Free Congress Foundation
721 Second Street NE
Washington, D.C. 20002
(202) 546-3004
Paul Weyrich
President
Conference Coordinators
Connaught Marshner
Gregory Butler

FAMILY FORUM II

**JULY 26-29, 1982/SHERATON WASHINGTON HOTEL
WASHINGTON, D.C.**

Moral Majority Foundation
499 So. Capitol Street
Suite 101
Washington, D.C. 20003
(202) 484-7511
Ronald Godwin, Ph.D.
Vice President &
Chief Operations Officer

Dear Friend of the Communicator:

Many of the people in our churches close to Washington, D.C. had the privilege of attending the first Family Forum in 1980.

We were so richly blessed that I have asked the Free Congress Foundation to send a brochure to you for your consideration.

The Forum will present many of the church leaders concerned with returning America to a nation of which God can be proud. Many Senators and Representatives will also share first-hand information which will give us encouragement to fight the good fight.

Please consider attending. The church must speak righteousness to the nation. As a leader you will not want to miss this chance to expand your vision.

Sincerely in Christ,

John Metcalfe

John Metcalfe

A joint project of Free Congress Foundation and Moral Majority Foundation

THE WHITE HOUSE

WASHINGTON

August 20, 1982

MEMORANDUM FOR ELIZABETH H. DOLE

THRU: DIANA LOZANO

FROM: MORTON C. BLACKWELL mcb/cs

SUBJECT: Presidential Support for Cloture on Helms Amendment

Until now the President has avoided personally urging specific actions on the matter of abortion. He has been outspokenly opposed to abortion, but he has not urged legislators to vote for or against any particular measure.

This policy has caused a great deal of concern among grassroots right-to-life activists, but the leaders of almost all the pro-life groups were urging that the President not endorse any abortion remedy at the expense of other such efforts.

Now the situation has changed. It is no longer true that there is a significant division in the pro-life community with respect to the legislative situation. Right now all the major pro-life organizations have united in support of the current Helms initiative in the Senate. This includes all of the former Helms partisans who disliked the Hatch Amendment. It also includes organizations such as the very large National Right-to-Life Committee, the National Pro-Life Political Action Committee, and Paul Weyrich's Coalitions for America.

Thus we are at a critical moment in the relationship between the President and the pro-life activists. This situation affords the only significant opportunity in the first two years of the Reagan Administration to put all Members of Congress on record in a high visibility fight over abortion. If the President fails to take specific steps to obtain cloture in the Senate on Senator Packwood's filibuster, that failure will be read as a betrayal.

Politically the President has benefited greatly by the efforts of the pro-life activists. Reluctantly they have accepted kind words but few actions from this Administration because they were divided as to abortion remedy priorities. Now that they are united, their attention is riveted on the White House to see if the President's actions speak as loudly as his words.

Here are the specific steps that the President can take:

1. The President could make a public statement urging the Senate not to allow a few people to prevent the Senate from addressing this important issue.

2. He should call three Senators whose votes on cloture as well as their votes on the Helms proposal are in doubt. The President should ask Senators Tower, Simpson, and Wallop to vote for cloture and for the Helms proposal.

3. There are four Republican Senators who are not likely to vote for the Helms proposal but who might respond to a Presidential request to vote for cloture. The President should phone Senators Cohen, Rudman, Schmitt, and Gorton and urge them to vote to end the Packwood filibuster so the Senate can vote on this issue.

These seven telephone calls would not be a great burden on the President but they would be clearly interpreted by the millions of pro-life activists. They would see that the President is keeping faith with them. The political fallout both for the President and, in net, for Republican candidates this year, would be very beneficial.

EHD
Red
Diana
Morton

Document No. 081292SS

WHITE HOUSE STAFFING MEMORANDUM

DATE: August 11, 1982 ACTION/CONCURRENCE/COMMENT DUE BY: COB Friday August 13, 1982

SUBJECT: Enrolled Resolution S.J. Res. 190--National Family Week

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	GERGEN	☑	☐
MEESE	☐	☑	HARPER	☑	☐
BAKER	☐	☑	JAMES	☐	☐
DEAVER	☐	☑	JENKINS	☐	☐
STOCKMAN	☐	☐	MURPHY	☐	☐
CLARK	☐	☐	ROLLINS	☑	☐
DARMAN	☐P	☑SS	WILLIAMSON	☑	☐
DOLE	☑	☐	WEIDENBAUM	☐	☐
DUBERSTEIN	☑	☐	BRADY/SPEAKES	☐	☐
FIELDING	☑	☐	ROGERS	☐	☐
FULLER	☑	☐	_____	☐	☐

Remarks:

Please forward your comments on this Enrolled Resolution to my office by close of business Friday.

Thank you.

To NPMiller 8/13

Richard G. Darman
Assistant to the President
(x2702)

Response:

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

AUG 11 1982

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution S.J. Res. 190 - National Family Week
Sponsor - Sen. Burdick (D) North Dakota and 33 others

Last Day for Action

August 21, 1982 - Saturday

Purpose

Authorizes and requests the President to issue a proclamation designating the week beginning November 21, 1982, as "National Family Week".

Agency Recommendation

Office of Management and Budget Approval

Discussion

The enrolled resolution authorizes and requests you to issue a proclamation designating the week of November 21 through 27, 1982, as "National Family Week", and inviting State and local officials and the public to observe the week appropriately. The resolution passed the Senate and House by voice vote.

One of the sponsors of the companion resolution in the House stated that the week "is a specific time to recognize the importance of the family in American life and the fundamental role it has played in forming our values upon which this Nation is based." The designated week includes Thanksgiving, a traditional time for families to be together.

A proposed proclamation for your consideration will be forwarded to the White House for issuance in a timely manner.

(Signed) James M. Frey

Assistant Director for
Legislative Reference

Enclosures

August 25, 1981

Dear Mrs. Lippert:

I wish to thank you for your letter on behalf of the National League of Families.

Although the President would like to have the opportunity to meet with your Executive Director, Mr. Kaiser, due to prior commitments and the additional heavy demands on his schedule for the remainder of this year, he will be unable to comply with your request.

We have, however, been corresponding with Congressman Norman F. Lent, in this regard and have told him that should an opportunity arise for such a meeting we will certainly let both of you know.

We appreciate your interest and concern.

Sincerely,

Gregory J. Newell
Special Assistant
to the President

Mrs. Dorothy Lippert
Rural Route 1, Box 142A
Keweaqua, IL 62550

cc: Morton Blackwell (OEOB)
GJN:emb-32b

FROM THE DESK OF . . .

ROSEMARY THOMSON
479 E. FORESTWOOD
MORTON, IL 61550
PH. 309/266-5884

April 24, 1981

Mr. Richard S. Williamson
Assistant to the President
for Intergovernmental Affairs
The White House
Wash., D.C.

Dear Rich:

My Congressman, Minority Leader Robert H. Michel, said at a recent Peoria press conference that there were 5 Republicans who were balking about supporting President Reagan's budget.

I spoke with Bob's home office yesterday and offered to get in touch with my contacts from the campaign Family Policy Advisory Board who live in the districts of the rebel Republican Congressman to quietly encourage them to support the President. Michel's office seemed pleased that I wanted to help and said they would get the Congressmen's names for me.

Keep him on line

This morning, Congressman Michel's office phoned to say they had talked with Ralph Vinovich in the D.C. Minority Leader's office. The message: Thanks, butno thanks! Ralph said that they were working on it and didn't need any help from the grassroots.

What's going on? President Reagan asked us for our help in promoting his budget package when we met with him in February. So why does the GOP Leadership reject our willingness to aid the President?

Tell President Reagan his friends in Central Illinois are praying for a quick recovery from his "accident."

Cordially,

Rosemary Thomson

file Pro Family Activists

THE WHITE HOUSE

WASHINGTON

May 12, 1981

Dear Rosemary:

Thank you for your note of April 24.

I agree with you that the network established by the Family Policy Advisory Board plays a critical role in helping us get the consensus support we need for the President's initiatives. I am taking the liberty of forwarding a copy of your letter to Morton Blackwell who works for Elizabeth Dole. Morton is helping coordinate our efforts with outside interest groups that are working on behalf of traditional values. I think you will be impressed with Morton's follow through and work with you. He has had long experience with the conservative movement.

Kind personal regards.

Cordially,

Richard S. Williamson
Assistant to the President
for Intergovernmental Affairs

Ms. Rosemary Thomson
479 E. Forestwood
Morton, Illinois 61550

bcc: Morton Blackwell

I called Rosemary
She was very nice -
needed to let Reagan
adm. know that
there is fat -
dragging out

The grassroots support is there! where is Cong Richie

NATIONAL PRO-FAMILY COALITION

M E M O R A N D U M

DATE: February 4, 1982

TO: Morton Blackwell

FROM: Connie Marshner

SUBJECT: Family Protection Act Provisions

Morton, here are the four provisions of the Family Protection Act omnibus bill which I consider the most indispensable to the pro-family movement and the most beneficial to the Administration. Each of these provisions, if enacted, would make a change in the lives of citizens.

1) Education Savings Account (Sec. 201 of bill). This would amend the Internal Revenue Code to establish a new category of tax-exempt savings accounts. Under this plan, relatives could save up to $2500 tax-exempt per year for the elementary, secondary, vocational or higher education of a child.

There are hardly any families in the nation today which do not face the prospect of some kind of post-secondary education for their children. Of necessity, federal subsidies and assistance are being diminished. This provision would be a practical step toward families. Since not only parents but other family members could make contributions, this is a real gesture of help to families who care about their children. This provision would be an incentive for family members to work together for the mutual benefit of their members. The education establishment will be hard-pressed to oppose this measure, since to do so would force them into the corner of opposing the right of family members to save money for each other.

It is reasonable to expect that the outside organizations which strongly support private education will find this proposal to their liking. Such established and well-known groups as the Council for American Private Education, as well as church-related educational groups, could be expected to support it. Grassroots groups like Citizens for Educational Freedom would be enthusiastic about this measure, since it does provide a means for parents to exercise free choice in the education of their children. The organizations active on behalf of tuition tax credits would readily support the Education Savings Account idea. However, support for this would be even broader because the church-state constitutional issues raised by tuition tax credits do not apply here.

2) Parental Care Trust or Parental IRA (Sec. 204 of bill). Modelled on the successful Individual Retirement Account concept, this provision establishes Parental Care Trusts which would allow up to $3,000 per year tax-free deduction from income, of money saved for care of a parent or handicapped relative. Parents would have to be over age 64 to become beneficiaries; there is no age limitation for the handicapped beneficiary.

Because of the popularity of IRA's in general as contributing to capital formation, this provision can be expected to be supported by the banking and finance community.

Because this provision establishes in practice and in law the principle that "chairty begins at home," the pro-family movement will become enthusiastic about it. Conservatives of a more libertarian stance will find it attractive because it returns control over an individual's money to the individual.

This provision will be attractive to average citizens because no complicated legal procedures or lawyer's fees are involved in setting it up. Presumably, it would be effected just as is an IRA -- a citizen and his bank could take care of the whole thing in a few minutes. Because the general public is increasingly skeptical of the prognosis of the Social Security system, this provision would help re-new confidence in the future. Subtly, it would give families an incentive to minimize inter-genrational conflict, and to depend upon one another as they traditionally have.

$3,000 is a large enough amount to be helpful both to a middle-class taxpayer and to a recipient parent; it is not so large as to become a "loophole" for tax evaders. Thus, there should be a base of popular support for this provision once it can be explained accurately.

3) Employer Day Care (Sec. 206 of bill). This section would provide tax incentives for employers to establish child care centers, or cooperatives, with and for the benefit of their employees, by classifying expenses of such a project as necessary business deducations.

In the current political climate, feminist issue-makers are seeking to make day care into the cause celebre once the ERA is obsolete. Opponents of the Administration would like nothing better than to paint the Administration as hard-hearted, depriving needy children of day care and forcing mothers back onto welfare. Support of a provision like this will demonstrate that the Administration is aware of the problems of working parents and not lacking in compassion to them. It would be a practical step in returning problem-solving to the lower levels: employer-employee relations, community affairs. It will be an incentive for voluntarism.

4) Parental Review of Textbooks (contained in Sec. 301 of bill). Section 301 contains 4 separate provisions; the only one addressed here is the amendment to the General Education Provisions Act which would bar the extension of federal education funds to states and local educational agencies "which do not provide for parental review of textbooks prior to their use in public school classrooms."

This provision can be misunderstood. This is not intended as a censorship provision. It does not give veto power to parents. It simply gives parents a cause of action (standing to sue, classical civil rights formulation) if they are prohibited from reviewing textbooks prior to their use. The goal here is to encourage states to adopt a textbook review procedure similar to that long established in the state of Texas. In the Texas procedure, bids are solicited from publishers for texts and materials on certain subjects at certain grade levels. Publishers then submit complete sets of all materials to each of 20 regional educational centers around the state, to which parents and the general public may come to review the materials. Citizens with an objection may write a letter to the Textbook purchase committee; objectors later on may come to the state capitol for an open hearing with textbook publishers present for discussion of the objections. The textbook committee then makes its final decision having the benefit of full and complete public input.

