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THE WHITE HOUSE
WASHINGTON

I thought you would be
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THELMA DUGGIN
SPECIAL ASSISTANT TO
THE PRESIDENT

THE CHRISTIAN S

"First the blade, then the ear."

The Monitor's view

CHRISTIAN SCIENCE MONITOR

3/28/83

Equity for women

President Reagan has repeatedly committed himself to the battle against sex discrimination in America. But he has not yet taken a strong leadership role in keeping with his party's historic dedication to this cause. He now has a fresh opportunity to do so: by giving a vigorous push to the new bipartisan Economic Equity Act.

Mr. Reagan did not seize the obvious moment for such endorsement last week. It came when Rep. Olympia Snowe of Maine led a delegation of Republican congresswomen to the White House in behalf of the recently introduced legislation. But at least the delegation was listened to by an array including the President, vice-president, and top aides Meese and Baker. And Representative Snowe was pleased by a presidential receptivity to ideas, willingness to consider the various bills in the act, and invitation to meet again.

Offhand the economic equity package would seem a natural for a ringing send-off from Mr. Reagan even if he would seek revision of some of its parts. For one thing, it reflects his preference for achieving equal rights statute by statute rather than by constitutional amendment. For another, it deals primarily with economic matters rather than touchy social issues. Indeed, the White House notes that Mr. Reagan gave approval to economic equity items passed by the last Congress, such as permitting the division of military pensions between divorced couples and granting tax credits to working parents for day care of children.

This year's package includes a dozen bills. There have already been hearings on one of them: insurance reform prohibiting sex discrimination in rates of costs and benefits. Variances could be based on smoking, drinking, or other factors within a customer's control but not on gender any more than on race (which has been eliminated as a criterion for differing rates).

Other bills range from tax reductions for single heads of households and tax incentives for businesses hiring displaced homemakers to elimination of sex bias from federal laws. Mr. Reagan has long backed scrutiny of federal and state laws to identify sex bias. To some equal rights advocates he has the image of endlessly "identifying" while doing little for actual reform. Earlier this year the White House said it already had a hefty report identifying where each state stands in combating such bias. The effort to go on from identification to action was asserted to be in high gear. One goal was strengthened enforcement of child-support laws.

Child-support enforcement is also one of the aims in the Economic Equity Act. Perhaps Mr. Reagan could start by making this a mutual presidential and congressional goal — and proceed to find more and more common ground for action against sex discrimination. But action in one way or another is the key, if those congresswomen from the President's party are ever going to be able to tell their colleagues that it makes a difference to be listened to at the White House.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON
March 29, 1983

FOR: EDWIN L. HARPER
FROM: MICHAEL M. UHLMANN
SUBJECT: Requests Made by Congresswomen
at Meeting with President: Analysis and Recommendations

The Congresswomen's requests fall into four main categories:

- o Better communication of Administration's achievements and response to critics, particularly in the area of budget cuts.
- o Endorsement of the Economic Equity Act and a series of related tax and economic initiatives.
- o Establishment of commission on pay equity in the federal government.
- o Non-interference in the ERA process.

This memorandum analyzes these requests and sets forth our recommendations as to each.

I. BETTER COMMUNICATION

A. The Request

The Congresswomen asked for help in communicating the Administration's achievements and in responding to critics, particularly in the area of budget cuts.

B. Discussion

This Administration -- both in its overall economic program and in specific initiatives -- has done more for women than any recent administration. The Congresswomen are correct. We must do a better job in communicating these achievements.

We must bear in mind that the "gender gap" is not related to our stance on "women's issues" such as the ERA, comparable worth, or unisex insurance tables. Changing our position on these issues would have little impact on our political fortunes.

The "gender gap" exists because certain groups of economically vulnerable women are worried about the Administration's overall economic policies and defense posture. In many ways, this is a problem that will take care of itself -- by 1984, with a strong recovery underway and after 4 years of peace, these concerns should be alleviated.

In the meantime, it is important that we get our message out on the following points:

- The success of our economic program and what it means for women.
- A defense of our budget policies and a rejoinder on the "fairness" issue.
- A presentation of the broad range of initiatives we have taken on matters of direct concern to women.

In conveying our record, we should not be bound by the narrow definition of "women's issues" used by liberal feminists and the media. Women are vitally concerned over broader issues such as Education and Crime. We should tout our initiatives in these areas and explain their significance for women.

This will not silence liberal feminist groups; nor will it satisfy the liberal media. But a good communications policy does not have to be based on appeasement of the Administration's ideological opponents. Our task is to communicate our program and its advantages to the general public.

