedules C or D who is between the ages of 20 and 25 and has
 13 completed the 8th grade but has not completed the 12th grade
 14 shall be entitled for the purpose of earning a high school
 15 diploma to attend, without payment of tuition, the local
 16 secondary school established in his community pursuant to this
 17 decree.

18 12. Should additional funds be necessary for the
 19 provision of adequate secondary school facilities, pursuant
 20 to paragraph 9 and 4 AAC 05.040, at any location in the
 21 unorganized borough whether or not such location is specified
 22 in Schedule C, the Department shall seek additional capital
 23 funds in sufficient time to permit construction of such
 24 facilities to commence no later than Spring, 1979.

25 13. In determining whether additional funds are
 26 necessary, pursuant to the preceding paragraph, the
 27 Department shall take the following steps:

28 (a) The Department shall prepare a report,
 29 which shall be filed with the court and provided to attorneys
 30 for the plaintiffs no later than September 1, 1977, setting
 31 forth in reasonable detail the information upon which the
 32 Department has based or intends to base its determination.

ROUCHER & JENSEN
 ATTORNEYS AT LAW
 PHONE 462-7800

1 The Department shall make available to attorneys for the
2 plaintiffs such additional information as reasonably bears
3 upon the determination.

4 (b) The Department shall, at the time the
5 Department submits its capital budget request for Fiscal
6 Year 1979 to the Department of Administration, provide to
7 attorneys for the plaintiffs a copy of such budget request,
8 together with the report (unless such information is plainly
9 set forth in the capital budget request) of the amounts,
10 by site, for which the Department is requesting funding
11 pursuant to this decree.

12 (c) In the event that plaintiffs object
13 that the amounts for secondary school construction which
14 the Department has determined to be necessary, under the
15 provisions of this paragraph, are insufficient in any respect,
16 the plaintiffs shall within 21 days of the filing by the
17 Department of the reports required by this paragraph, file with
18 the court, and provide to the Department, plaintiffs'
19 objections to the Department's determinations. If objections
20 have been filed, the Department's capital budget request shall
21 not be submitted to the legislature until the court shall have
22 determined, after notice and hearing, the amounts which shall
23 be included in such budget request in order to carry out the
24 provisions of paragraph 12 of this decree.

25 14. The Department shall revise the Small Secondary
26 Schools Administrative Manual, First Edition, September, 1971,
27 to accord with the provisions of this decree.

28 15. The Department shall exercise its best efforts
29 to ensure that no school, required by this decree, fails to
30 operate because of a shortage of teacher housing. However,
31 nothing in this paragraph shall be interpreted as requiring
32 the Department to provide teacher housing directly.
33

1 16. The Department shall file with the court,
2 and provide to attorneys for plaintiffs, reports every four
3 months regarding the Department's progress in implementing
4 this decree. The first such report shall be filed within
5 four months of the date on which this decree is approved
6 by the court. Each report shall specify in reasonable detail
7 the actions taken to implement each provision of this decree,
8 except that no further report need be made as to any provision
9 which has been fully implemented. Each report shall describe
10 progress made in planning and executing construction at
11 each site specified on Schedule C. Each report shall include
12 a copy of the materials received or prepared by the Department
13 (unless such copy was included with a previous report) which
14 are specified in the provisions of paragraphs 1,3,4, and 5
15 of this Consent Decree.

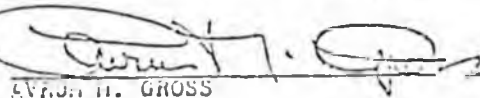
16 17. The Department shall exercise its best efforts
17 to make available, during Fiscal Year 1977, a minimum of
18 \$100,000 for the implementation of this decree. Such sum
19 shall be utilized solely for the purpose of providing grants
20 to local districts for the renovation of existing public
21 facilities for the purpose of operating, during the 1976-77
22 school year, secondary school programs in any community
23 specified in Schedule C. Any unexpended balance of this amount
24 shall thereafter be available to implement the provisions of
25 this decree.

26 18. The court shall retain jurisdiction of this
27 action until such time as the construction provided for
28 herein has been substantially completed at each of the sites
29 on Schedule C and the other provisions of this Consent
30 Decree have been substantially fulfilled. On or about October 1,
31 1980, there shall be a general review of the progress to
32 determine whether, in light of said progress, the jurisdiction
of the court over this case shall terminate.

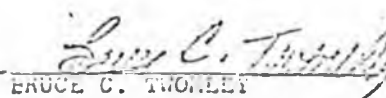
19. The parties agree that it is desirable to minimize, where possible, judicial involvement in the internal affairs of the Department. Therefore, the parties agree to make good faith efforts to resolve by negotiation all disagreements arising under this Consent Decree.

20. The parties agree that all of the foregoing provisions of this Consent Decree are contingent upon the approval by the voters of the issuance of general obligation school construction bonds as provided in ch. 131 SLA 1976. In the event said bond issue fails of passage and funds are not available to carry out the commitments made in this Consent Decree, the foregoing provisions of this Consent Decree shall be null and void. The parties further agree that, notwithstanding a failure of said bond issue to be approved, the facts set forth in the Statement of Agreed Facts shall be considered established and the parties shall not relitigate such facts.

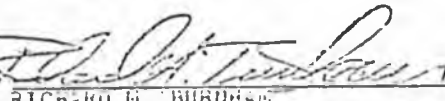
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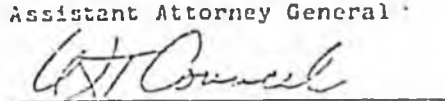
AVRON H. GROSS
Attorney General



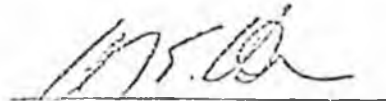
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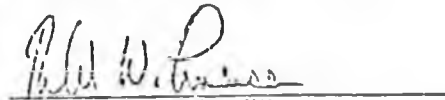
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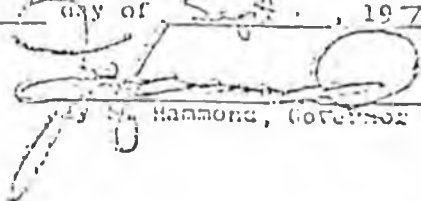


RONALD W. LORENSEN
Assistant Attorney General

Attorneys for Defendants

Attorneys for Plaintiffs

Approved this 3 day of Sept, 1976.


Hammond, Governor

STATE CAPITAL
FOUCH K. JUNEAU, ALYSSA BOGHI
PHONE 483-2610

SCHEDULE A

Register 1976

EDUCATION

4 AAC 05.010
4 AAC 05.020

4 AAC is amended by adding a new chapter to read:

CHAPTER 05. LOCAL EDUCATION

Section

- 10. Purpose
- 20. Definitions
- 30. Local education
- 40. Establishment of local schools
- 50. Requests that no local secondary school or only a partial school program be established
- 60. Extensions of time in which to establish local schools
- 70. Program planning and evaluation
- 80. School curriculum and personnel
- 90. Discontinuation of schools

4 AAC 05.010. PURPOSE. (a) The purpose of this chapter is to ensure that, consistent with the desires of parents and of local communities, the school-age children in the State of Alaska have the opportunity to attend an elementary or secondary school in the local communities in which they reside.

(b) Nothing in this chapter is intended to require the construction of a new facility in which to conduct a school established pursuant to this chapter, if there exists in the community a suitable facility in which the school may be conducted. (Eff. / /, Reg.)

AUTHORITY: AS 14.07.020(1) & (2)
AS 14.07.060

4 AAC 05.020. DEFINITIONS. In this chapter, unless the context requires otherwise:

- (1) "commissioner" means the Commissioner of Education;
- (2) "community" means a home-rule city, city of any class, and incorporated and unincorporated villages;
- (3) "department" means the Department of Education;
- (4) "local school committee" or "committee" means the community school committee established pursuant to AS 14.14.170 or, if there is no such committee in the community, the BIA advisory school board, or a borough school district advisory school board established pursuant to AS 14.12.035, if there is no BIA advisory school board, or borough school district advisory school board, the village or city council;
- (5) "school" means a program of instruction which complies with all statutes, regulations and requirements applicable to the operation of public schools in the state. (Eff. / /, Reg.)

AUTHORITY: AS 14.07.020(1) & (2)
AS 14.07.060

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EDUCATION

4 AAC 05.030
4 AAC 05.040

4 AAC 05.030. LOCAL EDUCATION. (a) Every child of school age has the right to a public education in the local community in which he resides.

(b) Neither the department nor a district may require a child to live away from the local community in which he resides to obtain an education. (Eff. / /, Reg.)

AUTHORITY: AS 14.03.080(a)
AS 14.07.020(1) & (2)
AS 14.07.050

4 AAC 05.040. ESTABLISHMENT OF LOCAL SCHOOLS. (a) The governing body of a district shall provide an elementary school in each community in which eight or more children are available to attend elementary school.

(b) Unless the local school committee of the community requests that no secondary school be provided in that community pursuant to sec. 50 of this chapter, the governing body of the school district shall provide a secondary school or, if so requested by the local school committee, a partial secondary school program in each community in the district in which:

(1) there is one or more children available to attend a secondary school; and

(2) there is, or there is required to be pursuant to (a) of this section, an elementary school operated by the district, or there is an elementary school operated by the Bureau of Indian Affairs.

(c) If the conditions in (a) or (b) of this section are satisfied on the effective date of this section and there is at that time no elementary or secondary school, respectively, in operation, a local elementary or secondary school required to be established under this section should be in operation by September 1, 1976 if there is a suitable facility in the community in which to conduct the school. A school must be in operation no later than September 1, 1977, unless the commissioner has granted additional time in which to comply with this section pursuant to sec. 60 of this chapter. If a school is not in operation by September 1, 1976, the governing body shall provide to the commissioner a first interim report on Dec. 1, 1976, and a second interim report on February 15, 1977, containing information he considers necessary to demonstrate that adequate planning and preparations are being made to begin operation of schools required by this section no later than September 1, 1977. Applications for additional time beyond September 1, 1977 in which to establish a school required by this section must be filed with the commissioner no later than February 15, 1977.

(d) If the conditions contained in subsections (a) or (b) of this section are first satisfied at some time after the effective date of this section and there is at that time no elementary or secondary school, respectively, in operation, a local elementary or secondary school required to be established by this section must be in operation no later than September 1 of the school year following the date on which the conditions were first satisfied, unless the commissioner has granted additional time in which to comply with this section pursuant to sec. 60 of this chapter.

(c) For purposes of this section, a school-age child who has not completed the eighth grade is considered available to attend a local elementary school, and a school-age child who has completed the eighth grade but not the twelfth grade is considered available to attend a local secondary school, unless he or she:

(1) is provided daily access to a school of the appropriate grade level by being transported a reasonable distance;

(2) desires to enroll or is enrolled and desires to remain enrolled in a private school or a program of private tutoring in which the teachers are certificated according to AS 14.20.020;

(3) desires to enroll or is enrolled and desires to remain enrolled in a full-time program of correspondence study approved by the department;

(4) has a physical or mental condition which medical authority determines will make attendance impractical;

(5) is in custody of a court or law enforcement officials; or

(6) is under suspension or has been denied admittance pursuant to AS 14.30.045. (Eff. , reg.)

AUTHORITY: AS 14.07.020(1) & (2)
AS 14.07.060

4 AAC 05.050. REQUESTS THAT NO LOCAL SECONDARY SCHOOL OR ONLY A PARTIAL SCHOOL PROGRAM BE ESTABLISHED. (c) Sec. 40 of this chapter applies to any given community unless its local school committee has requested, by formal action of the committee at a public meeting, that only a partial secondary school program be provided in that community.

(b) The governing body of a school district shall provide a partial local secondary school program in conformity with the committee's request in any community where the local school committee has requested, by formal action of the committee at a public meeting, that only a partial secondary school program be provided in that community.

(c) The governing body of a district shall require any committee making a request under (a) or (b) of this section to file with the request the name, age, and grade level of each child who is available to attend secondary school and who, by reason of the request, will not be afforded a local secondary school. The governing body shall by written notice promptly inform the parents of each of these children that the governing body will review the committee's action if so requested by a parent, or the parent's designated representative, within 60 days of the board's mailing to the parent of the notice. If a review is requested, the governing body shall afford the parent, or the parent's designated representative, an opportunity to be heard. The governing body shall determine whether it will provide a local secondary school for any child on whose behalf a review is sought, taking into account the educational or other best interests of the child.

the desires of the child's parents, and the feasibility of providing a local school for the child. The governing body's decision must be in writing, must set out the facts upon which it is based, and must, within 45 days after the parent's mailing to the governing body a request for a review, be mailed to the parent, and a copy sent to the commissioner, Pouch F, Juneau, Alaska 99801 and the local school committee. The governing body's decision is final.

(d) A committee action under (a) or (b) of this section remains effective until formally rescinded. If a committee rescinds its action at a meeting open to the public, a committee's initial request remains effective until the close of the next full school year after the request was made even though rescinded earlier; thereafter, rescissions made during a school year but before February 1 of that school year shall be given effect for the following school year and thereafter. Requests under (a) or (b) of this section and subsequent notices of rescission of these requests must be submitted by the committee, in writing, to the governing body of the school district in which the community is located and must contain an explanation of the reason for which it is being made. The committee shall also send a copy of the request or notice of rescission to the commissioner, Pouch F, Juneau, Alaska 99811.

(e) For a request or subsequent rescission of a request made under this section to have effect, the local school committee must have conducted a public hearing on the proposed request or rescission of the request after giving residents of the community reasonable notice of the hearing. A record must be kept of the persons speaking at the hearing and the substance of their testimony. (Eff. 1/1/76, Reg.)

AUTHORITY: AS 14.07.020(1) & (2)
AS 14.07.060

4 AAC 05.060. EXTENSIONS OF TIME IN WHICH TO ESTABLISH LOCAL SCHOOLS.
(a) A district may apply to the commissioner for additional time in which to establish an elementary or secondary school required under sec. 40 of this chapter. The application must be in writing and must set out: (1) the community affected; (2) a detailed statement of the reason why a school cannot be provided by the date specified in sec. 40(c) and (d) of this chapter; (3) a description of the steps taken or to be taken to achieve compliance with sec. 40 of this chapter; (4) an estimate of the date upon which compliance can be achieved; (5) the number of children available to attend school but unhoused; and (6) if the reason the district is unable to comply with sec. 40 of this chapter is that it lacks a suitable facility in the community, the estimated size and cost of the facility required and a proposed timetable for construction of a suitable facility.

(b) Upon receipt of an application for an extension of time in excess of 90 days, the commissioner shall provide a copy of the application to the

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EDUCATION

4 MAC 05.060

local school committee in the community affected and shall notify the committee that comments and information relating to the application will be considered by him if he receives it within 30 days after the date of mailing that notice. The commissioner shall also notify the committee that he or his designee will conduct a public hearing on the application in the community if the committee so requests and presents to him a genuine issue of material fact. A similar notice, summarizing the application, shall be provided to the village or city council and to each postal customer in the community by the commissioner.

(c) A hearing under (b) of this section shall be conducted as soon as practicable after the receipt of a bona fide request. The commissioner shall provide reasonable notice of the hearing, at least 20 days in advance, to the committee, the village or city council and to each postal customer in the community. A record must be kept of the persons at the hearing and the substance of their testimony. The proceedings must, if necessary, be translated into the native language of the persons at the hearing. The application and such further information as may have been submitted by the district, or a summary of it, must be read at the hearing.

(d) The commissioner, upon reviewing an application, may require the district to submit additional information and may investigate the facts surrounding the application on his own motion. He shall, within a reasonable period, render his decision, in writing, setting out the facts upon which it is based and taking into account reasonable alternatives to an extension of time which may be available. If the commissioner approves the application, he shall require the district to take all reasonable steps to establish an elementary or secondary school at the earliest practicable time and shall set forth a timetable for establishing the school. The total amount of additional time allowed, including later modifications, may not exceed one year, unless further time is necessary for the construction or major renovation of a suitable facility.

