

THE WHITE HOUSE

WASHINGTON

May 27, 1982

MEMORANDUM FOR EDWIN MEESE III
JAMES A. BAKER, III
MICHAEL DEEVER

FROM: ELIZABETH H. DOLE 

SUBJECT: Implementing Executive Order 12336 -- Review of
Federal Laws and Regulations for Vestiges of
Discrimination

Last week Ed Harper, Brad Reynolds, Mike Uhlmann, Jim Cicconi, Diana Lozano and I met to discuss the Justice Department's draft report required under the Executive Order. Two important issues remain unresolved concerning the draft Justice Department report:

1. Whether there is a legal requirement or other rationale for a final Carter-era report.
2. Whether this and future quarterly reports should be distributed to the press and public.

The Justice Department has recommended that the draft report serve as both a final report of the Carter-era research and the first quarterly report of the Reagan-era initiative and that it be made public. This recommendation appears to be based, at least partly, on the view that a final Carter report is required. A review of the Presidential memorandum which initiated the Carter research (attached) contains no reporting requirements of any type, and we have been unable to identify any other documents which promise a final report. It may well be that the fanfare surrounding the 1978 Interim Report from Justice created the expectation of a final Carter report which is not actually necessary.

The issue of public distribution of the quarterly reports requires a look at what these reports are intended to accomplish. Executive Order 12336 differs from the Carter memorandum by its clear requirement for quarterly reporting, but these reports are part of an internal three-part process.

Step 1. The identification of laws and regulations. The Attorney General is charged with reporting his findings to the President through the Cabinet Council on Legal Policy.

Step 2. Decision making by the President on the advice and counsel of the Cabinet Council on Legal Policy.

Step 3. The implementation of the President's decisions through the Task Force on Legal Equity for Women.

The Justice Department quarterly reports are not intended to be ends in themselves, and are not prepared with public consumption in mind. Rather, they are internal documents prepared for Cabinet Council debate and Presidential consideration. Thus it seems we should treat these reports as any other material for Cabinet Council consideration.

Completing the Review of Federal Statutes and Regulations

An issue which merits our attention is the process by which the review of Federal laws, regulations, policies and practices will be completed as required under EO 12336. Justice suggested that this task is nearly complete, but it appears upon further review that there is still much work ahead. Although I cannot verify the accuracy of the numbers without personally reviewing the Justice materials, it is our best understanding that the following data provides a thumbnail sketch of the agenda before the Justice Department:

1. Twenty-three agencies have completed their internal reviews and are officially closed by Justice. Seven additional agencies are updated in the current draft report.
2. Twenty-eight agencies have not been reported by Justice and we are advised that there are cabinets full of raw data yet to be analysed. Two major departments, HHS and Education, have not undertaken a thorough internal investigation.
3. The review of Federal Statutes was undertaken in 1977. Since four years have elapsed, the Justice Department report recommends that a new computer search of the code be conducted to make this effort current.

In the previous Administration the review of Federal statutes and regulations was undertaken by a Civil Rights Division Task Force in the Justice Department. This group is now officially disbanded and has not been replaced. I understand that no long-term assignments have been made to staff the research and preparation of subsequent quarterly reports required by the order.

Several alternative means have been discussed in recent months to complete this task in a timely manner. Three of the most frequently mentioned are:

1. Assign a group of Justice Department attorneys to complete the research and write the report.
2. Direct the cabinet members who have not completed their internal reviews to do so and report their findings to the Justice Department. This alternative will require a directive from the President and coordination by a small staff at Justice.

3. Incorporate the identification of discriminatory rules and regulations into the routine federal regulatory review cycle under Executive Order 12291. This can be accomplished by an amendment to the EO, or by a written directive from the President to the OMB Director.

Each of these alternatives, or a combination of them, could get the job done. There are benefits and disadvantages of each which merit consideration before a final decision is made. My preference is for number 2.

Fulfilling the President's Commitment

A final issue is the concern expressed by Justice that little of substance will be forthcoming from a renewed investigation of federal laws and regulations. It is true that this review has been in process during two Administrations and that much has been accomplished. However, the President's commitment, embodied in this Executive Order, is to complete the process, and thereby eliminate the last vestiges of sex bias in his Administration.

In this task, the process is nearly as important as the results. The President has made a commitment, he has signed an Executive Order, and this Administration now has an obligation to provide evidence that the departments and agencies have complied. For those which have not complied, we must move with all due speed to assure that they do.

With proper staffing at Justice and a systemized reporting structure, the completion of this project could reasonably be accomplished within a period of 18 months. By December 31, 1983, it is possible for the President to have completed his obligation and have left a legacy which other Presidents have attempted but did not complete. This track record, in tandem with the 50 States Project and other Administration programs, can form the basis of a positive and effective program for women.

I would appreciate your comments today if at all possible. I hope to call a meeting on Thursday or Friday to urge this project forward.

cc: Ed Harper
Jim Cicconi ✓

APPENDIX A
Item 2

THE WHITE HOUSE
WASHINGTON

August 26, 1977

MEMORANDUM FOR THE HEADS OF
EXECUTIVE DEPARTMENTS AND AGENCIES

Today, on the anniversary of the ratification of the Women's Suffrage Amendment, I am requesting the Attorney General and all the Federal agencies to cooperate in eliminating sex discrimination from the laws and policies of the United States.

This country has a commitment to equality of opportunity for all citizens, yet a recent report from the Civil Rights Commission indicates that sex discrimination still exists in some Federal laws and policies. Last year the Department of Justice was directed to develop a plan for reviewing and revising Federal laws that discriminate on the basis of sex. At the request of this Administration, Congress has recently appropriated funds for the Task Force on Sex Discrimination in the Civil Rights Division of the Department of Justice to implement the plan.

I am now requesting the heads of all Federal agencies and departments to initiate a comprehensive review of all programs which they administer in order to identify any regulations, guidelines, programs or policies which result in unequal treatment based on sex. Some agencies have already begun such efforts.

I am requesting that the head of each department and agency cooperate with the Attorney General in collecting and furnishing existing information and developing additional information where necessary and that they develop proposals to change any laws, regulations and policies which discriminate on the basis of sex.

Rev. 31 1977

I am directing the Attorney General, as chief law officer of the Federal government, to coordinate all of the activities undertaken by the departments and agencies to eliminate sex discrimination. He has sent a letter to each agency today giving details of the proposed procedures.

Where statutory revision or repeal is necessary, I will recommend to the Congress that appropriate legislation be enacted. Where executive action will suffice, I will take appropriate steps to ensure that benefits and opportunities provided by the Federal government are made equally available to all, regardless of sex.

In taking this action, we intend to retain and possibly expand any existing protections and benefits provided for homemakers and families. We believe that offering opportunity to all should not threaten or diminish the protection provided those performing special functions in our society.

Federal law should be a model of non-discrimination for every state and for the rest of the world. The Federal government, which is actively involved in eliminating sex discrimination in many areas, should not uphold it in others.

It is my hope that the project initiated today will result in such a model and the goal of equal rights and opportunity for all our citizens under the law will be realized.

A handwritten signature in cursive script, reading "Jimmy Carter". The signature is written in dark ink on a white background.

THE WHITE HOUSE

WASHINGTON

May 19, 1982

MEMORANDUM TO JAMES A. BAKER III

FROM: RICHARD S. WILLIAMSON *File*

SUBJECT: FIFTY STATES PROJECT

It is my understanding that you have decided not to take the Fifth States Project and move it out of any of the existing divisions within the White House. Therefore, a decision should be made as to whether or not this project should be in OPL, IGA or Political Affairs. We should seek resolution of this as soon as possible.

In all candor, we would rather not have it in IGA. We feel its linkage is more with the other women's issues.

I don't think it would be advisable to let this hang in suspension much longer.

MB:

Newell-Terrill
Jacy?

Breakfast
Guardian case
meeting

Meese to Akla
Soviet hair

JC:

Wendy-Eliz?
Need decision
JMB

THE WHITE HOUSE
WASHINGTON

April 12, 1982

MEMORANDUM TO JAMES BAKER
FROM JUDY PEACHEE 
SUBJECT FIFTY-STATES PROJECT

Background

As you know, there have been several polls indicating declining support among women. Because of the approaching deadline on the Equal Rights Amendment it is very important, in my opinion, that the Fifty-States Project be given high visibility beginning in June to demonstrate the President's commitment to eliminating sex discrimination.

Recommendation

1. That the project be assigned to the Office of Public Liaison.
2. That Wendy Borchardt be designated special assistant in charge of the project.
3. That Wendy be given a special travel budget permitting her to go into the appropriate states to emphasize the project.
4. That the President reinforce the project by giving interviews to women's magazines and talk shows.

THE WHITE HOUSE

WASHINGTON

May 6, 1982

MEMORANDUM TO JAMES A. BAKER III
FROM: RICHARD S. WILLIAMSON *Rich*
SUBJECT: FIFTY STATES PROJECT

REVIEW

The Fifty States Project was initiated by the President in May 1981 when he designated Judy Peachee as his liaison with the Governors and state legislatures to develop plans for the review of state statutes to identify sex discriminatory language and to propose corrective legislation.

On May 29, 1981, the President wrote personally to the nation's Governors outlining his campaign commitment and seeking each Governor's help by appointing a representative in the Governor's office with whom Judy could work. The designation of representatives by all the Governors was completed in late September, 1981.

The project was actually kicked off on October 7, 1981 when a one-day conference was held at the White House for the Governors' representatives. Discussion concerned the following areas: initiatives on women's concerns; review of state statutes, resource areas for review of state laws, legislative initiatives, and developing community support. A luncheon was hosted by the President and Mrs. Reagan for the 40 representatives attending the conference and high-ranking women appointees from the Administration. The conference did not receive much media attention because it was held on the day President Sadat was assassinated.

Following the conference, mailings were sent to all women elected officials throughout the country; to all members of the state and territory legislatures, and Presidents of Federated Republican Women's Clubs. These mailings included an overview of the project, a copy of the President's luncheon remarks at the conference, and a list of the Governors' representatives. Mailings were designed to inform individuals of the project, to enlist their support, and to encourage them to contact their Governors.

The project staff met formally and informally during the past year with a number of women's organizations and representatives of organizations, such as the Women in Municipal Government of the National League of Cities; the American Association of University Women, Women's Forum of the National Conference of State Legislators, and the Women's College Coalition in an effort to open cooperative dialogue on the project's goals and purposes and to solicit their cooperation through their members in the states. Judy Peachee was also interviewed by several magazines and newspapers concerning the project.

The project was expanded to include the U.S. Territories and letters have been sent to the Governors inviting them to designate a representative. Interest was expressed by legislators in the territories after receiving one of the mailings.

To date, the principal purpose of the project has been educational. The effort has focused on disseminating information about the project to the states and to gather information about what has been done and is planned for the future. Progress reports are being received sporadically on the activities underway in the various states. There are varying degrees of activity in the states. Some have already completed a statute search, passed corrective legislation and are now monitoring any new legislation to make sure no discriminatory language is contained. Some states have chosen not to start a project, waiting to see the outcome of ERA passage in their states.

RECOMMENDATION

It is imperative that the Fifty States Project be assigned to a White House staff person with the title of Special Assistant or higher in order to guarantee the recognition and credibility that is necessary for successful pursuit of the project's goals. Additionally, it must be considered one of the Administration's highest priorities and receive attention and support through staffing and funding in order that the responsible staff members can fully address the public relations work required to achieve success.

The project should also be coordinated with other ongoing women's projects.

To date, media attention given the initiatives for women has been minimal. However, with ERA on the brink of defeat, there will be increasing media interest in the Fifty States Project. It is important that the Administration move aggressively to

fill the void and to demonstrate the President's often stated concern for equality for women under the law. Since the Fifty States Project is focused in the states, attention must be generated in the individual states.

It is recommended that a series of trips be planned which will cover several areas:

1. Meetings with Governors, Governors' representatives, legislative leadership, and other appropriate individuals to discuss the project and draw public attention to the program in the states;
2. Schedule events with targeted Congressional and Senate candidates for the purpose of media and volunteer recruitment and to offer the candidate a viable response to the concerns of activist and non-activist women who support equal rights for women;
3. Meet with legislative leadership to discuss support of the Fifty States Project efforts on-going in their state or to cultivate their support for a project initiated by their Governor.

The above should be coordinated with Betty Heitman, Co-Chairman of the Republican National Committee; Betty Rendell, President, National Federation of Republican Women; the Congressional and Senate Committees; and White House Political Office.

States should be targeted to provide the maximum political mileage during the summer campaign efforts of Republican candidates.

Attachments

SAMPLE

May 29, 1981

Dear Governor Byrne:

During the campaign I said I would appoint a Special Assistant to serve as liaison with the fifty Governors to assist in establishing a procedure for the states to identify and correct state laws and regulations which discriminate on the basis of sex. With your help and cooperation, we can begin to address this important area of concern.

To this end, I have designated Judy Peachee as the White House representative to assume responsibility for this effort. Judy is Special Assistant to the President in the Office of Intergovernmental Affairs, which has general responsibility for liaison with the states.

I would appreciate it if you could designate someone from your office to work with Judy to identify sex-discriminatory state laws and regulations in New Jersey, and if you would have that individual contact Judy in the near future to discuss the best sources for this information. A number of organizations already have provided reports and summaries on this topic. Judy can be reached at the White House, (202)456-7700.

I would like to personally thank you and your staff for this assistance.

Sincerely,

The Honorable Brendan T. Byrne
Governor of New Jersey
State House
Trenton, New Jersey 08625

THE WHITE HOUSE

WASHINGTON

CONFERENCE ON FIFTY STATES PROJECT
White House Family Theatre
October 7, 1981

9 a.m.

Welcome

Rich Williamson
Assistant to the President
Intergovernmental Affairs

The President's Fifty States Project

Judy F. Peachee
Special Assistant to the President
Intergovernmental Affairs

The Agenda of the Women's Bureau
U.S. Department of Labor

Leonore Cole-Alexander
Director-Designee

9:40

Panel Discussion - "Research and Review
of State Statutes"

Moderator: Mary Jarratt
Assistant Secretary
U.S. Department of Agriculture

Panelists: Philip W. Rivers
Assistant Legal Counsel
Office of the Governor
State of Alabama

Joan Aliberti
Special Advisor to the Governor
on Women's Issues
State of Massachusetts

Dr. Pat Geadelmann, Chair
Iowa Commission on the Status of
Women

- 10:35 Break
- 10:45 Panel Discussion - "Legislative Support
for Corrective Legislation"
- Moderator: Honorable Angela Buchanan
 Treasurer of the United States
- Panelists: J. Joy Manson
 Senior Executive Assistant to
 the Governor
 State of Virginia
- Honorable Marilyn Lewis
 Member of the House
 State of Pennsylvania
- Charlee Hoyt, Chairwoman
 Women in Municipal Government
 National League of Cities
- 11:35 Break
 Proceed to State Dining Room.
- 12 noon Luncheon
- 1:30 Panel Discussions - "Creating Positive Perceptions
and Community Support"
- Moderator: Wendy Borcherdt
 Special Assistant to the President
 Public Liaison
- Panelists: Karna Small
 Deputy Press Secretary
 White House
- Susan Hager
 Consultant to the Women's College
 Coalition
 Co-Chair, Washington Women's Network
- W. Antoinette Ford
 Assistant Administrator
 Bureau for Near East, AID
- 2:20 Wrap-up.
 Judy Peachee

GOVERNORS' REPRESENTATIVES
FOR
FIFTY STATES PROJECT

ALABAMA Mr. Phillip W. Rivers
Assistant Legal Counsel
Office of the Governor
State of Alabama
State Capitol
Montgomery, Alabama 36130
(205) 834-3572

ALASKA Ms. Kaye Hogan, Deputy Director
Division of Equal Employment
Opportunity
State of Alaska
Juneau, Alaska 99801

ARIZONA Ms. Jane Rosenbaum
Special Assistant to the Governor
1700 W. Washington Street
Phoenix, Arizona
(602) 255-4331

ARKANSAS Ms. Denise Luptok
Assistant Director
Intergovernmental Affairs
Office of the Governor
Little Rock, Arkansas 72201
(501) 371-2345

CALIFORNIA Ms. Alice Lytle
Secretary for State and
Consumer Services
915 Capitol Mall, Room 200
Sacramento, California 95814
(916) 445-2841

COLORADO Ms. Mary Mullarky
Office of the Attorney General
State Capitol
Denver, Colorado 80203
(303) 866-3611

CONNECTICUT Ms. Susan Bucknell
Director, Permanent Commission
on the Status of Women
State Capitol
Hartford, Connecticut 06115
(202) 566-5702

DELAWARE Ms. Cynthia Taylor
Special Assistant for
Community Affairs
Office of the Governor
State of Delaware
Dover, Delaware 19901
(302) 736-4101

FLORIDA Mrs. Cathy Kelly
Appointments & Special
Services Director
State of Florida
Office of the Governor
Tallahassee, Florida 32304
(904) 488-2183

