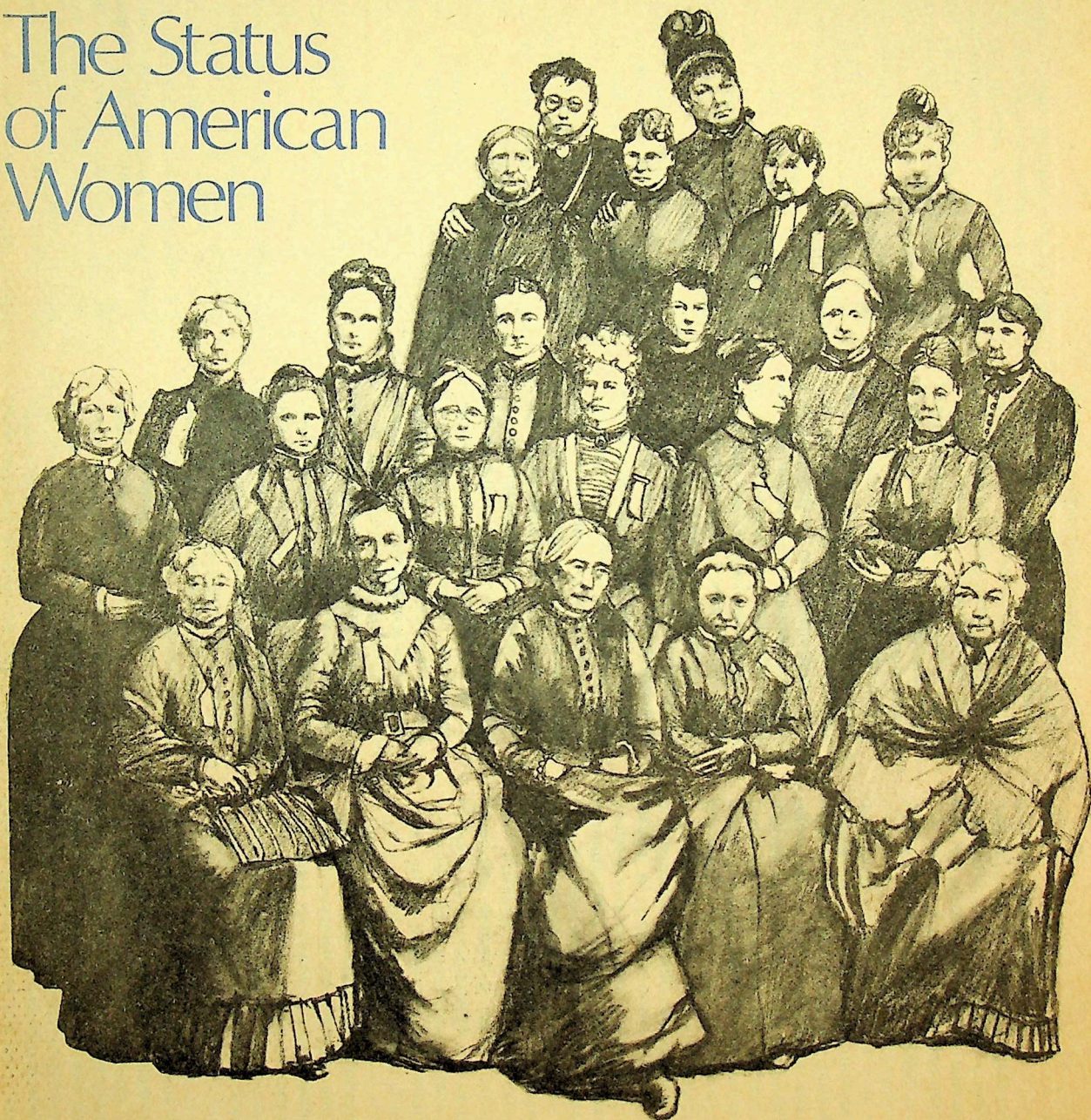


# WOMAN: 1977

## The Status of American Women



National Women's Conference  
November 18-21, 1977 · Houston, Texas



## INTERNATIONAL WOMEN'S YEAR WORKSHOP GUIDELINES

These FACT SHEETS were taken primarily from workshop guidelines developed and written by the International Women's Year Commission to provide basic information for the 56 State and Territorial Women's Meetings held during the last year and from *To Form a More Perfect Union*, the 1976 Commission report. Although references are not included, they may be found in the individual workshop guidelines or by contacting the IWY Policies and Plans office: D/IWY, U.S. Department of State, Washington, D.C. 20520. Additional references are noted at the conclusion of each section.