Since one of the most acute sources of friction in the public education system today is the area of public school textbooks and materials, this provision could soothe a lot of irate citizens who currently feel themselves excluded from their children's public school education. In harmony with the Administration's philosophy that parents are the primary educators of their children, this provision would encourage states to factor the public into the decisionmaking process on educational materials.

Support for this provision will come from the grassroots pro-family activists as for no other provision. Before the 1973 Supreme Court Decision, on abortion, before the ERA, before the IRS attack on Christian schools -- the backbone of what is now known as the pro-family movement was fighting to get the voice of parents heard in the public schools and in textbook selection process. An extensive network, informal but effective, of grassroots parent activists has existed for years now. It was this network which flooded the White House in 1971 with requests to veto the Mondale federal child care bill, and flooded Congress again in 1971 with demands to defeat subsequent similar legislation. This network is keenly concerned about public education. The 1974 "battle of Kanawha County" West Virginia demonstrated how intense feelings can run on this sensitive area. Citizens who are otherwise non-ideological are concerned about the books that are used in public schools, and will rally to support this measure.

Testimony of Connaught Marshner

Chairman, National Pro-Family Coalition

File

in opposition to H.R. 1454, legislation to prohibit discrimination on the basis of affectional or sexual orientation

Subcommittee on Employment Opportunities
Committee on Education and Labor
U.S. House of Representatives
January 27, 1982

Testimony in Opposition to H.R. 1454/ National Pro-Family Coalition

I am testifying this morning because I have a message to deliver. I thank you for the opportunity to deliver it.

My message is this: the homosexual rights movement has been intellectually dishonest in framing the issues in the debate on H.R. 1454. Stereotypes, exaggerations, and misapprehensions have been deliberately repeated.

Number One. It is alleged that religious traditionalists and political conservatives are seeking to batter down doorways, to stick their noses into peoples' bedrooms, to cram their own morality down peoples' throats, to deprive people of privacy and personal liberty. I mix my metaphors, but these lies mix more than that.

Let me speak truth to it. We do not seek to invade anyone's privacy. This legislation to amend the Civil Rights Act would not protect anyone's privacy, since to benefit from such a law, the supposedly protected persons would have to publicly declare their homosexuality. Not since the days of Puritan New England has anyone been by law impelled to reveal publicly their private sexual conduct. Please note: it is conservatives who are opposing such a measure. It is conservatives who understand the nature of privacy and seek to protect it.

Number Two. It is alleged that we are seeking punitive measures against homosexuals. This is also a lie. We are not urging that employers be forbidden to hire homosexuals. We are not advocating that services be denied to them. What we are advocating is that our right to privacy be respected: that the homosexual lifestyle not be flaunted in our neighborhood and shouted from the housetops. The public has a right to be protected from the promotion and glamorization of something that is by its nature antithetical to the social order.

Yes, that translates to the right of an employee to work in an atmosphere free from sexual harrassment, from the prosletyzing of and even forced association with, homosexuals. And to protect that right, yes, an employer should be able

to make hiring and firing decisions out of respect for a worker's right to a compatible workplace. Occupational safety and health are endangered by human factors as well as by mechanical or chemical factors. That right to a compatible work environment ought to apply, supremely, to the military, in which environment morale must not be permitted to deteriorate, lest the whole nation be endangered.

The same right of free association ought to apply to neighborhoods. The issue, then, is not, as that singular group the Oral Majority has attempted to claim, whether there is going to be a policeman in your bedroom, so much as it is whether there is going to be a homosexual bar on your block if you and your neighbors do not want one. And I contend that it is proper for individuals and communities to exercise their free rights of privacy. Mr. Weiss's legislation would take that natural and necessary impulse of human civilization and transmute it into something illegal. Mr.Weiss, human nature is against you. Your militant ideological demands will not square with human nature.

Number Three. It is alleged that we are trying to perpetuate the oppression of a legitimate minority. This is nonsense. In American political discourse, a "minority" is not simply a mathematical fraction of the population. Bird-watchers are a fraction of our people, but no one seeks legal protection of their rights. Women, on the other hand, are mentioned in several public laws as a "minority" even though my sex happens to be a mathematical majority of the American population. So numbers have little to do with what civil rights politics considers a minority. Rather, a group is a minority if, and only if, they have historically suffered adverse discrimination through no fault of their own.

A man is not at fault for the ethnic identity or the skin color he is born with. Blacks and hispanics are thus minorities. Homosexuals allege that they are not at fault for their orientation, which they claim is also something biological. Such claims are in doubt scientifically, and they are also irrelevant to the present debate. Mere orientation is not the issue. Overt sexual behavior is the issue.

Mere homosexual orientation, without overt behavior, has never caused

discrimination or disadvantage. The same is true of sexual behavior itself, so long as it was kept private. Discovered homosexual behavior has caused disadvantage because we, in the Judeo-Christian tradition regard such behavior as immoral. It is a point on which our Scriptures are clear, and we will never change our minds.

Therefore, to ask us to regard militant and practicing homosexuals as a minority is to ask us, the majority, to abandon our morality. It is to ask us to consider "unfairly disadvantaged" a group which our morality commands us to regard as fairly and justly disadvantaged. For the same reason, we will refuse to consider those prone to wife-beating a legitimate minority, no matter how much they might like to come out of the closet and feel proud of themselves. We will refuse to consider inveterate racists a legitimate minority, no matter how much legal discrimination they may suffer, if they try to practice their preferred life-style openly.

Do not say that these comparisons fail, because wife-beating and racism are immoral activities, while homosexuality is not. For whether homosexuality is moral is precisely the issue! The homosexual movement, in styling itself a "minority", is simply trying to beg the question.

For further elaboration of the philosophical points involved, I ask to have inserted in the printed record the piece "Homosexual Rights and the Foundations of Human Rights," Volume 1, Number 3 of the Family Policy Insights series of the Free Congress Foundation. Thank you.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 7, 1982

TO: Connie Marshner

FROM: Morton Blackwell

SUBJECT: Catching Flies with Honey

Attached is a document circulated here from the Office of Policy Development.

We have once more proved that letters of thanks, when we do things right, can be very helpful.

DOCUMENT NO. 067781PD

OFFICE OF POLICY DEVELOPMENT STAFFING MEMORANDUM

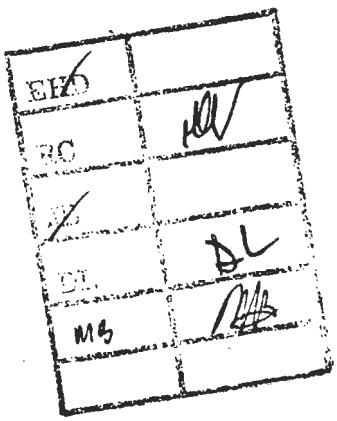
APR 5 1982

DATE: 4/5/82 | ACTION/CONCURRENCE/COMMENT DUE BY: FYI

SUBJECT: Pro-Family Coalition letter from Connie Marshner

	ACTION	FYI		ACTION	FYI
HARPER	☐	☐	SMITH	☐	☐
PORTER	☐	☐	UHLMANN	☐	☐
BANDOW	☐	☐	ADMINISTRATION	☐	☐
BAUER	☐	☐	DRUG POLICY		
BOGGS	☐	☐	TURNER	☐	☐
BRADLEY	☐	☐	D. LEONARD	☐	☐
CARLESON	☐	☐	OFFICE OF POLICY INFORMATION		
FAIRBANKS	☐	☐	GRAY	☐	☐
FRANKUM	☐	☐	HOPKINS	☐	☐
HEMEL	☐	☐	OTHER		
KASS	☐	☐	✓ Elizabeth Dole	☐	☒
B. LEONARD	☐	☐	_____	☐	☐
MALOLEY	☐	☐	_____	☐	☐

REMARKS:



Per EDWIN L. HARPER by E Fuch
ASSISTANT TO THE PRESIDENT
FOR POLICY DEVELOPMENT
(Y5F1E)

NATIONAL PRO-FAMILY COALITION

Connaught Marshner
Chairman

March 16, 1982

Dr. Donald Devine
Director
Office of Personnel Management
1900 E Street, N.W.
Washington, DC 20520

Dear Don:

Just a note to let you know that we support your efforts to drop anti-family and anti-traditional value groups from the Combined Federal Campaign. It's bad enough that the federal government gives our tax dollars to NOW and Planned Parenthood and the like -- but to finagle contribution dollars out of federal employees in addition to that is really objectionable!

You have some grateful pro-family activists out here who appreciate the good fight you're fighting.

Sincerely yours,

Connie

Connaught Marshner

CM/ml

cc: Ed Harper
Domestic Policy Council
The White House

721 Second St., N.E. • Washington, D.C. 20002 • (202) 546-3000

Family Protection Report

721 Second St., N.E.
Washington, D.C. 20002
202 546-3004

Connaught Marshner, *Editor*
Patrick B. McGuigan, *Associate Editor*
Paul M. Weyrich, *Foundation President*

III 9
September, 1981

IN THIS ISSUE:

* *

THE O'CONNOR HEARINGS: AN EYEWITNESS REPORT

On September 9, 1981, Arizona Court of Appeals Judge Sandra Day O'Connor stood before the Senate Judiciary Committee as President Reagan's nominee to the Supreme Court and took an oath to tell the truth while answering questions of the Committee members during her confirmtion hearing. Each of the Senators was allowed thirty minutes in two fifteen-minute blocks to question the nominee. Judiciary Committee Chairman Strom Thurmond began the inquiry. His first question was telling: What experience qualifies you to join the Supreme Court? Judge O'Connor responded that her experience in all three branches of state government gave her a particular appreciation for the checks and balances critical to preservation of our system. Chairman Thurmond then asked her to state her views about "judicial activism." Judge O'Connor praised the genius of our system that divides the responsibility of governing between three branches and requires each branch to refrain from usurping the other's roles: she reaffirmed her belief in judicial restraint.

Chairman Thurmond then asked her to explain her votes in the Arizona Senate respecting abortion (See FPR, July 1981). With regard to her vote on H.B. 20, a 1970 bill to repeal Arizona's abortion statutes, she felt at the time that the Arizona law was too broad and had therefore voted for its repeal. Since then, she noted, her knowledge of the consequences of abortion has increased and she would not vote for it today. She also stated that because the bill was considered over 11 years ago, she could not easily recall how she voted on the bill when first questioned about it. She did, however, as previously noted, remember her reasons for favoring the bill. The next controversial bill in the Arizona Senate was S.B. 1190. This was a "family planning information and methods" bill. She explained that she was one of nine sponsors of the bill. In her mind, the bill was designed only to make contraceptive information available generally to Arizona citizens. The loose language of the bill about "surgical procedures" only applied to adults who requested in writing, she maintained, and would have been amended later in the legislative process to clarify some of its ambiguities.

In response to Thurmond's question about H. Memorial 2002, which called upon Congress to pass a Human Life Amendment, she stated that her opposition was based on the haste of the

The *Family Protection Report* is published monthly by the Free Congress Research and Education Foundation, Inc. a non-profit, tax exempt educational organization

"The *Report* will be made available upon request to any individual or organization which makes a contribution of $25 or more to the Free Congress Foundation"

debate. Her opposition to this 1974 Memorial sprang from her sense that the Constitution should only be amended after much thought. However, as noted earlier in FPR, O'Connor pushed ratification of The Equal Rights Amendment within days of its passage in Congress. In fact, the Pheonix Gazette reported that she wanted to "pick up a dawdling pace and approve the measure." Finally she noted that her 1974 vote against an abortion prohibition provision was based on procedural grounds. The provision was attached to a bill with a different subject. She was concerned that the Arizona Senate not encourage non-germane amendments, a procedure forbidden by the Arizona Constitution.

When Senator Thurmond's time expired, Senator Biden questioned her about judicial activism and seemed intent on convincing her that a judge could be judicially active in a conservative direction as well. Senator Mathias argued that the Constitution does not grant Congress power to regulate federal court jurisdiction. Senator Simpson praised her extensive State court experience as an asset to the Supreme Court. Senator Kennedy tried to coax her to explain how she might have been discriminated against as a woman. Senator Laxalt quizzed her on her view of criminal procedure law. Senator Hatch inquired about her re -commendations to the Defense Advisory Committee on Women in The Services. Senator Metzenbum asked about civil right law. And the questions proceeded hour after hour.

The most intriguing question of the three days of testimony, however, was the questioning itself. Often Judge O'Connor would resort to a rationale she explained in her opening statement to avoid a direct response to questions. She had noted in her opening remarks that she felt she should not tell how she might vote on issues that might come before the Court or criticize past Court decisions that might come before the Court again after her confirmation. If she commented on these issues at this hearing, she asserted, she might have to disqualify herself from participating in a decision later. Several Senators who wanted to get her views on the 1973 Roe v. Wade decision were not satisfied with this explanation for avoiding their direct questions. For instance, Senator East listened to her reasons for not answering his question about Roe v. Wade and then stated that he could appreciate her desire to not speculate on future cases, but commenting on cases already decided was necessary if the Committee were to understand her judicial philosophy. She retorted that Justice Harlan had refused at his confirmation proceeding to comment on some cases recently decided by the Court. Senator East quickly noted that Justice Harlan and most other nominees to the Court who had not answered such questions had extensively commented on fundamental constitutional questions in writings or other public records. In Judge O'Connor's case, however, there were no such extensive records from which the Committee might glean her judicial philosophy. The only way the Committee could learn her views was to ask.