GEORGIA Mrs. Jewell Saunders
Administrator
Office of Fair Employment
Practices
State of Georgia
254 Washington Street, S.W.
Suite 685
Atlanta, Georgia 30334
(404) 656-1736

GUAM Ms. Mary B. Leon Guerrero
Staff Assistant for Public Affairs
Office of the Governor
Territory of Guam
Agana, guam 96910 USA

HAWAII Ms. Patricia K. Brandt
State Coordinator
Office of Affirmative Action
State Capitol, Room 443
Honolulu, Hawaii 96813
(808) 548-3432

IDAHO Mrs. Jean Terra
Special Assistant to the
Governor
State of Idaho
State Capitol
Boise, Idaho 83720
(208) 334-2100

ILLINOIS Ms. Joyce Tucker
Director
Department of Human Rights
32 W. Randolph Street, 9th Fl.
Chicago, Illinois 60601

INDIANA Honorable John M. Ryan
 Special Counsel to the
 Governor
 State Capitol
 Indianapolis, Indiana 46204
 (317) 232-4567

IOWA Dr. Patricia Gadelmann
 1109 West 20th Street
 Cedar Falls, Iowa 50613
 (319) 273-2558

KANSAS Ms. Kay Meadow, Director
 State Equal Employment
 Opportunity Office
 503 Kansas Avenue, Room 542
 Topeka, Kansas 66603
 (913) 296-4288

KENTUCKY Ms. Carol Kunk
 Legal Aid to the Governor
 State of Kentucky
 Frankfort, Kentucky 40601
 (502) 564-2611

LOUISIANA Ms. Nancy A. Nungesser
 5704 Durham Drive
 New Orleans, Louisiana 70114
 (504) 394-7561

MAINE Ms. Annee Tara
 Legislative Counsel
 Office of the Governor
 Augusta, Maine 04330
 (207) 289-3531

MARYLAND Constance Ross Beims
 Appointments Officer
 Office of the Governor
 Annapolis, Maryland 21404
 (301) 269-3901

MASSACHUSETTS Ms. Joan Aliberti
 Executive Director
 Governor's Commission on
 the Status of Women
 Room 2110
 1 Ashburton Place
 Boston, Massachusetts 02108
 (617) 727-3600

MICHIGAN Ms. Barbara Debrodt
Assistant Legal Counsel
Office of the Governor
Lansing, Michigan
(517) 373-3400

MINNESOTA Ms. Grace Lauro
Special Assistant to the
Governor
State of Minnesota
St. Paul, Minnesota 55155
(612) 296-3391

MISSISSIPPI Ms. Lisa Bourdeaux
Administrative Assistant for
Intergovernmental Relations
Office of the Governor
State of Mississippi
P.O. Box 139
Jackson, Mississippi 39205
(601) 354-7575

MISSOURI Ms. Janice Gentile
Deputy Executive Assistant
Governor's Office
State of Missouri
P.O. Box 702
Jefferson City, Missouri 65102
(314) 751-3222

MONTANA Ms. Mona Jamison
Legal Counsel
Governor's Office
State of Montana
State Capitol
Helena, Montana 59601
(406) 449-3111

NEBRASKA Ms. Marilyn Hasselbalch
Executive Secretary of
Administrative Affairs
Office of the Governor
State Capitol
Lincoln, Nebraska 68509
(402) 471-2530

NEVADA Ms. Norrine Barber
Executive Assistant to the
Governor
State of Nevada
Carson City, Nevada 89710
(702) 885-5670

NEW HAMPSHIRE Ms. Susan Colwell
Chair
Commission on the Status of
Women
Room 16 - State House Annex
Concord, New Hampshire 03301

NEW JERSEY Honorable Wynona M. Lipman
50 Park Place
Newark, New Jersey 07102
(State Senator)

NEW MEXICO Tasia Young, Executive Director
Commission on the Status
of Women
Suite 809, Plaza del Sol
600 2nd, N.W.
Albuquerque, New Mexico 87102
(505) 842-3141

NEW YORK Ms. Mary Burke Nicholas
Director
New York State Women's Division
1350 Avenue of the Americas
New York, New York 10019

NORTH CAROLINA Jane Patterson, Secretary
Department of Administration
Room 503 - Administration Building
116 W. Jones Street
Raleigh, North Carolina 27611
(919) 733-7232

NORTH DAKOTA Ms. Sarah A. Jones
Assistant Press Secretary
Office of the Governor
Bismark, North Dakota 58505
(701) 224-2200

NORTHERN MARIANA ISLANDS Mr. Karl Uebel
Executive Secretary of the Law
Revision Commission
Office of the Governor
P.O. Box 89
Saipan Mariana Islands 96950

OHIO Mr. Jon Kelly
Deputy Assistant to the
Governor
State House
Columbus, Ohio 43215
(614) 466-3526

OKLAHOMA Miss Dian Copelin
Office of the Governor
State Capitol
Oklahoma City, Oklahoma 73105
(405) 521-2342

OREGON Kay Toran
Assistant to the Governor
160 State Capitol
Salem, Oregon 97310
(503) 378-3100

PENNSYLVANIA Ms. Maria Keating
Deputy Executive Assistant
Office of the Governor
Room 225, Main Capitol
Harrisburg, Pennsylvania 17120
(717) 787-2500

PUERTO RICO Mrs. Nilda Munoz-Vissepo
Executive Director of the Governor's
Commission for Women's Affairs
Box 11382, Fernandez Juncos Station
Santurce, Puerto Rico 00910
(809) 722-2857 or 722-2907

RHODE ISLAND A. Vincent Igliazzi
Administrator
State Equal Opportunity Programs
289 Promenade Street
Providence, Rhode Island
(401) 277-3090

SOUTH CAROLINA Ms. Sarah Shuptrine
Director
Office of Health and Human Services
Office of the Governor
P.O. Box 11450
Columbia, South Carolina 29211

SOUTH DAKOTA Ms. Dottie Howe
Director
Division of Human Rights
State Capitol
Pierre, South Dakota 57501

TENNESSEE Ms. Cassandra Walker
Assistant to the Governor
State Capitol
Nashville, Tennessee 37219
(615) 741-2001

TEXAS David Herndon
Governor's Office of
General Counsel and
Criminal Justice
P.O. Box 12428
Capitol Station
Austin, Texas 78711
(512) 475-3021

UTAH Ms. JoLee Norris
Administrative Assistant for
Operations
Office of the Governor
State Capitol, Room 210
Salt Lake City, Utah 84114
(801) 533-5231

VERMONT Ms. Anne Sarcka
Executive Director
Governor's Commission on
the Status of Women
State of Vermont
126 State Street
Montpelier, Vermont 05602
(802) 828-2851

VIRGIN ISLANDS Mr. William Blum
Legal Counsel to the Governor
Office of the Governor
Charlotte Amalie
St. Thomas, Virgin Islands 00801

VIRGINIA Ms. Judy Johnson
Senior Executive Assistant
Office of the Governor
State Capitol
Richmond, Virginia 23219
(804) 786-2211

WASHINGTON Ms. Marilyn Showalten
Legal Counsel
Governor's Office
State Capitol
Olympia, Washington 98504
(206) 753-6780

WEST VIRGINIA Curtis E. Price, Jr.
Affirmative Action Officer
Office of the Governor
State of West Virginia
Capitol Complex
Charleston, West Virginia 25305
(304) 348-0084

WISCONSIN

Ms. Marlene Cummings
State Capitol
Room 115 East
Madison, Wisconsin 53702
(608) 266-1212

WYOMING

Mrs. Sandra V. Ross
Governor's Office
State Capitol
Cheyenne, Wyoming 82002
(307) 777-7434

THE WHITE HOUSE

WASHINGTON

November 1981

Dear Legislator:

Shortly after my appointment as Special Assistant to the President for Intergovernmental Affairs, with specific responsibility to work with state legislators, the President also designated me as his liaison with the Governors to develop plans for the review of state statutes to identify sex discriminatory language and to propose corrective legislation. This project was in response to his campaign commitment to help ensure equality for women under the law.

All fifty Governors have designated a member of their staff to coordinate this effort in their state. A list of the representatives is enclosed.

On October 7th, a one-day workshop on the project was held at the White House and was attended by forty Governors' representatives. President and Mrs. Reagan hosted a luncheon for the workshop participants and in his luncheon remarks, the President referred to his speech to the National Conference of State Legislatures, saying:

"At the National Conference of State Legislatures' meeting in Atlanta on July 1st, I talked about this initiative and, I must say, got my biggest applause."

The complete text of the President's remarks on October 7 are enclosed and I believe you will see that he has, again, unequivocally expressed his support for equality for women.

In keeping with the President's federalism philosophy, this project's success depends on the cooperation of the Governor and the legislature in determining the needed changes in state statutes and enacting the appropriate corrective legislation. I hope we can count on your support.

If I can be of additional assistance, please call on me.

Sincerely,



Judy F. Peachee
Special Assistant to the President
Intergovernmental Affairs

THE WHITE HOUSE

WASHINGTON

THE 50 STATES PROJECT

During President Reagan's 1980 campaign, he stated that, if elected, he would designate a special assistant in the White House to liaison with the 50 Governors in an effort to identify and correct state laws that are discriminatory.

In keeping with his pledge, the President appointed Judy F. Peachee, Special Assistant to the President for Intergovernmental Affairs, as his liaison for the 50 States Project, as it has come to be known.

On May 29, 1981, the President wrote personally to each Governor outlining his campaign commitment and seeking his help by appointing a representative in the Governor's office with whom Mrs. Peachee could work to accomplish this important task.

The Governors' responses to the President's request have been supportive and enthusiastic. All Governors have appointed a representative.

The immediate project goals are:

1. With the help of the Governors' representatives, to develop a state-by-state evaluation of what has been done, what is being done, and the future needs to insure completion of the project;
2. In cooperation with each state, to develop a plan that is designed to meet that state's unique goals;
3. To assist each state in meeting its goals.

This project is currently staffed, in addition to Mrs. Peachee, by Jean Traweek, Special Assistant to the Director, Women's Bureau, U.S. Labor Department, who has been permanently assigned to the White House to coordinate the project efforts. Additionally, the program is part of the agenda of the Women's Bureau.

The success of this program will be measured state by state. The project staff does not have a preconceived program for implementation because each state is unique. What may be a major accomplishment for one state may have already been surpassed by another.

It cannot be over-emphasized that this is truly a state level project -- one to be planned and implemented by the Governor and the state legislature -- with whatever encouragement, advice, or assistance the White House can provide.

For additional information:

Judy F. Peachee
Special Assistant to the President
Intergovernmental Affairs
The White House
Washington, D.C. 20500

(202) 456-7700

For Immediate Release

October 7, 1981

REMARKS OF THE PRESIDENT
 AT A LUNCHEON WITH GOVERNOR'S REPRESENTATIVES TO
 PRESIDENT'S FIFTY STATES PROJECT FOR WOMEN

State Dining Room

1:10 P.M., EDT

THE PRESIDENT: Nancy and I are delighted to have this opportunity to meet with you today and to be able to tell you that the project you're working on is of great importance to this administration.

There's a great deal of misunderstanding, I think, that exists over some of the problems today and it was ever thus because back long before there was a question about discrimination, there should have been some forewarnings. And the late Will Rogers many years ago commented on this. I hope you wouldn't disapprove of what he said. He said that women were going to try and become more and more like men until pretty soon they wouldn't know any more than the men did. (Laughter.) But some critics have expressed concern that we're not addressing women's issues. So, let's set the record straight right now. That charge is a bum rap. With respect to our economic program, the well being of women, like all Americans, depends on a healthy economy. And, certainly, women won't benefit from continued inflation and unemployment.

As for appointments, as you've learned already in the meetings that you've been having so far, we've appointed women to high level positions throughout the administration and I've directed that we continue the effort to place qualified women in positions of responsibility. The quality of leadership and the contributions made by these women are an irreplaceable part of our effort to chart a new course for our nation. Many of them are here today as you well know by this time. And I'm particularly proud of one who is not, Sandra O'Connor who now sits on the United States Supreme Court. (Applause.)

Then there's the question of the ERA and, while it's true that I do not believe that it is the best way to end discrimination against women, I do believe with all my heart that such discrimination must be eliminated. There are numerous methods of rectifying the problem of sex discrimination.

In California, we achieved a measure of success, of perhaps more than some people give us credit for. As governor of California, I signed fourteen pieces of legislation eliminating regulations and statutes that discriminated against women. We passed legislation prohibiting sexual discrimination in employment and business matters. We established the right of a married woman to obtain credit in her own name and revised the property and probate laws to give the wife equal rights concerning community property and any number of these bread and butter issues, ones that were important to many individuals and, particularly, women.

When you read the list today -- I won't read all of them, but if you did in 1981, it's hard to believe that those laws could have been on the books in the first place. And it's possible that similar discriminatory statutes and regulations may exist today in other states. So, in my acceptance speech at the Republican National Convention in 1980 I pledged that, as President, I would establish a liaison with the fifty governors to encourage them to eliminate discrimination against women wherever it exists. And that's why you are here today. You are the result of that. The governors responded as I knew they would and Judy Peachee who serves as my Special Assistant for Intergovernmental Affairs will be my personal liaison with you and your governors on this important undertaking.

It's my hope that through the Fifty States Project we can alter or eliminate those state laws that continue to deny equality to women and we will be working on the same thing here at the federal level where that is needed as we have done on our tax program, eliminating the marriage tax penalty and we yet have to get at the discrimination against working wives in Social Security and some other things. We plan to help you focus public attention on the project and assist in developing support for the initiatives taken by your governors and your legislature.

At the National Conference of State Legislatures meeting Atlanta on July 1st I talked about this initiative and, I must say, got my biggest applause. I thought at the time I should have quit speaking right there. I couldn't top that. But we've received encouraging expressions of support since then, but the progress is going to depend on your efforts. When you go back to your states I hope that you will think of yourselves not only as your governor's representative, but also, as representing the women in your states. You'll be the key to making this project work.

And the Fifty States Project is only a beginning. There's much to be done, but by inviting you here today, I want to reaffirm my commitment to the equality of all our citizens and my commitment to this project and I know it can be successful because it's already very apparent that the governors made very good choices in their representatives. Thank you all for being here again.
(Applause.)

END

1:25 P.M. EDT

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

DATE: April 6, 1982
TO: Jim Baker
FROM: Wendy Borchardt *W.B.*
SUBJECT: The 50 States Project

BACKGROUND:

1. During the campaign, the President made two commitments in answer to those who criticized him for not supporting the Equal Rights Amendment. He promised that he would appoint a Special Assistant to monitor the inequities in the state laws, and he promised to review any Federal regulations which discriminated on the basis of sex.
2. Since January, 1982, the women's portfolio of OPL has been assessing and reviewing the agenda and priorities of over 200 national organizations to determine the amount of support they can provide the Administration.
3. There has not been a consistent coordinated program by the White House to communicate with supportive and potentially supportive women's organizations. There has been, however, a dramatic decline in communication from the White House as compared to the last two Administrations. The absence of coordinated communication creates the impression of a lack of concern and neglect for women's concerns.
4. During this past year, the criticism of the President has become severe and vocal and the polls have shown a steady erosion of women's support for the President. The women's constituency has declined in support more than any other group. Accusations are being made by the women that:
 - a. President Reagan opposes ERA and is doing nothing to assure equal opportunities and rights for women.

- b. The Reagan economic program discriminates against women, i.e., the social program cut-backs affect women in greater numbers than men.
 - c. The President has not established a "women's office" in the White House.
 - d. This Administration has not invited women's organizations to the White House.
5. The ERA effort will not abate when the ERA legal issue is terminated on June 30th. Congresswoman Heckler plans to reintroduce the amendment in Congress on July 1st.
- a. The ERA proponents also are prepared to concentrate their efforts from June to November in the states -- campaigning actively against any anti-ERA officeholder (and Reagan supporter).
 - b. The feminists intend to wage their challenges in key states and have targeted critical Congressional and Senate races.

CURRENT STATUS:

1. We have the women who elected Ronald Reagan and who support the principles of this Administration. They will continue to be loyal to the Administration by their votes. However, the extent of their active participation in political campaigns, in lobbying on the Hill, etc., will be determined by what this Administration promotes.
2. We also have identified non-committed women who are now listening and following the lead of the vocal, anti-Reagan feminists. These non-aligned women are interested in career opportunities for women and are concerned with the economic climate. They can be persuaded to support this Administration if they have the facts.
3. We do not have a substantial program for women in any one of the Executive Branches of government which we can focus on as a vehicle to reach women's groups in the next sixty to ninety days, except for the already created and implemented 50 States Project, and the Task Force on Legal Equity for Women. The Task Force agenda is one that cannot be addressed and resolved immediately.

Thus, the 50 State Project is the only immediate vehicle to change women's perceptions. It also aligns logically with the Federalism concept. It urges the corrections for the inequities for women with decisions on a state by state basis.