### THE AMERICAN WOMAN: A NEW PERSPECTIVE

- At the turn of the century, men constituted 51.1 percent of the total U.S. population; in 1950, for the first time in any decennial census, women outnumbered men. In July 1975, the female population was about 109.4 million, representing 51.3 percent of the population and outnumbering males by 5.6 million. With increases in the total population, by the end of the century women are projected to outnumber men by 6.9 to 7.9 million.
- Between 1900 and 1973, the average length of life of females increased from 48.3 years in 1900 to 75.3 years in 1973. The expected extension of a woman's life by over 25 years indicates the need for changes in life planning. Life expectancy for women now exceeds that of men by almost eight years.
- The age distribution of the female population has changed considerably. The median age of women in 1900 was 22.4 years while in 1975 it was 30 years. The proportion of the female population in various age groups has shifted between 1900 and 1975;
 

Under 15 years	— 34.8 percent to 24 percent
15 to 24 years	— 20.2 percent to 18.2 percent
25 to 44 years	— 27.4 percent to 24.9 percent
45 to 64 years	— 13.3 percent to 20.8 percent
- One-fourth of the female population is between the ages of 25 to 44 while those 45 and older have constituted a larger share in every decade since 1900.
- Black women have a lower life expectancy than white women. The black woman is nearly six times as likely to die as a result of homicide as the white woman, about four and half times as likely to die from tuberculosis, and more than twice as likely to die from diabetes or cirrhosis of the liver, but less likely to die from suicide.
- About 29 percent of all women were living on farms in 1920, but in 1970 only about 4 percent of the women were farm residents. In 1970 about three-fourths of all women lived in urban areas as compared with less than half in 1910.
- Black women are overrepresented among the female residents in central cities of metropolitan areas and underrepresented in the suburbs.
- The majority of Spanish origin families headed by women lived in metropolitan areas in 1974, mostly residing in the central cities. The proportion varied according to type of Spanish origin; about one of every two families headed by women of Mexican origin lived in a central city while 86

percent of families headed by a woman of Puerto Rican origin lived in a central city.

- Recent trends in marriage and divorce have resulted in an increasing proportion of women who are single or divorced. Between 1950 and 1975 the proportion of women 20 to 24 years old who were single increased from 28 to 40 percent; during the same period the proportion of women 25 to 34 years old who were divorced and not remarried increased from 2.5 to 6.8 percent.
- As the number of divorced women increased, the number of female-headed families has also increased. In 1975, such families constituted 13 percent of all families and approximately a 73 percent increase since 1960.
- Between 1950 and 1975, the proportion of white women who were single increased from 20 to 22 percent of all white women: the proportion of black women increased from 21 to 31 percent.
- Among ever-married black women, only about 54 percent were living with their husbands in 1975, a substantial decline from the 1950 level of 64 percent. Corresponding to this decline has been an increase in the percentage of black women separated and divorced and in the percent of black families headed by women.
- The proportion divorced among Spanish women was about the same as for all women. However, a larger proportion of Puerto Rican origin women were either divorced or married with spouse absent than were women in other subcategories of Spanish origin.
- Female-headed Spanish families tended to be larger on the average, than female-headed families in the overall population. About 45 percent of all families headed by a woman had only two persons in the family, compared with one of every three for corresponding Spanish origin families.
- Approximately 53 percent of all women 65 years and over in March 1975 were widowed, a fact that has profound implications for social and economic policy.
- During the past quarter-century, the fertility of American women has shown wide fluctuations from the record highs for the 20th century in the last half of the 1950s to all-time lows in recent years. The long term trend toward early marriage and early childbearing was reversed about fifteen years ago. Only 17 percent of the women born between 1950 and 1955 had married by age 18, in contrast to approximately 30 percent of the women born between 1935 and 1939. The decrease in early marriage paralleled a drop in fertility. In 1967 wives 18 to 29 years old expected to have an average of about 2.9 children each. Wives who had advanced into this age group by 1974 expected to have only 2.2 children. Therefore, women under 30 years old are increasingly favoring the two child family. Between 1967 and 1974 the percentage of young wives who expected to remain childless or to have only one child also increased. The number expecting large families of three, four, or more children also dropped sharply during this period.
- In 1974, black women still had higher rates of children ever born than white women. However, in recent years black women, on the average, have given birth to fewer children than in the past and expect to have few children in the future. Among the younger black women (18-24 years old in 1974) the lifetime birth expectations of black women are the same as those for white women.