C. Recommended Action

- o Inform the Congresswomen that we are embarking on a comprehensive communications effort and request their assistance.
- o OPI should prepare background papers for use by members of Congress on:
 - Administration's achievements on matters of concern to women;
 - addressing the budget and "fairness" issues.
- o The Communications Office and OPL should develop a comprehensive communications strategy designed to get our message through to women.

II. ECONOMIC EQUITY ACT AND RELATED INITIATIVES

A. The Requests

The Congresswomen asked that the Republican Party "take the lead" on women's issues, and do so quickly. To do this, some requested that we endorse the Economic Equity Act.

What the Congresswomen really seem to want is "something to be for."

The EEA has essentially four parts:

- o Unisex tables in insurance (the big-ticket item for the feminists, from which much of the impetus for EEA comes).
- o Pension reforms (unisex actuarial tables, survivors' rights, vesting, etc.).
- o Child support enforcement improvements (similar to Administration's own proposals).
- o Tax benefits involving roughly \$4 to \$5 billion revenue loss (most of which benefit career women and single heads-of-households). These include:
 - increasing ZBA for single heads-of-households;
 - increasing child care credit;
 - tax credit for displaced homemaker;
 - tax exempt status for custodial day care centers;
 - refundability of child care credit;
 - increasing non-working spouse IRA accounts to full \$2000 limit.

In addition, some of the Congresswomen made requests for specific items. Most of the items mentioned are part of the EEA. A few are new:

- day care for elderly dependents at hospitals;
- medicare and medicaid for women entering the job market;
- Presidential conference on child care with industry leaders;
- "some economic initiative on low-income women".

B. Discussion

There are some limited portions of the EEA that we could support, but we cannot endorse the overall EEA as now structured.

Insurance: We are not prepared to embrace the EEA's insurance provisions. Insurance has been a State matter and, at this stage, we lack data to gauge the full impact of unisex tables. It appears that women would not be benefitted by these proposals and, indeed in the areas of life and auto insurance, would be hurt. Liberal feminists groups want unisex tables on ideological grounds. Moderate groups are gearing up against unisex tables as the real effects become known.

Pensions: A number of the pension provisions in EEA would be very costly to employers with little, if any, benefit to women. After extensive study, the CCLP Working Group is prepared to endorse four of the pension items in the EEA:

- protect older women by requiring spousal consent before survivor benefits could be waived;
- protect younger women by lowering to 21 years the age at which workers must be permitted to participate in a pension plan;
- neutralize the adverse consequences of taking maternity or childrearing leave by providing that no break in service would occur;
- require pension plans to obey State court orders dividing benefits or attacking pensions (this simply codifies existing case law).

In addition, the Working Group would support:

- equalizing pension benefits by prohibiting gender-based actuarial tables on a prospective basis.

Standing alone as a separate "pension package," these four items are paltry. Indeed, this package would be attacked by feminist groups, who want retroactive equalization and believe they will get this in court under existing law.

Child Support Enforcement: We can endorse most of the child support enforcement provisions in the EEA; many are similar to the Administration's own proposals. The main problem are EEA provisions that would expand the Child Support Enforcement Program (CSEP) more into non-AFDC cases. CSEP already applies to non-AFDC cases. The principal issue is whether IRS will be used to offset tax refunds in non-AFDC cases. In AFDC cases, the government has in effect been

subrogated to the position of unsupported spouse and therefore it makes sense to use the IRS as a collection agency. Without this nexus, however, child support obligations are simply private debts. Treasury is concerned about the precedent of using the tax system to police private third-party debts where the government has no financial stake.

Tax Benefits: The EEA contains a package of tax benefits that would mean a revenue loss of approximately \$4 to \$5 billion.

At the present time, we should not support the package of tax measures in the EEA: (1) It is doubtful that we can accept this kind of revenue loss. (2) If revenue losses of this magnitude were to be entertained, we could develop a better package of distinctively Reaganite tax reforms to help women and families. (3) Until our July tax cuts are safe, it would be risky to push any tax reform measure.

None of these tax proposals is bad in itself; however, if a decision were made to incur such revenue losses, we could develop a far better package of tax reform measures that would appeal to a broader spectrum of women and would be sounder from a political and policy standpoint.