(e) Later modifications to an approved compliance date may be requested in the same manner as the initial application for additional time under this section. An allowance of additional time or subsequent modification of an approved compliance date may be shortened or revoked by the commissioner if the conditions upon which the approval of additional time were based cease to exist.

(f) An application by a regional educational attendance area school board for additional time, for the reason that there is no suitable facility in the community in which to establish an elementary or secondary school required by this section, is considered a recommendation to the commissioner for construction of a new facility pursuant to AS 14.08.101(7).
(Eff. 1/1, Reg.)

AUTHORITY: AS 14.07.020(1) & (2)
AS 14.07.060
AS 14.08.101(7)

4 AAC 05.070. PROGRAM PLANNING AND EVALUATION. (a) For each of the first three years of operation of a school established under sec. 40 of this chapter, the chief school administrator of a school district shall develop and have approved by the governing body of that district, annually and no later than that body's first meeting in October, an educational plan for each school established.

(b) After the close of each school year for which an educational plan must be developed under (a) of this section, but no later than the governing body's first meeting in September, the chief school administrator shall prepare and submit to the governing body of the school district an evaluation of each new school operated by the district.

(c) The chief school administrator of a district shall assure maximum on-going local community participation in the development and preparation of the educational plans and evaluations of the plans required by this section.

(d) Copies of the plans and evaluations developed under this section must be maintained on file for public inspection in the school district office. A copy of each plan and evaluation must also be filed with the commissioner, Pouch F, Juneau, Alaska 99811. A copy must also be furnished to the local school committee of the community in which the school to which the plan or evaluation relates is located. (Eff. / / , Reg.)

AUTHORITY: AS 14.07.020(1) & (2)
AS 14.07.060

4 AAC 05.080. SCHOOL CURRICULUM AND PERSONNEL. (a) The curriculum of a local school may be supplemented through the use of correspondence course materials approved by the commissioner. This use is not grounds for shortening the day in session, as prescribed by AS 14.03.040, for any student.

(b) The governing body of a district shall employ, for each school, certificated teachers for the instruction of the pupils enrolled in it as necessary to provide the educational program described in the plan developed under sec. 70(e) of this chapter.

(c) The governing body of a district may make provision for the employment of qualified residents of the community served by the school who hold an appropriate certificate (e.g., emergency or recognized expert) to teach particular skills or courses, and for the employment as teacher aides of qualified residents of the community served who do not hold an appropriate certificate. (Eff. / / , Reg.)

AUTHORITY: AS 14.07.020(1) & (2)
AS 14.07.060

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EDUCATION

4 AAC 05.050
4 AAC 09.050

4 AAC 05.050. DISCONTINUATION OF SCHOOLS. Once provision of a school in a community has been initiated by undertaking major renovation of an existing facility or construction of a new facility, that school may only be discontinued through action of the governing body of the district. Plans for discontinuation of a school under this section must be submitted to the department for approval and may not be executed until they are approved. Plans will be considered approved if the department does not disapprove them within 90 days after submission. (Eff. / / , Reg.)

AUTHORITY: AS 14.07.020(1) & (2)
AS 14.07.060

2. 4 AAC 06.020. SECONDARY EDUCATION. Repealed. (Eff. / / , Reg.)

3. 4 AAC 06.027(b) is amended to read as follows:

(b) Pupils may be required to attend schools in other districts, subject to the provisions of Ch. 5 of this title, when, in the judgment of the commissioner, the best interests of the state will be served. Either the district of residence or the district named as the attendance area may appeal the commissioner's decision to the state board. The decision of the state board will be final. (Eff. 7/9/72, Reg. 42; am / / , Reg.)

4. 4 AAC 09.030(B) is repealed. (In effect before 7/26/59; am 6/9/61, Reg. 3; am 10/14/68, Reg. 27; am 8/30/75, Reg. 55; am / / , Reg.)

5. Note to Publisher: Change title of 4 AAC 09.030 to read "Tuition costs".

6. A new section, 4 AAC 09.050, is adopted to read as follows:

4 AAC 09.050. SECONDARY BOARDING PROGRAMS. (a) The governing body of a district shall make available, at no cost to the student or his parent, a basic boarding program to all secondary school age children in the district who do not have daily access to a school of the appropriate grade level by being transported a reasonable distance.

(1) A basic boarding program must provide for each student:

(A) suitable living accommodations including room and board and supervision while the student is not in school which satisfy the applicable requirements of state law and regulations;

(B) round trip transportation to and from the student's usual home; and

(C) daily access to a school offering the appropriate grade level.

(2) Students in a basic boarding program shall be placed in accordance with their best interests, taking into account special educational needs.

(3) To qualify for funding by the department of education, a district's basic boarding program must satisfy the requirements of (1) and (2) of this subsection. Applications for funding must contain the following:

- (A) the name, village and grade level of each student;
- (B) the location of each student's boarding placement and;
- (C) a budget showing transportation, room and board, and out-of-school supervision costs.

(4) Costs for items other than transportation, room and board, and out-of-school supervision must be borne by the district.

(b) The governing body of a district may provide, at no cost to the student or his parents, a supplemental boarding program open to secondary school age children in the district who have daily access to a school program of the appropriate grade level, but who have special needs that cannot be provided for in their local school program.

(1) A supplemental boarding program shall provide for each student:

- (A) suitable living accommodations including room and board and supervision while the student is not in school which satisfy the applicable requirements of state law and regulations;
- (B) round trip transportation to and from the student's usual home; and
- (C) daily access to a school offering the appropriate grade level.

(2) Criteria for eligibility and participation in a supplemental boarding program must be established by the governing body. Notice of the eligibility criteria must be provided at least annually to the parents of the children who have daily access to a school of the appropriate grade level.

(3) All costs of a supplemental boarding program must be borne by the district unless funds are otherwise provided by the state or federal government.

(c) No student may be suspended or expelled from a boarding program without due process of law. A student suspended or expelled from a boarding program is not thereby considered unavailable to attend a local secondary school required by 4 AAC 05.040. (Eff. / /, Reg.)

AUTHORITY: AS 14.07.020(1) & (2)
AS 14.03.030(5) & (10),
AS 14.07.060

SCHEDULE B

- | | |
|--------------------|------------------------|
| 1. Akiachak | 34. Ekvok |
| 2. Akiak | 35. Elim |
| 3. Akutan | 36. False Pass |
| 4. Allakaket | 37. Fortuna Ledge |
| 5. Aleknagik | 38. Gambell |
| 6. Ambler | 39. Golovin |
| 7. Angoon | 40. Goodnews Bay |
| 8. Anvik | 41. Grayling |
| 9. Arctic Village | 42. Holy Cross |
| 10. Atka | 43. Hooper Bay |
| 11. Atmautluak | 44. Hughes |
| 12. Beaver | 45. Huslia |
| 13. Belkofski | 46. Igiugig |
| 14. Bettles | 47. Ivanof Bay |
| 15. Birch Creek | 48. Kalskag |
| 16. Brevig Mission | 49. Kaltag |
| 17. Buckland | 50. Kasigluk |
| 18. Chalkyitsik | 51. Kipnuk |
| 19. Chefornak | 52. Kivalina |
| 20. Chevak | 53. Kobuk |
| 21. Chignik | 54. Kokhanok |
| 22. Chignik Lagoon | 55. Koliganek |
| 23. Chignik Lake | 56. Kongiganak |
| 24. Chuathbaluk | 57. Kotlik |
| 25. Circle | 58. Koyuk |
| 26. Clark's Point | 59. Koyukuk |
| 27. Council | 60. Iwethluk |
| 28. Crooked Creek | 61. Kwigillingok |
| 29. Deering | 62. Levelock |
| 30. Diomedea | 63. Lime Village |
| 31. Dot Lake | 64. Lower Kalskag |
| 32. Eek | 65. Hanley Hot Springs |
| 33. Egegik | 66. Nanokotak |

SCHEDULE B

-2-

| | | | |
|------|-----------------|------|------------------|
| 67. | Nekoryuk | 101. | Savoonga |
| 68. | Nentasta Lake | 102. | Scammon Bay |
| 69. | Ninto | 103. | Shageluk |
| 70. | Napakiaik | 104. | Shaktoolik |
| 71. | Napaskiak | 105. | Sheldon Point |
| 72. | Nelson Lagoon | 106. | Shishmaref |
| 73. | Newhalen | 107. | Shungnak |
| 74. | New Kasaan | 108. | Sleetmute |
| 75. | New Stuyahok | 109. | Stebbins |
| 76. | Newtok | 110. | Steven's Village |
| 77. | Nightmute | 111. | Stoney River |
| 78. | Nikolai | 112. | Takotna |
| 79. | Nikolski | 113. | Tatitlek |
| 80. | Noatak | 114. | Telida |
| 81. | Nondalton | 115. | Teller |
| 82. | Northway | 116. | Tetlin |
| 83. | Nunapitchuk | 117. | Togiak |
| 84. | Oghsenakale | 118. | Toksook Bay |
| 85. | Oscarville | 119. | Tuluksak |
| 86. | Pedro Bay | 120. | Tuntutuliak |
| 87. | Perryville | 121. | Tununak |
| 88. | Pilot Point | 122. | Twin Hills |
| 89. | Pilot Station | 123. | Unalakleet |
| 90. | Pitka's Point | 124. | Venetie |
| 91. | Platinum | 125. | Wales |
| 92. | Pt. Helden | 126. | White Mountain |
| 93. | Quinhagak | | |
| 94. | Rampart | | |
| 95. | Red Devil | | |
| 96. | Ruby | | |
| 97. | Russian Mission | | |
| 98. | St. George | | |
| 99. | St. Michael | | |
| 100. | St. Paul Island | | |

SCHEDULE C
CONSTRUCTION SITES

| <u>LOCATION</u> | <u>ESTIMATES</u> |
|---|------------------|
| <u>MAJOR CONSTRUCTION SITES</u> | |
| 1. Akiachak <i>Not done This Spring</i> | \$1,260,000 |
| 2. Allakaket <i>Full Burned Elem 1/79</i> | 690,000 |
| 3. Ambler <i>done - Addition Spring</i> | 930,000 |
| 4. Angoon <i>done</i> | 500,000 |
| 5. Atmautluak | 720,000 |
| 6. Buckland <i>done</i> | 630,000 |
| 7. Cheforak <i>This Spring</i> | 720,000 |
| 8. Chuathbaluk | 630,000 |
| 9. Crooked Creek | 630,000 |
| 10. Eek <i>This Spring</i> | 630,000 |
| 11. Elim | 630,000 |
| 12. Fortuna Ledge <i>This Spring</i> | 720,000 |
| 13. Goodnews Bay | 870,000 |
| 14. Kalskag (upper & lower) <i>done</i> | 990,000 |
| 15. Kasigluk <i>done</i> | 1,110,000 |
| 16. Kipnuk <i>done</i> | 470,000 |
| 17. Koliganek <i>This Spring</i> | 690,000 |
| 18. Kongiganak | 1,050,000 |
| 19. Kotlik <i>This Spring</i> | 1,230,000 |
| 20. Kwethluk | 1,770,000 |
| 21. Kwigillingok | 810,000 |
| 22. Manokotak | 1,100,000 |
| 23. Mekoryuk <i>done This Spring</i> | 690,000 |
| 24. Napakiak <i>done - this includes one fire house and school building</i> | 960,000 |
| 25. Napaskiak <i>This Spring</i> | 1,020,000 |
| 26. New Stuyahok | 1,000,000 |
| 27. Newtok <i>This Spring</i> | 690,000 |
| 28. Noatak | 770,000 |
| 29. Nondalton <i>done</i> | 690,000 |
| 30. Nunapitchuk <i>This Spring</i> | 1,290,000 |
| 31. Pilot Station | 1,050,000 |
| 32. Quinhagak | 1,170,000 |
| 33. Scammon Bay | 810,000 |
| 34. Stebbins | 1,050,000 |
| 35. Tuluksak | 780,000 |
| 36. Tuntutuliak | 840,000 |
| 37. Tununak | 1,080,000 |
| TOTAL | \$32,670,000 |

CONSTRUCTION SITES FOR PROJECTED ENROLLMENTS OF 11-20 STUDENTS

Estimate per site : \$200,000
 TOTAL (35 sites): \$7,000,000

- | | |
|---------------------------------------|--|
| 1. Akiak Under Construction | 19. Minto Partially Completed |
| 2. Anvik This Spring | 20. Newhalen don't know |
| 3. Arctic Village Partially Completed | 21. Nightmute This Spring |
| 4. Brevig Mission ? | 22. Nikolai " " " |
| 5. Chignik Lake ? | 23. <u>Perryville</u> |
| 6. Clark's Point ? | 24. Pitka's Point This Spring |
| 7. Deering don't know | 25. Ruby don't know |
| 8. Diomedea ? | 26. Russian Mission This Spring |
| 9. Dot Lake | 27. St. George Island Under Construction |
| 10. <u>Egegik</u> None | 28. St. Michael ? |
| 11. Ekvok don't know | 29. Shageluk don't know |
| 12. Golovin ? | 30. Shaktolik ? |
| 13. Grayling Partially Completed | 31. Sheldon Point This Spring |
| 14. Huslia " " " " | 32. Sleetmute Partially Completed |
| 15. Kokhanok This Spring | 33. Teller Partially Completed |
| 16. Koyuk ? | 34. Tetlin " " " |
| 17. Koyukuk This Spring | 35. <u>Twin Hills</u> " " " |
| 18. Levelock: " " " | |

*estimate is \$200,000
 don't know
 only need 100,000
 Government is building
 just need it.*

SCHEDULE C

PAGE 3

SITES OF MINIMAL CONSTRUCTION OR RENOVATION

Estimate per site: \$ 25,000
TOTAL (36 Sites) : 900,000

- | | |
|-------------------------------------|------------------------|
| 1. Alutan | 18. Manley Hot Springs |
| 2. Atka | 19. Nelson Lagoon |
| 3. Beaver | 20. Nikolski |
| 4. Belkofski | 21. New Kasaan |
| 5. Bettles | 22. Oghsenakale |
| 6. Birch Creek | 23. Oscarville |
| 7. Chalkyitsik | 24. Pedro Bay |
| 8. Chignik | 25. Pilot Point |
| 9. Chignik Lagoon | 26. Platinum |
| 10. Circle | 27. Pt. Heiden |
| 11. Council | 28. Rampart |
| 12. False Pass | 29. Red Devil |
| 13. Hughes | 30. Steven's Village |
| 14. Igiugig | 31. Stoney River |
| 15. <u>Ivanof Bay</u> <i>C/1000</i> | 32. Takotna |
| 16. Kobuk | 33. Tatitlek |
| 17. Lime Village | 34. Venetie |
| | 35. Wales |
| | 36. White Mountain |

SCHEDULE D

Presently Committed Construction Funds

| | <u>Site</u> | <u>Amount</u> |
|-----|-----------------|---------------|
| 1. | Angoon | 720,000 |
| 2. | Chevak # | |
| 3. | Gambell | 1,400,000 |
| 4. | Holy Cross | 440,000 |
| 5. | Hooper Bay # | |
| 6. | Kaltag | 2,212,000 |
| 7. | Kipnuk | 1,000,000 |
| 8. | Kivalina | 2,300,000 |
| 9. | Kongiganak | 2,200,000 |
| 10. | Manokotak | 400,000 |
| 11. | New Stuyahok | 200,000 |
| 12. | Noatak | 400,000 |
| 13. | Northway | 1,800,000 |
| 14. | St. Paul Island | 1,000,000 |
| 15. | Sand Point | 1,000,000 |
| 16. | Savoonga | 1,600,000 |
| 17. | Shishmaref | 2,492,000 |
| 18. | Shungnak | 2,800,000 |
| 19. | Togiak | 1,835,000 |
| 20. | Toksook Bay | 2,100,000 |
| 21. | Unalakleet | 2,000,000 |

Construction of secondary schools at Chevak and Hooper Bay has been undertaken by the Federal Government with no commitment of State funds.