Source: Bureau of the Census

## CHRONOLOGY OF WOMEN'S HISTORY. 1770-1960.

### THE AMERICAN REVOLUTION

- Women's groups, such as the Daughters of Liberty, organized to boycott tea and later to provide clothing and supplies for the Army. Molly Pitcher, Deborah Sampson, and others served as soldiers.
- Groups of New Jersey women took vigorous action against husbands who abused their wives. Entering the home of a known wife-beater in the evening, they stripped the man and spanked him severely with sticks as they shouted "Woe to the men that beat their wives."
- 1814 — Deborah Skinner operated the first power loom, factories were established, and large numbers of women and children became employed in the textile industry.
- 1821 — Emma Willard founded a female seminary at Troy, N.Y., the initial effort to provide serious education for women. Mount Holyoke College, founded by Mary Lyon in 1837, provided expanded opportunities.
- 1839 — After this time, most states began to recognize through legislation the right of married women to hold property. In New York State Ernestine Rose led the campaign, one of the first women to attempt to secure the rights of women through legislative action.
- 1841 — The first woman graduated from Oberlin College, having completed the same college curriculum provided for men. At Oberlin, however, female students were required to wash male students' clothing, clean their rooms, serve them at meals, and were not permitted to recite in public.
- 1845 — *Woman in the Nineteenth Century*, written by Margaret Fuller, was an early and influential publication urging women's rights. Fuller wrote, "We would have every arbitrary barrier thrown down. We would have every path laid open to Woman as freely as to Man."
- 1848 — Led by Elizabeth Cady Stanton and Lucretia Mott, the first woman's rights convention was held July 19-20 at Seneca Falls, N.Y. The Declaration of Sentiments, adapted from the Declaration of Independence stated that "all men and women are created equal." Eleven resolutions were approved, reflecting women's determination to secure equality in education, employment, and the law. The resolution urging women to campaign for voting rights passed only by a narrow margin.
- 1849 — Elizabeth Blackwell received her medical degree at Geneva, N.Y., becoming the first woman doctor. Although women had traditionally served as healers and midwives, the practice of medicine became professionalized in the years preceding the Civil War and was soon dominated by men. In the field of law, men also took over legal functions previously performed by women before the Revolution. In the twentieth century, positions of leadership in schools and libraries previously held by women would be taken over by men.
- 1854 — The first American day nursery opened in New York City for children of poor working



mothers. In later years, licensing standards were established but only minimal federal funding was provided except during the Depression and World War II.

- 1855 — When Lucy Stone and Henry Blackwell were married, they issued a public protest against the legal dominance of the husband in marriage. Lucy Stone kept her own name.

#### THE CIVIL WAR

— Dorothea Dix, Clara Barton, and Mother Bickerdyke served as nurses. From their efforts to organize and train other women came the first professional nurses. Dr. Mary Walker was one of several women who served as doctors and surgeons at the front. Over 400 women fought in the war disguised as men. Others were effective spies and scouts.

— During the war, women were employed in government offices for the first time. Following the invention of the typewriter (1867), they secured white collar business positions in increasing numbers.

- 1865 — Vassar College opened, offering the first college-level curriculum for women. Ten years later, Wellesley and Smith Colleges were founded. Although women were admitted to some coeducational institutions, their opportunities to study with men were limited until the University of Michigan admitted women in 1870 and Cornell University became coeducational in 1872.

- 1869 — After passage of the 14th and 15th Amendments granting suffrage to all males, both black and white, leaders of the women's movement determined to press their own claims more vigorously. Because of differences over strategy, two organizations were formed. The National Woman Suffrage Association was led by Elizabeth Cady Stanton and Susan B. Anthony while the more conservative American Woman Suffrage Association was directed by Lucy Stone and Julia Ward Howe. Unification of these two groups was not achieved until 1890.

- 1870 — Women gained the right to vote and to serve on juries in the Territory of Wyoming.

- 1872 — Susan B. Anthony attempted to vote in Rochester, N.Y. She was tried and convicted of voting illegally but refused to pay the fine.