- o The proposal to increase non-working spouse IRA accounts is favored by most women's groups. However, the benefits would go mostly to upper-income families and would do little to address our political problem.
- o Proposals to increase the child care credit and make it refundable are generally opposed by conservative women's groups, because these benefits can only be taken by women who work outside the home. These groups want tax reform measures that are "neutral" as between women who work inside and outside the home, e.g., an increase in the dependent exemption. (In addition, the need for refundability is largely obviated by AFDC's \$120/month child care allowance.)
- o Proposals for a displaced homemaker's tax credit and an increase in the ZBA for single heads-of-households are also generally opposed by conservative women's groups. These groups favor measures that would buttress all families -- not just those headed by divorced women. Heaping tax advantages onto divorced women is simply treating the symptoms. The more the government goes about eliminating all the economic advantages of remaining married, creating positive incentives to "going it alone", and setting itself up as a substitute spouse, the more it will contribute to the decomposition of the American family.

- o The proposal to give tax exempt status to custodial day care centers probably can be supported outright. Apparently, it will involve no significant revenue loss.

With respect to the other miscellaneous suggestions made by the Congresswomen:

- o We are already in the process of satisfying their request that the President use his influence with industry leaders to encourage private sector child care.
- o We need more information and details from the Congresswomen before we can assess their suggestions on day care for elderly dependents at hospitals and Medicare/Medicaid for women entering the job market.

C. Recommendations

It is clear that we cannot embrace the EEA as a whole.

It is also clear that we will not get very far by proposing or endorsing a watered-down Republican version of the EEA that includes only the acceptable portions of that legislation. Once you rule out tax reform and unisex insurance, all you are left with is child support enforcement and a paltry package of pension reforms. A bill with these latter two elements alone would be attacked by feminist groups and do nothing to stop the momentum of the more extreme parts of the EEA. In short, the Republican party does not benefit from offering pale imitations of liberal Democrat proposals. We would be getting into a bidding war that we could not possibly win.

There remain two options.

The first option is to stand tough, support heither EEA or any other economic iniative, and rely on an aggressive communications strategy to stave off EEA and to relieve the pressure on Republican legislators. In addition to communicating our own achievements (see part I. above), we would take the feminist agenda head on.

The second option is to develop an affirmative and distinctively Reaganite package of our own, while at the same time putting the breaks on the most extreme element of the EEA -- unisex insurance. We would use this initiative to deflect attention from the feminist agenda and to force the debate into a new channel.

This latter option would require the following steps:

1. Establish a Presidential Commission on gender classification in insurance. This Commission would address the issue of sex equity in insurance other than pensions. It could be chaired by a woman, with representatives from insurance groups, women's groups, economists, etc. This would slow the momentum behind the EEA package as currently structured, provide a less politically charged forum to educate the public on the insurance issue, and take the immediate pressure off the Administration.

2. Announce that the Administration will shortly be proposing major legislation -- "The Family Equity Act of 1983" that will strengthen the family and include women's initiatives. After the July tax cuts are secure, submit such legislation to Congress. This legislation could include:

a. Tax Reform for Families. The Administration could develop and propose a package of tax reforms that:

- would involve no revenue losses;
- would be neutral as between intact and broken families;
- would be neutral as between families with mothers who work inside and outside the home;
- would generally favor lower- and middle-income families.

For example, the centerpiece of the legislation could be a modest increase in the dependent exemption for children phased in over a five-year period. This tax cut could be "paid for" by a combination of measures, e.g., elimination of deductions for state sales taxes over \$100; or elimination of interest deductions over \$200 on credit card purchases; or modest and gradual scaling back of subsidies that go to middle-class families and which would theoretically be unnecessary if families with children were permitted to keep more of their resources, e.g., guaranteed student loans.

b. Child Support Enforcement Program. This would include the Administration's existing proposals to strengthen this program, plus some of the proposals made in the EEA.

c. Pension Reforms. This would include equalization of pension benefits by prohibiting gender-based actuarial tables on a prospective basis. It would also include the four items from the EEA which we can support.

d. Education Initiatives. We should consider putting some of our education initiatives in this bill as an alternative way of getting them enacted, e.g.,

voucherization of Chapter 1, tuition tax credits, education savings accounts.

e. Miscellaneous "Pro-Family" Initiatives. These would include, for example, select provisions from the Family Protection Act of 1982, as well as more recent proposals such as the extension of flexitime rights for employees of federal contractors.

D. Action Required

If option 1 is pursued -- relying on an aggressive communication strategy to stave off EEA -- we must prepare for a major Presidential address.

If option 2 is pursued, the following action is required:

1. Prepare to announce commission on insurance by mid-April.

2. Prepare major Presidential address on education for delivery in late April or early May. In the course of this address, the President would indicate that he would soon be proposing major legislation relating to families and women.