On the second day, Senator Grassley and Senator Denton picked up the line of questioning pursued by Senator East. Senator Grassley remarked that the only way the Committee could be sure that she would not embarrass President Reagan on the bench the way Chief Justice Earl Warren embarrassed Eisenhower was to ask her questions. Accordingly, he read to her the law that requires a judge to disqualify himself from a case if conflicts of interest might arise. The statutue, 28 U.S.C. 455, does not require a judge to refrain from hearing a case because they might have commented on the subject matter. Moreover, Senator Grassley noted, no justice had ever disqualified himself for that reason, though several of them had answered very frankly the questions put to them in their confirmation hearings. Judge O'Connor stuck to her guns. In her view, several earlier nominees had refrained from answering all questions to avoid all appearance of unseemly conduct. Senator Grassley then asked her about conversations with the President prior to her appointment. She did not answer the questions about the content of those phone conversations. On the third day, Senator Denton presented his last set of questions. He tried repeatedly to extract from the Judge some unequivocal comment about her position on the Roe case. Senator Thurmond even granted him an extension of time to pursue every avenue to get his questions answered. Finally, Senator Denton commented that he could not fruitfully continue the questioning.

On the morning of September 15, Senators Grassley, East and Denton entered into the record a two page statement in which they gently criticized Judge O'Connor for her consistent refusal to answer specific questions. When the full Judiciary Committee voted on the O'Connor nomination to the Supreme Court, she received 17 favorable votes. Only Senator Jeremiah Denton voted "present" on the nomination.

Although Judge O'Connor often stated her "personal" opposition to abortion, The Senate Judiciary Committee did not successfully learn her judicial posture on the issue. It may only learn after she casts her first vote on the issue from the bench.

The Foundation For The Poor: A Progress Report

Rev. E.V. Hill has rejected a Presidential appointment as Chairman of the U.S. Civil Rights Commission because he prefers to work to alleviate proverty. Hill seeks the voluntary cooperation of churches and private individuals--not any government action. He and his associates had hoped for White House cooperation with the idea, but will proceed without such cooperation.

The primary vehicle for implementation of the idea was described in the February 1981 FPR as the Foundation for the Poor. Since then, the Foundation has changed its name. It is now the STEP Foundation, although what STEP stands for has not been completely determined. It may become "Strategies to Elevate People", or perhaps, "Strategies to Eliminate Proverty." Executive Vice President Harv Oostdyk says it is "still being negotiated." E.V. Hill continues as Foundation President.

More important than its name is its work, and according to Oostdyk, "we're making real progress." Oostdyk listed five projects of The STEP Foundation, and expressed satisfaction with each. The projects currently being developed are (1) building prototypes for helping the urban poor in four cities: Los Angeles, Denver, Dallas, and New York City, (2) creating a think tank on urban problems and the needy, (3) making a film on the poor, (4) developing a united strategy to deal with the poor and involve the churches, and (5) creating a national commission on the problems of the poor.

Administration Lobbied by Senators

Since the creation of the concept, several Senators have urged the Administration to play a supportive role. In a letter to Presidential Counsellor Ed Meese dated March 12, Senators Jepsen, Armstrong, Hatfield and Helms called the idea "exciting" "creative" and "innovative." Discussing the work of Hill, Oostdyk and STEP Foundation Executive Director Robert Pittinger, the Senators wrote, "They are endeavoring to reach out to the truly poor and needy, assisting them in becoming self-sufficient whenever possible, and restoring their self-esteem. The vehicle they are using are the churches of America, with technical and financial assistance coming from individuals and businesses in the private sector. This 'at home' mission field has not received adequate attention from the local churches in recent years. This group challenges and assists them in becoming involved." The letter urged the Administration to give the effort its support.

Presidential Commission Sought

The STEP Foundation was hoping for the creation of a Presidential Commission to study ways of helping the poor. Senator Armstrong called this, "one of the finest ideas that I have heard in a long, long time." Although Administration officials have met with Hill to discuss the concept, there is no indication yet that the Presidential Commission will be formed. Oostdyk expressed disappointment. "This is not an Administration that wants to have a lot of commissions. There's always a risk - what the report will show." With little hope now for a Presidential Commission, STEP is working on creating a private (non-governmental) national commission composed of prominent Americans.

STEP Undeterred

Dee Jepsen, the wife of Senator Roger Jepsen, has been working closely on the project since its inception. Mrs. Jepsen is hopeful, and thinks that Administration action may pick up. She told FPR, "Because of the emphasis on the economic program, some of the social concerns have not been spotlighted. That may change now that the economic program has passed ... There's been a lot of interest within the Administration in having the President do something to help ... I'm hopeful there'll be some action. It's an area of real concern to me, and I think encouragement from the President would do a great deal down the line to encourage people to reach out to one another in local communities."

The attitude of the STEP Foundation is that whether or not the Administration supports the endeavor, the work will go on. It is a private effort and will not stand or fall on government policy. If there isn't a Presidential Commission, there will be a private national commission. The organizers feel that if the work must be done without the Administration's backing, then that is how it will be done. Their thinking does not center around government approval, as the following exchange between Oostdyk and FPR suggests:

> OOSTDYK: I think the test will be our prototypes. If these show success in the next few months, then we'll be all right. Then we can excite the American people, and show them we're not just rhetoric.
>
> FPR: Then you can get the Administration's support?
>
> OOSTDYK: Well, the American people's support. There are a lot of people who want to help the poor, but they don't know to go about it.

Administration Response

For its part, the Administration has taken two relevant actions. Deputy Chief of Staff Michael Deaver has assigned Jim Rosebush to work on coordinating and encouraging voluntarism in the private sector. Rosebush's background is in business, (he was an executive at SOHIO, a major oil company) and concern exists that he may devote more attention to encouraging voluntarism among businesses than among religious groups.

The other significant Administration action was to commission the American Enterprise Institute to do a study on voluntarism. According to Bill Baroody of AEI, who is in charge of this assignment, the Institute has had an ongoing project for the last four years on, "The Role of Mediating Structures in Public Policy." The study, when completed, will deal with five such structures: family, church, neighborhood organization, voluntary groups of all kinds, and racial and ethnic subgroups. The project commissioned by the Administration is much narrower, but will deal with many of the same issues, and will be completed within a year.

This has not satisfied Harv Oostdyk. Oostdyk told FPR, "I think what this Administration needs is an effective policy for the poor, and they don't have it. I think there's general agreement on what not to do. It's obvious that what's been tried before has failed. But what they have to do is decide what should be done."

If the Administration decided to work with Hill's STEP Foundation, the President would be allying himself with a respected veteran of the civil rights movement. Hill, pastor of the Mount Zion Missionary Baptist Church in Watts (Los Angeles), had his life threatened on several occasions last year when he was Chairman of Black Clergy for the Election of Ronald Reagan. He was twice named Pastor of the Year in Los Angeles and has been honored by Time Magazine as one of the seven outstanding Pastors of the country; he was founding member of the Southern Christian Leadership Conference; he is a life member of both the National Baptist Convention and the NAACP. Perhaps most relevant to his work in The

STEP Foundation is his background as President and Director of the World Christian Training Center in Los Angeles, a program established eleven years ago by several evangelical groups to work in inner city ministry.

D.C. BLACK RELIGIOUS LEADERS PROTEST SEXUAL ASSAULT REVISIONS

Washington, D.C. -- On September 9, black religious leaders here in the nation's capitol joined Moral Majority President Jerry Falwell in denouncing a city council-approved sexual assualt bill, D.C. Act 4-69, and urging passage of a Congressional Resolution of Disapproval to the bill. The Reverend John D. Bussey, pastor of the Bethesda Baptist Church in Northeast Washington, blamed city council members for the approval they gave the sexual assualt bill in July. Bussey said, "Like all politicians in this country, they were afraid of the homosexual people in this world." In response to opponents of the congressional resolution, who maintain the resolution threatens D.C.'s "home rule" provisions, Reverend Cleveland Sparrow, president of Sparroworld Baptist Corporation, explained to reporters, "This is not a matter of home rule - it's a matter of home ruin."

The bill, intended to reform D.C.'s criminal code in matters regarding sexual assault, would:

--remove all sanctions against homosexual conduct in the District of Columbia.

--repeal statutes prohibiting adultery and fornication.

--repeal the D.C. law prohibiting sexual seduction of a child by a teacher.

--legalize sexual advances by a teacher against a seventeen year-old, as long as no force is used.

--reduce the maximum penalty for forcible rape from life imprisonment to twenty years in jail.

"In other words," said Rev. Falwell, "D.C. Act 4-69 is a perverted act about perverted acts, and it should be prevented from passing into law."

Steps have been taken to overturn the sexual assualt bill. On September 9th, Senator Jeremiah Denton (R-AL) and Congressman Philip Crane (R-IL) introduced to the Senate and House respectively Resolutions of Disapproval to D.C. Act 4-69. Under the D.C. Home Rule Act, either of these resolutions, if passed by a majority vote in either house before the end of 30 legislative days (October 1st) would prevent D.C. Act 4-69 from becoming law. In order to bring one of these resolutions to a vote by the October deadline, it must be discharged, after a period of twenty days (September 29), from committee by a majority vote on a "privileged motion." Such a motion would require immediate action on the part of the legislative body. If either the Senate or House Resolution is discharged by a privileged motion supporters of the resolutions believe there to be a good chance for passage. Co-sponsoring the Senate Resolution are Senators Jesse Helms (R-NC), John East (R-NC) and Orrin Hatch (R-UT).

At the September 9th press conference Reverend Falwell urged all members of Congress to recognize their responsibility to the District of Columbia. Falwell said, "Washington, D.C. is not just any local jurisdiction, it is the nation's capital. This was recognized by the Congress when they created the D.C. Home Rule Act, which includes a provision whereby Congress, acting for the nation as a whole, may by Resolution of Disapproval, prevent a D.C. Act from taking effect. The American people, through their elected officials, have a stake in what the laws of their capital city are--and they certainly do not want to legitimize or give the seal of approval to perverted acts. If D.C. Act 4-69 becomes law, it will be used as a reason or excuse for other local and/or national laws and regulations of a similar nature.

This would give entirely the wrong signal as to what is right and proper behavior to the nation as a whole."

LIBERAL LEADER ESTABLISHES "FRIENDS OF THE FAMILY"

During the recent biennial conference of the Family Service Association of America (FSAA), attendees heard a stinging attack on the pro-family movement from Dr. Michael P. Lerner, director of the Institute for Labor and Mental Health, a non-profit federally funded organization that works with trade unions around the country. Dr. Lerner's address, entitled "Bringing it All Back Home: A Strategy to Deal with the Right," was given at the September 9-11 meeting in San Antonio, Texas.

Sometimes it is interesting to see what those who oppose the pro-family movement are doing to counteract recent pro-family political strength. For this reason, FPR is reprinting a lengthy excerpt from Dr. Lerner's remarks. With Wilson Riles, Jr., Lerner is co-chairman of "Friends of the Family," an organization he describes below. Lerner is former editor of Ramparts magazine, and has taught social psychology and psychology of social movements and family therapy at the University of Washington, Trinity College, and the University of California at Berkeley. Dr. Lerner's remarks follow.

"Reagan's economic doctrines were not what won the election, but rather his ability to speak to the fears and insecurities of daily life...the Right wing did not win by having a better set of economic arguments than liberals, but rather because they spoke to the basic needs of the population for a differenct quality of life. People are willing to endure economic hardships, wars and domestic unrest if they believe that it is part of a larger plan that will eventually lead to a world that they really want. The Right wing has been able to harness themoral righteousness and idealism as well as the fear and insecurity people face, and to address those needs in a way that has given them a political mandate....

"The critics of the family suspect that many of the Right wing leaders who speak of supporting the family really have in mind a return to a patriarchal family with women subordinated and abandoning their work outside the home. That may be true of many of these leaders. But it is not for that reason that so many people are responding. Rather, it is the vision of a family as the place where one is supposed to get nurturing and love regardless of one's actual achievements in the world that moves people to desire a defense of the family and a return to family values...It is in recognizing this yearning as valid and noble that the Right wing can validate itself and its political and social message. The core feeling of despair over the demise of family life are then taken by the Right, and attached to a specific social and political and economic program that have little to do with actually achieving the kind of vision that most people strive for. But they will be supported as long as no one else can speak to those same needs and desires....