- 1874 — Under the leadership of Frances Willard, the Women's Christian Temperance Union became the largest women's organization in the nation. During this same period, the Young Women's Christian Association evolved to meet the needs of working women away from home. Other women organized for cultural purposes and by 1890 the General Federation of Women's Clubs was formed. The Association of Collegiate Alumnae, organized in 1882 to investigate the health of college women, eventually became the American Association of University Women.

- 1878 — The Knights of Labor advocated equal pay for equal work, the abolition of child labor under the age of 14, and in 1881, opened their membership to working women. By 1886, 50,000 women were members.

- 1890 — Elizabeth Cady Stanton was elected first president of the unified suffrage organization, the National American Woman Suffrage Association. She also studied organized religion as a

major source of women's inferior status and in 1895 published *The Woman's Bible*. This analysis was scorned by most other women.

- 1896 — The National Association for Colored Women, the first national organization for black women, was established and Mary Church Terrell served as first president.

- 1898 — Charlotte Perkins Gilman published *Women and Economics*, in which she decried the wasted efforts and the low economic status of the housewife. Gilman advocated the socialization of housework.

- 1900 — During the period up to 1910, there was the greatest increase in the female labor force of any period prior to 1940. New groups were formed to protect women and children from exploitation by industry. The National Consumer's League (1899), led by Florence Kelley, mobilized consumer pressure among upper and middle class women to promote shorter working hours, fair wages, improved working conditions, and the abolition of child labor. The National Women's Trade Union League (1903) including both upper class and employed women, was the only national organization concerned primarily with women in trade unions. Several unions were organized at this time composed largely of women in the garment trades.

- 1907 — The landmark case, *Muller v. Oregon*, established sex as a valid classification for protective legislation. The statistical data, assembled by Florence Kelley and Josephine Goldmark to prove that overlong hours were harmful to the health of women working in Oregon laundries, provided a model brief for later legislation oriented to human needs. Although this case involved only women workers, it played an important role in the later extension of protective legislation to male workers.

- 1909 — The first significant strike of working women, "The Uprising of the 20,000," was conducted by shirtwaist makers to protest low wages and long working hours. The NWTUL mobilized public opinion and financial support for the strikers.

- 1911 — The publication by the Bureau of Labor of a comprehensive study of the conditions under which women and children worked in industry led to the establishment of the Children's Bureau (1912) and later the Women's Bureau of the Department of Labor (1920).

- 1915 — Margaret Sanger, having studied birth control clinics abroad, returned home to campaign against the legal barriers to the dissemination of contraceptive information. She and other women, such as Emma Goldman, were jailed for their efforts.

- 1916 — The National Woman's Party was organized under the leadership of Alice Paul. While other woman suffrage organizations worked at the state level, the NWP undertook militant activities to promote a federal suffrage amendment. In 1917, they picketed the White House and many women were sent illegally to jail.

- 1920 — On August 26, the 19th Amendment was ratified and women finally achieved the right to vote. Two major women's organizations were founded at this time, the National Federation of Business and Professional Women's Clubs

(1919) and the League of Women Voters.

- 1923 — The Equal Rights Amendment, advocated by Alice Paul and the NWP, was introduced in Congress for the first time. Most women did not support this effort because they feared it would threaten protective legislation for women workers. Also, women's organizations now directed their attention to social welfare and educational programs, rather than political action.

— In later years, the momentum of women's aggressive campaign for access to equal education, employment, and professional achievement waned. The conflict between marriage and career became obvious. For example, only 12.2 percent of all professional women were married in 1920 and 75 percent of the women who earned Ph.Ds. between 1877 and 1924 remained unmarried. Discrimination against women intensified. The 1920 American Medical Association Directory listed only 40 out of 482 hospitals which would accept women interns and from 1925-1945, medical schools placed a quota of 5 percent on female admissions. The Law Schools at Columbia and Harvard refused to consider women applicants. As late as 1937, the New York City Bar Association excluded women.

- 1930 — The Depression encouraged reaction against any change in woman's traditional domestic role. Legislation restricted the employment of married women. There was strong public disapproval of women working when men were unable to find employment. The opportunities for women to secure college educations and graduate training were limited by lack of financial support.

- 1940 — The percentage of working women was almost the same as it had been in 1910. After 1941, wartime needs required the employment of large numbers of women and after the war, many women remained in the labor force. Between 1940-1960, the number of working women and the proportion of working wives doubled. More women over 35 were employed in rapidly expanding business and industry. Inequities in pay and advancement opportunities became more obvious limitations, affecting large numbers of women.