In addition, the 50 States Project could be a vehicle for us in the up-coming elections. It could be coordinated with the political shop and focused on those areas where we have critical political races. This would offer us a way to work directly on a state level from now until November. Although the project is of necessity a bi-partisan one, it could be an effective vehicle for Administration spokesmen. They could participate on a state by state basis in response to feminist attacks on the Administration. In addition, our candidates can respond to the attacks on the Administration by aligning themselves with the project in their own state.

4. The 50 States Project currently is not assigned to anyone due to the departure of Judy Peachee.

- a. It must be assigned immediately before the women's organizations realize that no one has the responsibility for it and this perception, in turn, adds to the negative image.

RECOMMENDATIONS:

1. That full use of the 50 States Project be made for the Administration and it be brought into the women's department and no longer included in Intergovernmental Affairs. (Rich Williamson concurs in this.)

2. That a concerted effort to communicate with supportive and potentially supportive women's organizations be made immediately.

3. The women's arena include the Administration's efforts pertaining to the women's constituency. It should include the following:

- a. The 50 States Project.
- b. Task Force on Legal Equity for Women.
- c. Outreach to supportive organizations.
- d. Coordination of all inter-departmental women's activities.

- e. Coordination of all women's programs in the Executive Branch where no coordination exists now:
 - 1. Labor (Women's Bureau programs)
 - 2. HUD (housing)
 - 3. SBA (grants and procurement)
 - 4. HHS (volunteers)
 - 5. Commerce (minority women)
 - 6. OPM (Federal Women's Program)
 - 7. Defense (special enrollment)

FINAL RECOMMENDATION:

To develop a strategy to gain women's support for the Administration.

- a. Have a woman reporting to one of the Senior Staff (Baker, Deaver, Meese) on all women's policies and programs similar to the minority policy advisor now being developed.
- b. Reassign the 50 States Project to the women's arena because it would cause no delay and little interruption in the continuity of the program. The women's arena has already established a working relationship with women's organizations as well as with inter-agency women's programs.

CONCLUSION:

Implementation of this program, with proper staffing, is needed immediately to begin to counteract the slippage in support from the women's constituency.

SUPPORT:

This proposal is recommended by the following people:

Rich Williamson, Assistant to the President for
Intergovernmental Affairs
Ed Rollins, Assistant to the President for
Political Affairs
Alan Holmer, Deputy Assistant to the President
for Intergovernmental Affairs
Judy Peachee, Special Assistant to the President
for Intergovernmental Affairs
Betty Heitman, Co-Chairman, RNC

Betty Rendel, President, National Federation of
Republican Women
Lenora Cole-Alexander, Director of the Women's Bureau,
Department of Labor
Lauralee Over, Intergovernmental Relations Officer and
Director Women's Programs, Department of Housing &
Urban Development
F. Cleo Spartin, Director, Federal Women's Program,
Office of Personnel and Management
Carolyn Schoenberg, Director, Women's Business Enterprise
Small Business Administration
Anne Gorsuch, Administrator, Environmental Protection Agency
Jean Traweek, Administrative Assistant, Office of
Intergovernmental Affairs

THE WHITE HOUSE

WASHINGTON

May 21, 1982

MEMORANDUM FOR JAMES A. BAKER, III

FROM: WENDY BORCHERDT

SUBJECT: Women's Constituency/50 States Project

BACKGROUND

1. CAMPAIGN PROMISES

During the campaign, the President made two commitments in answer to those who criticized him for not supporting the Equal Rights Amendment. He promised that he would appoint a Special Assistant to monitor the inequities in the state laws, and he promised to review any Federal regulations which discriminated on the basis of sex.

- a. The President created the Task Force on Legal Equity for Women to identify needed changes in the Federal regulations. The first quarterly report of the Attorney General to the President and the Cabinet Council on Legal Policy, as required by his Executive Order 12336, has just been drafted and has yet to be approved by Brad Reynolds, Assistant Attorney General for Civil Rights.
- b. In 1981, the President contacted every governor requesting a representative to be appointed to review and change those state laws and regulations which discriminated on the basis of sex. Those representatives met in October and were urged by the President to conduct this program for change. Since the October meeting, a portion of the states have reported in writing their current status and their future plans. During the first three months of 1982, there was no active communication with all the states due to other responsibilities in Intergovernmental Affairs. At the end of March, Judy Peachee, the Special Assistant to the President who was charged with the responsibility for

the 50 States Project left the White House. Since that time, the responsibility for this endeavor has not been reassigned. (See, Judy Peachee memo to Jim Baker.)

2. NO AWARENESS OF POLICY IMPACT ON WOMEN

When decisions regarding policies are made there is no consideration given to the impact on women. In some cases, policy decisions impact more favorably on women than on men - such as the inheritance tax reductions and the spousal transferral of an estate. In his message last year when he was seeking the tax reduction support from the American public, the President could have explained the inheritance tax spousal transfer which benefited women, and could have pointed out to the majority of the population what he was doing for them.

Another policy example is the redefinition of poverty level by making it the same for both men and women. In this sex-free definition, more women are now included in the poverty level and, therefore, eligible for benefits. If this policy information had been effectively communicated, we could have been publicizing this favorable action when we were reducing many of the programs for women. We had developed a policy that was beneficial to a certain element of the female population and we did not sell it. (I just learned about this redefinition last week - it occurred last June - when I was looking at the draft for the Task Force report!)

In developing policies, such as the small business policy with its overwhelming concern for minorities, there was no real input or discussion about the impact for women. There should also be some vehicle for discussion and comment regarding policies as they are being developed.

There is a negative perception out "on the street" in the women's constituency - particularly here in Washington among the leadership of all these organizations - that once again the women are being ignored. With the elevation of Mel Bradley to handle the policy aspects of the minorities, the women perceive that they have been left out. Where possible, I have tried to explain

the specific role that Mel has been assigned, but then they inquire why there isn't a specific similar role dealing with women's policies and programs! Combined with all the reduction in the Federal budgets, and the lack of activity with the Task Force and the 50 States Project, there is a public perception of no interest in the concerns of women.

In public presentations and meetings with the leadership of the national organizations in my office, we stress that women are to participate by their area of expertise or interest in the arena where the decisions are being made, i.e., women participating in the development of small business policy, farm policy, health regulations, etc. We are not interested in providing tokenism over a single female issue, so that they are not involved in the real arena of decision making. This new approach appeals to many, but we must get this message out to those on the state and local levels who are not hearing it.

3. NO EFFECTIVE STATE OR LOCAL OUTREACH

To do an effective public relations job it cannot be done from a desk here in Washington - or even by bringing in small numbers of people to the White House for briefings. The bulk of the people that we do bring in are the leadership located here, and they simply are not our effective advocates. It is the personal contact with three or four hundred people at a convention or a meeting in the regions or states that is necessary. This must be done.

4. NATIONAL LEADERSHIP OF WOMEN'S ORGANIZATIONS

In dealing here in Washington with the approximately 800 women's organizations - professional, business, and voluntary - I am realizing that their national leaders tend to be the active feminists and adopt positions and policies that are not totally representative of the bulk of their membership.

- a. In the Business and Professional Women, their leadership is actively outspoken against the

Reagan Administration, and their legislative agenda is line by line in opposition to this Administration's agenda. However, the State Presidents in New Jersey and Kentucky and their State Boards are supportive of the Reagan Administration.

- b. The Association of Junior Leagues, Inc. National Board is composed totally of Democrats who are generally opposed to this Administration (except for a single representative from the State of Oregon). However, from my own personal experience in the last three weeks, the Junior Leagues in Birmingham, Alabama and St. Louis, Missouri are supportive of this Administration and what it is trying to accomplish.
- c. Similar cases can be stated for the American Association of University Women, General Federation of Women's Clubs, etc.

5. THE ERA EFFORT AFTER JUNE 30TH

The ERA effort will not cease on June 30th. This sustained effort is being funded by the liberal left to organize campaign efforts in those states where the ERA issue was defeated. In most cases, specific governors and state legislators and, in some cases, certain Congressmen have been targeted for defeat by the ERA proponents. All are Reagan Administration supporters. Thus, the feminist battle is not going to be in the national arena, here in the Congress, but will be waged in the states against certain of our candidates. Therefore, we need to mount an effective communication and political effort to combat the tremendous negative publicity which they intend to generate.

6. NO COMMUNICATION

During the Carter Administration, Sara Weddington, who headed the women's constituency, had as her resources 79 people who could communicate with women's organizations. In addition, she had 19 publications that came out either monthly or quarterly which also gave detailed information. In addition, there was an incredible travel budget for the women's activities from the White House and from the Women's Bureau at the Department of Labor

for women to make public presentations, attend conferences, and in general be visible throughout the United States.

I totally agree with the President that this kind of effort should not be funded, nor should the staff be hired. However, since there has been such a drastic change from "over-communication" to "no communication", there is the impression that through benign neglect, there is no concern or awareness of them. "No news", in this case, is bad news, for they perceive that we are disinterested.

7. POLL RESULTS

The conclusions that I shall make regarding the polling results are based upon the women constituency support information from January 13, 1982; May 6, 1982; and the supplement dated May 17, 1982. Unfortunately, none of the polling information indicates intensity of approval or disapproval which I feel is critical to developing our final strategy for the Fall elections.

a. The unmarried woman is opposed to this Administration and will continue to be since we are reducing her Federal largesse. The negative unmarried woman is defined as:

1. Widowed and relying for her sole support on Social Security.
2. The displaced homemaker who unexpectedly has to support herself and her children without many skills to do so.
3. The young, poorly educated woman who is the single female head of household without many skills to support herself.

Thus, these women use the Federal financial support to aid them in their daily lives. The reductions in the CETA training funds, the limitations in Aid to Families with Dependent Children allocations, the more limited Food Stamp eligibility requirements, and the elimination of the Women's Educational Equity Program all impact on them.

Conclusion: This portion of the women's constituency will never be supportive of this Administration.

- b. However, there are uncommitted women and those who are mildly disapproving who can be converted to an approval category. These are Independents and "soft" Democrats who are being influenced now by the incredible amount of negative press which is occurring, but who if hearing our story could be convinced that the economic benefits which the President is seeking are in their self-interest.

- c. In the approval category are Republican women, the traditional housewives, and working married women who have a greater sense of security. However, in my own communication with this aspect of our women's constituency, I am finding that, although they are still supporting us in a token fashion, there is not the dedication, the interest, or the desire to work on behalf of our candidates particularly in our active Republican Party workers. I am speaking about the reliable women who come out for every election every two years for all Republican candidates and who do provide the effective opposition to the active feminists. Their dedication and their enthusiasm is waning, for they perceive that the president does not care about them in a personal sense, i.e., compassion and interest in their concerns. In addition, the incredible negative press that has been occurring also impacts on them - not changing their vote, but certainly minimizing their level of enthusiasm and participation.

8. NEGATIVE PRESS

There has been increased negative press regarding this Administration's policies and programs for women. For instance, in the past two weeks alone, Leslie Stahl did a five minute segment on the lack of women (and minorities) serving in the Reagan Administration. The Wall Street Journal (copy attached) did an article claiming that all the services for the women are being eliminated. In addition, the New York Times has done three negative articles as fed by the pro-ERA feminists. (See attached May 21, 1982 article.) I have given information at the

request of Elizabeth Dole to the New York Times and to the Gannett News Service regarding women appointments and the specific programs for women at the Department of Labor, at the Small Business Administration, and at the Department of Education. In all cases, those programs have been cut back drastically, and we are forced to assume a defensive position.

9. VULNERABILITY

Currently, we are very vulnerable.

- a. The programs in the health services, at the Women's Bureau at the Department of Labor, and in the Women's Enterprise Program at the Small Business Administration, have been cut. Women's programs throughout the government have generally been reduced in scope and funding - almost 50% more than those of other constituencies.
- b. The Task Force report is not yet ready. If the draft report is approved, there is really nothing of immediate opportunity upon which to act. Many of the changes are mundane in nature, i.e., changing "chairman" to "chairperson". The real issues are ones which involve Social Security, actuarial tables for insurance, etc. Of course, the Social Security issues are being handled by the Commission at the moment, and it will take time to develop an effective approach for the inequities in the insurance area - as well as other controversial areas. Therefore, there is no important issue at the moment with which we can run to appeal to the women specifically.
- c. We are in trouble with the 50 States Project. In effect, there has been no action on this project during 1982. During the first three months, Judy Peachee had hoped to be able to travel to the State legislators and meet with the governor's representatives to encourage and to facilitate the needed changes. This financial request was not approved. Since Judy's departure at the end of March, there has been no reassignment of this project, and, as already mentioned in earlier memos, the women's constituencies here in Washington (and that is the

leadership of these 800 organizations) now realize that it has not been reassigned for a two month period and that it obviously has a very low priority here at the White House. There is a great deal of negative comment, and on each occasion that Mary Elizabeth Quint and I have made separate presentations in public during this period we have been asked about the 50 States Project - what is going to happen to it, if there is going to be any effort from the White House, or was it simply a tokenism effort?

SUMMARY

1. The ERA opposition to the Reagan Administration is also going to be waged in state and local communities after June 30th amendment deadline. We must have a communications and program vehicle for our Republican candidates upon which to respond to the feminists. The 50 States Project provides that opportunity as a vehicle which is already functioning.

We cannot allow our GOP candidates to be attacked with the allocation, "the Reagan Administration does not support equal rights for women"! They can rebut this if we have an active and viable 50 States Project which will be the focus for the women's outreach program.

2. The more conservative leaders of the women's organizations (and in general) are residing in the state and local communities. We can use the 50 States Project as a communication vehicle to them as well and can use the project as an excuse to travel to those areas to reach the local components. We can go around the national leadership, but we must have a reason to do so, and this project provides that reason.
3. Obviously, the more personal outreach that can be made the more people are motivated to support and actively defend the programs of this Administration. The 50 States Project can be the forum which is used as the basis for regional and state-wide meetings and can address not only the discrimination issue but also Federalism, tuition tax credits, balanced budget amendment, etc. We also can tie in our Republican effort on behalf of our candidates when we are in those areas. The political office will target the critical areas where the candidates are particularly vulnerable, and we can provide them assistance through the 50 States effort. We shall be maximizing time and expense.
4. The Assistant for women's affairs must be a part of, or at least aware of, developing policies and how these decisions will affect women. She could take the offense rather than constantly having to be in a defense posture, i.e., before national leadership of women's organizations can set the climate against the President's announced policies, she could communicate the positive aspects in regard to women.

RECOMMENDATIONS

In my sincere concern for President Reagan and this Administration as a whole, I very strongly urge your support for my recommendation:

1. The 50 States Project be retained and reassigned to be included with the women's outreach program.
2. The use of the 50 States Project be expanded so as to use it for the November elections.
3. The 50 States staff to be composed of:
 - a. Assistant or Special Assistant to the President.
 - b/ Deputy Director or Assistant, not Hatched.
 - c. Secretary.

(The Director, Deputy Director and Secretary are already in place if reallocated from OPL).
 - d. Two volunteer assistants on a regular basis (already available).
4. A budget be given to the 50 States Project with consideration to travel for the Director and her Deputy.
5. I offer myself as the Director of the 50 States Project and believe I can successfully direct this project in a very meaningful and professional manner. I have a tentative plan of action available when the approval is given.
6. I urge in the strongest manner possible that a decision be made immediately on the future of this program. With November only five months away, we cannot afford to delay for even one day more.

Women's Groups Fault Reagan on Jobs and I

By LYNN ROSELLINI

Special to The New York Times

WASHINGTON, May 20 — On Inauguration Day last year, Ronald Reagan's staff lost the names of more than 400 women who were under consideration for jobs with the new Administration.

"The resumés were lost between the transition office and the White House," recalled Betty Heltman, co-chairman of the Republican National Committee, whose staff had painstakingly collected the information and packed it into cardboard cartons.

The boxes were found several days later in the Executive Office Building, but the event seemed prophetic to many of the nation's leading women's rights advocates who feel that more than resumés have been lost in the Reagan White House.

"People are in shock," said Johanna Mendelson of the American Association of University Women, a leading lobbying group. "Issues they once thought were cast in stone are being cut out from under them. I'm not talking about radical feminists, either. Forty-five percent of our members are Republicans."

Different View From Baker

But James A. Baker 3d, the White House chief of staff, sees the Administration's performance on women's issues differently. "We've done better than we've been given credit for," he said, "especially in the appointments area."

Of about 400 full-time, nonjudicial Presidential appointments that require Senate confirmation, 49 have gone to women. In addition, there are 13 women in senior White House staff positions, although most of them hold the lowest ranking position, that of special assistant.

Not including the White House staff positions, the numbers are close to those under President Carter, but women's leaders, including Kathy Wilson, president of the National Women's Political Caucus, say that the Carter appointments tended to be higher in rank. The Reagan appointments are concentrated in "women's jobs," Mrs. Wilson said.

While Mr. Carter appointed two women to Cabinet posts, there are no women in the Reagan Cabinet; Jeane J. Kirkpatrick, the United States Representative at the United Nations, holds Cabinet rank, however.