"It is time for Progressives to loudly and clearly identify with the defense of the family, while insisting that the definition of family now be expanded to include single-parent families, extended families, gay families and kinship networks. We propose the creation of a new national organization called Friends of the Family whose goal would be to take this issue out of the hands of the Right and show that the best defense of what people really want in family life will come through a progressive restructuring of the economic and political fabric of American society. Friends of the Family will provide the intellectual & political force which could destroy the base upon which Right wing ideological dominance now rests.

"The moment we take up the challenge of the family, identify with it, and really commit ourselves to building a program for support of the family, we are in a dramatic position to fundamentally challenge the analysis and policies of the Right. Once we ask ourselves, 'How do we create a society within which long-term commitments to love, intimacy and

emotional nurturing are really possible?' We see that it is precisely a progressive program that makes most sense. The Right is in an impossible contradiction: because in fact the destruction of the possibility of loving, creative family life has been a product of the economic market which the Right is committed to defending. People feel that they are losing control of what is happening in their personal life, that they are being maniplulated by outside forces, and that their basic support structures--families--are in danger of falling apart. Their feelings are correct. But the Right identifies this with gays, or the women's movement, or "government intervention." In fact, these problems are outgrowths of the way the economy and the workplace are organized...many of the problems that people face in their personal lives, in their key intimate relationships with spouse or children, are really the product of the work world...when progressives have addressed those issues at all, it has usually been in a way that suggested that the individuals involved needed government help to deal with their "personal" problems....

"On the other hand, the Right wing insistence that this is a reflection of a common social problem, labelled as "the breakdown of the family," while insidious because of who it pins the blame on, has actually been empowering to many working people because it tends to undermine self-blame. The obvious move now is for progressives to join the Right in defining these problems as common and social ones, but to correctly identify the source for this family breakdown in the current organization of the workplace. (Dr. Lerner continued) This analysis leads us to say that the number one priority for supporting the family is to humanize the workplace in such a way that people come out of it strengthened in their ability to participate in loving and intimate relationships rather than emotionally wrecked. And this, in turn, raises the issue of democratic control of work as a necessary part of family support.

"A first priority in strengthening the family, as we have already see, is to humanize the workplace and to undermine the competitive dynamics of the economy that create character structures in all of us that make loving more difficult.

"But there are a host of other specific institutional supports that can be created for family life. One obvious example is an adequate system of child-care...It is precisely in the name of family support that we must argue for eliminating the profit from health care, and developing a system that is based on the real needs of the community...Working people need a Bill of Rights that restricts the ways that the owners of the corporations can infringe upon their family lives...We will develop a Bill of Rights for Families that specifies the programs that would actually provide meaningful support to family life.

Family Day--1982

"Friends of the Family will emerge through a major national event: Family Day, 1982. Like Earth Day that launched the environmental movement in 1970, Family Day will be a high visibility event that allows us to proclaim the message and programs contained herein...Undoubtedly, the Right will denounce it as "insincere," and that will open the debate for us about who really supports family life, and what real support for families must mean. It would be a major media event, having the character of a "Man bites dog" story, because it runs counter to popular expectations about who would be out front supporting families. This will be particularly important because in 1982 the Right will be pushing its own legislative program around families, and without this kind of quantum leap liberals and progressives will appear very much on the defensive, very definitely not on the side of families. Friends of the Family will play the role of coordinating Family Day nationally, providing ideas and suggestions and help to the national unions, liberal organizations and women's groups that mobilize their local base to make it actually happen.

(FOR MORE INFORMATION contact Friends Of The Family, 3137 Telegraph Ave, Oakland, Ca. 94609 415-653-6186.)"

THE PUBLIC SOCIAL SERVICE SECTOR: Does it cultivate a partnership for service with "helpers" outside the public system?

—by Samuel Young, M.S.W.

A short-time ago, a public social service administrator remarked to me that a sectarian agency in town was taking the initiative to develop services for counseling unwed mothers (UM). The administrator was irritated because it seemed unnecessary to him that such a service should be duplicated when his agency was already providing "excellent services" in this area. the implication that an unmet UM service need persisted, in spite of his agency's UM services, upset him. What the administrator failed to appreciate was that his agency's UM services incorporated a set of values that were not esteemed by another sector of the community. Specifically, his agency staff had a propensity for favoring abortion in these services. There was a need for similar services utilizing a different value base.

In my public social service work experience, I have observed a variety of sentiments expressed concerning the relative value of public social services over that of private and sectarian agencies, and the natural helping systems of the family, church, synagogue, neighborhood, and ethnic group. Not surprisingly, the overwhelming majority of co-workers hold an exalted view of the public social service sector role within this spectrum in meeting human needs.

It seems that a wide variety of factors contribute to the degree of "social service value" attributed to these helping sources by co-workers as they consider their (or the agency's) client needs. To further understand their sentiments, I have touched on a few of the more salient contributing elements.

"Purposeful Duplication"

The introductory example speaks to the issue of what some have called "purposeful duplication." Public welfare administrators, and especially planners, are wary of community social service planning strategies that suggest, or evidence, service duplication. If the public agency provides it, why purchase it (for a client) from another agency? In the example, the administrator did not recognize the values questions as a significant ingredient in the issue. There was simply an assumption that good administration assures that workers can be, or will be, "all things to all men"--or in this case women.

On the other hand, a "purposeful duplication" approach recognizes the limits of a public agency in providing a particular service. It calls for various parts of the community to share in a part of the total service delivery. In addition to addressing the value concern, the marketplace competition encourages respective agencies and organizations to maintain high quality and responsive services.

Professionalization is another factor that contributes to the self-exaltation of social workers when it comes to determing who can best meet a human need. This is most pronounced when the worker contrasts himself with "helpers" in the client's natural helping system. Not unlike many other professions, social workers emphasize their exclusively unique abilities for resolving human needs.

Speaking to the professional problem at a seminar held by the Mediating Structures Project of the American Enterprise Institute in 1979, John McKnight, a professor of communication studies and associate director of the Center for Urban Affairs at Northwestern University, elaborated on the point. McKnight said:

> The second cause of the revolt against professionalism is explained by the arrogance argument. This position suggests that the nature of professions is inherently elitist and dominant. Given the professional powers to define problems, treat them, and evaluate the efficacy of the treatment, the client as a person has been a residual category in the process. As professions have become integrated into large scale specialized systems financed by public funds and insurance plans, the professional has increasingly been able to secure a guaranteed annual income. The consequence is that the client's residual role as a volitional purchaser of service, or even as a human being in need, has disappeared, and the professional is free to use the client without pretense of humanistic service. The resulting arrogance, magnified by the modernized systems of assembly line, multi-service "care" that institutionalize the individual professional, has evoked the consumer movements.

In the case of public social services, the "professionals" have identified human needs unmet by the primary social structures of our communities (family, church, voluntary associations, etc.), and subsequently attached themselves as a partial solution to the needs. With the possible exception of the family, the public social service sector is not inclined to enhance the importance of what sometimes seem to be competing structures in the race to meet a need. As such, they are predisposed to seek solutions to human needs that rely on expansion of the public social service sector, rather than the stimulation of creative service development within the non-public arena.

A case in point is the Personal Social Service System described by a paper put forth by the Cleveland Foundation and the American Public Welfare Association at the National Invitational Conference on Planning and Redesigning of Local Social Services Delivery in May, 1978 at Cleveland, Ohio. Personal Social Services are described as "a class of human services parallel to education, health, income maintenance...concerned with internal and interpersonal adjustment and functioning." The major point here is the proposition that the "responsibility for creating the network and assuring the provision of the services included belongs in the public sector."

While they recognize private agencies, public sector social workers subordinate their role to one of receiving grants and providing "authorized services". This of course would concentrate great control in the public sector.

Finally, a common self-perception of public sector social workers is that they are social change agents. As such, they endeavor not only to meet the immediate needs of a client but also to employ political action, community organization, and other means of institutional change to correct "social injustices" that they believe have contributed to the problem. In this sense, they see themselves as set apart from other community services that otherwise function in a more "philanthropic way" (i.e. addressing a symptom but stopping short of correcting root problems of "social injustice").

The Child and the Law by Roberta Gottesman. Children's Legal Rights Journal, 1981. 234 pages and appendices.

— Reviewed by Randall R. Rader

Laws, those rules "we the people" set for ourselves to preserve order while protecting individual liberties, are not chiseled in unweathered stone. Legislatures are continually churning out modifications; courts are continually finding different meanings in those legislative pronouncements; and police are continually shifting scarce resources to enforce some edicts more stringently than others. Therefore, a book which purports to advise "teachers, social workers, juvenile justice administrators, law enforcement officers, medical practitioners, and other professionals working with children" (this list conspicuously excludes parents) must carefully distinguish between time-honored and unquestioned principles for settling disputes involving children and legal concepts yet to emerge from the crucible of public deliberation as a lasting consensus. In this work, the author passes too cavalierly from reporting the unquestioned principles into presenting a single course in the less defined (and often controversial) fringes of the law.

Busing of school children to achieve racial balance, for instance, is a subject which Roberta Gottesman takes as an unquestioned principle. She announces that "the Supreme Court approved the use of busing as an acceptable tool of integration." She does not note that the Court's ruling in Swann vs. Charlotte-Mecklenburg actually only allowed busing as a last resort when there is no other remedy for intentional segregation. She does not note that the U.S. Congress has consistently tried to limit busing, nor does she note the public tension that later prevented continuation of busing in Los Angeles. If Gottesman's busing discussion were just an explanation of how a court might act to remedy a finding of de jure segregation, the analysis might be more accurate. But this overview leaves the misleading impression that busing is as much an irrefutable fact of American jurisprudence as is criminal prosecution for child abuse.

My point is not that Gottesman blatantly advocates a particular course of law; instead she subtly emphasizes one view of an ongoing legal dispute. As examples, she limits her discussion of "tracking" (placing students in different classes according to ability) to a single over-reaching case in the District of Columbia that banned it. She did not mention that prohibiting "tracking" as a form of racial discrimination is not a national practice. That case is somewhat of an aberration, from a judge (Skelley Wright) known for judicial experimentation. When addressing the question of whether a lesbian should retain custody of her children in a dispute with the children's father, she does acknowledge that courts have differed on the resolution. Yet she only quotes the cases in a liberal California court which allowed custody. Gottesman concludes this discussion with an unnecessary (and debatable) summation that "there are over 1.5 million lesbian mothers in the country. There are an estimated 11 million lesbians in America -- one out of evey 10 women." A far more important topic, child snatching by a parent now awarded custody, received less treatment than lesbian mother.

While Gottesman betrays a bias in several areas of law still in flux, she should be commended overall for giving reliable guidance in some sensitive areas of law. The book does give a credible overview of the law pertaining to juveniles and would be a good place to start looking for information relating to handling a legal problem.

Roberta Gottesman is director of the Children's Legal Rights Information and Training Program here in Washington, D.C. Funding for the research of The Child and the Law came from a U.S. Justice Department grant. I should note a grave omission in a work

that purports to discuss broadly the child's relation to the law. That omission appears at the outset when "parents" are excluded from the list of "other professionals working with children." Gottesman sets up a correct premise that the law attempts to shelter children from exploitation and abuse. She overlooks, however, that the law generally recognizes parents as the best shelter. Therefore, the law is careful to treat the child in the greater context of the family not because, as she claims, "traditionally children were considered to be chattel of their parents." but because parents could perceive and meet the needs of their children far better than courts. This view of the law and the case law to support it were notably lacking from a work devoted to a broad consideration of "the child and the law."

In conclusion, I recommend that everyone involved with children (note: my phrase does not exclude parents) read this book to gain an overview of some principles society has adopted to protect order and preserve individual and family rights when dealing with youth. However, this recommendation carries, as I have noted, a caution that some answers are not as pat as presented in the book.

(Randall R. Rader is a counsel to the Senate Judiciary Committee's subcommittee on the Constitution. An attorney, Rader is also a consultant to the Free Congress Foundation's Judicial Reform Project.)

THE FREE CONGRESS RESEARCH AND EDUCATION FOUNDATION is a 501 (c) (3) tax-exempt, educational organization. Among its functions is the publication of the Family Protection Report, a monthly newsletter designed to keep the public informed on subjects which have an impact on the family. FPR focuses on problems and opportunities facing American families. In addition, FPR studies the effect of govern- ment and government-sponsored programs on the traditional family.

The President of the Foundation is Paul M. Weyrich, a former journalist in both print and broadcast media. He covered city politics for the Milwaukee Sentinel and was political editorfor the CBS affiliate in Milwaukee. He later became News Director of a Denver area radio station. Following the 1966 elections, Weyrich came to Washington as press secretary for then Senator Gordon Allott, who became GOP Policy Chairman. He also worked for Sen. Carl Curtis. Weyrich has been Washington editor of a transit publication and has written for selveral publications over the past several years. He brings both political expertise and a strong commitment to journalistic integrity to the Family Protection Report.

FPR editor is Connaught Marshner, who also serves as director of the Foundation's Family Policy Division. Before founding FPR, Mrs. Marshner was assistant to a Member of Congress, worked at the Office of Economic Opportunity, and is also an education critic, author of the book Blackboard Tryranny, and of numerous articles. Patrick B. McGuigan is Associate Editor of the Family Protection Report. Patrick holds B.A. and M.A. degrees from Oklahoma State University. In addition to professional experience as a journalist, educator and editorial writer, he is the author of numerous scholarly articles and book reviews. Patrick is director of the Foundation's Judicial Reform Project and editor of Initiative and Referedum Report.