#### CHRONOLOGY OF THE NATIONAL WOMEN'S CONFERENCE: 1975-1978

- 1975 — On January 9, President Gerald Ford created the National Commission (Executive Order 11832) and stated that "... Americans must now deal with those inequities that still linger as barriers to the full participation of women in our national life." Thirty-five members from the private sector and four Congressional members were appointed to the Commission. The Department of State established the IWY Secretariat to prepare for the IWY Conference in Mexico City and to act as staff for the National Commission.

— Over 200 nongovernmental organizations concerned with women were consulted by the Commission regarding areas of interest for investigation and later thirteen committees called expert



witnesses, authorized original research, and held public hearings in order to analyze problems and prepare recommendations.

- Members of the Commission sought a ruling from the General Accounting Office to define the acceptable limits of their activities. The Comptroller General, Elmer B. Staats, ruled that the Commission had wide discretion under the Executive Order to promote equality between men and women and that activities planned to promote understanding of the impact of the Equal Rights Amendment were permissible under the law.
- Public Law 94-167, passed by Congress on January 14, authorized the National Commission to organize and convene a National Women's Conference, preceded by state conferences, to evaluate the status of women and issues of concern to them. (See Public Law 94-167 for goals of these conferences and the constituencies to be included.)
- The World Conference was held during the summer in Mexico City and drew 1,300 delegates from 130 countries. The World Plan of Action, formulated at this meeting, was later endorsed in part by the U.N. General Assembly. (See World Plan of Action.)
- By the end of 1975, International Women's Year had been celebrated in diverse, numerous programs across the country.
- 1976 — The Commission published a report, "... To Form a More Perfect Union ...": *Justice for American Women* which included recommended actions to promote equality between men and women and documentation of the need for social, political, and legal change.
- 1977 — 56 women's meetings were held in each State and Territory to vote on resolutions and delegates to send to the National Women's Conference in Houston.
- The Comptroller General affirmed the Commission's advocacy of ERA in a letter to Senator Jesse Helms on August 10. He concluded that Commission activities had not violated the antilobbying provisions of any Federal statute. Public Law 94-167 specified that the Commission activities must include "a mix of representatives from local, State, regional, and national agencies, groups, etc. which work to advance the rights of women" and of members of the public "with special emphasis on the representation of low-income women, members of diverse racial, ethnic, and religious groups, and women of all ages." Nowhere, he stated, was there a legal requirement that those involved "must represent different points of view on the ratification of the ERA."
- 1978 — The Commission's final report and recommendations for accomplishing the goals specified in Public Law 94-167 must be submitted to the President and the Congress.

#### SOURCES

- Chafe, William H. *The American Woman: Her Changing Social, Economic, and Political Roles, 1920-1970*. New York: Oxford University Press, 1972.
- DePauw, Linda Grant. *Fortunes of War. New Jersey Women and the American Revolution*. Trenton: New Jersey Historical Commission, 1975.
- Flexner, Eleanor. *Century of Struggle: The Woman's Rights Movement in the*

*United States*. New York: Atheneum, 1972.

Lerner, Gerda. *The Lady and the Mill Girl: Changes in the Status of women in the Age of Jackson*. *American Studies Journal*, Spring 1969.

O'Neill, William L. *Everyone Was Brave: A History of Feminism in America*. Chicago: Quadrangle Books, 1971.

Wertheimer, Barbara Mayer. *We Were There: The Story of Working Women in America*. New York: Pantheon Books, 1977.

## EMPLOYMENT.

American women have always worked — since the founding of this nation. It is the nature and location of their work that has been transformed by social and economic change. Colonial women wove cloth, produced food, and made needed household goods. Responding to the rapid growth of industry in the nineteenth century and the increasing demand for cheap labor, women moved outside the home to perform the same work they had previously performed within it in order to secure added income. In addition to agricultural and domestic employment, they were clustered in the sewing trades, in the textile mills, in laundries, and in food service. Following the Civil War, women comprised the majority in two professions, teaching and nursing. By 1890, 8 out of every 100 women were in the professions. Women worked at home to increase family income: they were dressmakers, laundresses, took in boarders, or by making products such as clothing, cigars, or artificial flowers, often in tenement workshops. Later, women moved rapidly into newly created employment opportunities as clerks and typists. In 1900, 20 percent of American women were in the labor force. In every field, they held "women's jobs," those requiring less skill, providing less opportunity for advancement, and offering lower wages than men were paid for doing the same work.