SCR

49

COMMITTEE REPORT
SENATE

FURTHER:

Date 7/27/66

Mr. President

The Committee on JUDICIARY considered Case

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Joe Jones

Chairman

Chairman recommendation

TO: Senator Bill Ray

FROM: Paula d. Scavera

DATE: May 25, 1984

RE: SCR 49

The reason for this resolution is to change the title of House Bill 399.

The Senate Transportation Committee heard HB 399 on May 17, 1984. At the time of the hearing the discussion centered around whether it was appropriate for the Legislature to mandate a the changing the name of a street in the municipality of Anchorage. All Committee members agreed that despite AS 19.10.085 which authorizes the Legislature to name all state maintained highways the Municipality of Anchorage should be the final authority on street names in the municipality. Under the original bill the municipality had no say over the name change. The Senate Transportation Committee has suggested a committee subsitute which will take affect only if the municipality of Anchorage passes a ordinance authorizing the name change. This action requires a title change. The original sponsor is in agreement with the title change.

S

J

R

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COMMITTEE REPORT

SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on JUDICIARY has had _____

relating to the proposal by Congress of an Equal Rights Amendment

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

COMMITTEE REPORT
SENATE

FURTHER:

2/14/83

Date: 2/14/83

Mr. President:

The Committee on JUDICIARY has had SJR NO. 1

Relating to the proposal by Congress of an Equal Rights Amendment

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 SJR 1 (Jud) 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

ERA resolution may be altered

Associated Press

3/12/83

Juneau — A proposed resolution stating Alaska's support for reconsideration of an equal rights amendment for women could contain the stipulation that Alaskans oppose "homosexuality, lesbianism and unisexuality."

The Senate Judiciary Committee on Friday indicated to opponents of the proposed resolution that they would insert into the measure such stipulations before moving the proposal to the full Senate.

The suggestion, from Judiciary Chairman Bill Ray, D-Juneau, came after a roomful of women and a few men objected to the resolution.

In their corner was Sen. Fritz Pettyjohn, R-Anchorage, who urged Ray to amend the resolution to reflect the concerns of the opponents.

The resolution, sponsored by Sen. Vic Fischer, D-Anchorage

and others, asks Congress to once again put before state legislatures the question of whether to amend the U.S. Constitution to ban discrimination based on sex.

After a bitter fight that lasted a decade, the Equal Rights Amendment fell three states short of passage last June.

Opponents' testimony Friday followed testimony from backers earlier this week.

Many at Friday's hearing said an equal rights amendment would lead to a more sexually permissive society in which "homosexuality and unisexuality" would be embraced.

Garienan Cowles of Juneau said society has deteriorated since she was a girl, adding an equal rights amendment would only speed up the deterioration.

"When I was a girl, things that are the norm today were practically unheard of. In the '40s and '50s, it was still a hidden matter

to live with someone without the sanctity of marriage. To be a homosexual was not something to flaunt. The father was the head of the home — someone to be looked up to and protected by.

"Then came liberation, equal rights, freedom of choice, alternate life styles, self-fulfillment and uni-sex," she said.

Sue Miller, of Juneau, told the committee that the majority of Alaskans do not support an equal rights amendment, so the resolution would be "an inaccurate message."

Sen. Joe Josephson, D-Anchorage, disagreed, saying the evidence was that Alaskans do support the concept by virtue of the fact they were one of the first states to ratify the first amendment in 1872.

Miller, however, said there is a groundswell of opposition in Alaska among church and political organizations from the Mormon Church to Moral Majority.



Ludwig Laab for The Times

Senate Judiciary chairman Bill Ray is hearing testimony on the reintroduction of the Equal Rights Amendment

SENATE COMMITTEE ON JUDICIARY

Meeting Minutes
March 2, 1983

The meeting was called to order at 1:40 p.m. by Senator Ray, Chairman.

All members of the Committee were present.

The first order of business was SJR 1, as to which Senator Ray acknowledged the presence of Senate President Kerttula, who is one of the sponsors of the resolution. Senator Kerttula was offered and gracefully accepted a position at the Committee table and participated in the proceedings that followed.

Senator Ray then reviewed the resolution, going through each clause thereof, and recommended that the language be changed in the clauses starting on lines 17, 20 and 23 of the first page of the resolution. Discussion was had on each of Senator Ray's recommendations, with all the other senators, including President Kerttula, participating therein.

As to the resolution's "resolved" clause, starting on line 28 of the first page, Senator Ray asked if the language should be made more specific, and Senator Pettyjohn responded that he thinks it should because the ERA itself guarantees equal rights to men as well as women, and does not even mention the word "women". Discussion was had on this point and Senator Ray pointed out that, the ERA language notwithstanding, it is true that women have been and are being discriminated against in certain areas such as obtaining credit and equal pay.

Senator Pettyjohn stated that, in his opinion, under the ERA as presently proposed, homosexual couples might be able to force courts to marry them. In response, Senator Ray pointed out that if Senator Pettyjohn's earlier suggestion about making the language of the resolution even broader is followed, this would have the effect of making the homosexual problem Senator Pettyjohn is concerned about even worse.

Senator Josephson stated that, in his opinion, the Committee is being too legalistic and technical in that SJR 1 is merely a resolution expressing the general wishes of the Alaska Legislature. Therefore, it should not be treated like a regular bill being considered for passage by the Committee.

Senator Kerttula stated that he concurs with Senator Ray's recommendation that the resolution's language not be made overly broad.

Senator Eliason stated that he supports the concept underlying the resolution.

Senator Ray pointed out that the changes he proposed are not substantive in nature.

Senator Pettyjohn stated that he was satisfied with the resolution in its present form but he will vote against it.

Lillian Ruedrich, the president of the Juneau N.O.W., testified in favor of the resolution, emphasizing that equality in pay, credit, etc. will remain elusive without the ERA.

Senator Ray suggested that the subcommittee on SJR 1, which he chairs, should have an opportunity to go over and clean up the resolution's language some more. Senator Josephson responded that he would like to see the resolution pass through the Committee as quickly as possible. Senator Ray concurred but stated that he wants to make sure that everyone who wants to be heard has an opportunity to speak. Discussion was had on this point wherein it was announced that a delegation of interested citizens would be in Juneau next Monday, March 7, 1983, and Senator Ray announced that SJR 1 would be taken up again at that time so that these people can attend and participate. Also, Senator Ray stated that he has received a great deal of mail from people opposed to the resolution and to the ERA and, although he disagrees with them, they too should be given an opportunity to attend and speak.

In expressing his full support for the resolution and the ERA, Senator Kerttula suggested that the Committee might even want to consider an amendment (or new bill) that would prohibit the funding of new housing without full compliance with the Alaska counterpart to the ERA.

The second order of business was a brief status report and review of Senate Bill 20, as to which Senator Ziegler announced that a teleconference from Anchorage was being scheduled by Committee counsel; and Senate Bill 88, as to which a general discussion was had wherein Senators Ray, Eliason and Ziegler participated.

There being no further business the meeting was adjourned at 2:05 p.m.

SENATE COMMITTEE ON JUDICIARY

Meeting Minutes
March 7, 1983

The meeting was called to order at 1:30 p.m. by Senator Bill Ray, Chairman.

All members of the committee were present.

The first and only order of business was SJR 1- Relating to the proposal by Congress of an Equal Rights Amendment, as to which the following women testified in favor of the resolution and the ERA.

| | |
|----------------------|--|
| Peggy S. Ormaizen | Alaska Federation of Business and Professional Women |
| D.H. Krone | N.O.W. and Alaska Women's Caucus |
| Joyce M. Rivers | National Organization for Women |
| Dorothy Awes Harland | |
| Linda B. Kolcski | Alaska Home Economics Association |
| Claire Strand | B.P.W. |
| Sarah J. Hanburg | American Legion Aux., President |
| Carla Timpone | Commission on the Status of Women |
| Ilene Sackett | Alaska Women Political Caucus |
| Gretchen Keiser | |
| Dove Kull | Older Alaskans |
| Shirley Dean | |
| Katie Hurley | Commission on the Status of Women |

Thereafter, Senator Ray read the proposed, non-substantive language changes to the resolution and discussion was had. Senator Ray also announced that the committee will have at least one more public hearing to give all opponents to the resolution another opportunity to speak out.

There being no further business, the meeting was adjourned at 2:15 p.m..

Senate Judiciary Working Draft

BY V. FISCHER, KERTTULA
STURGULEWSKI, RODEY,
FAERENKAMP AND JOSEPHSON

IN THE SENATE

SENATE JOINT RESOLUTION NO. 1

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - FIRST SESSION

Relating to the proposal by Congress of
an Equal Rights Amendment.

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

WHEREAS the first action of the Alaska Territorial Legislature in 1913 was to give women the right to vote; and

WHEREAS in 1972, shortly after the Equal Rights Amendment was passed by the United States Congress, Alaska was among the first states to ratify the proposed amendment; and

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; and

WHEREAS the state constitutional provision guaranteeing the rights of women has already enhanced the ability of all citizens, not just women, to achieve their full potential; and

WHEREAS negative results predicted by opponents of the state provision guaranteeing the rights of women have not materialized and the 1972 constitutional amendment has not presented difficulties, instead has eliminated some long-standing discriminat^{ory}~~ion~~ practices against women in our State; and

WHEREAS the people of a state are free and equal only when all citizens enjoy the same rights; and

WHEREAS the people of the State of Alaska wish to have the Congress again propose an Equal Rights Amendment to the States for their consideration;

1 BE IT RESOLVED by the Alaska State Legislature that Congress is
2 respectfully requested to again propose an amendment to the United States
3 Constitution guaranteeing equal rights to all women in our Nation.

4 COPIES of this resolution shall be sent to the Honorable George Bus,
5 Vice-President of the United States and President of the U. S. Senate; the
6 Honorable Thomas P. O'Neill, Jr., Speaker of the U.S. House of Representa-
7 tives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski,
8 U.S. Senators, and the Honorable Don Young, U.S. Representative, members of
9 the Alaska delegation in Congress.
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Phone calls received 3/10 and 3/11 opposing SJR 1.

AGAINST ERA

Sheri and Kenneth Fenn
8129 Poplar
Juneau, Ak. 99801

Angie Mumford
3170 Breeze
Juneau, Ak. 99801

Bonnie Zeman
Box 47
Douglas, Ak. 99824

Patricia Dawson
8144 Pinewood Dr.
Juneau, Ak. 99801

Carole Hoover
8922 Trio St.
Juneau, Ak. 99802

Teresa Sterley
9000 Longrun Dr.
Juneau, Ak. 98801

Lorraine Dougan
1800 Northwood Dr.
Juneau, Ak. 99801

Anita McGhee
9333 Glacier Hwy.
Juneau, Ak. 98801

Dorothy McDowell
9499 Moraine Way
Juneau, Ak. 99801

Delcey Kinney
9118 Nagoon Lane
Juneau, Alaska 99801

Nancy Michaud
3707 Sanders St.
Juneau, Alaska 99801

Carol Gray
4410 N. Douglas Hwy.
Douglas, Alaska 99801

Chris (Hansen) Tatham
P.O. Box 2378
Juneau, Alaska 99803

Linda Ford
4066 Deborah Dr.
Juneau, Alaska 99801

Julie Ward
P.O. Box 473
Juneau, Alaska 99802

Jan March
4020 Deborah Dr.
Juneau, Alaska 99801

Terry Tourney
16735 Point Lena Loop Rd.
Juneau, Alaska 99801

George Michaud
3707 Sanders St.
Juneau, Alaska 99801

Cathy Nicols
8497 Thunder Mountain Rd.
Juneau, Alaska 99801

Cathy Frantz
2331 O'day Dr.
Juneau, Ak. 99801

FOR
Sophie Zorman - expedite

March 11, 1983
9515 Speel Way
Juneau, AK 99801

My name is Garienan Cowles. I was a working woman in the past, but now stay home with my children for the most part, and work outside the home only on a part time basis for short periods of time.

When I was a girl, things that are the "norm" today were practically unheard of. In the forties and fifties it was still a hidden matter to live with someone without the sanctity of marriage; to be a homosexual was not something to flaunt; abortions were something heard of only in rare cases, and it was a real shame to have an abortion just because a girl got "in trouble"; when people married they knew it was for a lifetime; there was only one men's magazine on the market, that I knew of, and it was seldom seen on a coffee table; movies were generally family entertainment; the father was the head of the home - someone to be looked up to and be protected by.

Then came---"liberation", "equal rights", "freedom of choice", "alternate life styles", "self fulfillment", and "uni-sex", etc... Now, in 1983, we are reaping the "benefits"?? from that school of thought.

Sex without marriage is not only acceptable, but is generally sold as most desirable. Homosexuals are allowed to marry in some states; and society is expected to accept this "alternate life style" as viable and good; when everyone can see, by animal life, that it is unnatural. We are killing millions of unborn babies so that women can have "freedom of choice"; and we think if we don't call them "babies" it somehow makes them less human. More than one of every two marriages in our country is breaking apart. Families are devastated. Children by the millions are called "latch key kids". Our cities are receiving ~~so~~ many run away children, ages twelve to fourteen (and some younger) who become prostitutes for heartless pimps, in order to eat. Families are fragmented, with yours, mine, and our kids. The commitment to marriage is as long as it "feels good" in many cases, and the family has fallen by the wayside in our eagerness to find self fulfillment. Our super markets, drugstores, and other magazine outlets sell what my mother would call hardcore pornography right off the rack. My ten year old could easily reach

these magazines; and many do. Movies reflect all of our decadent society back at us. The roles for men and women have become so confused that no one is certain of his or her proper place anymore. We're all expected to live in some grey area, called "uni-sex"- (what ever that is). I'm grieved to see so many young men, today, who seem afraid to take leadership roles in their own homes and lives. We wouldn't think of having a government, or business without someone to be the head - and yet, today, our families have no headship, and we wonder why they are falling apart!

Shall we continue, forever, down this road toward total anarchy? Or will our legislative bodies stand against the tide and say, "this far, and no further". Please, take this one step, be strong and of good courage, and vote against this ERA resolution. Thank you.

Garrison Cowles

March 11, 1983

Senate Judiciary Committee

Hearing on Senate Joint Resolution #1

My name is Pat Brayton. I am a pastor of a local church here in Juneau.

I am opposed to the Equal Rights Amendment and Senate Joint Resolution #1.

Far too many questions as to what exactly the E.R.A. will do to us have been left unanswered. To proceed blindly, before these questions are answered is sheer folly. The ambiguous language of this bill would leave us at the mercy of the courts. While proponents of the E.R.A. will naturally say our fears are unreasonable, constitutional lawyers tell us they are justified. Could the word sex in the E.R.A. be interpreted to mean sexual preference as well as sexual gender? The constitutional lawyers, who are in the best position to know, tell us it could happen. Perhaps this is why the homosexuals are so strongly behind the E.R.A.

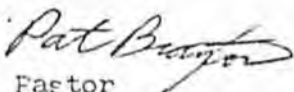
I am concerned that if the E.R.A. passes, my wife and daughter could lose many of the rights and privileges they now have in our society. For example, women could not be treated preferentially in regard to serving in the military or even going into combat. I fail to see how women will benefit when the special protections afforded them now are removed. Constitutional lawyers again tell us that even the laws protecting women from sexual assault could be weakened by the E.R.A.

The E.R.A. even challenges our religious convictions and threatens a further erosion of our traditional family lifestyle. The Bible places the husband as the head of his home, not to tyrannize it but to love and protect it. On the other hand, the feminist ideology, according to their own feminist manifesto, calls for the abolition of marriage and the rearing of children through state child care programs. I ask you, what has been the result in recent years, of the move away from traditional family values? How have the children been effected? Has it been good or bad for our nation? I remind you that the feminists, who support this trend, are the strength behind the E.R.A.