Contributions to the Free Congress Foundation are tax-deductible. We ask a $25 per year donation for the Family Protection Report to help cover expenses involved in its production. If you would like to contribute please fill out the form below and return it to Family Protection Report, 721 2nd Street, N.E., Washington, D.C. 20002.

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Family Protection Report
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Family Life Seminars

May 6, 1982

Carolyn,

Enclosed are names of people we thought would be active in supporting legislation for tuition tax cuts.

1. Dr. Bob Billings
   Department of Education
   P.O. Box 1745
   Washington, D.C. 20013

2. Dr. Robert Simonds
   Christian Education Assoc.
   P.O. Box 2226
   Newport Beach, CA 92661
   714/631-7010

3. Mr. & Mrs. Mel Gabler
   Educational Research Analysts
   P.O. Box 7518
   Longview, TX 75602
   214/753-5993

4. Barbara Morris
   P.O. Box 756
   Upland, CA 91786
   714/981-0231

5. Paul Lindtrom
   Christian Liberty Academy
   203 E. McDonald Road
   Prospect Heights, IL 60070
   312/259-8736

6. Paul Kienel
   Assoc. Of Christian Schools Int'l
   P.O. Box 4097
   Whittier, CA 90607
   213/259-8736

7. Don Howard
   Accelerated Christian Education
   2600 Ace Lane
   Lewisville, TX 75067
   214/462-1776

REPUBLICAN REPORT

U.S. SENATE REPUBLICAN POLICY COMMITTEE

John Tower, Chairman

MAJOR FAMILY-RELATED TAX CHANGES

OF THE 97th CONGRESS

MARCH, 1983

Compiled by Lincoln C. Oliphant

The family is the foundation of our social order. It is the school of democracy. Its daily lessons -- cooperation, tolerance, mutual concern, responsibility, industry -- are fundamental to the order and progress of our Republic...

...we do not advocate new federal bureaucracies with ominous power to shape a national family order. Rather, we insist that all domestic policies, from child care and schooling to Social Security and the tax code, must be formulated with the family in mind.

-- from the 1980 Republican Platform

MAJOR FAMILY-RELATED TAX CHANGES

OF THE 97th CONGRESS

"Perhaps no change in the Nation's tax laws has been more significant, yet less recognized, than the shift since the late 1940s in relative tax burdens of households of different size," wrote Economist Eugene Steuerle in a paper that has been frequently quoted by family advocates. "Whether measured by dollars or by average tax rates, the tax burden of households with dependents has grown dramatically relative to households without dependents. . . ." E. Steuerle, "The Tax Treatment of Households of Different Size," (mimeo) forthcoming in R. Penner (ed.), Taxing the Family (American Enterprise Institute: Washington, D.C.).

The 97th Congress made a number of changes in the tax laws which directly affect the family. Twelve of these changes have been collected and summarized in this paper. These twelve were selected because each one necessarily involves the taxpayer in his or her role as a family member. The 97th Congress made hundreds of changes in the tax code, and many of these will have their primary effect on American families, but unless the changes involved taxing family members as family members they were not included in this paper.

A summary of the "cost" of the twelve family-related changes for fiscal years 1982 through 1986 can be found at page 29. Note that throughout this paper a change which produces a reduction in federal revenues is counted as producing a revenue gain for families. The focus here is on family income, not Treasury revenues. (The revenues can, perhaps, be more accurately described as "income not taxed away from the families who earned it.")

In fiscal year 1982, the twelve family-related amendments will increase family revenues by about $459 million. This sum will rise to more than $23.8 billion in 1986. Two amendments account for about 90% of the 1986 total: reduction of the "marriage penalty" and indexing of personal exemptions (which is scheduled to begin in 1985). Even by 1986, only three of the other changes amount to revenue increases to families of more than $100 million.

Ten of the twelve tax amendments were made in the Economic Recovery Tax Act of 1981 (ERTA), the major Republican "tax cut" bill. When reading the legislative background of these ten changes, it will be helpful to remember that the Senate dealt with the bill before the House did. The Senate considered its tax amendments from July 15 to July 29, 1981, when it was considering H.J.Res. 266. The House passed its tax bill, H.R. 4242, on July 29, 1981. The Senate then (July 31) took up H.R. 4242, replaced all after the enacting clause with the text of H.J.Res. 266, as amended, and asked for a conference. When the House adopted the Conable-Hance substitute on July 29, the final shape of the Senate bill was essentially complete.

The two- or three-page summaries of the twelve family-related tax changes are organized numerically, beginning with 26 U.S.C. 44A and proceeding through the remaining sections of the code amended during the 97th Congress. Each summary is self-contained.

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26 U.S.C. 44A

Credit for Household and Dependent Care Services

(Child Care Credit)

SUMMARY: The Economic Recovery Tax Act of 1981, Pub.L. 97-34, Title I, sec. 124, Aug. 13, 1981, 95 Stat. 197, increases the credit available to taxpayers who have expenses for household and dependent care services which are necessary for gainful employment.

LEGISLATIVE BACKGROUND: The Ways and Means Committee of the House approved an increased credit equal to 40-percent of the qualifying costs for low income individuals and sliding to 20-percent for individuals having adjusted gross incomes of $30,000 or more. The maximum 40-percent credit was available to persons with adjusted gross income of less than $11,000, and was reduced by 1-percent for each additional $1000 of income. The qualifying amount of expenses was raised from $2,000 to $2,400 for one dependent and from $4,000 to $4,800 for two or more dependents.

The Conable-Hance substitute of July 29, 1981, eliminated the Committee's proposed increases for the child and dependent care credit. Significant changes were made on the Senate floor, however.

On July 24, the Metzenbaum-Hawkins amendment (unprinted no. 296) and the Durenberger amendment (unprinted no. 297) were added on the Senate floor. Together, the amendments made these changes in the credit:

(a) increased the dollar amount of deductible expenses;

(b) used a sliding scale to reduce the credit for those earning between $10,000 and $30,000;

(c) provided that the credit would be refundable;

(d) excluded employer-provided childcare from being counted as gross earnings of the employee;

(e) gave employers a tax credit for providing day care services (equal to 50-percent of the employer's costs).

127 Cong. Rec. S 8443-51 (daily ed. July 24, 1981).

An effort by Senator Biden to limit the credit to households with incomes no higher than $30,000 was unsuccessful. Id. S 8629-33 (daily ed. July 28, 1981). An earlier attempt of Senator Biden's to reconsider the votes by which the Metzenbaum-Hawkins and Durenberger amendments were agreed to was also unsuccessful. Id. S 8579-80.

Only three of the five points of the Metzenbaum-Hawkins and Durenberger amendments survived conference. Refundability was dropped, as was the employer credit.

GENERAL PROVISIONS: A taxpayer may claim a credit against certain employment-related expenses for the care of a dependent under the age of 15 (and for whom the taxpayer qualifies for a deduction) or a dependent or spouse who is physically or mentally incapable of caring for himself. Employment-related expenses are those for household services and care of qualifying individuals if such expenses enable the taxpayer to be gainfully employed. If the qualifying individual is a mentally or physically disabled spouse or dependent and the expenses are incurred outside the taxpayer's household, the expenses are countable toward the credit only if the disabled person spends at least 8 hours a day in the taxpayer's household.

A taxpayer may take into account$2400 per year for one qualifying individual and $4800 per year for two or more when calculating employment-related expenses. The credit is then figured on a sliding scale equal to 30-percent for taxpayers with adjusted gross income of $10,000 or less and reduced by 1-percent (but not below 20-percent) for each additional $2000 (or fraction thereof) of adjusted gross income. There are special rules for students and disabled spouses, and definitions of the kind of out-of-household facilities that allow taxpayers to claim the credit.

The new provisions liberalize the rules regarding employment-related expenses paid to relatives. The credit may now be taken for payments to any individuals including relatives except dependents of the taxpayer or a child of the taxpayer who has not attained age 19 by the close of the taxable year.

EFFECTIVE DATE: taxable years beginning after December 31, 1981

REVENUE EFFECT ON FAMILIES:

Estimated effect in millions of dollars, by fiscal year

1982	+14
1983	+181
1984	+212
1985	+241
1986	+271

H. Rpt. no. 97-215, 97th Cong., 1st Sess. 290 (1981). The amounts shown on the line "Child and dependent care credit" were reduced by the costs of the exclusion for employer-provided day care.

# # # # #

26 U.S.C. 129 (new)

Exclusion of Dependent Care Assistance

from the Income of Employees

SUMMARY: The Economic Recovery Tax Act of 1981, Pub.L. 97-34, Title I, sec. 124(e), Aug. 13, 1981, 95 Stat. 198, as amended by the Technical Corrections Act of 1982, Pub.L. 97-448, Title I, sec. 101(e), Jan. 12, 1983, 96 Stat. 2366, excludes from an employee's gross income the cost of dependent care assistance provided to the employee by his employer.

LEGISLATIVE BACKGROUND: (See the summary of the amendments to 26 U.S.C. 44A, child care credit, for a more complete legislative summary.)

This provision was added on the Senate floor by Senator Durenberger. 127 Cong. Rec. S 8445-51 (daily ed. July 24, 1981). The conference committee retained the income exclusion while dropping other employer-related provisions that had been added on the Senate floor, particularly those sections of the Metzenbaum-Hawkins amendment providing a tax credit to employers of 50-percent of their costs of providing qualified household and dependent care services to their employees.

GENERAL PROVISIONS: When an employer provides dependent care assistance to his employees, the cost of such care is not counted as income to the employees. The exclusion cannot exceed the earned income of a single employee or the earned income of the employee or the employee's spouse if the employee is married. Special rules apply in calculating the earned income of spouses who are students or disabled.

Dependent care assistance cannot be provided by a dependent of the employee or the employee's spouse or child under age 19. "Dependent care assistance" is those services which, if paid for by the employee, would be considered employment-related expenses for which credit could be claimed under 46 U.S.C. 44A. In general, those services are household services and the care of dependents under age 15 or the care of physically or mentally handicapped dependents or spouse who are "incapable of caring for [them]selves." Such care must be necessary for the employee's gainful employment.

Each dependent care assistance program must be a "separate written plan of an employer for the exclusive benefit of his employees." The program cannot "discriminate in favor of employees who are officers, owners, or highly compensated, or their dependents." Employees can be excluded from a program if they are part of a collective bargaining unit and "there is evidence that dependent care benefits were the subject of good faith bargaining." Eligible employees must receive reasonable notification of the availability and terms of any program. They must also receive annual notice, in writing, of the program's costs.

EFFECTIVE DATE: taxable years beginning after, and remuneration paid after, December 31, 1981

REVENUE EFFECT ON FAMILIES: a gain in each year estimated at $5 million in 1982, $10 million in 1983, $25 million in 1984, $55 million in 1985, and $85 million in 1986 (all years are fiscal years)
Source: Joint Tax Committee (for years 1983-1986) (these amounts are included in the revenue estimates at H. Rpt. 97-215 (Conf. Rpt.), 97th Cong., 1st Sess. 290, line "Child and dependent care credit").

# # # # #

26 U.S.C. 131 (new)

Exclusion from Gross Income

for Certain Foster Care Payments

SUMMARY: Pub.L. 97-473 (relating to Tax Treatment of Periodic Payments), Title I, sec. 102, Jan. 14, 1983, 96 Stat. 2605, provides an exclusion from gross income for payments to reimburse foster parents for the expenses of caring for foster children. Also excluded are "difficulty of care payments" which are given to foster parents to help pay for the costs of raising physically, mentally, or emotionally handicapped foster children.

LEGISLATIVE BACKGROUND: In September 1982, the House passed H.R. 5470, a bill only changing the tax treatment of periodic payments received as damages for personal injury or illness. In the Senate Finance Committee, Senator Durenberger successfully amended the bill to exclude "difficulty of care payments." The full Senate retained the Durenberger amendment. 128 Cong. Rec. S 13147-54 (daily ed. Oct. 1, 1982). The chief sponsor of the amendment explained it this way:

> The Federal Government should be encouraging, not discouraging[,] foster care for these most vulnerable of children--the multiply handicapped, the severely retarded, the mentally ill. Today we strike down one of these barriers to a giving, loving family for these kids.

Id. S 13154 (remarks of Sen. Durenberger).

The bill did not go to conference, but was returned to the House where it was amended. The House accepted the Senate amendment on "difficulty of care payments," with an amendment to clarify the current law with respect to basic foster care payments. At the time, basic foster care payments were taxed under rules established by the I.R.S. through a revenue ruling:

> [P]ayments received from the child-placing agency for the support of a foster child are not includible in gross income except to the extent that the payments exceed the expenses incurred by the foster parents in supporting the child. [F]oster parents are entitled to a charitable contribution deduction for any unreimbursed out-of-pocket expenses incurred in supporting a foster child.