Last summer, Mr. Reagan won praise from feminists by naming Sandra Day O'Connor to the Supreme Court. But in almost every other area of Federal control, women's leaders say that the President has presided over a systematic retrenchment from gains of the past 20 years. Among their major complaints are these:

¶The Administration, the women contend, has slowed or ceased enforcement of some antidiscrimination

'We've done better than we've been given credit for.'

—James A. Baker 3d

regulations, including violations of the law that prohibits schools from discriminating on the basis of sex.

¶The Administration, they say, has attempted to ease affirmative action guidelines in hiring and promotion for companies that do business with the Government.

¶Despite repeated requests, leaders of women's groups say, Mr. Reagan has so far refused to meet with them as a group to discuss women's issues.

Women's rights have been affected by a host of other Presidential actions as well. Some, like Mr. Reagan's attempt to eliminate a small Government program aimed at providing equality in education for women, are limited in scope. Others, such as his 1983 budget cuts in social services, affect millions.

'Women are Poorer'

"Women as a class are poorer, economically weaker and politically more marginal than men," said Mrs. Wilson, who, along with many other women's leaders, feels that women will be disproportionately hurt. "It is precisely the poor, the weak and the marginal whom Reagan has decided will carry the country back to prosperity."

But the White House maintains that

women, as well as men, will benefit when the President's economic policies begin to reverse the recession. Elizabeth H. Dole, assistant to the President for public liaison, the highest ranking woman in the White House, said that while women's leaders had not met as a group with Mr. Reagan, individual women have been regularly included in meetings with him on the economy and other specific issues.

"I think we're keeping up in the women's area," she said.

Mrs. Dole said that while the President opposed the proposed equal rights amendment to the Constitution, he had set up a White House coalition of representatives from the 50 states aimed at rooting out discrimination in

'There has been a complete disregard for women's issues.'

—Phyllis Harrison

state laws. Although the White House sponsored a meeting on the project last fall, the project director recently left the Administration and has not been replaced.

Another example of the President's concern for women, said Mrs. Dole, is an intergovernmental group set up by Mr. Reagan last December to amend Federal regulations and practices that discriminate on the basis of sex. However, an assistant to Mrs. Dole said that the panel had never met.

Although the President has attempted in recent months to reach out to blacks, organized constituencies that have not given the policies wide support, the public effort to reach

Just a few weeks ago, Mrs. Dole raised the ire of feminists by pointing out the "ladies" in the White House as the cause of the high unemployment. Earlier, a special adviser observed that she "don't understand intergovernmental relations as men."

And Mrs. Dole has been criticized by some White House colleagues, who say she lacks influence.

The upshot has been a split among liberal groups and the National Organization for Women, also more conservative groups, many of whom were disappointed in Mr. Reagan.

"There has been a complete disregard for women's issues," said Phyllis Harrison, president of the Federation of Business and Professional Women's Clubs.

A senior White House official recently told the President of polls showing that his administration has slipped dramatic support from women. "We're going to do something about it," said the official, but declined to say what.

Mary Louise Smith, co-chairman of the Republican National Committee, who advised on women's issues during the campaign, was optimistic. "The situation is getting through," she said, "but it will take a few more women talking."

Ranking Woman Draws Mixed Reviews

Special to The New York Times

WASHINGTON, May 20 — "This ain't so bad," Elizabeth H. Dole told guests at a dinner in her honor a few months ago. "First chance I've had to open my mouth in 13 months."

Mrs. Dole's listeners roared at the joke about her quiet tenure as the highest-ranking woman in the Reagan White House as assistant to the President for public liaison. But within the Administration, references to her role are not always a joking matter.

In published reports and private conversations, some of Mrs. Dole's White House colleagues have argued that she has little influence within the elite, all-male staff closest to the President. Leaders of national



'We've done better than we've been given credit for.'

—James A. Baker 3d

regulations, including violations of the law that prohibits schools from discriminating on the basis of sex.

"The Administration, they say, has attempted to ease affirmative action guidelines in hiring and promotion for companies that do business with the Government.

"Despite repeated requests, leaders of women's groups say, Mr. Reagan has so far refused to meet with them as a group to discuss women's issues.

Women's rights have been affected by a host of other Presidential actions as well. Some, like Mr. Reagan's attempt to eliminate a small Government program aimed at providing equality in education for women, are limited in scope. Others, such as his 1983 budget cuts in social services, affect millions.

'Women are Poorer'

"Women as a class are poorer, economically weaker and politically more marginal than men," said Mrs. Wilson, who, along with many other women's leaders, feels that women will be disproportionately hurt. "It is precisely the poor, the weak and the marginal whom Reagan has decided will carry the country back to prosperity."

But the White House maintains that

when the President's economic policies begin to reverse the recession. Elizabeth H. Dole, assistant to the President for public liaison, the highest ranking woman in the White House, said that while women's leaders had not met as a group with Mr. Reagan, individual women have been regularly included in meetings with him on the economy and other specific issues.

"I think we're keeping up in the women's area," she said.

Mrs. Dole said that while the President opposed the proposed equal rights amendment to the Constitution, he had set up a White House coalition of representatives from the 50 states aimed at rooting out discrimination in

'There has been a complete disregard for women's issues.'

—Phyllis Harrison

state laws. Although the White House sponsored a meeting on the project last fall, the project director recently left the Administration and has not been replaced.

Another example of the President's concern for women, said Mrs. Dole, is an intergovernmental group set up by Mr. Reagan last December to amend Federal regulations and practices that discriminate on the basis of sex. However, an assistant to Mrs. Dole said that the panel had never met.

Although the President has attempted in recent months to reach out to blacks, organized labor and other constituencies that have not given his policies wide support, he has made little public effort to reach women.

Just a few weeks ago Mr. Reagan raised the ire of feminists by singling out the "ladies" in the labor market as the cause of the high rate of unemployment. Earlier, a senior Presidential adviser observed that "women don't understand interest rates as well as men."

And Mrs. Dole has been the target of mutterings by some of her White House colleagues, who say that she lacks influence.

The upshot has been to alienate not only liberal groups such as the National Organization for Women, but also more conservative organizations, many of whose members voted for Mr. Reagan.

"There has been a complete disregard for women's issues," said Phyllis Harrison, president of the National Federation of Business and Professional Women's Clubs.

A senior White House official said recently that the President was aware of polls showing that his approval rating has slipped dramatically among women. "We're going to do something about it," said the official, although he declined to say what.

Mary Louise Smith, former chairman of the Republican National Committee, who advised Mr. Reagan on women's issues during the 1980 campaign, was optimistic. "The message is getting through," she said. "They'll come to understand that it isn't just a few women talking."

Ranking Woman Draws Mixed Reviews

Special to The New York Times

WASHINGTON, May 20 — "This ain't so bad," Elizabeth H. Dole told guests at a dinner in her honor a few months ago. "First chance I've had to open my mouth in 13 months."

Mrs. Dole's listeners roared at the joke about her quiet tenure as the highest-ranking woman in the Reagan White House as assistant to the President for public liaison. But within the Administration, references to her role are not always a joking matter.

In published reports and private conversations, some of Mrs. Dole's White House colleagues have argued that she has little influence within the elite, all-male staff closest to the President. Leaders of national women's organizations contend that Mrs. Dole has been a silent figure in the White House.

'She Was Muzzled'

"She was muzzled," said Mary Grefe, an active Republican who voted for Mr. Reagan and formerly headed the American Association of University Women. "She wasn't encouraged to speak out on women's issues."



The New York Times

Elizabeth H. Dole, President Reagan's assistant for public liaison.

tremely bright. We are pleased with the job she's doing"

Mrs. Dole herself says she sees the President several times a day, but

labor. But it is the women's groups that have voiced the keenest disappointment in Mrs. Dole, partly be-

law that prohibits schools from discriminating on the basis of sex.

The Administration, they say, has attempted to ease affirmative action guidelines in hiring and promotion for companies that do business with the Government.

Despite repeated requests, leaders of women's groups say, Mr. Reagan has so far refused to meet with them as a group to discuss women's issues.

Women's rights have been affected by a host of other Presidential actions as well. Some, like Mr. Reagan's attempt to eliminate a small Government program aimed at providing equality in education for women, are limited in scope. Others, such as his 1983 budget cuts in social services, affect millions.

'Women are Poorer'

"Women as a class are poorer, economically weaker and politically more marginal than men," said Mrs. Wilson, who, along with many other women's leaders, feels that women will be disproportionately hurt. "It is precisely the poor, the weak and the marginal whom Reagan has decided will carry the country back to prosperity."

But the White House maintains that

women's area," she said.

Mrs. Dole said that while the President opposed the proposed equal rights amendment to the Constitution, he had set up a White House coalition of representatives from the 50 states aimed at rooting out discrimination in

'There has been a complete disregard for women's issues.'

—Phyllis Harrison

state laws. Although the White House sponsored a meeting on the project last fall, the project director recently left the Administration and has not been replaced.

Another example of the President's concern for women, said Mrs. Dole, is an intergovernmental group set up by Mr. Reagan last December to amend Federal regulations and practices that discriminate on the basis of sex. However, an assistant to Mrs. Dole said that the panel had never met.

tial adviser observed that "women don't understand interest rates as well as men."

And Mrs. Dole has been the target of mutterings by some of her White House colleagues, who say that she lacks influence.

The upshot has been to alienate not only liberal groups such as the National Organization for Women, but also more conservative organizations, many of whose members voted for Mr. Reagan.

"There has been a complete disregard for women's issues," said Phyllis Harrison, president of the National Federation of Business and Professional Women's Clubs.

A senior White House official said recently that the President was aware of polls showing that his approval rating has slipped dramatically among women. "We're going to do something about it," said the official, although he declined to say what.

Mary Louise Smith, former chairman of the Republican National Committee, who advised Mr. Reagan on women's issues during the 1980 campaign, was optimistic. "The message is getting through," she said. "They'll come to understand that it isn't just a few women talking."

Ranking Woman Draws Mixed Reviews

Special to The New York Times

WASHINGTON, May 20 — "This ain't so bad," Elizabeth H. Dole told guests at a dinner in her honor a few months ago. "First chance I've had to open my mouth in 13 months."

Mrs. Dole's listeners roared at the joke about her quiet tenure as the highest-ranking woman in the Reagan White House as assistant to the President for public liaison. But within the Administration, references to her role are not always a joking matter.

In published reports and private conversations, some of Mrs. Dole's White House colleagues have argued that she has little influence within the elite, all-male staff closest to the President. Leaders of national women's organizations contend that Mrs. Dole has been a silent figure in the White House.

'She Was Muzzled'

"She was muzzled," said Mary Grefe, an active Republican who voted for Mr. Reagan and formerly headed the American Association of University Women. "She wasn't encouraged to speak out on women's issues."

Comments like this are a staple in Washington's whisper market. But in a White House that is under fire from women's rights organizations, such a characterization of its most visible female staff member takes on added significance.

James A. Baker 3d, the White House chief of staff, scoffed at the reports. "Elizabeth has one of the toughest jobs here," he said. "She has excellent political judgment and she's ex-



The New York Times

Elizabeth H. Dole, President Reagan's assistant for public liaison.

tremely bright. We are pleased with the job she's doing"

Mrs. Dole herself says she sees the President several times a day, but adds, "You don't go about it from the rooftops."

Certainly, Mrs. Dole, the 45-year-old wife of Senator Bob Dole, Republican of Kansas, has impressive credentials, including a Harvard law degree and a six-year stint on the Federal Trade Commission.

In her \$60,662-a-year post, Mrs. Dole is responsible for reaching out to all special interest groups, including business, minorities and organized

labor. But it is the women's groups that have voiced the keenest disappointment in Mrs. Dole, partly because she dropped her support of the proposed Federal equal rights amendment after she went to work for Mr. Reagan.

"Everyone was looking for her to play a major role in the White House," said Patricia Reuss, legislative director of the Women's Equity Action League. "Maybe we expected more from her than it was possible for her to give."

Lynn Rosellini



WEAL Informed

April, 1982

PLEASE NOTE, WOMEN VOTE

PRESIDENT REAGAN HAS A WOMEN'S PROBLEM.

And he's not the only one. Many members of Congress who are seeking reelection are in the same condition. Polls show that women voted in the last election and will vote in the fall elections DIFFERENT THAN MEN. The key factor is the peace issue, but they are also concerned about budget cuts and retreat from civil rights enforcement activities. Many more women than men are dissatisfied about Reagan's performance, and a large # of these women are under 30, low to moderate income with no college degree. Funny, they are the very ones who are being hurt.

Women can make a difference in the elections, both the primaries and this fall, both Republican and Democratic. Spread the word. Use the enclosed "Budget Cuts Hurt Women."

A CHOICE, NOT AN ECHO

Members of the U.S. Senate intend to turn women's reproductive choices over to the 50 states, it appears. The Senate Judiciary Committee voted in March, 10-7, to send the "Human Life Federalism Amendment" (S.J.Res. 110, Hatch, R-UT) to the Senate for a vote this summer, heating up the debate on choice.

Conservative Senators have promised to amend the bill to more closely resemble Helms-type language (paramount life) while moderates will suggest eliminating Congressional overriding jurisdiction over states with less restrictive laws. For the states, this could mean a yearly battle on the abortion issue. Women will learn of their reproductive options from campaign literature & political promises just before elections. Some states will be havens & others will outlaw abortion entirely. This constitutional amendment in any form will make abortion a divisive political issue rather than a private health and family matter.

Also on the Senate calendar is a new Helms bill (S. 2148) which combines the worst of all his other bills & amendments.

A new entry, S. 2372, was put on the Senate calendar by Mark Hatfield, R-OR, on April 15. "The Federal Abortion Funding Restriction" bill restricts any federal money or assistance to be used for abortions except to save the life of the mother. Unlike Helm's bill, this one does not apply to indirect funding, constitutional interpretation or the definition of personhood. Hatch is a co-sponsor & Hyde will sponsor the House version.

WRITE TO YOUR SENATORS AND PROTEST ALL OF THESE INTRUSIONS INTO WOMEN'S PRIVACY.

WRONG AGAIN

When the President says that his administration has NOT cut Social Security, he must be reminded that the SS minimum benefit for future eligible recipients and the SS student dependent's benefits were cut last year by the Congress at his behest. Both these cuts HURT WOMEN, 90% of the recipients of the minimum benefit are women, & the 250,000 students who will no longer get dependent benefits (unless they are enrolled in college before May, 1982) live in families where over half are headed by widows.

Delaying or eliminating Cost-of-Living Adjustments (COLAs) will also hurt women, who are on the low end of the benefit scale. WOMEN OVER 65 LIVING ALONE have a median income of \$4,957. 60% of these women have ONLY Social Security as retirement income. Budget cuts in SSI, Medicare, Housing, Legal Services, Food Stamps and Energy Assistance will compound these women's poverty. LET YOUR PRESIDENT & CONGRESSPERSONS KNOW.

HAPPY BIRTHDAY, TITLE IX...

CLOSE, BUT NO CIGAR.

June, 1982, marks Title IX's TENTH birthday. In spite of major advances made by women in education due to Title IX, it is hard to celebrate when the progress made is being threatened by the Administration. Senator Orrin Hatch (R-UT) is no longer pushing his anti-Title IX legislation (S 1361), but most of its thrust is being carried out elsewhere.

Whether Title IX covers employment: the Supreme Court will decide before it recesses in June (Northhaven).

Whether student loans are considered federal funding: The Administration has said NO, as it presented a brief in the Grove City case. Regs are now being promulgated to this effect. It is estimated that 350 schools whose only federal \$\$ is guaranteed student loans will now be able to discriminate, not only on sex, but race as well.

Whether Title IX requires too much paperwork: The Department of Ed intends to eliminate the ONE-PAGE assurance form that must be signed before schools get federal money (assuring that they will not violate the intent of Title VII or Title IX).

Whether Title IX imposes overburdensome costs: Title IX only really costs \$\$ when discrimination occurs and a suit is filed or enforcement proceedings take place. The Administration has virtually stopped enforcement activities, in a wait-and-see posture. Many athletic complaints have been waiting for years. WEAL contends this stalling is contempt of the WEAL Order which ordered the Department to negotiate settlements in 90 days & begin enforcement actions in another 30 days if necessary. Recently, a federal judge stopped short of citing contempt, but gave the department until Aug. 15 to set up workable timetables. Ed's head of the OCR, Clarence Thomas, has been nominated for the chair of the EEOC, so activity at the OCR awaits his confirmation & the appointment of a new staff person.

Whether regulations are too restrictive: Previous regulations have clarified Title IX's intent, especially the athletic guidelines. New proposals will severely limit Title IX's intent & enforcement.

Rep. Paul Simon (D-IL) is holding hearings in the House Subcommittee on Postsecondary Education next week (April 28 & May 6) based on the proposals to eliminate guaranteed student loans from Title IX & Title VI coverage.

SUPPORT HIS EFFORT.

Write to President Reagan and Secretary of Education Terrell Bell and protest the retrenchment of the nation's commitment to equal educational opportunities for girls & women. Insist that student loans be considered as federal funding, that the assurance form be maintained and that enforcement activities resume at a brisk pace.