Finally, let me say that the E.R.A. is not needed to insure the right of women to equal pay for equal work. The Civil Rights Act has already established that right. If abuses still exist then let us enforce the law, not write another one. It is becoming increasingly obvious that equal pay is not really the primary goal of those pushing for the Equal Rights Amendment.

Please pray with me that God will guide us in this matter, and prevent serious damage from being done to our nation. Thank you for listening.

Pat Brayton



Pastor
Valley Chapel

Legal References on back

References:

1. The Yale Law Journal, Vol. 80, No. 5, April, 1971
2. Harvard Civil Rights - Civil Liberties Review, Vol. 6, No. 2, March, 1971
3. The Library of Congress Congressional Research Bulletin No. HQ 1428, U.S.D.

SR1

8144 Pinewood Dr.
Juneau, AK 99801

Senate Judiciary Committee
State of Alaska

I'm proud to be an Alaskan and an American. I love our country for its gift of freedom and I see the Equal Rights Amendment as being a terrible threat to my own personal freedom and to that of my fellow Americans by allowing the Federal Government almost complete control of the basic family unit.

God created men and women to have distinctly different roles in society, and the Equal Rights Amendment totally disregards this fact. Under the Equal Rights Amendment a man would no longer be legally responsible for the support of his family and would lose his dignity as the chief provider.

I believe that much of the drug problem of our youth stems from the fact that men's and women's roles in life have become blurry and that children no longer have a strong model to follow. We need to reinforce the distinctly different roles of men and women and not completely obliterate them by legislating that everyone is "equal."

Women already have equal rights to work by passage of such acts as the Civil Rights Act, the Equal Employment Opportunities Act and the Equal Pay Act. We have the laws we need, why don't we enforce them? The Equal Rights Amendment is not necessary!

I strongly urge that you vote NO on Senate Joint Resolution #1 and thereby protect the freedoms we enjoy in this great land of ours.

Thank you for your consideration.

Respectfully yours,

Patricia C. Dawson

Patricia C. Dawson

LETTERS OF
SUEI

8178 Pinewood Drive
Juneau, Alaska 99801
March 10, 1983

Senate Judiciary Committee

With regard to Section I of the ERA Amendment, I neither need nor want the "equality of rights" sought for. His "equality" would only mean bondage, probable abuse, and a loss of present rights and protection. It is frightening and threatening. We have been created male and female in order to complement each other, not compete for equality. His would cause me to lose my privacy, femininity, and my identity as a person. His "equality" would reduce me to a no-body. Do treat male and female alike would result in a grave loss of equality for women. The woman is physiologically, biologically, and psychologically different from the man. She usually reacts differently in a given situation. Her physical body is not normally as strong as

the man.

The possibility of women, especially young mothers being drafted and forced into combat is unthinkable. This one thing alone strikes at the very foundation of our society — the family unit which is the cement that holds our society intact.

There are already laws which protect and help women. We must be one of the most blessed groups in all the world. This "equality" would very probably remove these existing laws.

With regard to Section II, the wording of it leaves no boundaries. It would allow unlimited control by Federal Courts, resulting in additional control over our lives which are already burdened with restrictions and regulations.

This amendment has the potential of destroying everything we hold dear and sacred in our society.

Please vote no on Senate Joint Resolution No 1.

Thank you.

Respectfully yours,
Gene Nevers

March 11, 1983
P.O. Box 2743
Juneau, AK 99803

My name is Elaine Brayton. I am a wife, mother, and grandmother. I am a homemaker and a retired State employee.

I am against the re-introduction of the Equal Rights Amendment. I am not against justice for women, and I believe that in the past there have been incidents of unjust treatment, but I believe those wrongs have been corrected and the rights of women affirmed by the Civil Rights Act of 1964 and the Equal Opportunity Act of 1972. There is a limit of what can or should be covered by government legislation.

There is so much talk about a person's "rights" anymore; lets start talking about a person's responsibilities. I have observed down through the years, that when a group of people start fighting for their "rights" they aren't fighting for the "right" to an education or a job so that they can work to obtain the goals they are fighting for; they want the property or the power of the people they are fighting. In other words the women fighting for equal rights have equal rights, they wont be happy until "all" the power is in the hands of women and they are in complete control.

I am especially against the wording of the E.R.A. No one can agree on what it says or doesn't say. If it is to amend the Constitution shouldn't it be absolutely clear as to what is and what is not allowed? And if it is indeed an amendment for equal rights for women, why doesn't it say women and not just sex? What does "sex" mean? Male, female, homosexual, lesbian, or sexual acts? Will it clear the way for incest and rape? Such a law was introduced and defeated in the city of Washington D.C. last year, so why should we believe it would never be interpreted and enforced in that way.

To oppose the E.R.A. would not be opposing women, but would be a stand for truth and freedom and in defense of women.

Elaine S. Brayton

Testimony presented to the Senate Judiciary Committee by Alice Bergdoll on Senate Joint Resolution No. 1 "Relating to the proposal by Congress of an Equal Rights Amendment." March 11, 1983.

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

"No State shall.....deny to any person within its jurisdiction the equal protection of the laws."

Why hasn'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 difficulties 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 energy has been wasted towards an amendment that is unnecessary and even potentially detrimental to improving the conditions for women?

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

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

January 28, 1985
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 illigical 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

March 11, 1983
8488 Thunder Mountain Road
Juneau, Alaska 99801

I would like to go on record as being opposed to Senate Joint Resolution No. 1 on the Equal Rights Amendment. I strongly urge all Senators to vote no on this resolution for the following reasons:

Much of the pressure to attempt to pass the ERA comes from the National Organization of Women (NOW), who have worked very closely with ERA, whose major platform at their last convention in October of 1982 was abortion and lesbian rights. The media has given the public the false impression that NOW is primarily concerned with discrimination against women, while concealing the fact that NOW is an activist pro-lesbian and pro-abortion group. If the ERA were to pass, the effects of its ratification would shake the very moral fiber of this country. All that ERA stands for is an abomination to God.

With the new laws enforced that there is no difference between men and women, there would be drastic changes in many areas of our lives such as: mandatory drafting of women with no special consideration being given to wives and mothers of young children, also, women could not be given the less dangerous non-combatant positions as this would be discriminatory as compared to the men; marriage between lesbians and homosexuals would be sanctioned, lesbians and homosexuals would have to be hired as teachers in our childrens schools, and also, which is a very appalling aspect, is that lesbians and homosexuals could not be denied adoption of our precious children, which opens a pandora's box of child abuse and sexual assault. The mass slaughter of our innocent unborn would continue as this is one of ERA's top priorities, as they believe this is an absolute necessity for the truly "liberated" woman. These are just a random few samples of the ramifications to our society if this resolution were to pass.

Please Senators, pray on this matter and truly seek the Lord to do His will on this issue. The lives of all Americans in this generation and generations to come are in your hands. This Equal Rights Amendment, if added to our constitution, would drastically effect the very moral foundation of this country for all generations to come. For by accepting the

Page two
March 11, 1963
2405 Thunder Mountain Road
Juneau, Alaska 99801

pressure of the immoral segment of society, we surrender the innocent
to their lifestyles.

I close by quoting from Scott Wesley Brown's song "This Little Child":

Nation against nation
Brother against brother
Men so filled with hatred
Killing one another
And over half the world is starving
While our banner of decency is torn
Debating over disarmament
Killing our children before they're born.

And fools who march to win the right
To justify their sin
Every nation that has fallen
Has fallen from within.

Thank you.

Respectively Submitted,



Grace Brayton



NOW SOUTHERN WESTCHESTER:

TASK FORCE ON SEXUALITY AND LESBIANISM NEWSLETTER

VOLUME 4

WINTER 1983

ISSUE NO. 2

Winter is here but sisterhood will keep us warm! Join us for coffee and discussion on the 2nd Tuesday of each month (except August) at the White Plains YWCA, 515 North St., at 7:30 pm.

RAP GROUPS

Tuesday, January 11
"BODY IMAGE"

Women from the Feminist Study Group will lead us in small group discussions focusing on how we feel about our bodies and what society has taught us about women's bodies.

Tuesday, February 8
"Holistic Health"

Lindy Ferrigno, Shiatsu teacher and feminist, will speak on alternatives to traditional medicine and ways to increase your personal energy. She is also knowledgeable about flower remedies and does therapeutic massage.

Tuesday, March 8
"Gay History"

Film and speaker on Lesbian and gay history. Watch for more details to be announced at a later date.

The Rap Groups are sponsored by the Task Force on Sexuality and Lesbianism of the Southern Westchester National Organization for Women. All women are welcome. Our only rule of participation is that confidentiality be respected. A \$2 donation at the door is requested (more if you can, less if you can't) to help cover room rental, programming and newsletter costs. The YWCA is wheelchair accessible.

LESBIAN MOTHERS MEETING

Sunday afternoon January 16 will be the first organizing meeting for the Task Force's Lesbian Mothers Network. Mothers will meet from 2 to 4 pm at Grace Church, Room 20A, at the corner of Mamaroneck and Church in downtown White Plains. Childcare will be held in one of Grace Church's day care rooms and supervised by sisters from the Task Force. (continued on page 2...)

LESBIAN MOTHERS...

This is the chance for Lesbian mothers to join together and discuss mutual joys and concerns and how we can help each other. The Task Force fantasy is that the Mothers Network will eventually facilitate a support group for women with children and also organize parenting workshops, offer support to lovers of Lesbian mothers and serve as a clearinghouse for information regarding other Lesbian mother groups around the county and legal referrals.

Please attend and bring your ideas. A \$2 donation is requested to help pay for the rooms. As always, our policy is "more if you can, less if you can't." If transportation is a problem or you'd like more information, call the Task Force Hotline 963-9343, or in Northern Westchester call "Ingrid" at 764-4272.

Confidentiality is strictly requested. We have plans to announce this meeting in Westchester papers but the location of the meeting will not be publicized. Other than this newsletter, the meeting location information can only be obtained by a female voice on the Task Force phone. Ah, the realities of Lesbian motherhood!

SUPPORT GROUPS

The Task Force has grown so large that a number of support groups have formed to provide a place for women to get together in smaller groups and discuss issues and areas of common interest:

Married Women's Group ... meets the first Monday of the month at 8 pm, WESPAC, 255 Grove St., White Plains. Susan or Bonnie facilitate discussions for our sisters who are currently involved in heterosexual marriages. For info call 963-9343.

Lovers of Married Women... meet to discuss issues unique to a relationship with a married woman. Some of the topics include dealing with demands on your lover's time (husband, children), finding time to be together, and how to make sure your needs are being met, too. New members are welcome. For info call Regina 969-0975.

Incest Survivors Self-Help Group... provides a safe place for women who were sexually abused by a family member during childhood to discuss the effects of the incest experience on their lives, past and present. For info call Polly 965-6733.

Feminist Study Group... meets the 3rd Tuesday of every month to discuss a wide variety of topics, from book discussions to massage demonstrations! For more info call Bonnie 423-6312

Planning Committee... is a support group for our co-chairs Kathy and Susan and gives everyone a chance to help plan the activities for the next quarter. The Task Force runs on woman-power! Join us Tuesday January 25 at 8 pm at Susan's, 237 Clunie Ave., Yonkers. Call 963-9343 for directions. (PS- Please don't park in the driveway!)

Younger Women (under 23 years old)... are reaching out more & more to the Hotline and the Task Force for support around coming out, living at home, going to school, finding Lesbian role models, etc. If you'd like to help set up a Saturday afternoon organizing

March 11, 1983

C590 Glacier Hwy. # 173

Juneau, Alaska 99801

My name is Ann Mattson. I am an Occupational Therapist, a wife, and a mother.

I am opposed to Senate Resolution No. 1.

Truely it has been a sad commentary on our society that women who have been forced to be breadwinners have not been given equal pay for equal work. That, as I see it, is the fundamental problem - not whether women are treated exactly the same as men. Women are not the same as men. God made them different, both physically and emotionally. Why is it women and men constantly complain that they do not understand each other? They do not understand because they are different and were made to compliment each other, both in their physical and emotional makeup.

There are adequate laws currently on the books which protect women's job rights. Here is a partial listing of existing laws on a federal level which prohibits discrimination on grounds of sex in virtually all areas of American life; in education, employment, credit eligibility, housing and public accommodations:

- Equal Pay Act of 1963
- Civil Rights Act of 1964
- Equal Opportunity Act 1972
- Comprehensive Employment and Training Act of 1972
- Small Business Act 1972
- Health and Manpower Training Act of 1974
- Housing and Community Development Act of 1974
- Federal Employees Compensation Act of 1974

Senator Sam Ervin stated in 1972,

"If women are not enjoying the full benefit of this Federal and State legislation and these executive orders of the Federal government, it is due to a defect in enforcement rather than a want of fair laws and regulations. Since the ERA is not self-enforcing, this defect in enforcement will survive the passage of the amendment and women will still have to bring suits to enforce their rights in employment sphere with no more remedies than they presently enjoy."

I find the revival of this amendment both redundant and unnecessary, a waste of time and money. Your efforts as legislators could best be served doing things beneficial to the state of Alaska. There are many important issues that need our work and attention that have not been addressed in the past 10 years because our time and your time have been spent on a dead issue.

Respectfully submitted,

Ann Mattson
Ann Mattson

March 11, 1983
Box 645
Douglas, AK 99824

My name is Barbara Tyndall. I am a wife and the mother of five children. I am very much opposed to Senate Joint Resolution #1 and any legislation that would promote the Equal Rights Amendment.

I have heard it said that the Equal Rights Amendment is nothing more than a statement; a mere profession of a belief. If this is true, why are feminist groups dedicated and committed to the extent of spending millions of dollars and all of their time to see that this amendment is passed? Why would any group go to such lengths for a simple statement. It is my conviction that these feminist organizations intend to obtain a great deal from the Equal Rights Amendment..

If this is a statement of belief, I certainly don't believe it. I don't believe that the creation of a unisex society is the answer to this nations woes and I don't believe that the ERA in the state of Alaska has been beneficial to anyone, with the possible exception of the feminists who are after a bigger and bigger piece of the political pie. Two years ago, in March of 1981 I wrote to you and urged you to vote against Senate Bill #99, an act prohibiting sex discrimination in education in the state of Alaska. You voted for it and it is now a law in our state. As a result of this law, feminists have been allowed to go through our school textbooks and remove anything they found that was offensive to them and their point of view. I have read enough on the subject in magazines, newspapers, and the feminists own publications to know what that point of view is. According to them, I am a poor, miserable being because I choose to remain in my home and raise my own children, rather than farm them out to a neighbor or child care center. They also tell me that I am a leech on society because I do not work outside my home and contribute financially to the support of our family. I have elected to stay in my home and raise my own children because I feel very strongly that that is my responsibility. My children are not the responsibility of the school system or the local child care center. They are my responsibility. I made that choice when I brought them into this world. I bitterly resent the reproach that has been cast upon those who choose to shoulder their responsibilities rather than shrug them onto the state and then demand their rights.

What does no descrimination because of sex mean? Does it mean my daughters will be drafted? Will it force them to share living facilities with men or my sons to share them with women? Does it mean private schools will have to hire lesbians and homosexuals to teach? These are just a few of the horror pictures this bill conjures up in my mind. You tell me it won't do these things, but there is no qualifying statement or protection being offered to put my mind and those of many others at rest about these issues. I want protection of my rights and those of my children after me. I want it spelled out in black and white and I want to know what I'm getting.. I feel this a reasonable request but I see none of the proponents of this bill willing to comply.

March 11, 1983

(Testimony of Barbara Tyndall)

Page 2

The Equal Rights Amendment is not designed nor intended to give me more liberty as a woman. It is designed to take away more of the freedoms that I seem to be losing with every passing year. It is a deliberate attempt to put more federal restrictions and regulations on our state and on the individuals living in this nation.

Please vote no on Senate Joint Resolution #1.