S. Rpt. No. 97-646, 97th Cong., 2d Sess. 6 (1982).

The House just excluded from gross income any amounts paid to reimburse a foster parent for the care of a foster child. The House amendment eliminated the recordkeeping, meddling, and discouragement that had characterized the enforcement of the former rule. (There had even been a dispute about whether state agencies were required to issue a form 1099 for foster care payments made to foster parents.)

The Senate accepted the House amendment.

GENERAL PROVISIONS:

> The . . . bill excludes from the gross income of a foster parent amounts paid to reimburse the foster parent for the expense of caring for a foster child (under the age of 19) in the foster parent's home and difficulty of care payments. This exclusion, in the case of difficulty of care payments, is available with respect to payments for the care of up to 10 children.
>
> Difficulty of care payments are payments that are compensation for providing the additional care of a foster child which is required by reason of a physical, mental, or emotional handicap with respect to which the State has determined that there is a need for additional compensation and which is provided in the home of the foster parent.
>
> In order for payments to be excludible, the foster child with respect to whom payments are made must be placed by an agency of a State or political subdivision thereof, or by a State-licensed, private, tax-exempt agency.

H. Rpt. No. 97-984 (Conf. Rpt.), 97th Cong., 2d Sess. 13 (1982).

EFFECTIVE DATE: taxable years beginning after December 31, 1978

REVENUE EFFECT ON FAMILIES: gain of less than $5 million in each of fiscal years 1983-1987. Id. at 21.

# # #

26 U.S.C. 151

Adjustments to Prevent Inflation-Caused Tax Increases:

Personal Exemptions

(Indexing Personal Exemptions)

SUMMARY: The Economic Recovery Tax Act of 1981, Pub.L. 97-34, Title I, sec. 104(c), Aug. 13, 1981, 95 Stat. 189, adjusts the personal exemption by an amount equal to the Consumer Price Index (CPI) for the preceding 12 months.

LEGISLATIVE BACKGROUND: On July 15, 1981, Senator Dole introduced on the Senate floor a committee amendment (no. 488) to index the tax code by adjusting annually the tax tables, zero bracket amounts, and personal exemption. 127 Cong. Rec. S 7653-67 (daily ed. July 15, 1981). Senator Dole said:

> In a way this amendment is historic. It represents the first time that a committee of Congress has acknowledged the need to keep individual tax rates stable in a period of inflation, and recommended action to deal with the problem. This is a major step forward as Congress reasserts its control over tax and fiscal policy. For too long we have allowed inflation to dictate tax rates and bloat Federal spending. The result has been not only fiscal mismanagement at the Federal level, but a prescription for economic disaster. Now, thanks to the leadership of President Reagan and the cooperation of the Congress, we have a chance to make a break with the past.

Id. S 7653.

The amendment was adopted the next day by a vote of 57-40. Id. S 777 (daily ed. July 16, 1981).

On July 23, Senator Hart moved to eliminate the tax cuts but begin indexing immediately. His amendment was defeated 4-93. Id. S 8234-42 (daily ed. July 23, 1981).

When the House adopted the Conable-Hance substitute on July 29, the indexing provision was identical to the Senate's.

The costs of indexing, and the size of the deficits, make the matter of continuing interest. For example, in a widely-reported speech on February 8, 1983, Rep. Dan Rostenkowski, Chairman of the Committee on Ways and Means, recommended a freeze on scheduled tax reductions. The first thing he suggested frozen was indexing.

GENERAL PROVISIONS: "Under the . . . bill, the income tax brackets, zero bracket amounts, and personal exemption are adjusted to inflation (as measured by the Consumer Price Index), starting in 1985." H. Rpt. 97-215 (Conf. Rpt), 97th Cong., 1st Sess. 200 (1981). The CPI used is the Labor Department's index for all-urban consumers, calculated from September 30 to September 30.

A personal exemption is allowed as a deduction for the taxpayer's spouse and all dependents (as well as for the taxpayer himself, and additional exemptions are available to blind or elderly taxpayers). The exemptions for spouse and dependents are important family-related aspects of the code. The real value of the personal exemption has decreased about 75-percent during the past three decades.

EFFECTIVE DATE: taxable years beginning after December 31, 1984

REVENUE EFFECT ON FAMILIES: estimated gain of $3,753 million in 1985 and $10,396 million in 1986 (The cost of indexing just the personal exemption is estimated by the Joint Tax Committee to be about 29-percent of the total cost of indexing: the figures here are 29-percent of the totals at H. Rpt. 97-215 (Cong. Rpt), 97th Cong., 1st Sess. 290 (1981).

# # # # #

26 U.S.C. 219(b)(4) (new)

Retirement Savings (IRAs) for Certain Divorced Individuals

SUMMARY: The Economic Recovery Tax Act of 1981, Pub.L. 97-34, Title III, sec. 311(a), Aug. 13, 1981, 95 Stat. 275, permits certain divorced individuals to contribute $1125 to an IRA each year where otherwise (under the general rules for IRAs) they would be entitled to a lesser amount.

LEGISLATIVE BACKGROUND: Congress made significant changes in the rules governing Individual Retirement Accounts (IRAs). The amendment to provide a special rule for divorced persons was added on the Senate floor by Senator Grassley, by voice vote. The original Grassley amendment (unprinted no. 237) would have allowed both divorced and surviving spouses to continue to contribute up to $1125 per year to their spousal IRA, provided the IRA was established before the divorce or death.

Senator Grassley said:

> This measure will afford nonearning spouses the same rights as any other worker in our society to continue an IRA. This measure will equalize our treatment of retirement savings for women, since many of the victims of our current policy are homemakers whose uncompensated efforts in the home disqualify them from maintaining an IRA under current law. In my view, there is no justification for denying these nonearning spouses the right to maintain an IRA in the event their marital unit is severed by divorce or death.

127 Cong. Rec. S 7854 (daily ed. July 17, 1981).

In conference, the provision for surviving spouses was eliminated; a modified provision for divorced persons was retained.

GENERAL PROVISIONS:

> [A] divorced spouse is allowed a deduction for contributions to a spousal IRA established by the individual's former spouse at least 5 years before the divorce if the former spouse contributed to the IRA under the spousal IRA rules for at least three of the five years preceding the divorce. If these requirements are met, the limit on the divorced spouse's IRA contributions for a year is not less than the lesser [sic] of (1) $1125, or (2) the sum of the divorced spouse's compensation and alimony includible in gross income.

H. Rpt. no. 97-215 (Conf. Rpt.), 97th Cong., 1st Sess. 240 (1981).

Of course, the maximum amount a divorced spouse may contribute annually to an IRA is $2,000, the same limit as applies to every participant.

EFFECTIVE DATE: taxable years beginning after December 31, 1981

REVENUE EFFECT ON FAMILIES: minimal gain each fiscal year

# # # # #

26 U.S.C. 219(c)

Retirement Savings for Certain Married Individuals

(Spousal IRAs)

SUMMARY: The Economic Recovery Tax Act of 1981, Pub.L. 97-34, Title III, sec. 311(a), Aug. 13, 1981, 95 Stat. 275, as amended by the Technical Corrections Act of 1982, Pub.L. 97-448, Title I, sec. 103(c)(1), Jan. 12, 1983, 96 Stat. 2375, increases to $2250 the maximum amount a married couple may contribute annually to an individual and spousal IRA ($2250 is the total combined amount).

LEGISLATIVE BACKGROUND: Congress made significant changes in the rules governing Individual Retirement Accounts (IRAs). The House version of the bill raised the individual IRA limit to $2000 and the spousal limit to $2250 for all individuals. The Senate bill concurred in these limits but only so far as they controlled the contributions of persons not active in their own qualified retirement plans. Under the Senate plan, persons having their own plans would have been permitted to open IRAs, but the limits would have been $1500 for individuals and $1625 for spousal plans.

In conference, the House version prevailed.

GENERAL PROVISIONS: A husband and wife who file a joint return may place a maximum of $2250 in individual retirement accounts (one or more for each spouse) if one spouse had no compensation for the taxable year.

Unlike the condition in prior years, the contributions do not need to be evenly distributed between the spouses and may be committed as agreed by the couple. However, no one spouse may make a contribution in excess of $2000. The combined contribution cannot exceed the gross income of the spouse having income for the taxable year.

EFFECTIVE DATE: taxable years beginning after December 31, 1981

REVENUE EFFECT ON FAMILIES: because of the many significant changes in the law governing IRAs, no meaningful revenue estimate is possible for the one change regarding spousal IRAs

# # # # #

26 U.S.C. 221 (new)

Deduction for Two-Earner Married Couples

(Reduction of the "Marriage Penalty")

SUMMARY: The Economic Recovery Tax Act of 1981, Pub.L. 97-34, Title I, sec. 103, Aug. 13, 1981, 95 Stat. 187, provides that married couples (where both work) may deduct up to $1500 from their adjusted gross income in 1982 and up to $3000 in 1983 and thereafter.

LEGISLATIVE BACKGROUND: The Ways and Means Committee provided a deduction for two-earner married couples equal to "10-percent of the lesser of $50,000 or the qualified earned income of the spouse with the lower qualified earned income." H. Rpt. no. 97-201, 97th Cong., 1st Sess. 53 (1981). On the House floor, the Conable-Hance substitute replaced the committee bill. The substitute's version of the deduction for two-earner couples was identical to the Senate version.

The Senate Finance Committee explained the approach finally adopted:

> Any attempt to rectify the marriage penalty involves the reconciliation of several competing objectives of tax policy. For many years, an accepted goal has been the equal taxation of married couples with equal incomes. This has been viewed as appropriate because married couples frequently pool their income and consume as a unit, and, thus, it has been thought that married couples should pay the same amount of tax regardless of how the income is divided between them. This result generally is achieved under current law.
>
> The committee believes that alleviation of the marriage penalty is now necessary because large tax penalties on marriage undermine respect for the family, by affected individuals, and for the tax system itself. To do this, the committee was obliged to make a distinction between one-earner and two-earner married couples. The simplest way to alleviate the marriage penalty is to allow a percentage of the earned income of the spouse with the lower earnings to be, in effect, free from income tax.

> The provision also will alleviate another effect of the current system on all married couples--high marginal tax rates on the second earner's income.

S. Rpt. no. 97-144, 97th Cong., 1st Sess. 29 (1981)

On the Senate floor, Senator Riegle's attempt to permit the full 10-percent deduction beginning in 1982 (rather than a 5-percent deduction in 1982 and the 10-percent deduction beginning in 1983) was defeated 36-57. 127 Cong. Rec. S 8468-70, S 8478 (daily ed. July 27, 1981) (unprinted amendment no. 298). The amendment was opposed on budgetary grounds.

(See also, Senator Mathias' unprinted amendment no. 491 eliminating the marriage penalty entirely by permitting married couples the option of filing as if they were single. 127 Cong. Rec. S 7923-28 (daily ed. July 18, 1981). Senator Mathias withdrew his amendment after he was assured that the Finance Committee would continue to monitor the marriage penalty. The Mathias amendment would have been considerably more costly than either the House or final version.)

GENERAL PROVISIONS: A two-earner married couple filing a joint return may deduct the lesser of 10-percent of $30,000 or 10-percent of the "qualified earned income" of the spouse with the lower qualified earned income for the taxable year. For only that taxable year beginning in 1982, the deduction is limited to 5-percent.

To determine "qualified earned income," the taxpayer must "struggle" with what Jane Bryant Quinn has called "a brand new tax computation guaranteed to drive you nuts." Qualified earned income is earned income (which is defined to exclude amounts such as those received from pensions or annuities, IRA distributions, and employment of spouse) less the sum of certain deductions (such as those for trade and business expense, IRA contributions,

contributions to pension, annuity, and profit sharing plans of certain self-employed individuals and electing small business corporations). The calculation is made without regard to any community property laws, i.e. (in the words of the Senate report) "earned income will be attributed to the spouse who renders the services for which the earned income is received."

No deduction is allowed for any taxable year in which either spouse claims earned income from sources outside the United States (section 911) or income from sources within possessions of the United States (section 931).

The deduction may be claimed whether or not couples itemize deductions.

EFFECTIVE DATE: taxable years beginning after December 31, 1981

REVENUE EFFECT ON FAMILIES:

Estimated Effect in millions of dollars, by fiscal year

1982	+419
1983	+4,418
1984	+9,090
1985	+10,973
1986	+12,624

H. Rpt. no. 97-215 (Conf. Rpt.), 97th Cong., 1st Sess.,290 (1981)

# # # # #

26 U.S.C. 222 (new)

Deduction for Expenses of

Adoption of a Child with Special Needs

SUMMARY: The Economic Recovery Tax Act of 1981, Pub.L. 97-34, Title I, sec. 125, Aug. 13, 1981, 95 Stat. 201, as amended by the Technical Corrections Act of 1982, Pub.L. 97-448, Title I, sec. 101(f), Jan. 12, 1983, 96 Stat. 2367, provides a deduction of up to $1500 per year for the expenses of adopting a child with a handicap or other special needs.