"DE-FUNDING THE LEFT"

is what the radical right calls its efforts to do in WEEA and Title IV. These small but significant programs that help state & local schools end discrimination have once again been targeted for elimination by the Administration. Both were saved last summer from inclusion in a block grant. They also survived efforts to have their monies rescinded this spring. A continuing resolution kept them in business until October, 1982. Now, Congressional appropriations committees are considering the 1983 funding. WEEA is now at \$5.8million and Title IV at \$24 million. Senate hearings are on May 3. Write to Sen. Mark Hatfield, Senate Appropriations chair, to support these two programs.

In the House, write to Rep. Jamie Whitten, D-Miss, House Appropriations chair, and Silvio Conte, R-Mass, ranking minority, in support of these programs. For more information, refer to past WEAL literature or call.

Please use this information whenever and wherever possible. THANK YOU FOR CREDITING WEAL AS THE SOURCE. For more information, write or call PAT REUSS, Legislative Director, at (202) 638-1961. For specific information on sports, Title IX or education, subscribe to WEAL's publication, "In the Running," an additional \$10, and avail yourself of WEAL's toll-free hotline (800) 424-5162.

REMEMBER, YOUR DUES AND CONTRIBUTIONS ARE THE ONLY FUNDING THAT MAKES OUR LOBBYING POSSIBLE. FOUNDATION & GOVERNMENT GRANTS PROHIBIT LOBBYING. IT'S UP TO OUR MEMBERS.

WEAL INFORMED is a timely legislative alert available ONLY to WEAL members for an additional \$5/year. Mailed first-class, the WI provides last-minute information for advocates of national issues affecting women.



Phone 202/785-7700

President
MARY H. PURCELL

April 30, 1982

William McPherson, Editor
Letters to the Editor
WASHINGTON POST
1150 15th Street, N.W.
Washington, DC 20007

Dear Mr. McPherson:

Last week, Judy Mann pointed out some inconsistencies in President Reagan's statement on women and unemployment: "...part of the unemployment is not as much recession as it is the great increase in the people going into the job market, and ladies, I'm not picking on anyone, but because of the increase in women who are working today and two-worker families and so forth...." I only wish that it had run on the editorial page, in approximately the same position as did the William Buckley column, with a similar argument, which ran one week earlier.

For whatever reason women entered the marketplace and for whatever reason the economy itself stopped generating new jobs, the reality remains--most women work because, like most men, they have to. They have children who need clothes, food, shelter, education, and they are determined to give their offspring a chance to succeed.

Many women's organizations, including the American Association of University Women, have pointed out that the current Administration's budget proposals cut programs which help women enter the market place and that many of the Administration's policies seem to be putting up roadblocks in front of those women who want to advance their careers. President Reagan's recent remarks only confirm the suspicions of those who say his Administration is anti-woman.

Perhaps President Reagan's remarks on top of his actions will create such an outcry that his policies will change. If not, and if poll after poll which shows women moving away from the Republican party because of its perceived anti-woman bias are correct, the elections of November 1982 could lead to a different make up in the U.S. Congress, and thereby to a lessening of the anti-woman policies which seem to be flowing out of this government.

On the other hand, if the Reagan Administration is willing to work with women and with women's organizations to counter the current perceptions about their stance toward women, the American Association of University Women would be willing to help the Administration advance the cause of women.

Sincerely,

Mary Purcell

Female Flak

Wider Gulf Indicated Between the President And Women Voters

Panel of Virginians Prefers
Democrats on War-Peace,
Republicans on Economy

Bombs, the Poor and Nancy

By ALBERT R. HUNT

Staff Reporter of THE WALL STREET JOURNAL

RICHMOND—Patti Jeffries, a 28-year-old free-lance graphic artist, isn't your typical anti-Reagan feminist. In fact, she voted for Ronald Reagan in 1980. "He is one of the few men who will take a chance on doing something different," she declares. "Hopefully, it'll make a difference in the economy."

Yet Mrs. Jeffries, whose husband is a carpenter, is deeply troubled about the Reagan presidency. Some of her concern arises from the President's foreign policy, especially what she sees as a threat of nuclear war; some of it reflects what she thinks is his insensitivity to human needs, and much of it comes from her general perception of his values.

"I do not think Ronald Reagan is sensitive to women's needs," Mrs. Jeffries says. She lists his opposition to abortion and the Equal Rights Amendment but quickly moves to broader themes. "He's more inclined to work with business and to work with bombs than to work with us. . . . They're masculine things that men have been brought up to be strong in. Ronald Reagan is a man's man."

Mrs. Jeffries symbolizes an unusual political development: a decided divergence between men and women in their attitudes toward the President and his administration. Men generally are much more favorable while women are more critical. The phenomenon dates back to the 1980 election when Mr. Reagan merely broke even among women but won a huge victory among male voters. To the surprise of some political experts, the divergence not only has continued but also perhaps even widened.

Fear of War

Numerous surveys buttress this conclusion, both in general and on specific issues. Recently, for instance, the CBS-New York Times poll asked voters if they were "afraid that Reagan will get us into war." Men, by a lopsided 57%-to-36% margin, said no. Women, by an equally decisive 56% to 36%, said yes. Other polls suggest that the split between the sexes holds true in almost every regional, religious, age and socioeconomic bracket.

This division is highly unusual—and probably worrisome for the Reagan administration—because men and women ordinarily hold similar views on political issues. Their differing view of the Reagan administration can't be attributed to any tradition of Democratic loyalty among women. Another Republican President, Dwight Eisenhower, actually enjoyed a little more support among women than men. And in 1976, according to the Gallup polling firm, Gerald Ford carried the female vote while losing the election.

Kansas Sen. Nancy Kassebaum, probably the most prominent GOP woman holding office, thinks the Reagan weakness among women voters is "real and a serious one for my party." She sees two major causes: "Many women feel the economic cutbacks more personally, and I think especially among women there is a fear of what they see as a growing sense of militarism in the country."

To test these theories, The Wall Street Journal, assisted by the Washington polling firm of Peter D. Hart Associates, gathered a dozen women together here one evening last week to talk about Ronald Reagan and the issues facing the nation. The purpose wasn't to conduct a scientific survey—the sample was too small—but rather to explore, in depth, these women's political attitudes and the differences between them and their male counterparts.

Special Problems

The capital of the old Confederacy is no hotbed of radical feminism, and most of the predominantly middle-class women taking part in the session here voted for Mr. Reagan in 1980. Nevertheless, the discussion underscored the administration's special problems among women. Among the main points that emerged are these:

—While most of these women remain patient with the Reagan economic program in general, they feel a growing unease over some of the particulars. "I guess we have to cut spending," says Lynn Schrader, 29, a teacher, but she quickly adds, "I wish there were a better way to do it." Most of the participants suggest that some of the cuts unfairly hurt the poor.

—The women's attitudes appear more clearly anti-Reagan on issues of war and peace in general and on nuclear weapons in particular. Most of these women show genuine concern about the possibility of war. "It scares the hell out of me," asserts Estelle Cardona, 33, a medical-school administrator. "What makes me really nervous is when they start talking about limited nuclear options. . . . Are they crazy?"

—Women's issues, such as abortion and the Equal Rights Amendment, seem to play a secondary role in the participants' political calculations. But some of the participants are upset because they feel that the President doesn't have any female advisers. They are bothered, too, by the Reagans' expensive life style and by the luxury-loving image of Mrs. Reagan. "Could it be that women see Nancy Reagan and they can't identify with her and they use that as a means of judging Ronald Reagan?" suggests Joyce Bigley, 36, a bank employee.

—Ronald Reagan is praised for integrity and steadfast adherence to principle. "He's sticking to his guns, his ideals," says Diana Garland, 32, an office-equipment saleswoman. Yet some of the women raise doubts about his competence. Noting the President's penchant for misstatements, Harriet Kent, a 56-year-old widow, says, "I wish he'd check out his points" a little stronger.

Peter Hart, who polls mainly for Democratic candidates, thinks the "widening gulf" between these women and the President "isn't primarily a function of specific policy questions." For on some major issues, such as curbing the growth of government, these voters plainly side with the President.

Rather, Mr. Hart believes, "the gap between Ronald Reagan and these Richmond women really comes down to basic personal sensitivities. The women themselves often sense that they look at the world in a different way than does Ronald Reagan, that they care about different things, and that they approach fundamental issues with different values and concerns. In short, to understand the relationship between Reagan and these women, where Reagan stands on specific issues is less important than how he got there."

On economic issues, ambivalence abounds. Marcia Devereaux, 42, a housewife, feels that Reaganomics has been painful but necessary. "If you're looking at the individual who has gotten hurt, you have to say, 'Bad for him,'" she says, "but the greater good" has come to "the whole population." For her part, Mrs. Garland acknowledges that "you have to cut somewhere" but feels "it's so sad that you have to hurt so many underling people."

Probably more than most male voters, these women are bothered by what they be-

lieve is the human suffering caused by Reaganomics. They wish the budget priorities were different, with more money going for education and aid to the elderly, less for defense. Nevertheless, asked to assume that in November they must vote for one party to deal with economic issues for the next two years, they pick the Republicans eight to four.

The picture reverses when the topic turns to war and peace. After discussing nuclear weapons, a possible freeze on nuclear arms, relations with Russia and foreign policy in general, the women are asked again to choose one party to deal with these issues. This time the vote is nine to three for the Democrats.

These women themselves think they view matters of war and peace differently from men. Sally Matejka, 37, a soft-spoken housewife, says: "Traditionally, I don't think women feel as strongly about military service being something everybody must do in giving your life to the country. And because we have the babies, we tend not to want to sacrifice them even for a good cause."

When it comes to a U.S.-Soviet freeze on nuclear weapons, these women voice overwhelming support for the idea, brushing aside their mistrust of the Russians. "As far as trusting the Russians," says Mrs. Garland, "I feel like they value life. . . . They just don't have the same economic system and social system, but I don't think they want to see everything in the world destroyed either." Moreover, she says, sometimes "I don't trust my own government. . . . you know, the people sitting up there right now. I'm not too sure if they really know what they're doing."

Most of the women vigorously disagree with President Reagan's position that a freeze is a bad idea because it would lock the U.S. into a position of inferiority. "If we have six bombs and they have 200 bombs, I'd still rather freeze, because one is enough," suggests one woman amid a cacophony of voices.

During the discussion of the nuclear issue, unlike any other time in the 2½-hour session, the room alternates between nervous laughter and intense, even emotional, conversation. Most of these voters believe that President Reagan is spending too much money on a military buildup, and they clearly question his competence in this area. "I just don't think Ronald Reagan is knowledgeable in foreign affairs," Mrs. Kent says.

Although about half these women indicate strong feelings about "women's issues," such as abortion and the ERA, only one or two cite the President's opposition to their special interests as influencing their view of him.

But some of these voters are plainly bothered by the lack of prominent women around the President. Mrs. Cardona says she looks to see if "there are women who have any position of any kind of influence." She gives the President poor marks, noting few appointments of women to prominent posts. Even Republican women, she says, "are getting upset with him for not having more."

While these women praise a number of Mr. Reagan's personal qualities, they rarely mention toughness or strength—traits often cited by male voters. And some see Mrs. Reagan as no asset to the President. "I see her spending all this money and sitting back and not having a whole lot to say" about government, complains Joyce Bigley.

She expresses indignation at the Reagan's general way of life at a time of recession and austerity. "I object to the huge sums they spend on their personal lives when they're preaching budget cuts and tightening up," she says. "Every family is tightening their own budgets."

Likewise, Mrs. Matejka feels that the Reagan life style "is all in line with the rich and the banks and favoritism." Reflecting the views of other women in this mostly middle-class group, she suggests:

"Instead of taking a vacation at his ranch, I'd like to see him come down here to Richmond and meet some working women that are being discriminated against in their jobs, some homemakers, some women who are divorced or having a hard time—and see what it's like in this country, from a

WOMEN'S STRATEGY OUTLINE

I. BACKGROUND/INTRO. SECTION

- A. Erosion of support for the President: The Gender Gap.
A short analysis of the data and recent trends.
- B. Action forcing event: June 30 ERA ratification deadline.
This forces the Administration to have a clear plan in place to deal with the frustration of the ERA defeat.
- C. Goal statement

II. THE PRESIDENT'S PERCEPTION PROBLEM AMONG WOMEN

- A. Presentation of the Wirthlin data and other recent polls.
 - 1. Net out the compassion/fairness problem
 - 2. Describe those groups of women who most often support or oppose the President.
 - 3. Emphasize the profile of the single woman--most negative and responsible for much of his decline.
- B. How the compassion issue affects issues
 - 1. The economy/budget cuts
 - 2. The war/peace issue
 - 3. Women's issues
- C. Brief discussion of the Administration's strategy toward women during the first 18 months
 - 1. Emphasis on economic recovery rather than social issues
 - 2. Tendency to shy away from women's issues altogether: too hot and too negative.
 - 3. Strategy has been to keep women's contact level at the White House at the staff level--OPL. Protect the President from hostile or negative confrontations.
 - 4. Several Administration initiatives have been in the development stage: 50 States, EO 12336, etc. These needed start-up time before extensive visibility.
- D. New strategic Approach needed for the next 18 months: Go on the Offensive
 - 1. We can no longer afford to let the women's activist organizations control the agenda.
 - 2. We have a credible track record. We have nothing to be ashamed of. We need to sell it.

III. MAJOR STRATEGY COMPONENTS

- A. Develop a report of major Administration efforts and accomplishments on behalf of women. This would include:
 1. Economic: Reducing inflation, Marriage tax, inheritance and estate tax changes, redefinition of the poverty level to reduce sex bias, changes in tax laws for day care, etc.
 2. Budget: The real impact of budget cuts (minimal), the rationale for any cuts (bipartisan), long-range benefits of reducing govt. spending. Also, a summary of remaining services for the elderly, poor.
 3. Appointments: List them; some brief descriptions
 4. Legal Equity: Descriptions of both Admin. projects
 5. Nuclear limitation: Report of President's peace initiatives
- B. Appoint a Woman to the first available Cabinet position
- C. Conduct a formal review of the President's explicit campaign commitments to women. Decide which can be implemented by 1984.
 1. Many are already implemented, or are in process.
 2. Some are now unfeasible; too expensive, too politically volatile (social security)
 3. A few are worth implementing and would score big with women-- particularly job training initiatives.
- D. Maintain an open door with the leadership of women's organizations
 1. At some point, the President is going to have to meet with these women.
 2. Strategy needs to be developed to determine who, when, under what circumstances, etc.
- E. Assure the aggressive implementation of Executive Order 12336.
 1. Respond to action items in EHD memorandum of 5/27 re. Justice Department completion of research of sex-biased regulations.
 2. Monitor the activities of Task Force on Legal Equity for Women. Make it as positive as possible.

F. Revitalize the 50 States Project

1. Appoint a new Director, with staff.
2. Heighten the visibility of the project; provide funding for some travel, etc.

G. Implement a series of regional meetings with women to discuss the President's activities, programs, and commitment

1. Can be organized around various groups or activities:
 - a. A major speech--use as a take-off for a meeting
 - b. The 50 States Project Director in the state--if positive
 - c. The RNC state or county chairman, etc.
 - c. Local women's groups and organizations.
2. Can pull in Administration women appointees to assist, as appropriate in various locations.
3. Can be part of major "Regional Road Shows" or can be done independently.
4. Assure media coverage in each locale--local print, TV, radio talk shows, etc.

H. Regular Issues Briefings to develop effective women surrogates

1. Our women appointees are not effective surrogates
2. They require some information and encouragement to begin talking about the women's issues and constituency more aggressively and effectively.

I. Develop a series of Presidential activities which will combat the compassion/fairness problem

1. Meetings with women in local communities and in the WH
He must not appear to be afraid of women, or disinterested.
2. Radio speeches on women; more mention of women in all speeches and announcements.
3. Visits to successful PSI programs for women: training programs for non-traditional jobs, day care centers, etc.
4. More effective use of Nancy to combat her image as a high society big spender.

IV. Calendar of Events

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

DATE: April 6, 1982
TO: Jim Baker
FROM: Wendy Borchardt
SUBJECT: The 50 States Project

BACKGROUND:

1. During the campaign, the President made two commitments in answer to those who criticized him for not supporting the Equal Rights Amendment. He promised that he would appoint a Special Assistant to monitor the inequities in the state laws, and he promised to review any Federal regulations which discriminated on the basis of sex.
2. Since January, 1982, the women's portfolio of OPL has been assessing and reviewing the agenda and priorities of over 200 national organizations to determine the amount of support they can provide the Administration.
3. There has not been a consistent coordinated program by the White House to communicate with supportive and potentially supportive women's organizations. There has been, however, a dramatic decline in communication from the White House as compared to the last two Administrations. The absence of coordinated communication creates the impression of a lack of concern and neglect for women's concerns.
4. During this past year, the criticism of the President has become severe and vocal and the polls have shown a steady erosion of women's support for the President. The women's constituency has declined in support more than any other group. Accusations are being made by the women that:
 - a. President Reagan opposes ERA and is doing nothing to assure equal opportunities and rights for women.