Barbara B. Tyndall



FAC-SHEET

#16 WOMEN & "EQUAL RIGHTS"

BACKGROUND BRIEFING

On Mar 22, 1972, Congress passed and sent to the States the "Equal Rights Amendment" (ERA). If ratified by three-fourths of States, ERA would become 27th amendment to US Constitution.

Amendment contains 24 words: "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

Congress also set 7 yrs as time-limit for ratification. 22 States ratified ERA in 1972; another 13 by 1978: total, 35 -- three short of required 38. States so far refusing to ratify are: Ala, Ark, Ariz, Fla, Ga, Ill, La, Miss, Mo, Nev, NC, Okla, SC, Utah and Va. (Five ratifying States have since moved to rescind ratification; five others have indicated that they would not ratify if they had it to do over.) In 1978, with 225 dissenting votes, Congress extended time limit by 39 months.

Original ERA impetus stemmed from inequities in employment opportunities and pay. However, militants soon turned proposal into all-out "feminist" movement; escalated demands to achieve not 'equality' but "liberation." Many see such "before the act" positions and demands as clear indication of way in which "women's lib" would press for distorted interpretations and enforcement of ERA should it become law of land.

ERA proponents tout it as "support legislation" for pro-abortion movement ("women should be 'free' to terminate unwanted pregnancies"). Recent pro-abortion decision by Mass. State Supreme Judicial Court was argued, and decided, in part on state ERA law (withholding govt. funds for abortions constitutes sex discrimination).

Pro-ERA forces also expanded push to cover demands that women be given jobs now held by men (job quotas based on sex). Further, they see "homemaking" as a demeaning role that makes women "second-class citizens" deprived of rights. To them, the traditional family unit is passe in the emerging egalitarian society; thus, they urge women to shun home and motherhood in favor of "liberating" careers. (Biostatistical studies indicate that in their rush to achieve "total equality" and compete with males, feminists are closing the gap with men in such areas as alcoholism, auto accidents, suicides and heart diseases.)

Opponents of ERA see it as (1) threat to dignity, security and well-being of women; (2) threat to family & home; (3) anti-Biblical, and (4) fear it would open floodgates for laws & regulations extremely demeaning of women (military conscription, pre-empting health and safety requirements and other laws now protecting women, etc.).

Additionally, anti-ERA groups see proposal as an implicit anti-marriage message; divorce is not only to be condoned but encouraged and facilitated (the more women assert their "rights" the more men feel absolved of responsibilities): thus, men -- not women -- would be "liberated." ERA, they contend, would be tantamount to legislating situations that could bring further disintegration of marriage and home, and security of wife and family. Also, they warn of the dangers of close-contact, mixed-sex jobs (shared-work situations, especially under pressure and for prolonged periods, tend to create an aphrodisiac influence).

Finally, those opposed to ERA argue that federal amendment would by-pass States and be one more slide toward lock-step centralism (Sec 2 of ERA says: "Congress shall have the power to enforce ... with appropriate legislation.") They suggest that where inequities do exist (unfair job and pay discrimination, etc.) these should and could be rectified by State statutes and regulations.

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contact Plymouth Rock for prices. There is no restriction on reproduction provided excerpts are not taken out of context.

CONSIDER THE BIBLICAL PRINCIPLES According to God's holy word, women are to be subordinate to men; not inferior -- subordinate (Gen 3:16; 1 Cor 11:8). The wife is to be in submission to her husband (Eph 5:22). As Christ is the head of His church, so man is the head of the home (Eph 5:23). Christ exercises authority over His own (His church) to protect her, to save her from evil, and to supply her every good; in like manner, the husband exercises authority over the home to protect it, to guard it from evil, and to supply its proper needs (both spiritual and material).

"That woman was made out of a rib from the side of Adam; not made out of his head to rule him, nor out of his feet to be trampled upon by him, but out of his side to be equal to him, under his arm to be protected, and near his heart to be beloved." (Matthew Henry)

God's line of authority concerning the sexes is firmly established in His Book (1 Cor 11:3; Col 3:18,19). Christ is the repository of all power (Mt 28:18; Deut 7:14); man's authority comes from God, women's authority comes via man. The two -- man and woman -- are to complement each other. God created woman to be a "helpmeet" (a counterpart, a complement). War between the sexes is against God's plan and will; they are to work together in harmony (husband and wife as one) to subdue the earth and to gain dominion in His name and for His purpose and glory (Gen 1:26-28; Ps 8:6). The woman who despises or disobeys her husband, or who seeks to dominate him, violates divine law and thwarts divine judgement (Gen 3:16). (There is a vast distinction between offering wise counsel and seeking to dominate.)

The woman is not to be a slave to man; the man is not to be the tyrant of woman. Just as it is God's will that woman respect the male authority, so it is also His will that man not abuse that power (1 Cor 11:11,12). The submission of both is to be mutual and to The Lord (Eph 5:21; Php 2:3). As a man loves his body, so he is to love his wife (Eph 5:28,29). The husband who does not love and care for his wife hates himself and disobeys God.

The sexes are not to seek to change places ("roles"). This applies to the man who fails to exercise authority properly and to the woman who would pre-empt the male authority (1 Cor 11:9; 1 Tim 2:12). It is not God's plan that women be like men ("male and female created He them - Gen 1:27"). Both should seek to be like Jesus (1 Cor 2:16b; 2 Tim 1:9; Php 2:5); they should seek to glorify God rather than self (1 Cor 6:20). The woman who knows Jesus, who loves Him, and seeks to obey Him, is the woman who is truly "liberated" (John 8:34-36).

In Pr 31:10-31, we find described the godly woman who is to be valued "far above rubies": (1) her integrity is above reproach; (2) she is industrious and competent; (3) she is strong in heart and mind and imparts that strength to her husband and children; (4) she fears The Lord and is wise; (5) she is compassionate; (6) she is a good homemaker and mother; (7) she serves The Lord in words and works; (8) she honors her spouse and brings honor to him; (9) she is well-loved. The wise woman builds her home but the foolish one destroys it (Pr 14:1). Young women are to marry, have children, guide the home, and give no reason for reproach (1 Tim 5:14). (See also Titus 2:3-5.)

Can a woman serve The Lord in a career? Certainly! Consider Lydia (Acts 16:14,15). Women have served The Lord, and serve Him now, in many fields and professions (education, healing arts and sciences, missions, commerce, the arts, social work, etc.), as well as in the home. Yet, in such work also, The Lord's line of authority is to be obeyed.

God's word warns us against "feminists" (Ecc 7:26); we are to turn from them (Ezek 13:17). The woman who disobeys God in this regard shall know His wrath (Isa 3:16). And, incidentally, one of the punishments God levied vs. the nation that disobeyed Him was to be ruled by women (Isa 3:12).



ERA and Homemakers

Partnership in Marriage

Full-time homemakers provide a valuable contribution to their home, family and community. However, their work is not legally recognized because most statutes generally have defined the homemaker as a second-class citizen. Subsequently, homemakers face some of the most severe forms of discrimination. As the laws are currently written, with the exception of certain states, a homemaker's contribution has no worth in economic, or more importantly, in legal terms.

Divorce hits homemakers hardest. And if trends continue, nearly half of all marriages will end in divorce. For a majority of divorced homemakers today, alimony and child support payments are a myth. Only 15% of divorced women are awarded alimony generally, and less than 25% of these receive payments. Of divorced mothers with minor children, 78% are awarded child support with only 59% of these collecting payments. Putting the statistics to life, this means that of every 100 divorced women with children, 78 are awarded money for child support and fewer than 46 collect payments. To put it more vividly, 2 of 5 divorced fathers do not pay for their children's support.

In many ways, ratification of the Equal Rights Amendment will help full-time homemakers more than any other group of women. The ERA will secure legal and economic rights of homemakers and guarantee that marriage be viewed by the courts as a "partnership" between husband and wife.

If a full-time homemaker finds herself in the unfortunate position of being widowed, divorced, or separated, she will have full legal protections under the law, a right that is denied her today in most states.

Outdated Laws of Yesterday Hurt Modern Homemakers

Most of our family laws date back to the English common law system in which married women

were considered the "property" of their husbands. Many women could not own land in their own name, serve on juries, could not vote, nor were allowed in certain public places. The reasoning at the time was that men were the "heads of the household" while women and children were the "dependents." Many of our tax and divorce laws, the Social Security system, insurance and pension plans and protective labor laws are all based on these outdated notions.

Times have changed; unfortunately the laws have not. Today, most adults see marriage as a partnership, with both the husband and wife making full contributions.

Today, the average family of four with an employed father, full-time homemaking mother and two children under 18 describes less than 10% of American households. Today, more women than ever before are combining homemaking with paid work roles at some time in their lives. But, women who are full-time homemakers make valuable contributions and time commitments that are as important as economic support.

Homemakers Still Lack Basic Legal Rights

To this day laws affecting property rights during marriage are based on 19th century attitudes concerning ownership, possession and control of marital property that discriminate against women.

For example, some states still follow common law practices that household goods which were purchased by both spouses during marriage belong only to the husband.

In North Carolina, real estate held jointly by husband and wife, known as tenants by entirety, is controlled only by the husband. This means the wife is entitled to none of the rents and profits produced by the property.

In many states a married homemaker cannot obtain credit in her own name because it is assumed that only the wage earning spouse controls assets.

An Oklahoma law states that since the male is the head of the household, he may select any reasonable place of residence and the style of living. His wife must conform to his wishes.

Contrary to popular belief, even support laws are set up in such a way as to hurt homemakers. In many states, (although the duty of support is placed on the husband), the laws have never really protected wives who are economically dependent on their spouses.

Time and again, courts have refused to enforce the support obligations of husbands because judges are unwilling to invade the privacy of marriage. As a result, during a marriage, even if a husband denies his wife money for her most basic needs—clothes, health care or food—she cannot, as long as she continues to live with him, expect a court to order him to provide reasonable expenses. Unfortunately, there must be a breakdown in the marriage and a legal action started for separation or divorce in order for a woman to get access to money for her basic needs.

If A Homemaker is Widowed or Divorced, She is Usually Caught Unaware of her Lack of Legal Rights.

And, often it is too late. After the death of a husband, millions of women who are homemakers find themselves too young to retire and too old to find a good-paying job. These women are caught in the "widow's gap" and are forced into low paid, dead-end jobs.

■ If a homemaker is widowed before the age of 60, she cannot collect Social Security benefits unless she has children under 18. She will not be eligible for full benefits until age 65.

■ If a homemaker divorces before 10 years of marriage, she has no rights at all to her husband's Social Security benefits. Under some federal programs, a homemaker must be married for 20 years or more to collect benefits.

How ERA Helps Homemakers—

The Equal Rights Amendment will require that marriage laws be based on the jobs of each spouse within the family, instead of gender. Marriages would be viewed by the courts as a partnership with each spouse making a contribution, be it monetary or non-monetary.

Husbands and wives would be responsible to each other based on their individual resources, abilities and type of contribution, whether financial or services in the home.

The ERA will not require women to take paid jobs outside the home. Nor would husbands and wives be forced to make equal financial contributions.

As the legislative history of ERA states:

"The support obligation of each spouse would be defined in functional terms based, for example, on each spouse's earning power, current resources and non-monetary contribution to the family welfare . . . Where one spouse is the primary wage earner and the other runs the home, the wage earner would have a duty to support the spouse who stays at home in compensation for the performance of her or his duties."

The ERA will secure the legal rights of full-time homemakers. It will also guarantee a "partnership" in which marital property belongs to both the husband and wife. The ERA will ensure that outdated laws which hurt women be removed from federal and state codes.

But, because of many different domestic relations laws in the 50 states, without ERA women will not have constitutional or economic equality in this century. The deadline for ratification is June 30, 1982. Help Ratify the Equal Rights Amendment.

The Equal Rights Amendment (Complete text)

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.

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.

ERA AND MINORITY WOMEN
Double Discrimination - Racism and Sexism

ERA and Minority Women

Double Discrimination - Racism and Sexism

Minority women have long been the victims of double discrimination, suffering from effects of both racism and sexism. Women on the average are paid 59¢ for every dollar paid to men. But for Black women, the 59¢ shrinks to 54¢ and for Hispanic women, to 49¢. The treatment of race as a suspect class under the 14th Amendment and the statutory guarantees against race discrimination, while not a panacea, have had a significant effect. Black and Hispanic men on the average are paid 73¢ for every dollar paid to white males.

Just as the 14th Amendment was enacted to guarantee equal protection under the law for Blacks leading to the legal definition of race as a "suspect" classification, the Equal Rights Amendment must be passed to guarantee equal protection under the Constitution without regard to sex.

The Equal Rights Amendment which would guarantee equal justice under the law for all women is a vitally important tool in the fight for minority women's rights.

Diversity Among Women

The backgrounds and experiences of all women vary by race, ethnicity, economic status, religion and culture. But specific problems become especially clear when racial and ethnic data are made available by sex. For example:

Black women over the years have had higher rates of participation in the employment ranks than any other group of women. A majority of Black adult females have been in the labor pool since about 1975. These high job rates, however, do not spell success for Black women in the labor force. Their unemployment rates have generally been the highest of any category. This is true despite the strides Black women have made in recent years in closing the education gap. In 1979, the median years of education attained by black women were 11.1, compared to 12.3 for white women and 9.3 for hispanic women.

Mexican-Americans constitute the second largest minority in the United States today.

Census projections are that the Hispanic population will surpass the number of Black Americans during the next decade. Chicanas face not only economic and educational barriers, but language, religious and cultural blocks as well.

Puerto Rican women differ from other minorities who preceded them to the United States: they came as American citizens. Nevertheless, numerous problems, differences in customs, racial and ethnic biases and limited knowledge of English, have restricted their social, economic and educational success. Other women of Spanish origin, including *Cuban women*, face similar discrimination, but have varied backgrounds and cultures.

In any discussion of *Native American women*, it is necessary to keep in mind the diversity among the nearly 800 tribal entities in existence today. Despite the availability of free schools, in parts of the Southwest less than 10% of Native American women have completed eight years of schooling. Census data show, however, that women in the total Native American population have completed a median of 10.5 years of school.

Asian American women, like Native Americans, are a highly diversified ethnic group. The Asian American population includes Koreans, Vietnamese, Indonesians, Thais, Malaysians and a wide representation of Pacific people such as Samoans, Guamanians and native Hawaiians, and Americans of Chinese, Japanese and Filipino origins. Although many Asian American women are educated, having attended or completed college, they are still concentrated in lower-paying clerical positions. The segment of the Asian population most at a disadvantage, however, is composed of those women who cannot speak, read or write English. Illiteracy in English is generally a problem for Asian American women over 55.

A serious barrier when defining the problems of minority women for lawmakers is the lack of adequate employment and education data. This is especially true for Native American, Asian American women, and the many Spanish-origin populations. 1980 census data has not yet been

tabulated, and government figures between census years are based on estimates at best.

Below is an analysis of available data by race and sex. The figures graphically show how minority women are victimized by both race and sex discrimination. Regrettably, the available data are adequate only to explore the plight of Black and Hispanic women.

Minority Women Face Severe Economic Discrimination

Minority women are victims of the lowest wage rate and highest unemployment rates of all categories of persons. The following chart shows the Wage Gap—the real picture of double discrimination faced by minority women.

The Wage Gap

| | 1979 Annual Earnings | |
|------------------|----------------------|--------|
| White Males | \$17,427 | \$1.00 |
| Black Males | 12,738 | 73c |
| Hispanic Males | 12,658 | 73c |
| White Females | 10,244 | 59c |
| Black Females | 9,476 | 54c |
| Hispanic Females | 8,466 | 49c |

The Workforce is Changing But Women Are Still at the Bottom

The needs of the modern workplace are shifting. The previously labor intensive manufacturing industries, traditionally male dominated, need fewer and fewer workers. At the same time, traditional female occupations are experiencing a great increase, especially in the area of clerical and service industries. These "women's jobs" however, are low paying and have little advancement opportunity. Minority women are especially overrepresented in these fields.