LEGISLATIVE BACKGROUND: The adoption amendment was added on the floor of the Senate by Senator Jepsen, and by voice vote. The Jepsen amendment would have permitted both taxpayers who itemize and those who do not to take a deduction up to $1500 for the necessary and reasonable expenses of adopting a child who is "a member of a minority race or ethnic group," 6 years of age or more, "each member of a sibling group if the sibling group is adopted," or handicapped.

Senator Jepsen said, "It is in the child's interest, the prospective parents' interest, and the national interest to help curb the dramatic impact in the initial cost of an adoption. To let the prohibitive initial costs of adoption deny a child an adoptive home and family is an injustice." 127 Cong. Rec. S 8603 (daily ed. July 28, 1981).

The following day, a Danforth-for-Jepsen amendment was adopted which changed the effective date of the reform. Id. S 8708 (daily ed. July 29, 1981).

In conference, the Jepsen proposal was modified to allow the deduction only to taxpayers who itemize their deductions, and eligible children were defined in terms of the Social Security Act, 42 U.S.C. 673(c).

At the time, adoption expenses were nondeductible, personal expenses.

GENERAL PROVISIONS: An individual may claim a deduction of up to $1500 per year for "qualified adoption expenses paid or incurred" during the year. Qualified adoption expenses are "reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a child with special needs . . . and which are not incurred in violation of State or Federal law."

The Social Security Act defines a child with special needs as one who (1) a state has determined "cannot or should not be returned to the home of his parents," and (2) a state has determined that because of some "factor or condition" such as ethnic background, age, medical condition, or handicap it is "reasonable to conclude" that the child will not be adopted without adoption assistance (which is available under the Social Security Act for maintenance payments, but not initial costs) and where, except in limited circumstances, there has been a "reasonable, but unsuccessful, effort" to place the child for adoption without providing the assistance available under the Act.

EFFECTIVE DATE: taxable years beginning after December 31, 1980

REVENUE EFFECT ON FAMILIES: estimated gain of $9 million in 1982, $9 million in 1983, $10 million in 1984, $11 million in 1985, and $12 million in 1986. H. Rpt. no. 97-215 (Conf. Rpt.), 97th Cong., 1st Sess. 291 (1981).

# # # # #

26 U.S.C. 280A(d)(3)

Rental to Family Members

For Use as Principal Residence

SUMMARY: Pub.L. 97-119 (relating to black lung benefits), Title I, sec. 113, Dec. 29, 1981, 95 Stat. 1641, allows a taxpayer to rent a dwelling to a member of his family on the same terms as he may rent to an unrelated party.

LEGISLATIVE BACKGROUND: On December 15, 1981, the House passed H.R. 5159, the Black Lung Benefits Revenue Act of 1981, and H.R. 4961, the Miscellaneous Revenue Act of 1981. In the Senate, the two bills were merged with S. 1957, the Senate bill to restore the Black Lung Disability Trust Fund. The combined bill that passed both Houses on December 16, 1981, was H.R. 5159.

In the Senate, Senator Dole explained his modified amendment (in the nature of a substitute), and said this about rentals to family members:

> The committee amendment will also alter rules disallowing business deductions when rental properties are rented to a taxpayer's relatives. The committee amendment will no longer treat as personal use arm's-length rentals to family members for use as a principal residence. . . .
>
> If a taxpayer in an arm's-length transaction rents a dwelling unit to a relative at fair rental value, for use as a principal residence, the Tax Code should not treat him any differently than it would had he rented to a stranger.

127 Cong. Rec. S 15484 (daily ed. Dec. 16, 1981).

"In addition," wrote the House Committee on Ways and Means, "the personal use limitations are hampering the ability of taxpayers to obtain affordable housing through creative financing arrangements." H. Rpt. no.97-404, 97th Cong., 1st Sess. 8 (1981).

GENERAL PROVISIONS: [S]ection 208A(d) is amended to provide that a taxpayer will not be treated as using a dwelling unit for personal purposes by reason of a rental arrangement under which the dwelling unit is rented to any person at a fair rental for use as such person's principal residence. Thus, the rental of a dwelling unit to a member of the taxpayer's family or the family of a co-owner of the dwelling unit would not constitute the personal use of the dwelling unit by the taxpayer if the dwelling unit is rented at a fair rental for use as the family member's principal residence. Of course, if the taxpayer continues to use the dwelling unit, such use will be considered personal use by the taxpayers notwithstanding the rental agreement. Similarly, in the rules relating to rentals of the taxpayer's principal residence, the definition of "qualified rental period" is amended so that a rental to a member of the taxpayer's family is treated in the same manner as a rental to an unrelated third party. The committee intends that fair rental be determined by taking into account such factors as: (1) comparable rentals in the area; and (2) whether substantial gifts were made by the taxpayer to the family member at or about the time of the lease or periodically during the year.

> In the case of rentals to a person who has an ownership interest in the dwelling unit, the [amendment] provides that the new rule applies only if the rental is under a shared equity financing agreement. . . .

H. Rpt. 97-404, 97th Cong., 1st Sess. 8-9 (1981). See also, 127 Cong. Rec. S 15487 (daily ed. Dec. 16, 1981) (remarks of Sen. Dole).

EFFECTIVE DATE: taxable years beginning after December 31, 1975, except that in the case of taxable years beginning after December 31, 1975, and before January 1, 1980, the amendment made by this section shall apply only to taxable years for which, on the date of the enactment of [Pub.L. 97-119], the making of a refund, or the assessment of a deficiency, was not barred by law or any rule of law

REVENUE EFFECT ON FAMILIES: estimated gain of $8 million in 1982, $51 million in 1983, $68 million in 1984, $100 million in 1985, and $148 million in 1986 H. Rpt. no. 97-404, 97th Cong., 1st Sess. 9 (1981).

# # # # #

26 U.S.C. 483(g)

Maximum Rate of Imputed Interest on Certain Transfers of Land Between Related Parties

SUMMARY: The Economic Recovery Tax Act of 1981, Pub.L. 97-34, Title I, sec. 126, Aug. 13, 1981, 95 Stat. 202, as amended by the Technical Corrections Act of 1982, Pub.L. 97-448, Title I, sec. 101(g), Jan. 12, 1983, 96 Stat. 2367, provides a new rule for determining the interest rate, if unstated, for sales of land between related persons.

LEGISLATIVE BACKGROUND: This provision was added on the Senate floor by Senator Melcher. His unprinted amendment no. 311 was adopted by a vote of 100-0 on July 28, 1981. The Melcher amendment was modified in conference, however.

The Melcher amendment established a maximum 7% rate of interest, compounded semiannually, for calculating total unstated interest. The Melcher rule was limited to "qualified nondepreciable property," defined as property for which the buyer could claim neither an allowance for depreciation or for amortization. It was further limited to transfers where the two parties had not "sold or exchanged" more than $2 million of property during a 12-month period. The amendment did not require the exchanges to be within a family. See, 127 Cong. Rec. S 8596 (daily ed. July 28, 1981) (unprinted amendment no. 311). There was also a special rule for corporate liquidations.

The Melcher amendment was supported in large measure because of the tax treatment of family transfers of farm property. Senator Jepsen said:

> . . . When the time comes for a child to get started in business or farming, he or she cannot afford 20-percent interest rates and the enormous initial capital expenditures. So, a father and mother give the child a break: A low-interest loan and a deferred payment schedule. This does two things: It helps the young person when such help is critical and allows parents to pass on their property to their offspring without incurring the confiscatory rates of present estate taxation. Raising the imputed interest rates will effectively close off that option to many farmers and small businessmen. [On July 1, 1981, the IRS had announced that the imputed interest rate would be 10-percent.]

127 Cong. Rec. S 8597 (daily ed. July 28, 1981).

As noted, the Melcher amendment was modified in conference.

GENERAL PROVISIONS: 26 U.S.C. 483(b) authorizes the Secretary of the Treasury to issue regulations prescribing the amount of imputed interest in contracts for the sale or exchange of certain property. The modified Melcher amendment (subsection (g)) prohibits the Secretary from using an interest rate exceeding 7-percent, compounded semiannually, in calculating the total unstated interest rate for qualified sales. A qualified sale is a sale or exchange of property between an individual and his brothers, sisters, half-brothers, half-sisters, spouse, ancestors, or lineal descendants. The 7-percent limit does not apply "to the extent that the sales price for such sale (when added to the aggregate sales price for prior qualified sales . . .) exceeds $500,000. Even if sales aggregate more than $500,000, the 7-percent limit is available up to $500,000. If either party is a nonresident alien, the 7-percent rule is not available.

EFFECTIVE DATE: applicable to payments made after June 30, 1981, pursuant to sales or exchanges after such date

REVENUE EFFECT ON FAMILIES: gain of less than $5 million in each fiscal year, 1981-1986. H. Rpt. 97-215 (Cong. Rpt.), 97th Cong., 1st Sess. 291 (1981).

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26 U.S.C. 2056 and 2523

Unlimited Marital Deduction

for Estate and Gift Taxes

SUMMARY: The Economic Recovery Tax Act of 1981, Pub.L. 97-34, Title IV, sec. 403, Aug. 13, 1981, 95 Stat. 301, as amended by the Technical Corrections Act of 1982, Pub.L. 97-448, Title I, sec. 104(a), Jan. 12, 1983, 96 Stat. 2379, removes the dollar limits on the marital deduction for both the gift tax and estate tax so that unlimited amounts of property can be transferred between spouses without estate or gift tax.

LEGISLATIVE BACKGROUND: On July 24, 1981, the Senate adopted a Symms amendment (unprinted no. 287) relating to certain life interests and the marital deduction. The amendment was agreed to by voice vote. 127 Cong. Rec. S 8345-46 (daily ed. July 24, 1981). When the House agreed to its substitute on July 29, the marital deduction section was identical to the Senate's and the House committee's.

GENERAL PROVISIONS:

> The . . . bill removes the quantitative limits on the marital deduction for both estate and gift tax purposes. Thus, unlimited amounts of property (other than certain terminable interests) can be transferred between spouses without estate or gift tax. The bill removes the provisions of present law which disallow the marital deduction for transfer between spouses of community property. In addition, certain transfers of qualified terminable interests would qualify for the deduction.

H. Rpt. 97-201, 97th Cong. 1st Sess. 161 (1981).

> The committee believes that a husband and wife should be treated as one economic unit for purposes of estate and gift taxes, as they generally are for income tax purposes. Accordingly, no tax should be imposed on transfers between a husband and wife.

S. Rpt. 97-144, 97th Cong., 1st Sess. 127 (1981).

EFFECTIVE DATE: generally, applicable to the estates of decedents dying after December 31, 1981, and to gifts made after December 31, 1981

REVENUE EFFECT ON FAMILIES:

Estimated effect in millions of dollars, by fiscal year

1982	$\doteq$ +2
1983	+303
1984	+304
1985	+311
1986	+300

H. Rpt. 97-215 (Conf.Rpt.), 97th Cong., 1st Sess. 291 (1981).

# # # # #

26 U.S.C. 2057 (repealed)

Repeal of Deduction for

Bequests to Certain Minor Children

BACKGROUND: The Economic Recovery Tax Act of 1981, Pub.L. 97-34, Title IV, 427, Aug. 13, 1981, 95 Stat. 318, repealed a deduction from a decedent's gross estate which was available to his orphaned, minor children.

LEGISLATIVE BACKGROUND: The amendment was in the House bill, but not the Senate amendment. The House version prevailed.

GENERAL PROVISIONS: Formerly, a child of a decedent (when the decedent left no surviving spouse) was entitled to a portion of his parent's estate, tax free. The amount of the deduction from the estate was equal to $5,000 multiplied by the difference between the child's age and age 21. This provision was repealed because (1) it complicated estate planning and the preparation of wills, H. Rpt. 97-201, 97th Cong., 1st Sess. 192 (1981), and (2) it was made largely irrelevant by the increases in the unified credit contained in ERTA (raised to $192,800, which will permit a cumulative tax-free transfer of up to $600,000).

EFFECTIVE DATE: applicable to estates of decedents dying after December 31, 1981

REVENUE EFFECT ON FAMILIES: loss of less than $5 million in each fiscal year, 1982-1986

# # # # #

ESTIMATED REVENUE EFFECTS
ON FAMILIES[1] OF THE
MAJOR FAMILY-RELATED TAX
CHANGES OF THE 97TH CONGRESS,
FISCAL YEARS 1982-86

(In Millions of Dollars)

PROVISION	1982	1983	1984	1985	1986
Child Care Credit	+ 14	+ 181	+ 212	+ 241	+ 271
Exclusion of Dependent Care	+ 5	+ 10	+ 25	+ 55	+ 85
Exclusion for Foster Care[2]	+ 2	+ 2	+ 3	+ 3	+ 3
Indexing Personal Exemptions	----	----	----	+ 3,753	+ 10,396
IRAs for Certain Divorced Individuals	Negligible Each Year				
Spousal IRAs	Not Available				
Reduction of "Marriage Penalty"	+ 419	+ 4,418	+ 9,090	+ 10,973	+ 12,624
Deduction for Adopting Child with Special Needs	+ 9	+ 9	+ 10	+ 11	+ 12
Rental to Family Members	+ 8	+ 51	+ 68	+ 100	+ 148
Transfer of Land Between Related Parties[2]	+ 2	+ 2	+ 3	+ 3	+ 3
Unlimited Marital Deduction (Estate & Gift Taxes)	+ 2[3]	+ 303	+ 304	+ 311	+ 300
Repeal of Deduction for Bequests to Children[4]	- 2	- 2	- 3	- 3	- 3
TOTALS	+ 459	+ 4,974	+ 9,712	+ 15,447	+ 23,839

[1]The estimated revenue effect on families = -(estimated revenue effect on the federal treasury).