- b. The Reagan economic program discriminates against women, i.e., the social program cut-backs affect women in greater numbers than men.
 - c. The President has not established a "women's office" in the White House.
 - d. This Administration has not invited women's organizations to the White House.
5. The ERA effort will not abate when the ERA legal issue is terminated on June 30th. Congresswoman Heckler plans to reintroduce the amendment in Congress on July 1st.
- a. The ERA proponents also are prepared to concentrate their efforts from June to November in the states -- campaigning actively against any anti-ERA officeholder (and Reagan supporter).
 - b. The feminists intend to wage their challenges in key states and have targeted critical Congressional and Senate races.

CURRENT STATUS:

1. We have the women who elected Ronald Reagan and who support the principles of this Administration. They will continue to be loyal to the Administration by their votes. However, the extent of their active participation in political campaigns, in lobbying on the Hill, etc., will be determined by what this Administration promotes.
2. We also have identified non-committed women who are now listening and following the lead of the vocal, anti-Reagan feminists. These non-aligned women are interested in career opportunities for women and are concerned with the economic climate. They can be persuaded to support this Administration if they have the facts.
3. We do not have a substantial program for women in any one of the Executive Branches of government which we can focus on as a vehicle to reach women's groups in the next sixty to ninety days, except for the already created and implemented 50 States Project, and the Task Force on Legal Equity for Women. The Task Force agenda is one that cannot be addressed and resolved immediately.

Thus, the 50 State Project is the only immediate vehicle to change women's perceptions. It also aligns logically with the Federalism concept. It urges the corrections for the inequities for women with decisions on a state by state basis.

In addition, the 50 States Project could be a vehicle for us in the up-coming elections. It could be coordinated with the political shop and focused on those areas where we have critical political races. This would offer us a way to work directly on a state level from now until November. Although the project is of necessity a bi-partisan one, it could be an effective vehicle for Administration spokesmen. They could participate on a state by state basis in response to feminist attacks on the Administration. In addition, our candidates can respond to the attacks on the Administration by aligning themselves with the project in their own state.

4. The 50 States Project currently is not assigned to anyone due to the departure of Judy Peachee.

- a. It must be assigned immediately before the women's organizations realize that no one has the responsibility for it and this perception, in turn, adds to the negative image.

RECOMMENDATIONS:

1. That full use of the 50 States Project be made for the Administration and it be brought into the women's department and no longer included in Intergovernmental Affairs. (Rich Williamson concurs in this.)
2. That a concerted effort to communicate with supportive and potentially supportive women's organizations be made immediately.
3. The women's arena include the Administration's efforts pertaining to the women's constituency. It should include the following:
 - a. The 50 States Project.
 - b. Task Force on Legal Equity for Women.
 - c. Outreach to supportive organizations.
 - d. Coordination of all inter-departmental women's activities.

- e. Coordination of all women's programs in the Executive Branch where no coordination exists now:
1. Labor (Women's Bureau programs)
 2. HUD (housing)
 3. SBA (grants and procurement)
 4. HHS (volunteers)
 5. Commerce (minority women)
 6. OPM (Federal Women's Program)
 7. Defense (special enrollment)

FINAL RECOMMENDATION:

To develop a strategy to gain women's support for the Administration.

- a. Have a woman reporting to one of the Senior Staff (Baker, Deaver, Meese) on all women's policies and programs similar to the minority policy advisor now being developed.
- b. Reassign the 50 States Project to the women's arena because it would cause no delay and little interruption in the continuity of the program. The women's arena has already established a working relationship with women's organizations as well as with inter-agency women's programs.

CONCLUSION:

Implementation of this program, with proper staffing, is needed immediately to begin to counteract the slippage in support from the women's constituency.

SUPPORT:

This proposal is recommended by the following people:

Rich Williamson, Assistant to the President for
Intergovernmental Affairs
Ed Rollins, Assistant to the President for
Political Affairs
Alan Holmer, Deputy Assistant to the President
for Intergovernmental Affairs
Judy Peachee, Special Assistant to the President
for Intergovernmental Affairs
Betty Heitman, Co-Chairman, RNC

Betty Rendel, President, National Federation of
Republican Women
Lenora Cole-Alexander, Director of the Women's Bureau,
Department of Labor
Lauralee Over, Intergovernmental Relations Officer and
Director Women's Programs, Department of Housing &
Urban Development
F. Cleo Spartin, Director, Federal Women's Program,
Office of Personnel and Management
Carolyn Schoenberg, Director, Women's Business Enterprise
Small Business Administration
Anne Gorsuch, Administrator, Environmental Protection Agency
Jean Traweek, Administrative Assistant, Office of
Intergovernmental Affairs

THE WHITE HOUSE

WASHINGTON

May 3, 1982

MEMORANDUM FOR JAMES A. BAKER, III

FROM: ELIZABETH H. DOLE 

SUBJECT: PRESIDENT REAGAN AND WOMEN

A considerable amount of press interest has developed regarding the so-called "Gender Gap" and whether I have developed a special program to deal with women's problems.

Strategy

We cannot dispute the voluminous data which verifies a growing discrepancy between men and women in terms of their support for the President. We should just be familiar with the data and not challenge the numbers.

What we don't have to do is buy off on the reporters's assumption that the "gender gap" is a major issue here in the White House which requires a special crisis program.

We do have an ongoing program of outreach and communication with women's organizations as part of our normal OPL activities. We do not have any type of "crisis" program intended to deal specifically with the gender gap.

To the extent possible, we should attempt to keep the discussion on the high road -- economic recovery -- and not attempt to defend cuts in specific women's programs, or get into a discussion of "women's issues".

Background Data on the Gender Gap

Ronald Reagan got 55% of the male vote and 47% of the female vote.

In the early months of the Reagan Administration, there was a consistent 8-10% discrepancy in his approval rating between men and women. The magnitude of the difference by sex is greater than for other presidents since Eisenhower.

In recent months, this disparity has grown to 12%. An ABC News Poll showed that 54% of males and 42% of the females approve of the President.

From a historical perspective, men and women have differed on some issues, such as war and peace, the environment and nuclear power. But there was no significant difference in their views on Presidential performance. So this new erosion of support has created media interest, and has been labeled the "gender gap."

The gap has been accompanied by data from some polls indicating a trend away from Republicanism among women.

WHAT ARE THE REASONS FOR THE GENDER GAP?

- * The more militant women's organizations -- NWPC (Kathy Wilson) etc., have attacked the President in the press and blamed defections on his "alarming insensitivity" to women's issues.
- * The various magazine and newspaper articles have speculated that the gap is caused by the following factors:
 1. War and peace -- women view the President as being more likely to start a war.
 2. Feminist issues -- the President is on the "wrong" side of such issues as the ERA and abortion.
 3. The economy -- women are hurt the most by budget cuts. Most women on AFDC, single parents, etc., are hurt by the cut backs.
- * Of these three issues, only one is viewed by this Administration as genuinely impacting support among women.
 1. On war and peace -- this has been a traditional area of difference between men and women. Ronald Reagan's variance is only slightly higher.
 2. On the feminist issues -- polls have verified that women are no more likely than men to say that Ronald Reagan is unsympathetic to women's rights. Not a strong enough group of women committed to "women's issues" to close the gap. "Women's Lib" would like the press to think that these are the main reasons for erosion of support, but they are not.
 3. The economy is the issue that does affect women. Not so much because of ideology, but because of the perception that the President's program is unfair to the poor and the elderly. It is this perception issue that is most likely responsible for the erosion of support from women. Of interest is that the problem exists because of the strong bias against the President by non-married women, those most dependent on social services.

Conclusion

We believe that the recent figures which show an increasing discrepancy between men and women are a temporary aberration which will diminish as soon as the economy begins to turn around.

- * Women are traditionally a bit more pessimistic and cautious about economic matters than men. They need to be shown that the economy will improve, and in the meantime, they are worried about their families.
- * It is important to note that polls verify the fact that all Americans including women, are willing to give the President's program a chance to work before making a final judgment on it.
- * At the same time, polls indicate that although the President's rating has dropped, he still gets high marks for his leadership ability. Furthermore, the public (including women) doesn't really view Ronald Reagan as being responsible for the recession and economic difficulties. In other words, they are willing to be patient and give the President a chance to implement his program (60% of the people share this view, and the numbers are fairly equally split between men and women).
- * Gallup and Pat Caddell have both stated that it is too soon to tell whether this is a temporary aberration or a permanent realignment taking place, which will eventually disappear.

WHAT OPL IS DOING RE WOMEN

- * In OPL, we do not have a "special" strategy in place to deal with the gender gap, because we do believe that it is temporary.
- * We do have a program in place to communicate the President's program to women, to assure that women's voices are heard in this Administration.
- * Women are routinely invited in, either as women, or as part of mixed groups for meetings, briefings and discussions. We meet with everybody -- that is our job -- note everybody we meet with is not 100% behind the President, but our door is always open.
- * Right now, we are fighting more of a perception battle than a substantive one. The President is taking many steps which will benefit women in the long run. We just have to work harder to get the message out.

- * The President is attempting as his first priority to turn the economy around and get government spending under control. Some special interest groups, and this includes women's organizations, are critical of budget cuts, but they neglect to look at the larger picture: namely, what happens if the President does nothing at all? In this regard, they are being very short-sighted in their criticism.
- * Part of our communication effort is to remind women who are concerned about budget cuts that the President does truly intend to continue to have the government care for the needy. For example:
 - Three hundred and sixty-two billion dollars goes to non-social security entitlement spending. That's more than the entire federal budget in 1976.
 - Federal government will provide an average of almost \$16,000 for every elderly couple in America (includes social security, health care, other services). The total of \$210 billion is double the amount 6 years ago.
 - Federal government will provide 95 million meals a day in 1983; one out of every seven consumer.
 - 19 million people will receive food stamps even after cuts for 1983.
 - \$55.8 billion will be spent on income assistance to needy.

WHAT THIS ADMINISTRATION IS DOING TO HELP WOMEN

The Economy: The President has already accomplished a major feat of assistance to women: controlling inflation. His first priority is to get the economy under control. This will help all Americans, and will greatly impact the perception of women.

Tax Advantages of Specific Interest to Women: Passed as a result of the President's Bipartisan Tax Package.

1. The Individual Tax Cuts. The President is fighting so hard to save it because it helps people. This will put more dollars into the pockets of more women instead of in the hands of the government.
2. Reduction of the Marriage Penalty.
3. IRAs for Women.
4. Changes in Estate Taxes.

The President has a good record of appointments of qualified women in this Administration.

1. 93 Presidential appointees confirmed by the Senate (and several dozen more in various stages of clearance) - PAS.
2. 136 additional women serving as Presidential appointees - PA.
3. 190 additional women serving on SES or Schedule C at the GS-15 level or above.
4. We have women serving in key positions: Sandra Day O'Connor, Supreme Court; Jeane Kirkpatrick; U.S. Ambassador to the United Nations; Anne Gorsuch, EPA Administrator; Nancy Steorts, Consumer Product Safety Commissioner; and Loret Ruppe, Director, Peace Corps. OTHERS: Janet Steiger, Chairman, Postal Rate Commission; Lennie-Marie Tolliver, Commissioner, Administration on Aging.

Special programs to assure legal equity for women:

1. The Fifty States Project (careful -- this program is leaderless at the moment).
2. Task Force on Legal Equity for Women (careful -- report from Justice not expected for about 30 days).



Office of the Attorney General
Washington, D. C. 20530

May 7, 1982

Cicconi

1982 MAY 6

*sliz
Jim/dim
Would you raise
Wendy Borchert
is at senior
staff. I think
should attend
the briefing and
perhaps be
give some
coordinating
responsibility.*

TO: Craig Fuller, Assistant to the President
The White House

FROM: F. Henry Habicht, II *Hank*
Special Assistant to the Attorney General

RE: Status Report on Task Force on Legal Equity for
Women

This responds to your request for a status report on this matter in time for the Monday morning staff meeting. The Coordination and Review Section of the Civil Rights Division has undertaken a review of statutes and regulations -- particularly those involving Departments of Defense, Health and Human Services, Labor and Education -- which may have a disparate or discriminatory impact upon women. Their report indicates that those executive orders or regulations which fit this description have largely already been cured. (You should be aware that a Task Force on Sex Discrimination existed under President Carter.)

Craig
*Would you
(JAG) mention
it specifically.*

The draft report also describes broad issues of interest to women such as allocation of social security and veterans' benefits, sex-based actuarial tables, the marriage tax, the widow's tax (which has largely been cured by the President's tax reform amendments), sexual harrasment and the hottest issue, "equal pay for work of comparable value." Virtually all of these latter issues would either be extremely controversial or expensive for the President to take on.

As a result of the foregoing, a number of people at Justice are reviewing the situation while the Civil Rights Division continues to collect responses from individual Departments. The procedure is for the Division to issue a "Quarterly Report" describing areas in need of change, which would be referred to the Cabinet Council on Legal Policy for action.

It would be advisable for a meeting between Department of Justice and White House staff members to take place before a Quarterly Report is finalized. Something positive can be done in this area, but we recommend no public comments for the time being.

THE WHITE HOUSE

WASHINGTON

May 17, 1982

MEMORANDUM FOR JIM CICCONI

FROM: ELIZABETH H. DOLE 

The section on Social Security as well as INS laws go beyond the realm of simple review and reporting. It was intended that identified statutes be presented without comments.

Will you be available to attend a 1:15 p.m. meeting in my office tomorrow with Ed Harper, Mike Uhlmann and Brad Reynolds to focus on this matter?

DRAFT

The First Quarterly Report of the
Attorney General to the President and the
Cabinet Council on Legal Policy
as Required by Executive Order 12336.

Prepared by the
Coordination and Review Section
Civil Rights Division
U.S. Department of Justice

April , 1982

TABLE OF CONTENTS

- I. Executive Summary
- II. Introduction and Methodology
- III. Statutory Update Summary
- IV. Agency Regulation and Policy Summary
 - A. Overview
 - B. Individual Agency Summaries
- V. Issues
 - A. Overview
 - B. Economic Status of Women and Poverty Levels
 - C. Widow's Tax
 - D. Social Security

I. Executive Summary

The Report is divided into five major sections. The second section, Introduction and Methodology, describes the Task Force on Legal Equity for Women and its role in systematically eliminating any remaining regulatory and procedural barriers that preclude women from receiving equal treatment from Federal activities; and in identifying possible statutory and policy changes that will result in benefitting women in particular and American society in general. The second section also outlines the related functions of the Department of Justice under Executive Order 12336 in pursuing these new Federal initiatives to ensure legal equity for women. As part of those related functions, the Coordination and Review Section has undertaken an update of the report of the Task Force on Sex Discrimination.

The third section, Statutory Update, sets forth those very few provisions of the U.S. Code that continue to be substantively sex discriminatory and affect a large number of persons; and it also identifies other statutes which differentiate on the basis of sex. All these provisions largely fall into five categories:

1. Military and Selective Service
2. Social Security
3. Welfare Assistance
4. Benefits for Spouses and Families, and
5. Immigration and Naturalization.

This section also discusses the need for an updated review of sex bias in the U.S. Code and regulations. A new review is necessary to accurately chart the progress and changes since 1970, and to more precisely determine which statutes, regulations, and policies still unjustifiably differentiate, or effectively discriminate on the basis of sex.

The fourth section, Agency Regulation and Policy Summary, is a review of agency actions since the 1978 Interim Report to the President by the Task Force on Sex Discrimination (hereinafter referred to as the 1978 Report). More than twenty small agencies have concluded their examinations of Code provisions and have no substantive sex bias issues outstanding. At the time of this report, most of the approximately 40 remaining agencies have completed their initial review of programs, regulations and practices, identified issues, and targeted problems for correction. As a result of the reviews, many changes are planned or have already been implemented by major agencies. Only a few agencies still have programs and provisions remaining to be studied. These agencies will be monitored by the Attorney General and reviews will be published in forthcoming reports.

The Report's fifth and final section, Issues, discusses selected issues involving legal and economic equity for women. Other issues will be discussed in subsequent reports. Some of

these issues were dealt with in the 1978 Report. This series of reports will expand and update that treatment, add other significant policy areas to those previously discussed, and provide potential agenda items for the work of the Cabinet Council on Legal Policy and the Task Force on Legal Equity for Women.

Most, if not all, of the major equity concerns discussed in the Issues section of this and subsequent reports will address fundamental factors influencing the economic status of women or identify specific problems of economic inequity affecting women. The Issues section reviews areas where significant progress has been made toward the elimination of gender-based inequities, as well as those problems requiring additional attention. The first quarterly report will review the Economic Status of Women and Poverty Levels, the Widow's Tax, and Social Security.