Today's educational system channels women into traditional female occupations. A greater proportion of minority women hold service, household and operative jobs than other groups. Hispanic and Black women hold few managerial and professional jobs. The following table illustrates job segregation:

1979 Occupational Distribution of Employed White, Black and Hispanic Males and Females:

| | Women | | | Men | | |
|------------------|-------|-------|----------|-------|-------|----------|
| | White | Black | Hispanic | White | Black | Hispanic |
| Clerical | 36% | 29% | 32% | 6% | 7% | 6% |
| Service | 16 | 35 | 22 | 8 | 17 | 13 |
| Private | 2 | 8 | 3 | .1 | .1 | .1 |
| Household | | | | | | |
| Other | 16 | 27 | 19 | 8 | 17 | 13 |
| Service | | | | | | |
| Professional/ | 17 | 13 | 6 | 16 | 9 | 8 |
| Technical | | | | | | |
| Operatives | 11 | 14 | 25 | 17 | 26 | 26 |
| Management/ | 7 | 3 | 4 | 15 | 6 | 6 |
| Administrative | | | | | | |
| Sales | 7 | 3 | 5 | 7 | 2 | 3 |
| Craft | 2 | 2 | 2 | 22 | 18 | 21 |
| Nonfarm laborers | 1 | 2 | 1 | 6 | 14 | 12 |

A large majority of people living in poverty in the United States are women and children. A study by the National Advisory Council on Economic Opportunity calls the trend the "feminization of poverty," and predicts that by the year 2000 the poor population will be composed entirely of women and children.

In 1979, 12% of all persons were below the poverty line; of those, 9% were whites and 31% blacks. Only 7% of male heads of household were so impoverished, while 32% of female heads of households were below the poverty line.

Forecast for the Future

The budget cutbacks by the Reagan Administration hit women with special force. Aid to Families with Dependent Children (AFDC), food stamps, health care for poor women and children, CETA job training programs—all face drastic cuts or elimination. And these budget cuts have the greatest effect on those least able to afford it: minority women who already bear the burden of double discrimination.

Most minority women understand the need for Equal Rights Amendment. Support for ERA as reflected in public opinion polls is higher among minority women than white women.

Strong Support for ERA

The following is a partial listing of civil rights groups who recognize the importance of ERA and endorse the Amendment:

African Studies Association; Black Women for ERA; Coalition of Black Trade Unionists; Las Hermanas; Latin American Studies Association; Leadership Conference on Civil Rights; Mexican-American Women's National Association; National Alliance of Black Feminists; NAACP; National Association of Colored Women's Clubs; National Association of Cuban American Women; National Association of Negro Business and Professional Women's Clubs; National Conference of Puerto Rican Women; National Congress of Hispanic American Citizens; National Council of Negro Women; Organization of Pan-Asian Pacific Women.

The ERA is the strongest legal weapon available for eliminating sex discrimination in our nation. It is an assurance that women will be fairly paid, get an equal education, be entitled to challenge sex discrimination in the courts and have an opportunity to lead lives based on economic security. Minority women will probably never have equal rights under the law unless the ERA becomes a part of the Constitution.

The ERA is for all women. Join the ERA Countdown Campaign. Three more states are needed by June 30, 1982.

ERA and Money

Business, Credit, Insurance, Inheritance

One of the great American myths is that "women control most of the wealth in this country." As the story goes, women, by virtue of being widowed, by inheritance at birth, or by divorce settlements, gain access to great sums of money. *Nothing* is further from the truth.

Under many state laws, divorced women are often left with no financial security, especially in retirement years. Very few widows control the estate of a deceased spouse. Traditionally, family money has passed from father to son. Often widows find themselves serving as figureheads with modest monthly support expenses as stipulated in their husbands' will while control of assets rests elsewhere.

The world of big and small business has always been the domain of men. Without ERA, men will continue to control not only Wall Street but Main Street as well.

Women and Corporations

Major corporations have traditionally used women as a cheap source of labor for back-up services, clerical support and factory chores. Women fill the bottom rungs of the corporate ladder, with very few women even near the top. No women are Chief Executive Officers (CEOs) of the *Forbes* 500 companies. Seventy percent of the top 1300 companies have *no* women on their boards of directors. If women do serve on corporate boards, they serve in token numbers with only one or two seats per corporation filled by females. In 1981, women are only 2% of corporate directors of the top companies.

Women are only 36% of security and commodity brokers, 33% of accountants and 19% of the recipients of masters degrees in business and management. But females are 93% of bank tellers, 99% of secretaries and 93% of bookkeepers. In every large corporation, women are at the bottom of the pay scale, in jobs with low status and little chance of advancement. On the average, women are paid only 59¢ for every dollar paid to men. And that Wage Gap has widened over the past twenty years.

Small Business Women Face Obstacles Everywhere

In the last decade, more and more women have been drawn into the workforce through economic necessity, education and ambition. Yet women who want to go into business on their own face enormous problems.

In 1977, only 6.6% of U. S. firms were owned by women. Women-owned firms are defined as having one-half or more of the partners women, or 50% of the stock being held by women.

❑ A woman who aspires to start her own business quickly finds that she has little savings, no access to capital or limited experience for managing productive operations as defined by lending institutions.

❑ As a result of tradition, prejudice and her "narrow" range of experience the small business woman is severely limited in the number of fields she may choose to enter. She also lacks management credibility with investors. Thus, most women find themselves in cottage businesses that produce very small profits.

❑ Once the hurdles of starting her own business are overcome, the small business woman faces a staggering income gap. In 1975, the self-employed business woman made \$3,456 compared to an \$11,000 median income for self-employed men.

Female-owned businesses rarely have a chance to compete for lucrative government contracts. A 1978 report of the U. S. Commission on Civil Rights states: "... minority and female-owned firms encounter problems of staggering proportions in obtaining information on government contracting opportunities in time to submit bids, and in obtaining working capital necessary for effective marketing and bidding."

The odds are against women succeeding in both large corporations and small businesses. The conditions for women are unlikely to improve without the Constitutional protection of fair and equal treatment under the law.



Give Women Credit

The battle to give women equal access to credit is far from won. Credit transactions of all types, from charge accounts to business loans and mortgages, are pervaded by sex discrimination.

The Equal Credit Opportunity Act of 1975 prohibits lenders from discriminating on the basis of sex or marital status, but regulations enforcing the law are weak. And, since the law was enacted by Congress, it can be repealed by Congress. For that matter, proposals have been made to repeal equal credit laws under Washington's "deregulation" schemes. In this conservative political atmosphere a Constitutional Amendment is the only *guarantee* that women's gains will not be the target of massive repeals and programmatic cut-backs.

Here are some facts about women and credit:

- One of the most flagrant credit abuses has been the refusal to give a married woman credit in her own name. It is now illegal, but some married women are still fighting the practices of credit discrimination.
- In applications for a joint husband and wife credit account, it is common practice for all or part of a wife's income to be discounted.
- Creditors consider full-time homemakers as having no income in their own name.
- Denying credit to single, separated or divorced women who otherwise meet relevant standards of credit worthiness are typical practices documented in various credit studies.

Long standing evidence exists showing that women are better credit risks than men. Thus, the denial of credit to women is not a sound financial decision, but rather one motivated by sexual prejudice.

Without the Equal Rights Amendment, women stand to lose the few gains made during the 1970s. With the economy being used as a reasonable excuse to discriminate, equal credit laws are in danger.

Inheritance Laws Hurt Widows

Federal and state inheritance tax laws are based on the assumption that homemakers make no economic contribution to the family. With the exception of community property states, the husband is considered the owner of a business or farm purchased in joint name, unless the wife can prove that she contributed money toward its purchase. If the wife dies first, the property passes to the husband free of estate tax. But if the husband dies first, the estate passes to the wife free of taxes only to the extent that its value does not exceed the marital deductions.

Under federal estate tax laws, whenever an estate is valued at more than \$425,000 a homemaking widow must prove she contributed to the purchase or improvement of the estate or pay crippling estate taxes. In many cases she is forced to sell the property to pay the taxes and still make ends meet.

Discrimination in Insurance

Insurance companies have discriminated against women for years. Discrimination on the basis of sex is evident in the availability of policies, scope of coverage, rate setting practices, sex-based actuarial tables, and exclusion of female related and pregnancy related illnesses from medical plans. Some health and disability insurance policies exclude normal childbirth and complications of childbearing.

Not only are insurance plans inadequate for women's needs, but frequently women are required to pay *higher* premiums or receive *lower* benefits than their male co-workers because of sex-based actuarial tables. At the present time it is not clear if Title VII of the 1964 Civil Rights Act invalidates unequal benefit levels. Loopholes and a lack of a comprehensive national commitment to eliminate sex discrimination victimize women and their ability to achieve economic equality.

The Equal Rights Amendment will help women where it counts—in their pocketbooks. By guaranteeing constitutional protection, ERA will put women on their way toward economic independence and full equality with men.

The ERA ratification deadline is June 30, 1982. Support the ERA Countdown Campaign.

The Equal Rights Amendment (Complete text)

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Section 2.

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Section 3.

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The Equal Rights Amendment: Why We Need It

WHAT IS THE EQUAL RIGHTS AMENDMENT?

"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 Congress shall have the power to enforce, by appropriate legislation, the provisions of this article. This amendment shall take effect 2 years after the date of ratification."

WHAT DOES IT MEAN?

It means that federal and state governments may not make or interpret any law so as to restrict the rights of a person solely on the basis of sex. It means that any protection extended to either sex under the law must be extended to both sexes. Its basic principle is that gender should not be a factor in determining the legal rights of individuals.

ERA concerns governmental actions, not private or social relationships. Its legislative history shows that laws using reasonable classifications based on physiological characteristics unique to one sex will be allowed. ERA means equality, not sameness.

WHAT IS THE HISTORY OF ERA?

ERA is not new. It was first introduced in Congress in 1923; 3 years after women got the right to vote, and came before every subsequent session from then until it was passed in 1972 by large majorities in the House (354-23) and Senate (84-4).

Opposition based on ill-founded arguments has kept ERA from becoming part of the Constitution. To date, 25 states have ratified ERA; it must be ratified by 38 states before June 30, 1982 in order to go into effect. The 15 states that have not ratified are Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, South Carolina, Utah and Virginia.

Several states have voted to rescind their ratification or declare it "null and void," but the issue of whether or not a state's rescission or "null and void" is valid must be decided by Congress after the 38th state ratifies. There are legal precedents for not allowing rescission votes.

IS ERA NECESSARY, SINCE WE HAVE THE 14TH AMENDMENT AND ANTI-DISCRIMINATION LAWS?

Yes. Although the 14th amendment (passed in 1868) guarantees all U.S. citizens equal protection under the laws, the Supreme Court has never interpreted it in such a way as to prohibit all sex-based discrimination. In 1971 the Supreme Court ruled for the first time that a state law violated the 14th amendment by discriminating on the basis of sex. Since then, however, decisions on sex discrimination have varied. According to the Yale Law Journal, the Supreme Court's approach to women's rights has been characterized by 2 prominent features: a vague but strong belief in women's separate place, and an extraordinary casual-

ness in reviewing state legislation based on stereotypical views of women.

Passage of ERA would change the way the courts have to examine sex discrimination cases. By making gender a suspect classification--as race, religion and national origin are--ERA would require that courts apply the "strict scrutiny" standard, the toughest test. The burden of proof would be on those making differentiations by sex, and suspect laws would have to be proven to bear a "necessary relation to a compelling state interest" in order to be upheld. Today, the burden of proof is on those who charge that they are being discriminated against on the basis of sex, and laws must pass only the less strict test of having "a significant relation to an important state interest." ERA would make sex discrimination as illegal as race discrimination.

Civil rights laws are no substitute for the Equal Rights Amendment. They do not cover everyone (for example, the Equal Employment Opportunity Act applies to businesses with 15 or more employees), and they do not address all kinds of discrimination. Moreover, these laws can be softened or repealed at any time by legislatures--which react to the prevailing political climate. Since many advances in the area of equal opportunity in the 1970s were in response to the imminent passage of ERA, failure to ratify would mean a great loss of momentum in legislatures and the courts for further prohibitions against sex discrimination.

Fighting discrimination law by law would condemn many women and men to suffer unnecessarily from inequities for years to come and there is no guarantee that steps would continue to be taken in the direction of equality. The only hope for citizens of certain states to be free from legal sex discrimination is passage of a federal amendment.

WHAT ARE THE ADVANTAGES OF ERA?

1) It is permanent. It would give legislatures 2 years to change their laws to sex-neutral wording and intent, and then would not allow backsliding on the issue of legal equality of the sexes. Without ERA, court decisions can vary and legislatures can repeal rights already won.

2) It is clear-cut. The unambiguous, single standard of ERA would be an accessible basis for persons bringing suit on grounds of sex discrimination. At present, persons seeking legal redress must discover which of numerous civil rights laws are being violated. Once existing laws were amended to conform with ERA, the backlog of pending sex discrimination complaints would be quickly resolved, and the time and money now being wasted on sorting out these discrimination issues in business and elsewhere could be spent to a better purpose.

3) It is in the tradition of the American way. Ratification of the Equal Rights Amendment is sim-

ply the next logical step in our country's ongoing struggle for equality of rights for all citizens. ERA puts into practice the ideal our country was founded on--that all men, and now that means all women, too, are created equal.

HOW DO WE KNOW ERA WILL WORK?

ERA or some version of it is already working in 14 states under state equal rights amendments passed in the 1970s. These states are Alaska, Colorado, Connecticut, Hawaii, Illinois, Maryland, Massachusetts, Montana, New Hampshire, Pennsylvania, Texas, Virginia and Washington.

Reports from these states with Equal Rights Amendments, many worded identically to the federal amendment, refute the claims of opponents that dire things will come to pass with ERA. The terrible perils of coed bathrooms, rampant homosexual marriages, massive family instability and interference in the privacy of family relationships have simply not materialized. A report from Pennsylvania on the impact of its 1971 ERA states, "In a family relationship where the choice has been made that one person is the wage earner while the other cares for home and children, the ERA has not interfered. This division of responsibilities is essentially a personal matter based on the relationship between the two people involved."

ERA has done nothing to undermine the financial support that a wife assumes she has a right to when she marries. When this presumed right is put to the test, it proves to be unenforceable because courts have consistently refused to interfere in an ongoing relationship. It is more accurate to say that a wife has a right to be supported by her husband in the fashion and manner he chooses.

In sum, the ERA has been succeeding for a decade in a number of states without the repercussions predicted by its opponents, and precedents are being set for the application of ERA to the benefit of both sexes. What's missing is an across-the-board, 50-state application which guarantees equal rights for the women and men in those states which do not have a state ERA. Without the 19th amendment, women would not have voted in North Carolina until the 1970s. Women in Mississippi would still be disenfranchised.

WHO SUPPORTS ERA?

ERA has been supported by every U.S. president since Dwight Eisenhower and by both major political parties since 1944, until the 1980 retreat from support by Ronald Reagan and the Republican Platform Committee.

ERAmerica, a national coalition working for ratification of ERA, includes nearly 200 civic, religious, educational, labor and women's organizations. Among its many members are the American Association of University Women, the American Bar Association, AFL-CIO, Common Cause, Girl Scouts of the U.S.A., Housewives for ERA, League of Women Voters, NAACP, National Education Association, National Federation of Business and Professional

Women's Clubs, National Organization for Women and Y.W.C.A. Also holding membership in ERAmerica are many religious organizations: American Baptist Churches U.S.A., American Jewish Congress, Catholics Act for ERA, Lutheran Church of America and United Church of America.

A November 1980 Gallup poll shows that Americans support ERA by a 2-to-1 majority. Polled during the presidential election campaign, a majority of Republicans and Democrats favored ERA by a combined total of 64% for, to 33% against. Clearly support of ERA is in the mainstream of political opinion; opposition to it is not.