[2]Formally, the revenue effect for each year is "less than $5 million." However, gains of either $2 million or $3 million were arbitrarily assigned to avoid counting the benefit as zero.

[3]Formally, "less than $5 million."

[4]Formally, the revenue effect for each year is "less than $5 million." However, losses of either $2 million or $3 million were arbitrarily assigned to avoid counting the loss as zero.

SELECTIONS ON FAMILIES AND TAXES

FROM THE 1980 REPUBLICAN PLATFORM

FREE INDIVIDUALS IN A FREE SOCIETY

Women's Rights

We reaffirm our belief in the traditional role and values of the family in our society. The damage being done today to the family takes its greatest toll on the woman. Whether it be through divorce, widowhood, economic problems, or the suffering of children, the impact is greatest on women. The importance of support for the mother and homemaker in maintaining the values of this country cannot be over-emphasized.

We call for greater equity in the tax treatment of working spouses. We deplore the marriage tax which penalizes married two-worker families. We call for a reduction in the estate tax burden, which creates hardships for widows and minor children.

STRONG FAMILIES

We do not advocate new federal bureaucracies with ominous power to shape a national family order. Rather, we insist that all domestic policies, from child care and schooling to Social Security and the tax code, must be formulated with the family in mind.

Education

We reaffirm our support for a system of educational assistance based on tax credits that will in part compensate parents for their financial sacrifices in paying tuition at the elementary, secondary, and post-secondary level. This is a matter of fairness, especially for low-income families, most of whom would be free for the first time to choose for their children those schools which best correspond to their own cultural and moral values. In this way, the schools will be strengthened by the families' involvement, and the families strengths will be reinforced by supportive cultural institutions.

Older Americans

Only a comprehensive reduction in tax rates will enable families to save for retirement income, and to protect that income from ravaging inflation. Only new tax exemptions and incentives can make it possible for many families to afford to care for their older members at home.

The Family Economy

We pledge to increase the availability of non-institutional child care. We see a special role for local, private organizations in meeting this need.

We disapprove of the bias in the federal tax system against working spouses, whose combined incomes are taxed at a proportionately higher rate than if they were single. We deplore this "marriage tax" and call for equity in the tax treatment of families.

We applaud our society's increasing awareness of the role of homemakers in the economy, not apart from the work force but as a very special part of it: the part that combines the labor of a full-time job, the skills of a profession, and the commitment of the most dedicated volunteer. Recognizing that homemaking is as important as any other profession, we endorse expanded eligibility for Individual Retirement Accounts for homemakers and will explore other ways to advance their standing and security.

Handicapped People

Targeted tax relief can make it possible for parents to keep such a child at home without foregoing essential professional assistance. Similarly, tax incentives can assist those outside the home, in the neighborhood and the workplace, who undertake to train, hire, or house the handicapped.

SECURE AND PROSPEROUS NEIGHBORHOODS

Housing and Homeownership

We will support legislation to lower tax rates on savings in order to increase funds available for housing. This will help particularly to make homeownership an accessible dream for younger families, encouraging them not to despair of ever having a home of their own, but to begin working and saving for it now. We oppose any attempt to end the income tax deductability of mortgage interest and property taxes.

AGRICULTURE

Taxation

Federal estate and gift taxes have a particularly pernicious effect on family farms. Young farmers who inherit farm property are often forced to sell off part of the family farm to pay taxes. Once these taxes are paid, young farmers often must begin their careers deeply in debt. Our tax laws must be reformed to encourage rather than discourage family farming and ranching.

We deplore the imposition of present excessive estate and gift taxes on family farms. We support the use of lower, productivity-based valuation when farms are transferred within the family. Further, we believe that no spouse should pay estate taxes on farm property inherited from a husband or wife.

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"THE HEARTHSTONE IS THE NATION'S CORNERSTONE"

AMERICAN FAMILY ASSOCIATION
401 C STREET N.E.
WASHINGTON D.C. 20002
(202)393-6656

February 25, 1983

Mr. Morton Blackwell
Special Assistant to the President
for Public Liason
The White House
Washington D.C. 20500

Dear Morton:

Per my conversation with you at the Arlington County Republican Committee meeting, I am now Vice President-Executive Director with the American Family Association. We are interested in a wide variety of issues that affect the family, i.e. "gay" rights, abortion on demand, ERA, pornography, discrimination in the tax codes against homemakers vs. career women on the subject of I.R.A.'s, public vs. private responsibility for education, and many others.

I am enclosing copies of a commentary that I did on Cable television and WRC-TV with regard to H.H.S.'s new regulations on dissemination of birth control devices, which we heartily approve.

I am a participant in the Library Court meetings and I would like to be placed on your list of organizations and individuals to be contacted when the White House needs allies on the outside for support of family oriented programs.

Finally, at the National Association of Evangelicals' annual meeting in Orlando, Fla. March 8-10, 1983 I will be appointed an at-large member of their Social Action Commission. This is the commission that has been and will probably continue to study the topic of nuclear disarmament, along with other social issues.

So Morton, please feel free to call upon me as an individual and as associated with the American Family Association for any assistance that I can render you.

Sincerely yours,

David A. Williams
Vice President-Executive Director

BIRTH CONTROL REGULATIONS ARE NEEDED

The Department of Health and Human Services has proposed a regulation that would inform parents when their children, age 18 and under, receive birth control devices. The 4000 clinics affected by this federal rule are those receiving Title X money. A number of groups oppose this such as Planned Parenthood, the National Organization of Women, WRC-TV and others, while the American Family Association, the National Association of Evangelicals and the Eagle Forum amongst others opposes it.

The proposed rule makes common sense. In this country no minor can get their ears pierced without parental approval, and schools can not dispense medicine to a child without the permission of parents. Obviously, prevention of pregnancy is just as significant as pierced ears or medication. Puberty is a difficult time for adolescents, and the need for parental guidance is sorely needed during this transition period. Since parents are responsible for all facets of their child's growth, i.e. food, clothing, shelter, education, moral and religious training, recreation, etc., is it not evident that mother and dad be primarily involved in the sex education of the children? No organization or government entity should take away this responsibility. How would you like it if someone gave your daughter a birth control bill or I.U.D. without your approval or knowledge? I assure you that would not tend to foster stable parent-daughter communications. It does not matter if the group involved is Planned Parenthood. They do not have a monopoly on concern, and the principle is still the same. The federal government should not be in the business of handing out birth control devices behind the parents backs. Furthermore, Uncle Sam should cooperate with parents, not circumvent their authority. The American Family Association and others are correct in supporting the move by HHS of informing parents when their children have been given birth control devices. Sex education should involve the parents and it is time that the federal government stop undermining their authority.

-30-

Weekly commentary by David A. Williams on "Arlington Weekly News", Metro-Cable T.V., Arlington, Virginia. Thursday, Jan. 27, 1983, 8:p.m. ch.33

AMERICAN FAMILY ASSOCIATION
401 C STREET N.E.
WASHINGTON D.C. 20002
(202)393-6656

EDITORIAL REPLY: BIRTH CONTROL REGULATIONS ARE NEEDED

The Department of Health and Human Services proposes a regulation that would inform parents when their children, age 18 and under, receive birth control devices. WRC-TV opposes this rule while we of the American Family Association firmly support it. This rule makes common sense. In this country no minor can get their ears pierced without parental approval, and schools can not dispense medicine to a child without the permission of parents. Obviously, birth control devices are just as significant a health matter as pierced ears or medication.

The federal government should not circumvent the authority of parents by prescribing birth control devices without the permission or knowledge of the parents.

The American Family Association applauds the move by HHS of informing parents when their children have been given birth control devices. Sex education should involve the parents and it is time that the federal government stop undermining their authority.

By David A. Williams, Vice President and Executive Director
American Family Association.

Dates Commentary aired

January 31st 6:58 p.m

February 1st 2:00 a.m.
6:28 a.m

WRC-TV4

NBC Television Stations Division
National Broadcasting Company, Inc

4001 Nebraska Avenue, N.W.
Washington, D.C. 20016 202-686-4402

Gayle Perkins
Editorial Director

January 21, 1983

Mr. Dave Williams
Vice President
American Family Assn.
401 C St., NE
Washington, DC 20002

Dear Mr. Williams:

We appreciate your interest in our editorial position. Enclosed is a copy of the editorial you requested.

If you have further questions or concerns, please feel free to call me.

Very truly yours,

Gayle Perkins
MB

Responses: 45 seconds

editorial comment

An expression of opinion by WRC-TV 4
4001 Nebraska Ave. N.W. Washington, D.C. 20016. 202 966 2402
John H. Rohrbeck, Vice President/General Manager, WRC-TV 4
Gayle Perkins, Editorial Director

EDITORIAL: BIRTH CONTROL REGULATIONS NEED SHELVING

VOL. 22, #11: AIR 1/20 & 1/21/83

The Department of Health and Human Services wants to make sure parents know when their teenagers, age 18 and under, receive birth control devices. The 4,000 clinics affected by this federal rule are those receiving Title X money. Consequently much of the impact of this rule will affect more heavily the poor and the minority. This rule allows teenagers to continue receiving birth control but within ten days of receipt parents will be notified.

Emotions run high on both sides of this issue. Statistics point to the reality that many teenagers are engaging in sex. A reality many of us don't want to face. Studies show teens are having sex. By 18 two thirds of boys and more than half of the girls have had intercourse.

The effect of this rule could be a reluctance to seek birth control on the part of teens who are sexually active and don't want their parents to know it. This, of course, will increase the likelihood of more pregnancies. The government should not be legislating parental responsibility.

I'm Gayle Perkins.

"THE HEARTHSTONE IS THE NATION'S CORNERSTONE"

AMERICAN FAMILY ASSOCIATION
401 C STREET N.E.
WASHINGTON D.C. 20002
(202)393-6656

COPY

March 24, 1983

Miss Betty Lou Dotson, Director
Office of Civil Rights
Department of Health and Human Services
330 Independence Ave., S.W., Room 5400
Washington D.C. 20201

Dear Miss Dotson:

The American Family Association is very supportive of the proposed rule 45 CFR Part 84, Nondiscrimination on the Basis of Handicap. It seems eminently sensible that those regulations prescribing denial of food or medical care for the handicapped should be extended to cover infants also. Common sense and medical science both are unanimous in agreeing that infants are just as much as human beings as adults are, regardless of their sizes.

We find it most unfortunate that there is controversy surrounding this ruling. Whereas there is little or no argument that handicapped adults should receive the full protection of the law, however when it comes to infants somehow certain people feel that defenseless babies should be treated differently.

Fortunately most Americans sharply disagree and we wholeheartedly concur with them. If the law should not be a respector of persons with regards to race, then it stands to reason that the same should apply to the handicapped regardless of their ages.

To the charge that the proposed rule further injects the federal government into the area of medical care, we are restrained from laughing out loud. The medical community in large part has been blatant in it's groveling after federal funds, and lobbying for various and sundry protections, licenses, subsidies, projects, etc. If the medical and health care community are serious in their concern about federal "intrusion" into the health-care field, then they should unanimously call for the withdrawal of <u>all</u> federal involvement in this field. Until they do so, we can only regard their latest outcry as <u>selective</u> indignation.

A favorite (but true) principle of American folk wisdom is that "He that pays the piper, calls the tune". If the hospitals do not want the proposed rule applied to them, then they should immediately surrender their federal subsidies and forth-with refuse to apply for or accept the same in the future.

Until that occurs, the federal government is well within it's rights in assigning guide lines when dispersing federal funds.

To conclude, the American Family Association would be very happy in providing testimony or other assistance in support of proposed rule 45 CFR Part, 84 Nondiscrimination on the Basis of Handicap.

Sincerely,

David A. Williams

David A. Williams
Vice-President-Exec. Director

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2ND COPY

February 25, 1983

Mr. Morton Blackwell
Special Assistant to the President
for Public Liason
The White House
Washington D.C. 20500

Dear Morton:

Per my conversation with you at the Arlington County Republican Committee meeting, I am now Vice President-Executive Director with the American Family Association. We are interested in a wide variety of issues that affect the family, i.e. "gay" rights, abortion on demand, ERA, pornography, discrimination in the tax codes against homemakers vs. career women on the subject of I.R.A.'s, public vs. private responsibility for education, and many others.

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Sincerely yours,

Dave

David A. Williams
Vice President-Executive Director