Issues of Economic Discrimination and Inequity

Economic Status of Women and Poverty Levels

In 1978 the poverty rate for persons in female-headed households was 32.3% compared to a 6.6% rate for persons in male-headed families. In 1978, more than half (50.3%) of all families below the poverty line were headed by women, although female-headed families were only 14.6% of all families. These

figures may actually (understate the proportion of women experiencing economic hardship), because the official Federal poverty level used in 1978 and before, was lower for women than for men.

A sex-neutral definition of the poverty level was approved by the Cabinet Council on Economic Affairs in June 1981, and the sex-based distinction in poverty-levels will be eliminated in reporting data from the 1980 Census and beyond. This change will provide a more accurate statistical portrayal of women and poverty, which may be used to remedy other problems of economic inequity and sex discrimination. However, the official poverty level figures do not include the value of in kind transfers; hence, it is difficult to judge the actual extent of poverty.

Widows' Tax

The Civil Rights Division Task Force found that despite a number of Congressional actions to limit the harsh effects of Federal estate tax code provisions on widows prior to 1981, most failed to adequately recognize the economic contribution of homemakers and farm wives.

However, the Economic Recovery Tax Act of 1981, Pub. L. No. 97-34, made substantial positive changes in the tax code. Effective January 1, 1982 the total amount of jointly held

property will no longer be automatically included in a decedent's estate under section 2040(a). In brief, only the decedent's legal interest in the property will be included in the estate.

It will no longer be necessary for the surviving spouse to prove that the property interest was acquired for adequate and full consideration in money or money's worth. Second, the Act provides for an unlimited, tax free, interspousal transfer. 1/ Third, the amount of the unified credit, formerly at \$47,000 will rise progressively until it reaches its maximum in 1987 at \$192,800. This will allow an estate of approximately \$600,000 or less to pass tax-free. 2/

Many other changes to the code were made under the Act including modifications in the nature of the interests that now qualify for a marital deduction, increases on the limit by which an estate may be reduced through the special land use valuation rules, and increases of the annual gift tax exclusion. All of these changes have the effect of recognizing the value of a non-working spouse to the working spouse's career.

1/ A transfer tax will be imposed when the surviving spouse disposes of the property or at his or her death, whichever occurs first.

2/ If the total estate is left to the spouse, of course, no estate tax is imposed. As of 1987, however, an estate of \$600,000 may be transferred to a non-spouse tax-free (adjustments for gifts being made).

Social Security

The Social Security system provides benefits for homemaking spouses of covered workers, but their benefits are less comprehensive than those provided for spouses who work outside the home. Spouses' benefits provide no additional benefit for women who combine homemaking with paid employment; secondary wage earners get little additional protection from the Social Security taxes they pay. For this reason, and because of certain unintended results of the benefit formula, retirement benefits for couples and their survivors are significantly different depending on how earnings are distributed. In general, one-earner couples receive higher benefits than two-earner couples with the same total earnings. At very low income levels, benefits for one-earner couples may be the same as those for two-earner couples, and some two-earner couples may receive lower benefits than couples where both spouses have equal earnings.

Although a number of Social Security provisions identified as being facially discriminatory in the 1978 Report have been corrected by court decisions, [e.g., Mertz v. Harris, 497 F. Supp. 1134 (S.D. Tex. 1980), Califano v. Goldfarb, 430 U.S. 199 (1977)], the Social Security Act has not been amended to reflect all the changes. Many of the problems described in the 1978 Report remain and are addressed by the social security earnings sharing proposal outlined in this Report.

II. Introduction and Methodology

A. Overview

On December 21, 1981, President Reagan signed Executive Order No. 12336 establishing the Task Force on Legal Equity for Women "in order to provide for the systematic elimination of regulatory and procedural barriers which have unfairly precluded women from receiving equal treatment from Federal activities." 1/ Under the Order, the Task Force on Legal Equity for Women includes a Presidentially appointed chair and members representing at least 21 Executive agencies. It is charged with coordinating agency implementation of changes the President directs be made in sex-discriminatory Federal regulations, policies, and practices. Periodic reports to the President on the progress in implementing these changes are also required.

The Order also provides that the Attorney General complete the review of Federal laws, regulations, policies and practices which "unjustifiably differentiate, or which effectively discriminate, on the basis of sex." The Attorney General (or his designee) is required, on a quarterly basis, to report the findings of this review to the President through the Cabinet Council on Legal Policy.

1/ See, Appendix A, infra.

Since issuance of Executive Order No. 12236, the Coordination and Review Section in the Civil Rights Division of the Department of Justice has been coordinating Federal agency efforts to complete the review of sex biased provisions which was initiated by the Department's Task Force on Sex Discrimination.

2/

The Task Force was established in 1976 within the Civil Rights Division of the U.S. Department of Justice, in response to a Presidential Directive. Its original mission was to develop "a comprehensive plan for accomplishing a review of the United States Code to determine need for revision of sex-based provisions that are not justified in law or supported by wise policy." It is this review which the Order directed the Attorney General to complete.

2/ Hereinafter Task Force on Sex Discrimination in the Department of Justice will be referred to as the "Civil Rights Division Task Force." The Task Force on Legal Equity for Women and any other task forces will be referenced by their full names throughout this Quarterly Report.

This, the First Quarterly Report of the Attorney General to the President and the Cabinet on Legal Policy, as required by Executive Order 12336, provides an update and expansion on sections of the 1978 Report of the Civil Rights Division Task Force. Future Quarterly Reports will not only continue to update and expand on the work of the Civil Rights Division Task Force but will also examine other significant policy areas and identify new items for the consideration of the Cabinet Council on Legal Policy 3/ and the Task Force on Legal Equity for Women.

B. Methodology

On August 26, 1977, all executive departments and agencies were directed by Presidential Memorandum to begin the process of identifying regulations, guidelines, programs and policies which result in unequal treatment based on sex and to develop proposals to change any laws, regulations and policies which discriminate on the basis of sex. The Attorney General, through the Civil Rights Division Task Force, was directed to coordinate the review and revision process.

3/ See, Appendix A, item 2, infra.

The Civil Rights Division Task Force conducted a computer search of the U.S. Code which identified statutes that differentiated on the basis of sex and each Federal agency was supplied with the list of those statutes it administered that contained sex-biased provisions. It was neither within the mandate of the Civil Rights Division Task Force nor did resources permit the staff to conduct methodical reviews of agency statutes, regulations, programs and policies. Therefore, the adequacy and extent of completion of the reviews vary by agency. Subsequently the agency summaries in Section II are grouped to reflect the thoroughness and responsiveness of agencies to the Civil Rights Division Task Force mission.

In 1978 the Civil Rights Division Task Force issued the 1978 Report to the President which provided a status report on each agency's progress on the project. The 1978 Report also identified some major cross-cutting issues that effectively discriminated on the basis of sex.

III. Statutory Update

In 1977 the Civil Rights Division Task Force on Sex Discrimination conducted a computer survey 1/ of the United States Code to identify those Code sections that used one or more of a list of approximately 140 key, gender-specific words. The resulting computer printout was then analyzed by the Civil Rights Division Task Force staff, and the Code sections identified were organized by subject matter, agency and U.S.C. title and section number. The majority of the over 3,000 sections identified were classified as terminological rather than substantive. 2/ Those statutes identified as having substantively discriminatory provisions were further scrutinized to determine if the resulting discrimination from those statutes was also substantial (substantial means that a large number of persons are affected). Very few Federal statutes remain that contain substantive sex bias and are substantial.

1/ No comprehensive computer search has been made since 1977. In a few instances, Congress has enacted sex-biased statutes since the computer run (for example, amendments to the Railroad Retirement Act of 1974, 45 U.S.C. §231a, Pub. L. No. 97-35). Since four years have elapsed, a new computer search of the Code should be conducted to establish an updated list of sex-biased provisions.

2/ In 1977 a Report of the United States Commission on Civil Rights was issued entitled "Sex Bias in the U.S. Code." This report cited more than 800 United States Code Sections containing sex bias. The compilation of the 800 code sections was the product of a computer search utilizing 59 sex-based keywords. This report and the 800 sex-biased code sections have been quoted extensively.

The remaining statutes which differentiate on the basis of sex largely fall into five categories. Within those categories many individual provisions fall within a single policy area. For example, the limitation on women in combat accounts for the differentiation in many military statutes. The other categories are social security, welfare, benefits for spouses and families, and immigration. All of the statutes listed are substantive although many may affect only a small number of persons. Not included in the list are approximately one-hundred statutes that provide for benefits, recognition or services to organizations that discriminate on the basis of sex.

This Report addresses the status of the remaining sex-biased statutes by setting forth those substantive sections which remain unchanged by Congress or nullified through litigation and those that have been corrected. In a few instances remedial legislation is recommended where existing statutes result in discrimination against women due to their marital status (7 U.S.C. §1923) or on some other basis (immigration statutes).

Congress has enacted several statutes which equalize treatment of the sexes by providing that certain statutes which refer to only one sex shall be extended to include the other. However, this remedy was not comprehensive. For example, 1 U.S.C. §1 provides "in determining the meaning of any Act of

Congress, unless the context indicates otherwise - ... words importing the masculine gender include the feminine as well; ..." (emphasis added). However, an examination of the context of a statute using masculine gender language usually reveals that Congress intended it to apply only to men. Consequently, the remedy of 1 U.S.C. §1 is generally limited to requiring that the pronoun "he" also include "she." Furthermore, this statute, since it only includes the feminine within the masculine and not the reverse, does nothing to extend to widowers the benefits paid to widows.

5 U.S.C. §7202(c) provides that "notwithstanding any other provision of law, any provision of law providing a benefit to a male Federal employee or to his spouse or family shall be deemed to provide the same benefit to a female Federal employee or to her spouse or family." This curative provision is limited to Federal employees and probably does not include members of the Armed Forces, U.S. Postal Service or Commission. See, e.g., 5 U.S.C. §2105, and the career foreign service.

38 U.S.C. §102(b) provides that for the purposes of title 38 any reference to wife includes husband and any reference to widow includes widower. This remedial provision is limited to title 38 and does not cure other veteran benefit statutes in other titles of the code containing sex bias.

Sex bias remaining in the Federal statutes (United States Code) is de minimis. The remaining Code provisions set forth in Appendix B should be corrected by Congress.

IV. Agency Regulation and Policy Summary

A. Overview

The 1978 Interim Report to the President by the Task Force on Sex Discrimination included individual summaries of the status of Federal agency Civil Rights Division Task Force reviews. This section of the quarterly report will provide an update on approximately one-third of the sixty-three agencies discussed in that 1978 Report. Each agency was directed to review its statutes, regulations, programs and policies to identify those that resulted in disparate treatment on the basis of sex and take appropriate action to ameliorate identified sex bias. The thoroughness and degree of completion of the agency reviews varies from agency to agency. Most agencies have completed the "identification" of sex bias in statutes, regulations, programs and policies. Although some corrective action has been taken, uncorrected problems remain.

B. Agencies Closed: No Substantive Sex Bias Identified

Twenty-two of the small agencies conducted a thorough review, reported the product of their review and were officially closed by the Civil Rights Division Task Force. The reviews conducted within these agencies did not reveal distinctions based on sex in the statutes, regulations, publications, internal issuances/directives and programs. Most of the reviews revealed the use of unnecessary gender specific terminology and in several agencies, a directive was issued which prohibited the use of such language in all newly proposed or revised regulations (e.g., Federal Election Commission, Federal Maritime Commission).

Appalachian Regional Commission
Arms Control & Disarmament Agency
Board for International Broadcasting
Commodity Futures Trading Commission
Consumer Product Safety Commission
Federal Deposit Insurance Corporation

Federal Election Commission
Federal Maritime Commission*
Federal Mediation & Conciliation Service
Federal Trade Commission
Government Printing Office**
Indian Claims Commission
Inter-American Foundation
National Labor Relations Board
National Mediation Board
National Transportation Safety Board
Nuclear Regulatory Commission
Occupational Safety and Health Review Commission
President's Council on Physical Fitness
Tennessee Valley Authority
United States International Trade Commission
United States Postal Service

* The inclusion of an anti-discrimination provision in "General Order 4, Licensing of Independent Ocean Freight Forwarders," 46 C.F.R. §410 was recommended though not adopted.

** The Government Printing Office volunteered to conduct a review but subsequently decided the agency was not covered by the Presidential Memorandum.

C. Agencies Closed: No Outstanding Issues
of Substantive Sex Bias

Five agencies completed reviews for the Civil Rights Division Task Force, and identified areas of sex bias and have resolved or corrected the identified sex bias. They are: the Securities and Exchange Commission, the Federal Reserve System, the National Transportation Safety Board, the National Aeronautics and Space Administration and the International Communications Agency. The report updates follow.

Securities and Exchange Commission

The 1978 Report discussed whether the SEC was responsible to promulgate rules that would require disclosure of reports by corporations pertaining to compliance with civil rights laws. Plaintiffs and petitioners had urged in several cases and in a petition for rulemaking that disclosure of discrimination claims filed against a corporation, including lawsuits, would reveal financial liens or potential financial loss to that corporation. A potential investor would want this information and consider it in a decision to invest. Petitioners also argued that a potential investor may not want to invest in a corporation that was found to

discriminate on the basis of sex. Finally, petitioners urged that discrimination claims and lawsuits may be evidence of general mismanagement of a corporation and a reason not to invest.

In National Resources Defense Council v. S.E.C., 606 F.2d 1031 (D.D.C. 1979), the court found it unnecessary for the SEC to promulgate specific rules requiring disclosure and filing of certain equal employment opportunity (hereinafter referred to as EEO) information by corporations it regulates, because the existing SEC rules requiring disclosure of "material information" was sufficiently encompassing to include EEO related information. The court particularly noted that if EEO-1 data currently reported to the EEOC was as significant as the EEOC contended and petitioners asserted, that it would already be subject to disclosure under the "material information" rule. Thus, it appears that the SEC recognizes that EEO data may be material to an investor and therefore subject to disclosure, but disclosure is determined on a case by case basis.

Federal Reserve System

Though not specifically discussed in the 1978 Report the Civil Rights Division Task Force observed that the Fair Housing Poster and other materials used to increase public awareness of the discrimination prohibitions of the Fair

Housing Act of 1968, 42 U.S.C. §3601 et seq., and of the Equal Credit Opportunity Act, 15 U.S.C. §1691 et seq., failed to include a prohibition of sex discrimination. Both the Fair Housing Act and the Equal Credit Opportunity Act prohibit discrimination on the basis of sex either in the financing of housing or in credit transactions. The posters and public awareness materials have been updated to include a prohibition of sex discrimination. The poster and advertising requirements are applicable to State-chartered banks. See, e.g., 24 C.F.R. §110.25(b).

National Aeronautics and Space Administration

In the 1978 Report it was mentioned that an analysis was being performed of the selection procedures and criteria for the Astronaut Candidate Program. Prior to 1978 no women had ever been selected for the program. On January 16, 1978 the National Aeronautics and Space Administration (NASA) announced the names of 50 candidates including ~~two~~ women for the program. The applicant pool was divided into "military" and "civilian." Separate selections were made within these pools for pilots and mission specialists. Of those applicants deemed minimally qualified as pilots, 651 were male; 8 were female. All of the women that qualified, qualified through the civilian pool. Similarly, for the mission specialist positions, of the total 5680 applicants deemed minimally qualified, 4429 were male; 1251 were

female. Of the 1251 women that qualified for the mission specialist position only three qualified in the military pool; the remaining 1248 qualified through the civilian pool.

The predominantly male military and the accompanying flight training and experience severely limited the ability of women to qualify for the Astronaut Program. Recognizing that the military pool operated to exclude women from competing, NASA created a two pool selection process thus allowing some women to qualify by their civilian experience. Additionally, NASA included women on each of the selection panels to increase the awareness of the panel of the absence of women in past selections.

Other actions taken by NASA include the June 6, 1980 revision of a NASA Management Instruction (NMI 9710.1F) to correct a definition of "family members" to read "spouse and children" in lieu of "wife and children." All NASA directives and regulations continue to be subject to a Memorandum issued May 3, 1979 that directed all issuances to be gender neutral. The NASA Procurement Action Report was amended so that information will now be collected on woman-owned businesses.

United States International
Communication Agency (USICA)

No substantial sex bias was identified in the Federal Statutes or regulations enforced or administered by this agency. All forms, directives, etc. were also reviewed, and no substantive sex bias identified. USICA has removed all unnecessary gender-specific language in regulations, forms and directives as they were revised.

Voice of America (VOA), the largest component of USICA, set up a special task force to conduct the review for the Civil Rights Division Task Force. The special task force advised that "women were not being represented in language services and that editorial sexism existed in the agency's media output." As a result of this, the VOA public affairs officer was contacted. The Civil Rights Division Task Force monitored from October 1979-June 1980 what the agency refers to as its "news menu." The menu lists and outlines the news and current affairs features for a given week. It was determined that very few features were centered around issues affecting women and in those instances when features involved women, the writer in most cases was female. Unnecessary gender specific terminology was also identified. In October 1980 as a result of the task force review, USICA prepared a publication entitled, Guidelines for Equal Treatment of the Sexes in USICA Media Output. The guidelines are a tool being used by the agency's training division, each semester, for those

writers, editors and supervisors responsible for preparing and disseminating USICA output. The guidelines identify a number of words, phrases, and constructions that may imply a sexist bias, with some suggested ways of avoiding them. The guidelines are also designated to heighten awareness of the ways in which males and females have been linguistically stereotyped; to show the role language has played in reinforcing inequality; and to indicate positive approaches towards providing fair, accurate, and balanced treatment of both sexes in the language and viewpoint of USICA's output.