3. Develop a "Family Equity Act of 1983" for submission to Congress in late June. Develop tax measures for inclusion in this legislation (such as increases in the dependent exemption) that would benefit a broad range of families. Develop proposals for "paying for" these tax measures so that little or no revenue losses would be incurred.

4. Consult with Congresswomen in the development of the Family Equity Act.

III. COMMISSION ON WAGE DISPARITY

A. The Request

The Congresswomen requested the creation of a commission to study pay equity in the government.

B. Discussion

Based on discussions with OPM, it appears that:

- o Equal pay for equal work is a reality in the federal government. Pay scales and job classifications have already been reviewed and revised so that there is no discrimination against women.

- o The only remaining issue is "comparable worth". Feminist groups want to increase wages for whole job categories -- e.g., secretaries, librarians -- regardless of what wage levels the market has set for these jobs in the private sector.
- o Feminist strategy is to get a foothold for the comparable worth doctrine in the civil service as a first step to expanding it to the private sector generally.

C. Recommended Action

We should not create a commission on pay equity in the federal government. Doing so would only give impetus to the concept of comparable worth and create a good deal of mischief.

Instead, the President should direct CEA to prepare a comprehensive study of wage disparity. This study would include both the public and private sector.

This study would be used as part of a public education effort on three points:

- Pay disparity between men and women is due largely to non-discriminatory factors.
- Equal pay for equal work is becoming a reality, and to the extent there is lingering discrimination, there are already two federal laws which require equal pay and which are being vigorously enforced.
- The doctrine of comparable worth would mean abandoning our free market economy, substituting for it a system of judicially-selected wage levels. This would undermine our economic system across the board, destroy our basic economic system, cost hundreds of billions of dollars, and ultimately result in the loss of thousands of American jobs to foreign countries.

IV. THE ERA

A. The Request

Some of the Congresswomen requested that, if Congress passes ERA, the President "not interfere with" the states working their will.

B. Discussion

Liberal Democrats will be using ERA for political purposes -- to raise money and to mobilize for the 1984

campaign. A number of conservative groups that have supported the President will be fighting against them. For the President to stand back passively puts him in a "no-win" situation and is bad political strategy.

It would also be irresponsible from a public policy standpoint. The President's reasons for opposing ERA are good ones. It is unnecessary and mischievous -- a blank check to the federal judiciary that could be used to wipe away all sexual distinctions in our society -- even those widely favored by the public. It is the President's responsibility to call these defects to the nation's attention.

C. Recommendation

In his meeting with the Congresswomen, the President has already pointed the way to a more appropriate strategy on ERA.

The strategy is to have the President and his Congressional supporters raise the issue of "fairness". ERA has already twice failed ratification. Before giving it a third bite at the apple, it is only fair that the American people get a chance to consider three other Constitutional amendments -- balanced budget, school prayer, and right-to-life. These amendments are being penned up by a minority in Congress.

Using the fairness issue, Administration supporters on the Hill will try to extricate the balanced budget, school prayer, and right-to-life amendments from the Congress. Failing this, there will be efforts in the House and Senate to tack on these amendments to the ERA package, so that if Congress approved ERA, all four amendments would go to the states for separate state ratification.

This legislative strategy is achievable either working through the Senate Judiciary Committee or on the floor.

The advantages of this approach are obvious:

- o Raising the "fairness" issue will help defuse the ERA issue, extricate the President from a posture of simple frontal opposition, and, at the same time, use ERA's momentum to further the President's own objectives.
- o Because it would only take 50 votes in the Senate to tack on these amendments and keep them as part of the overall package, this strategy gives us an opportunity to get votes on the school prayer, abortion, and balanced budget issues, and to win victories with simple majority votes rather than with 67 votes.

- o This would give the liberals a Hobson's Choice of voting for the Administration's amendments or against ERA. (Most observers question whether ERA would be reported out by the Congress under these circumstances.)
- o If the whole four-amendment package were to be adopted by the Congress, it is unlikely that ERA would be ratified, whereas by getting our amendments out into the states prior to the 1984 elections, we would be able to build grassroot activity in all 50 states that would ultimately favor the President and Republicans in general.

D. Action

1. President should continue to raise the issue of "fairness" and press for action on school prayer, balanced budget and right-to-life amendments.
2. OPI should prepare an issue paper on ERA, pointing to its many deficiencies.
3. Department of Justice should take lead in explaining why ERA is unnecessary and potentially mischievous.

cc: Faith Whittlesey
Becky Norton Dunlop