THEN WHY HASN'T ERA BEEN RATIFIED?

If ERA had been discussed solely on its merits, it would have been ratified years ago. It has become a political football, in states like Illinois, and a scapegoat for bearing the blame for changes in society. }

Opponents are, for the most part, from politically conservative or fundamentalist religious groups that want to preserve what they see as the "status quo." They use ERA as a rallying point, falsely claiming that it would mean loss of privacy, loss of support and protection for women and legalization of homosexual marriages and abortion. ERA will do none of these things, as its legislative history and experience with state ERAs demonstrate. The facts are easy to come by, and the "care stories" can be easily disproven, but ERA has suffered from this false publicity.

WHAT CAN YOU DO?

- 1) Realize how important ERA is--and that it needs your help.
- 2) Talk about it, and arrange for programs about it in groups you belong to.
- 3) If you live in an unratified state, write to your legislators saying that you want them to give ERA to the country. Be persistent and visible through efforts such as letters to the editor, petition drives and fundraisers.

It took 72 years of battling for women to get the right to vote--from the proposal of women's suffrage at the Seneca Falls Women's Rights Convention in 1848 until passage of the 19th amendment in 1920. ERA was proposed in 1923, we have fought hard for its ratification in the intervening years, and we need it now more than ever.

ERA is a serious economic, political and legal issue. Most of all, it is a serious philosophical issue: until ERA is in the Constitution, laws can be made that assume that one sex is more capable than the other in areas apart from pure physiology. By 1981 we should have come beyond all that, but until ERA is ratified we won't. We must put ERA where it belongs--in the Constitution of the United States of America.

Written by Roberta Francis, LWNJ ERA Chair. This article may be ordered from: League of Women Voters of the U.S., 1730 M St., NW, Wash., DC 20036. Pub. #342, 20¢ each, 10/\$1.00.

ERA — It's a Bread and Butter Issue

Women in the Work Force Need ERA

- For each dollar the average male employee is paid, a woman employee earns only 59 cents. That gap is 5 cents wider than it was in 1955.
- In 1977 median income level for women who work full time was \$8814, for men \$15,070. Fifty-eight percent of all workers who make \$3000 to \$5000 a year are women. Only five percent of those who make more than \$15,000 a year are women.
- Women with college degrees are paid less on the average than men with an eighth-grade education.
- Women enter the work force because they have to. Two-thirds of all women who hold jobs do so because they and their families need the income for food, shelter, clothing, education, health care, and other necessities. Full-time employed women contribute nearly 40 percent of the average husband-wife family's income.
- In 1978, more than 40 percent of women in the work force had never been married or were divorced, widowed, or separated.
- In March 1978, women were the principal wage-earners in 14.4 percent of all American families. About one-third of those families lived below the poverty level.
- Most women are stuck in low-paying, traditional "women's" jobs. Only 23 percent of managers and six percent of skilled crafts workers are women. But 98 percent of private household workers, 80 percent of clerical workers, and 64 percent of retail sales workers are women.

ERA will put women's right to equal opportunity for jobs and pay into the Constitution.

Women in Education Need ERA

- Title IX of the federal Education Amendments of 1972 prohibits sex discrimination by educational institutions receiving federal aid. But the law is rarely enforced.
- Only one-fourth of faculty members in institutions

of higher learning are women. The proportion has not changed since 1970.

- In 1977, close to 70 percent of public school teachers were women, but only 4 percent of secondary school principals and 18 percent of primary school principals were female.
- Women and girls continue to be channeled into education programs that prepare them for lower-paying female-stereotyped jobs. Men and boys learn more than 90 employment options, while girls and women are provided only about 30 options. Only 11 percent of those enrolled in the traditionally male vocational education programs are female.

Under the Equal Rights Amendment, equitable opportunity for education will be part of the basic law of the land.

The Social Security System Needs ERA

- A woman who works as a homemaker and becomes disabled before age 50 is not entitled to Social Security benefits. The family of a homemaker who dies receives no survivor's benefits. Homemakers are ineligible for unemployment income, health benefits, and retirement pensions because their work has been unpaid labor at home.
- A major problem of the Social Security system is its inability to adjust to changing employment patterns. Its assumptions don't fit millions of women who are neither full-time homemakers nor full-time employees.
- Because Social Security is based on unbroken work records, it penalizes women who move in and out of the labor force to accommodate childbearing and homemaking.
- Families with two wage earners receive smaller benefits for the total payments they make than do couples where just one spouse works, even though the total earnings in each case are identical.

The Equal Rights Amendment will protect women who choose to be homemakers and those who enter the job market.

Less than 5% of families today fall into the stereotype of employed father, homemaker mother + 2 children

In and After Marriage, Women Need ERA

- At marriages end in either death or divorce. A woman working as a homemaker is virtually ignored by most state and federal laws. Her contribution to the family is not recognized as an economic asset.
- In some states, a wife who pooled her earnings with her husband's is entitled to none of the property after a divorce if the husband invested the joint funds in his name only.
- A homemaker in most states cannot force her husband to support her unless there is a divorce or legal separation. She depends completely on her husband's good will.
- In 1978, there were 50 divorces per 100 marriages. A woman cannot depend on "her man" for lifelong support.
- In 1975 only 42 percent of divorced mothers were awarded child support. Most of them were awarded less than \$1500 a year, and less than half of them collected it regularly.

The Equal Rights Amendment will protect children by recognizing the rights and contributions of both parents.

Older Women and Widows Need ERA

- In 1975, 53 percent of women over 65 were widows and 62 percent were living alone.
- Women over 65 have the lowest mean income of any age or sex group—barely \$4200 in 1977, considerably less than \$8035 for men over 65.
- A widow without children under 19 can receive no widow's benefits under Social Security until age 60. Meanwhile, she has a tough time finding a job.
- In some states, if a wife dies before her husband, he can inherit her share of property without paying state inheritance tax. But if he dies first, the wife must pay inheritance tax—even if she contributed more than he did! A farm wife may have to sell her home and business to pay inheritance tax on the farm she worked alongside her husband to build.
- In some states, a widow is guaranteed only the right to use one-third of the family's real estate for her lifetime, but not the right to sell or mortgage it.

- In most states, by using trusts, a husband can stop his widow from controlling any of his property after he dies.

The Equal Rights Amendment will protect everyone—both women and men.

To Be Policy Makers, Women Need ERA

- Women are 51.3 percent of the population, but they do not participate equally in governmental institutions that shape everyone's lives. According to a recent study, 800 federal statutes have sex-based distinctions.
- There are only 17 women in the US Congress (one is a Senator) and 518 men.
- Nationally, women hold less than 10 percent of all elective offices. Even on school boards, women are only 25 percent of members.
- There are no women on the Supreme Court, which often rules on women's rights.
- Women's role in affecting national policy is miniscule and in foreign policy almost nonexistent. In military leadership, women are only 16 percent of officers on active duty.
- In major corporations that control commercial radio, TV, and print media—which strongly affect public opinion—only 10-15 percent of board members are women. Only five percent of policy-makers in mass media are women.

The Equal Rights Amendment will put full citizenship for women in the Constitution.

Victimized Women Need ERA

- If a woman is sexually assaulted, she may have to produce "corroborating evidence" and prove that the assault occurred without her consent. If a man is accosted on the street and his wallet taken, he is not required to produce a witness to the crime or to prove that he did not consent to the removal of his wallet.
- In 1977, 23 states still followed the rule that a wife cannot sue her husband for beating her.
- Of those arrested for rape in 1975, only 53 percent were prosecuted, fewer convicted.

The Equal Rights Amendment will require courts to judge on merit, not on antiquated myths about men and women.



ALASKA HOME ECONOMICS ASSOCIATION

AFFILIATED WITH
AMERICAN
HOME
ECONOMICS
ASSOCIATION
AND
INTERNATIONAL
FEDERATION OF
HOME
ECONOMICS

Members of the Judiciary Committee of
The Alaska State Senate:

I am here today as a representative
of the Alaska Home Economics Association
to reiterate our organization's support
of ratification of the Equal Rights
Amendment to the United States Constitution.
We, as an organization and as professionals,
are dedicated to improving the quality of life
for individuals and families. We view
"equal rights under the law" as a significant
part of that quality of life and, therefore,
urge your committee's support of
Senate Joint Resolution #1.

Thank you
Linda Kolshi



NATIONAL ORGANIZATION for WOMEN

Juneau Chapter

536 Paris St. Apt. C
Juneau, AK 99801
586-9739

March 2, 1983

Testimony to the Senate Judiciary Committee:

My name is Lillian Ruedrich, I am the President of the local chapter of the National Organization for Women, Juneau NOW. We support the passage of this resolution and will work for the ratification of the national amendment to the U.S. Constitution when it comes to our legislature.

We appreciate the support of this state for the ERA when it came around the first time, and are hoping for the same clear thinking and commitment to equality for all individuals as we try again this year. We believe equality in pay, job opportunities, education, social security and insurance will remain elusive without the Constitutional foundation of the ERA, and are committed to its passage as our first priority.

Lillian Ruedrich



ALASKA HOME ECONOMICS ASSOCIATION

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NATIONAL ORGANIZATION for WOMEN

Juneau Chapter

536 Park St. Apt. C
Juneau, AK 99801
586-9739

March 2, 1983

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Lillian Rusdrich

MINORITY REPORT OF THE SENATE COMMITTEE ON HEALTH, EDUCATION AND
SOCIAL SERVICES RE SJR 1

Dear Mr. President:

The undersigned Senators who are members of the Senate Committee on Health, Education and Social Services have carefully considered the implications of SJR 1 to the state of Alaska and its citizens and submit this minority report recommending that SJR 1 does not pass.

Even though Alaska was among the first states to ratify the first Equal Rights Amendment, we believe that events since that time demand that this body re-examine carefully the implications of that amendment to Alaska, the legislature and Alaskan citizens. We submit that the law has changed substantially since the article cited by the majority report was published in 1972, the same year that the amendment was passed out of the Congress and ratified by Alaska.

As correctly noted in the majority report, Alaska in 1972 amended its state constitution to specifically prohibit discrimination on the basis of sex. Therefore, clearly Alaskans do not need the additional protection of the Equal Rights Amendment in the federal constitution. And while as the majority report states, no particular problems have developed from this addition to our state constitution, it cannot be analogized to the federal constitution as will become evident in the following discussion.

The Equal Rights Amendment is unnecessary. Since 1971, the United States Supreme Court has routinely applied the protections of the 5th and the 14th Amendments to women and to gender based discrimination to invalidate many state and federal actions.¹ For example, the United States Supreme Court recently invalidated a Louisiana law that gave a husband exclusive control over the disposition of property owned by both spouses during the marriage

¹ Reed v. Reed, 404 U.S. 71 (1971). Frontiero v. Richardson, 411 U.S. 677 (1973). Board of Education v. La Fleur, 414 U.S. 632 (1974). Stanton v. Stanton, 421 U.S. 7 (1975). Taylor v. Louisiana, 419 U.S. 522 (1975). Weinberger v. Wiesenfeld, 420 U.S. 636 (1975). Turner v. Department of Employment Security, 423 U.S. 44 (1975). Craig v. Boren, 429 U.S. 190 (1976). Califano v. Goldfarb, 430 U.S. 199 (1977). National Gas Co. v. Sattv, 434 U.S. 136 (1977). Caban v. Mohammed, 441 U.S. 380 (1979). Davis v. Passman, 442 U.S. 228 (1979). Orr v. Orr, 440 U.S. 268 (1979). Califano v. Westcott, 433 U.S. 76 (1979). Wengler v. Druggists Mutual Insurance Co., 100 S.Ct. 1540 (1980). Michael M. v. Superior Court of Sonoma County, 101 S.Ct. 1200 (1981). Kirchberg v. Feenstra, 101 S.Ct. 1195 (1981). There are several other lower court decisions which are not listed.

on the basis that it violated the Equal Protection Clause of the 14th Amendment.² It held that gender-based discrimination is unconstitutional absent a showing that the classification furthers an important governmental interest. To more fully understand this standard, the Court's ruling in Michael M. v. Superior Court of Sonoma County,³ is important. This case involved an appeal by a young man who had been convicted of statutory rape. He argued that the statute unlawfully discriminated against him on the basis of gender since men alone were liable. The Court said that where gender classifications realistically reflected the fact that the sexes were not similarly situated, such laws do not violate the Constitution.

In addition to the direct Constitutional protections, the courts have also applied the protections of the Title VII of the Civil Rights Act of 1964 to prevent sex discrimination.⁴ Title VII states that it is unlawful to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, sex, or national origin. Congress was able to apply its provisions to state actions by relying on its authority guaranteed by the 14th Amendment. There are other important laws which currently guarantee women's rights.

Title IX of the Civil Rights Act of 1964 which applies to all public education requires it to be free from discrimination based upon sex. The Equal Employment Opportunity Act of 1972 likewise prohibits sex discrimination and applies to all employers of at least 15 employees who are engaged in businesses affecting interstate commerce. States are prohibited from denying equal educational opportunities on the basis of sex by the Equal Educational Opportunities Act of 1974. The Equal Pay Act of 1963 applies to all federal and state employers, as well as to employers engaged in interstate commerce. The Equal Credit Opportunity Act of 1974 applies to all creditors and prevents discriminatory credit practices. For these federal laws to be enforceable against states and employers engaged in interstate commerce, the Congress must have Constitutional authority to enact them. In all of these cases, the courts have uniformly upheld Congress' authority.

This becomes important to our position, because even if the Equal Rights Amendment was to be ratified, the laws implementing it would still need to be enacted by Congress. It is difficult to imagine what other areas important to the majority of Alaskans would become law as a result of the Equal Rights Amendment.

² Kirchberg v. Feenstra, 101 S.Ct. 1195 (1981).

³ 101 S.Ct. 1200 (1981).

⁴ Fitzpatrick v. Bitzer, 427 U.S. 445 (1976). Dothard v. Rawlinson, 433 U.S. 321 (1977). City of Los Angeles Dept. of Water and Power v. Manhart, 435 U.S. 702 (1978).

For the past ten years, there has been tremendous conflict over what the Equal Rights Amendment will accomplish. As evident in the Senate and House hearings and in a Harvard Civil Rights - Civil Liberties Law Review, Constitutional scholars cannot agree on the standard of review that would apply to sex discrimination cases under the Equal Rights Amendment. Some proponents of the amendment assert that it would not invalidate laws concerning homosexual relations, intersexual occupancy of sleeping facilities in public institutions, or women in combat, while others disagree.⁵ Opponents to the amendment are equally convinced that it will.

In our opinion, these arguments miss the point. The fact that recognized authorities of the Constitution and the United States Supreme Court can entertain such diametrically opposing views of the same language demonstrates that it is impossible to give a confident interpretation until the amendment's ratification and subsequent judicial interpretations. Such judicial pronouncements may take literally hundreds of years.⁶

One important consequence that cannot be ignored is that the judiciary makes mistakes. If mistakes are made at the level of the Congress or the state legislatures, they can be rectified by the appropriate body. Where, however, mistakes are made in a judicial interpretation of a Constitutional provision the effects are drastic. Such mistakes can only be corrected by the death, the retirement, or change of mind of the Supreme Court justices, or by constitutional amendment. It is highly unlikely that any of these might occur.

Two remaining areas concern us and are the strongest

⁵ The authors of the article relied upon by the majority report states:

"The Equal Rights Amendment will have a substantial and pervasive impact upon military practices and institutions. As now formulated, the Amendment permits no exceptions for the military. Neither the right to privacy nor any unique physical characteristic justifies different treatment for the sexes with respect to voluntary or involuntary service, and pregnancy justifies only slightly different conditions of service for women. . . . Women will serve in all kinds of [military] units, and they will be eligible for combat duty."

Brown, Emerson, Falk, & Freedman, The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women, 80 Yale L.J. 871, 969, 978 (1972). Note, The Legality of Homosexual Marriage, 82 Yale L.J. 573 (1973).