National Transportation Safety Board

The only identification of possible substantive sex bias was employment related and unique to this agency. Only 1.4 percent of all accident investigators at the Board are women. It was suggested that the qualifying experience and language in the position descriptions might explain the low percentage. A review of these documents did not disclose any facial sex bias. The Board should actively recruit women for trainee positions.

D. Agencies Open: Sex Bias Identified

Many of the agencies have conducted partial or complete reviews, identified sex bias and taken action to ameliorate some of the identified sex bias. Updates for a

selection of these agencies follow for: the Department of Commerce, the General Services Administration, the Interstate Commerce Commission, the Federal Home Loan Bank Board, the Pension Benefit Guaranty Corporation, the Central Intelligence Agency and the Department of Agriculture.

Department of Commerce

The most thorough and methodical Civil Rights Division Task Force review was conducted by the Department of Commerce. Each component conducted a systematic and methodical review. The United States Code and the Code of Federal Regulations were reviewed and no provisions containing substantive sex bias were identified. Reviewed materials and issuances by the components included: procedure and training manuals, orders, forms, directives, advisory committee charters and materials, administrative manuals and handbooks, informational materials (census updates), employment position descriptions, contract agreements, staffing requirement plans, studies and reports, technical specifications, program authorizations and project descriptions, pamphlets, speeches, press kits, and public services announcements. The component reviews surfaced primarily terminological, not substantive, sex bias. The terminological deficiencies were scheduled to be corrected in the normal revision process.

However, the Maritime Administration review revealed substantial sex bias within the operation of the United States Merchant Marine Academy. On August 7, 1978, the Office of Civil Rights, U.S. Department of Commerce, appointed a team to conduct an inquiry into allegations of discrimination in the operations of the United States Merchant Marine Academy, Kings Point, New York. In September 1978 an extensive and detailed report was issued entitled "Inquiry into Allegations of Discrimination at the United States Merchant Marine Academy." The inquiry focused on policies and events that occurred at the Academy from July 1974 through July 1978. The findings of the inquiry were referenced in the 1978 Report. Specific recommendations were made to correct most of the findings. Monitoring of the recommended action may be appropriate.

General Services Administration

3 U.S.C. §102 referring to pensions for "widows" of Presidents was identified as substantively sex biased though it is not substantial. It remains uncorrected.

GSA reviewed its applicable regulations in title 41 of the Code of Federal Regulations. In the 1978 Report it was noted that GSA's Rule and Regulations Governing Public Buildings and Groups posted in every government building failed to include "sex" as a protected class within the

nondiscrimination provision. The posted notice was amended to include sex as of January 1981. 41 C.F.R. §161.20.314.

The GSA Task Force reviewed over 300 GSA orders but found them mostly free of sex bias. The only substantive problem appeared in GSA Order OFA 6440.4 dated August 19, 1966, that is a publication entitled Position Classifications: A Guide for Supervisors (a GSA Handbook). In this handbook, male employees are portrayed as supervisors or in leadership positions, while females appear only as secretaries. The contact person at GSA and the Chief of Publications were made aware of this problem. Nineteen publications were also reviewed and similar problems identified. GSA agreed to correct future publications.

The Public Buildings Service (PBS) prepared a report in the Fall of 1978 on women-owned business that revealed (1) "Women-owned businesses receive very little attention and a very small share of the Federal procurement dollar;" (2) there are presently very few assistance programs directed toward women by individual agencies; (3) data collection on women-owned businesses is almost non-existent; and (4) Federal procurement policies and practices do not support small and emerging businesses. We are unaware of any steps taken by the agency to address these issues. However, GSA has co-sponsored a seminar with the Wharton

School on Women in Business. Some of the topics included how to Set Up a Business and How to do Business with the Federal Government.

The GSA Task Force also reviewed a report submitted by the National Archives and Records Service that included an analysis of NARS's (1) holdings in its six presidential libraries; (2) exhibits and film festivals; (3) programs for 14 symposia; (4) employment profiles; and (5) record holdings. No major problems were identified. Also, reports for the other components, Agency Liaison Division, Office of Coordination-Administration, Office of Administrative Services and the Directives Management Branch did not reveal any sex-bias. GSA set up a sexual harassment hotline in the Inspector General's Office.

Foreign Claims and Settlement Commission

The agency's applicable statutes, 22 U.S.C. §§1621-1642 and 50 App. U.S.C. §§2001-2013 were reviewed. Problems were identified in those sections dealing with war claims. Specifically 50 App. U.S.C. §§2004(d) and 2005(c) and 2005(d)(4) state that "widow or husband" may receive entitlements. However, 50 App. U.S.C. §§2004(g)(14) and 2004(i)(4) entitled "widow or husband" and "widow or dependent husband" are not defined in the statute. (emphasis added) Therefore, it appears as though husband

refers to a particular group while dependent husband represents another.

A review of the agency's regulations 45 C.F.R. §§500.1 to 581.3 revealed the definition of husband, 45 C.F.R. §506.3(b) as well as dependent husband, 45 C.F.R. §507.2(f). These terms are synonymous and refer to the surviving male spouse of a deceased prisoner of war. The use of the term dependent is useless and confusing. The General Counsel advised that the agency would eliminate this term from the regulation. A recent review of the regulation indicates that the term was not eliminated.

Interstate Commerce Commission

No substantial sex bias was identified in Federal statutes by the Interstate Commerce Commission (ICC). The review of the United States Code did reveal several minor provisions of the Interstate Commerce Act which substantively discriminate on the basis of sex, in addition to the usual terminological problems. For example, statutory exceptions allowing the issuance of free passes presently extend to, among others, "traveling secretaries of railroad Young Men's Christian Association...to linemen of telegraph and telephone companies...to newboys on trains...[and to] the families of certain of those listed, "families" being defined as including "widows during

widowhood." (Emphasis added.) On April 20, 1981, the Acting Chairman of the Commission forwarded to the Speaker of the U.S. House of Representatives legislation to eliminate these and similar elements of sex discrimination from the Interstate Commerce Act, as amended.

A review of the ICC's publications which are widely distributed to the public as consumers of ICC-regulated services identified sex role-stereotyped illustrations that the agency intends to correct as publications are revised.

In the regulatory and policy area, the rate structure offered by a common carrier (interstate limousine service) was revised to eliminate sex discrimination to which the Commission was alerted by the Task Force.

One issue remains unresolved. The Civil Rights Division Task Force alerted the ICC as to their enforcement responsibilities under the Equal Credit Opportunity Act (ECOA). 15 U.S.C. §1691 et seq. Section 704(a)(4) of the Act establishes the ICC as an enforcement agency for common carriers. The ICC was unaware of its responsibility under the Act, has no regulations or enforcement program. The ICC should act to carry out its responsibilities under ECOA.

Federal Home Loan Bank Board

9

The Federal Home Loan Bank Board (FHLBB) has acted on all the identified areas of sex bias discussed in the 1978 Report though not all issues are favorably resolved.

The strict anti-nepotism rule, prohibiting the employment of both husband and wife in any capacity by the agency, has been modified. The new policy, originally in the form of an issuance and subsequently promulgated as a regulation is consistent with the Civil Service Reform Act. Now, husbands and wives may be employed in Washington or in area offices, although not in the same area office, as long as they are not supervised by the same person.

The reference to expenses for "wives" of Board members has been changed to spouses.

However the exclusion of pregnancy-related disabilities from the disability insurance package remains unresolved. Representatives of the FHLBB have met with the insurance carrier in an attempt to reach agreement with the carrier to include pregnancy related disabilities in the package. The carrier's position is that a long term contract is in effect and no alterations will be made to the benefits or coverage. No further action has been taken.

Finally, the FHLBB has reviewed 29 documents including the policy and operations manual; some revisions

for identified bias have been made.

Pension Benefit Guaranty Corporation

The single substantive issue identified by the Civil Rights Division Task Force for this agency is the use of sex-based actuarial tables. The Pension Benefit Guaranty Corporation was actively considering the elimination of sex-based actuarial tables in the context of issuing implementing regulations under the Multi Employer Pension Plan Amendments Act of 1980, Pub. L. No. 96-364. The agency announced its intention to issue regulations under that Act within six months from the date the Semiannual Agenda of Regulations Under Development was published. 46 Fed. Reg. 53692 (October 30, 1981). Recently these regulations were promulgated using sex-based actuarial tables. 46 Fed. Reg. 7275 (1981) (to be codified at 26 C.F.R. §51401(j)).

Central Intelligence Agency (CIA)

The United States Code, Code of Federal Regulations, directives and issuances were reviewed by the internal Central Intelligence Agency Task Force. No substantively discriminatory provisions were identified relating to program administration and operation. This was expected because this agency does not administer service or benefit programs as, for example, does the Department of Labor or

Health and Human Services. Therefore the bulk of agency issuances and directives are related to personnel.

The CIA review has been difficult due to secrecy constraints. Reports have been cleansed and information regarding operations and programs have been deleted. None the less the Civil Rights Division Task Force contact has been most diligent and cooperative in conducting the review.

The use of psychological tests and their applications mentioned in the 1978 Report was scrutinized for sex bias. The CIA concluded that there was no sex bias in the tests or their application though admittedly differences in socialization of men and women may well influence whether an applicant is "psychologically" suited for an operation specialist position (agent position).

The CIA has actively worked toward increasing the number of women in professional job categories: 20 percent as of 1981. Revision of objectionable recruitment brochures and materials, depicting women in limited roles, is underway. Increased internal hiring into bridge and training positions in 1982, are also envisioned to further enhance the representation of women in professional positions.

Finally, attention has focused on difficulties with field assignments for working couples. These assignments

generally proved more disruptive to the wife's career than the husband's, and was a major complaint of agency women to the Federal Women's Program manager. A new policy was developed in 1981 that addressed the problems of the displaced spouse in field assignments. Assessment of the effectiveness of the policy will be made next year.

Department of Agriculture

Two substantial and substantively discriminatory statutes were referenced in the 1978 Interim Report. 7 U.S.C. §2014(c) permitted an exception for "mothers or other members of the household who have the responsibility of care of dependent children..." to the rule that households with an "able-bodied adult" were ineligible for food stamps. Pub. L. No. 95-113 removed this exception by substituting new provisions relating to income standards for eligibility. 7 U.S.C. §1923 authorizes preferential treatment for married and dependent families for certain agricultural loan programs and is inconsistent with the Equal Credit Opportunity Act. 15 U.S.C. §1691 et seq. Though the Department of Agriculture has proposed corrective legislation, it has not yet been enacted.

The agency within the Department of Agriculture with the most substantively discriminatory regulations and policies was the Farmers Home Administration (FmHA). This

update will focus primarily on activities of the FmHA to ameliorate the pervasive sex bias within that agency.

Farmers Home Administration

The Civil Rights Division Task Force identified numerous substantively discriminatory regulations and policies of the Farmers Home Administration. Negotiations with the General Counsel of the Department of Agriculture and the Administrator of the Farmers Home Administration resulted in an agreement to rewrite all 900 pages of the Farmers Home Administration regulations, internal directives and forms due to the pervasiveness of the sex bias.

The most significant regulatory changes are highlighted below:

- insurance policies must now reflect all owners, not just the husband;
- an analysis of the industry and initiative of the wife is no longer required for farm loans;
- spouses are no longer required to execute deeds of trust, notes and documents of indebtedness unless they are co-applicants/borrowers;

- wives are not longer individually and separately liable on documents of indebtedness notes, etc., that are not for their benefit;
- language referring to the applicant and borrower as the husband has been removed;
- several statements of nondiscrimination on the basis of sex have been added;
- implementing regulations for the Equal Credit Opportunity Act in the loan processing provisions have been finalized.

Most of the FmHA regulatory and policy revisions are complete. 1 However, these major regulatory and policy changes will have no impact on women unless they are incorporated in the FmHA State Supplements, which are the operating procedures governing individual loan processing, for each state. In the Civil Rights Division Task Force review of forty-nine of fifty state supplements, it was clear that most had not been reviewed and/or re-written in several years. 2/ Many supplements contained provisions that violated ECOA. None of them included the Federal regulatory changes promulgated pursuant to the Civil Rights Division Task Force agreement. A review of each State Supplement is necessary with subsequent followup to FmHA

state offices advising each on appropriate modifications to comply with federal law and regulations.

1/ The individual subparts of the 900 pages of FmHA regulations relating to particular programs or procedures were separately scheduled for revision. Approximately ninety-percent of the revisions are complete. The remaining ten percent of the scheduled revisions are in varying stages of completion. Some have been published in the Federal Register and the remaining are either in draft by the program staff awaiting legal clearance or are awaiting final publication.

2/ The Equal Credit Opportunity Act makes allowances for state property laws that may require the signature of both spouses in specified circumstances in order to effectuate transactions or provide for clear title. ECOA also applies an "acting in good faith" defense when a creditor erroneously imposes a requirement on an applicant upon the belief that it is required by by state property laws. FmHA's failure to review and revise its procedures over a lengthy period of time may bar this defense.

V. Issues

A. Overview

This section of the report focuses on specific subject matter areas in which Federal laws and policies impact on women. Subsequent reports will highlight additional areas for detailed discussion.

In this report, three areas have been selected for discussion. The first, Economic Status of Women and Poverty Levels, describes the lower economic status of women and families headed by women compared to that of men. It also describes corrective action taken by the Reagan Administration in equalizing income levels used to define poverty status for men and women.

The second issue addressed is the widow's tax. The report describes how the Economic Recovery Tax Act of 1981 has reduced economic burdens on women through changes in gift and estate tax laws.

The third issue addressed is the treatment of women under the Social Security system. The report describes inadequacies and inequities in the system and proposes a new method for determining benefits which will improve protection for women.

B. Economic Status of Women and Poverty Levels

Women employed full time earn approximately 60% of what male full time employees earn. At least some of this difference in earnings is attributed to employment discrimination, and to educational practices which do not prepare women for employment or which channel them into lower paying occupations. Another factor which is less often recognized is that women have traditionally assumed primary responsibility for homemaking and child care. These responsibilities interfere with continuous employment and with the ability to maintain and increase earning capacity over an adult life time.

Comparing the earnings of full time workers, however, gives an incomplete picture of the relative economic positions of men and women. A comparison of total income levels is more informative. In 1948, the median income of white women was 45.1% of that of white men.* The median income of non-white men (black and other races) was higher: 54.3% of that of white men. The income of non-white women was much lower: only 19.6%. In 1979, the income of non-white men had increased in relation to that of white men to 65.1%, while that of white women had declined to

* The median income does not include persons, such as full time homemakers, who had no income.

35.6%. Over the same period, the income of non-white women increased to almost the same level as that of white women: 33.2% of the income of white men. The trend between 1948 and 1979 was not continuous. Income for white women declined between 1948 and 1963, when it reached a low of 29.9%, and began to increase at the end of the decade. The income of non-white men reached a low of about 50% at about the same time, while that of non-white women fluctuated slightly around 19% until about 1962 when it began to increase. The income of non-white men has continued to increase relative to that of white men, but the relative incomes of both white and non-white women have declined in recent years; for white women, it declined from a high of 37.7% in 1977. The high for non-white women, 34.4% occurred in 1976. (Table 1)

These income levels include the incomes of all persons in each category who actually had income. They may, therefore, include some persons who were primarily supported by the incomes of others. It may, therefore, be more instructive to look at poverty rates as a measure of relative economic well-being. In 1959, the poverty rate for all persons was 22.4%. The poverty rate for persons in families headed by men was 18.7%, while that for families headed by women was 50.2%. By 1978, the poverty rate for persons in male-headed families had declined by almost two-thirds to 6.6%. The rate for persons in female-headed

families had also declined, but by only about one-third, to 32.3%. In addition, although the number of people living in poverty declined from about 39 million in 1959 to 24 million in 1978, the number in families headed by women actually increased from 12 million to almost 13 million. In 1978, more than half (50.3%) of all families below the poverty level were headed by women, although female-headed families were only 14.6% of all families. And poor families headed by women were poorer than families headed by men: the "income deficit" (difference between the poverty level and actual family income) was \$2190 for female-headed families as compared to \$1664 for male-headed families.

It should be noted that these figures may understate the number of low income women and persons in families headed by women as compared to men, because the official poverty level used in 1978 was lower for women than for men. The (non-farm) poverty level for a man living alone was \$3,460, while that for a woman was \$3,196. A family of four headed by a man was officially "poor" with an income of \$6,665, but a family of the same size headed by a woman was not "poor" if its income was above \$6,632. The statistical picture is clouded somewhat by the failure to include the value of in kind transfers when calculating income.