⁶ The 14th Amendment was designed to correct the injustices of an earlier United States Supreme Court decision holding that a black man was not entitled to constitutional protections even if he had been born a free man. Nothing really was accomplished until the civil rights movement of the 1960's. Decisions regarding racial discrimination are still being decided.

arguments against supporting SJR 1 and the Equal Rights Amendment; shifting legislative power to the federal judiciary and shifting states' rights to the federal government.

Passage of the Equal Rights Amendment would further erode the checks and balances originally built into the United States Constitution. Our founders established 3 branches of government and created a system of checks and balances to prevent the executive, the legislature or the judiciary from becoming too powerful. In recent years, the judiciary has usurped the authority of the legislature. By definition, a constitutional amendment which limits what government can do places limitations on the legislature, because normally it is the legislature that has policy making authority. But constitutional amendments can only be interpreted by the judiciary. We believe that our constituency would find us more responsive to them than a small group of lawyers who are appointed to lifetime positions.

More importantly to us as Alaskans is that not only would the governmental power shift from the legislature to the judiciary, but it would also shift from the state to the federal government. This would be accomplished by section 2 of the amendment. The basic premise of the Constitution is to ensure that the people have as direct a say in the government as possible. It is our view that this can be best accomplished by leaving the most authority possible within the state legislature.

As elected state senators, we are particularly concerned over the amendment's encroachment on our legislative authority and on the shifting of governmental power from the states to the federal government and judiciary. While politically it is hard to oppose the Equal Rights Amendment, we do not believe that we can betray the trust that our constituency placed in us to be mindful of federal intrusions upon our authority. We believe that the protections sought by the majority of people are already included in the federal constitution, as evidenced by the recent United States Supreme Court decisions discussed briefly above and in the numerous laws already enacted by the Congress and applicable to the states. We further believe that any additional protection that our constituency identifies as necessary can be best addressed at the state level.

7 Even the Alaska Supreme Court has decided issues that many believe belong to the legislature by deciding, for example, that Alaskans have the right to marijuana for personal use. If citizens are unhappy with that decision, there is literally nothing they can do, because the court has decided that this activity is protected by the Alaska Constitution. Whereas, if the decision had been made by the legislature, the citizens could speak on the issue. In a sense, this means that rather than Alaskans being governed by themselves, they are governed by an elite few.

In summary, we ask that the Senate carefully weigh the true import of SJR 1 and not pass it.

Respectfully submitted,

Paul Fischer

Paul Fischer

February 3, 1983

REPORT OF THE SENATE COMMITTEE ON HEALTH,
EDUCATION AND SOCIAL SERVICES RE SJR 1.

Mr. President:

The Committee on Health, Education and Social Services has had under consideration SJR 1, by Senator Vic Fischer and other senators. The majority of the Committee recommends that SJR 1 do pass.

Recently, the Committee has received hundreds of messages and has heard public testimony, pro and con, for approximately two and one-half hours.

While testimony before the Committee was divided, messages of support were delivered on behalf of numerous organizations with large Alaska memberships, including NEA-Alaska, the American Association of University Women (Alaska Chapter), the League of Women Voters, and Alaska components of the National Organization of Women (NOW).

ERA is not a new issue in Alaska, despite the recent rush of public input. This legislature was one of our nation's first to ratify the originally submitted ERA. And, in 1972, Alaska voters approved our "little ERA" -- the Alaska constitutional amendment which prohibits discrimination on the basis of sex.

As noted in SJR 1, the daily lives of Alaskans show no evidence of ills or evils, attributable to the people's approval of the State constitutional ban on sex-based discrimination, which ERA opponents foresee for the nation if ERA becomes part of the national Constitution.

Some opponents of SJR 1 say that further consideration of the issue would be "a waste of time and money."

Your Committee respectfully disagrees with that view. Any assumption that legislative inaction on ERA would quell further consideration of this vital issue is false. This issue is not going away; it should not go away. In the Congress, over 200 representatives have co-sponsored a House joint resolution providing for the resubmittal of a national ERA to the state legislatures for ratification. Across the country, ERA proponents are redoubling their efforts. They see a changed legislative landscape -- a landscape which finds new faces in state legislatures following the defeat or retirement of many key legislators who opposed ERA in the past.

Opponents argue that the goal of equal rights for women, however laudatory, can be attained through other means, e.g., through a piece-by-piece modification of state and federal laws and regulations which discriminate, or permit discrimination, against women. Your Committee finds that such attempts, piece-by-piece, to ameliorate the problem of sex-based discrimination are bound to be unsatisfactory.

In the words of a leading treatise on ERA:

Over the years, some proponents of women's rights have thought that discrimination could be ended most effectively if legislatures prepared men and women gradually for equality by a series of step-by-step reforms. . . . However such suggestions unrealistically assume a delicacy and precision in the legislative process which has no relationship to actual legislative capability. More importantly, the process is unlikely to be completed within the lifetime of any woman now alive. Such a method requires multiple actions by fifty legislatures and the federal congress, by the courts and executive agencies in each one of these jurisdictions, and by similar government authorities in numerous political subdivisions as well. This government machinery would have to be mobilized to repeal or modify the statutes and practices in scores of different areas where unequal treatment now prevails. To be comprehensive such efforts would require a tremendously expensive, sophisticated, and sustained political organization, both nationally and within every state and locality. Campaigns to change the laws one by one could drag on for many years, and perhaps in some areas never be finished. "The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women", by Barbara A. Brown, Thomas I. Emerson, Gail Falk, and Ann E. Freedman, 80 Yale Law Journal 871, 833 (1972).

The authors of the quoted treatise went on to point out the "need for a single coherent theory of women's equality before the law, and for a consistent nationwide application of this theory", and found that "(t)his is scarcely possible through legislative change alone." Ibid.

We Americans have inherited from our nation's founders the federal constitutional amending process. It provides for the

incorporation, into our national Charter, of changes in the basic governing assumptions of our country. The use of this process to record and symbolize such changes, and to help make those changes tangible in the lives of our people, is well understood insofar as the right of every American to be free from discrimination on the basis of race, color, religion or national origin is concerned. The use of the same process in the case of sex-based discrimination thus fits comfortably into our American constitutional tradition.

In our judgment, some opponents of ERA and SJR 1 grossly overstate their case and adopt an alarmist tone not supported by reason or experience.

For example, they have asserted that ERA will deprive people of privacy in the performance of personal bodily functions.

However, under the federal and state constitutions, an independent right of privacy has been recognized. At the federal level, the right of privacy was recognized by the Supreme Court of the United States in Griswold v. Connecticut and other decisions. The federal right of privacy is derived from a combination of various more specific rights in the First, Third, Fourth, Fifth and Ninth Amendments. In Alaska, the right of privacy rests upon an explicit State constitutional amendment approved directly by vote of the people.

The independent privacy right permits the separation of sexes in public rest rooms, in the sleeping quarters of prisons or other public institutions, and in other situations which involve disrobing, sleeping or the performance of personal bodily functions. Police practices by which a search involving the removal of clothing could only be performed by a police officer of the same sex would remain permissible.

ERA opponents have also made exaggerated claims that ERA will cause husbands to stop supporting their wives, or compel women who choose to be homemakers to change their lifestyles, or eliminate any right to alimony in divorce decrees, or the right to child support.

Again, neither reason nor history supports these claims. For example, nothing in ERA would prohibit an award of alimony to a spouse of either sex who has been out of the labor force for a long time in order to make a non-compensated contribution to the well-being of the family unit. Nothing in ERA would prohibit a court from ordering child support to the spouse having custody of a dependent child.

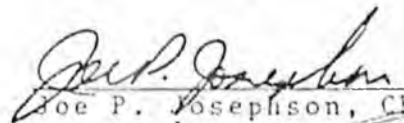
ERA speaks only to discrimination under state or federal law; it does not speak, or purport to regulate, voluntary practices of individuals in their familial relationships. Indeed, in the realm of marriage and the family, the greatest

influences upon actual behavior are the social customs, economic realities, religious traditions and practices, and individual preferences and economic status of the people involved. ERA would not regulate such voluntary behavior of individuals in their private lives. The Alaska experience since 1972 proves this.


In summary, both the research and the history of the State amendment since 1972 make manifest that opponents have exaggerated alarmingly the claims of ERA's effect in areas traditionally protected through the constitutional concept of privacy or with regard to personal lifestyle choices of free Americans.

If one compares the history of ERA with the long struggle for women's suffrage, or the longer struggle -- still in progress -- against race-based discrimination, the ERA movement is relatively young. Resubmission by the Congress of ERA, for consideration by state legislatures, would be appropriate. This issue is not fading away; if anything, momentum for the amendment appears to be growing. Legislatures in the '80s should have an opportunity to consider this vital issue, without being restricted by a few adverse decisions in certain states in the past. As a leader in the efforts to bring sex-based discrimination to an end, Alaska can cite its own experience and memorialize the Congress to give state legislatures a new opportunity to ratify ERA.

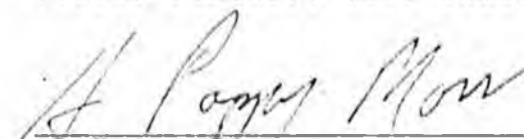
Respectfully submitted,



Joe P. Josephson, Chairman



Victor Fischer, Vice-Chairman



H. "Pappy" Moss

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COMMITTEE REPORT

SENATE

FURTHER:

6/17/83

Date: 6-17-83

Mr. President:

The Committee on INTELECTUAL PROPERTY has had ONE

Proposed by an amendment in the conference on the bill to amend the law relating to the subject of regular sessions of the Legislature.

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 SEN. B. 1000 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

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

RECEIVED

2 1983
POUCH-Y STATE CAPITOL
BUREAU ALASKA 99511
197 345-0800

Josephson,

MEMORANDUM

June 20, 1983

SUBJECT: Standing committee meeting during interim
(SJR 2)

TO: Senator Joe Josephson

FROM: Billy G. Berrier *BGB*
Director
Division of Legal Services

You have asked whether standing committees are authorized to meet during the interim. You have also asked whether the language in the draft substitute for SJR 2 would affect that power.

Standing committees are established by Rule 20 of the Uniform Rules of the Alaska State Legislature and are authorized by Rule 21(c) of the Uniform Rules to meet during the interim. That rule provides in relevant part:

A standing committee may meet between sessions.

* * *

A standing, special, or joint committee which acts between legislative sessions may consider any legislative matter which is consistent with the jurisdiction of the committee. A standing, special, or joint committee which acts between legislative sessions constitutes a subcommittee of the Legislative Council for administrative purposes.

The two rules together in my opinion establish the standing committees as interim committees when the legislature is not in session. This is expressly allowed by section 11, Article II, Constitution of the State of Alaska which provides:

INTERIM COMMITTEES. There shall be a legislative council, and the legislature may establish other

Senator Joe Josephson
Page 2
June 20, 1983

interim committees. The council and other interim committees may meet between legislative sessions. They may perform duties and employ personnel as provided by the legislature. Their members may receive an allowance for expenses while performing their duties.

Further, in my opinion, the legislature has very broad power to establish procedures to facilitate performance of its duties except as these powers are limited by the constitution. There is no limitation, indeed this is express permission.

The draft language in the proposed constitutional amendment relates only to sessions of the legislature. In my opinion it neither expressly nor impliedly conflicts with the express constitutional recognition of interim work.

Therefore in my opinion standing committees have the power to meet during the interim and the draft language does not change that.

BGB:ljb
25/001

S

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3

COMMITTEE REPORT

SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on ADJUSTMENT 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

SJR 3: BACKGROUND

The purpose of this amendment is to embody in the Alaska State Constitution, the philosophy expressed in the existing statute, AS 38.05.321, relating to preservation of the rights of agricultural land for the purposes of agriculture only and to ensure that that philosophy will not be undermined by future legislation.

The amendment proposes that those state lands which are classified as agricultural and are disposed of either by sale, or long-term lease, must remain forever agricultural in nature. These lands can be abandoned to reforestation, but they cannot be subdivided or used for purposes incompatible with future agricultural use. This affects approximately 1 million acres.

Under this amendment, farmers will own the right to farm but will not have unlimited or fee simple title to the property, which would remain with the State. This is in keeping with the present statute and the philosophy of the Homestead Act of the 1920's.

This amendment has been introduced in response to the destruction of valuable lands suitable for agriculture by using them for commercial or residential purposes. This is a widespread national problem which has become intensified in some areas of Alaska and there is only a limited amount of farming land available in the State.

Unfortunately, valuable agricultural lands on the Kenai and in the Tanana and Matanuska Valleys has been lost to other than agricultural development and it is apparent that the Susitna, Nenana and Copper River Valleys may be next.

It is imperative that we learn from the lessons of the past and of other states and preserve these lands while we still have the opportunity to do so.

Sup. Ct. Op. No. 1462 (File Nos. 2561, 2671), 566 P.2d 1320 (1977).

While strict or absolute necessity is not required, something more than mere convenience must be shown before an occu-

pant of tidelands is entitled to an easement under subsection (b)(6) of this section. *Talbot's, Inc. v. Cessnun Enterprises, Inc.*, Sup. Ct. Op. No. 1462 (File Nos. 2561, 2671), 566 P.2d 1320 (1977).

Sec. 38.05.321. Restriction on sale, lease or other disposal of agricultural land. (a) The sale, lease or other disposal of state land classified as agricultural land transfers only rights for agricultural purposes, and all other interests in the land remain with the state unless otherwise required by law.

(b) State land classified as agricultural land which has been selected by a municipality under AS 29.18.190 — 29.18.200 or 29.18.205(e) may be approved by the director for patent under AS 29.18.205(f); however, only rights in the land for agricultural purposes may be transferred and all other interests in the land will remain with the state. Agricultural land approved for patent to a municipality under AS 29.18.205(f) shall be credited, acre for acre, toward fulfillment of that municipality's entitlement under AS 29.18.201 — 29.18.203. If the director later determines it to be in the best interests of the state to transfer some or all of the additional rights in that approved or patented agricultural land, those rights shall pass without consideration to the municipality in which the land is located. The notice and review provisions of AS 38.05.305 and 38.05.345 are applicable to conveyance of rights under this section.

(c) The provisions of this section do not apply to state land classified as agricultural land which has been selected by a municipality under the provisions of AS 29.18.190 — 29.18.200 if the selection is an approved selection before April 1, 1978 and is otherwise valid under AS 29.18.205(b). (§ 3 ch 71 SLA 1976; am § 3 ch 180 SLA 1978)

Effect of amendments. — The 1978 amendment rewrote this section.

Editor's notes. — Sections 29.18.190 and 29.18.200, referred to in subsections (b) and (c), were repealed by § 5, ch. 180, SLA 1978.

AS 38.05.305, referred to in subsection (b), was repealed by § 45, ch. 113, SLA 1981.

Sec. 38.05.325. Homestead entry.

Repealed by § 45 ch 85 SLA 1979.

Editor's notes. — The repealed section derived from § 6, art. III, ch. 169, SLA 1959; § 1, ch. 72, SLA 1966.

Sec. 38.05.330. Permits. (a) The director, without the prior approval of the commissioner, may issue permits, rights-of-way or easements on state land for roads, trails, ditches, field gathering lines or transmission and distribution pipelines not subject to AS 38.35.010

— 38.35.260, tel log storage, oil purposes of reco and other simila of timber or mat director, shall es for these uses, s ciations specifi revocation of a preference to th benefit to the st preference sha of tideland, or seaward of the needed by the t may be granted

(b) The fee c section shall be a transmission tive associatio purpose of supp to its members. in the best inte ch 61 SLA 196 am § 13 ch 25

Effect of amer amendment added igation, and in tuted "telephone and distribution i

Sec. 38.05.3 seeking the sa oil and gas or mated cost of deposited func lands are sold the party aw appraising and of advertising. cant.

(b) Except a lease of state sealed bid, the money deposit director may t

Supplement