### THE WOMEN IN THE LABOR FORCE IN THE 1970s

- Between 1950 and 1974, the number of women workers nearly doubled while the number of men in the labor force increased by only about one fourth. The ratio of women per 100 men has risen from 41 in 1950 to 63 in 1974.
- For older women of working age, those 45 to 64 years old, the proportion in the work force rose dramatically between 1950 and 1960. In the 1960s, the increases leveled off somewhat and during the last few years the labor force rates for this age group have remained more nearly stable or even declined. During the 1960s and 1970s, younger women began entering the labor force in increasing numbers. The labor force rates for 20-to-24 year-olds increased from 46 percent in 1960 to 63 percent in 1974, and the rates of women 25 to 34 years old rose from 36 percent to 52 percent during the same period.
- Educational attainment is an important factor in labor force participation. About half of the women college graduates were in the labor force in 1952, but nearly two-thirds were working in 1975.
- Single women have always had high rate of labor force participation. However, married women living with their husbands have entered the labor force in increasing numbers since World War II. In 1950 only about one-fourth of the married women were in the work force, but in 1975 their rate of labor force participation reached 44 percent.
- About half (49 percent) of all mothers with children under 18 years of age were in the nation's labor force in March 1976. Their rate of participation

surpassed the 47 percent rate of all women, and was over five times the 9 percent rate of mothers in 1940. Of the nearly 38 million women workers in 1976, 14.6 million were mothers. About 5.4 had children under age 6.

- Divorced women are more likely to be in the labor force than women of any other marital status. Widows are least likely to be workers, but this is largely attributable to their age.
- The number of women working 50 to 52 weeks a year at full-time jobs has grown dramatically. In 1950 there were only about 29 women for every 100 men working year round full time, but in 1974 this ratio has risen to 47 women per 100 men.

### WOMAN'S WORK

- While the number of women in the labor force has increased very significantly, women remain concentrated primarily in "women's jobs." In both 1960 and 1970, over half of employed women were working in clerical, operative, or service positions. A higher proportion of employed women were clerical or service workers in 1970 than in 1960 (48 percent to 43 percent). Employment growth in these areas was primarily in traditionally female occupations (e.g., secretaries, stenographers, and typists, and health service workers) but was not entirely restricted to such areas. The number of women, mail carriers and bartenders, for example, also increased.
- While men and women made strong employment gains among professional, technical, and kindred workers between 1960 and 1970, the vast majority of women professionals were employed in normally lower-paying occupations such as health workers, elementary and secondary school teachers. In 1970 about 30 percent of the men professional and technical workers were employed in the relatively high-paying fields of engineering, law, and medicine; only about 2 percent of women professionals were in these occupations.
- Women managers and administrators increased about 22 percent between 1960 and 70 but there were still approximately five times as many men as women in managerial positions in 1970. There was little change in craft, transport, equipment operative, and laborer groups and the proportion of women in these groups remained small.
- Nearly three-fourths of employed women between 25 and 64 years of age who had completed 4 years or more of college by 1974 were professional and technical workers; this is a higher proportion than that of male college graduates. However, approximately 14 percent of female college graduates in this age group were working in clerical jobs and only about 7 percent in managerial positions. One-fourth of male graduates were working as managers and administrators.
- Women with 4 years of high school were predominantly clerical and service workers. Male high school graduates were found primarily in blue-collar craft and operative occupations but there was also a relatively large number in managerial positions. Women with less than 4 years of high school were concentrated primarily in service occupations while the majority of men were working in craft and operative positions.
- Working women have historically lacked the power to improve their wages or working conditions because the largest numbers have worked in clerical and service occupations where union organization was less extensive than among blue-collar workers in manufacturing industries. There were unions for women in industry before



World War I but these groups have since been absorbed into larger organizations led by men.

- Between 1962 and 1972, the proportion of all union members that were women rose from 18.6 percent to 21.7 percent and the number of women union members rose to 4.5 million. Women accounted for at least half the membership in 25 unions. However, a 1973 study revealed that women union members were very much underrepresented in union leadership and only 7 percent of the positions on union governing boards were held by women. The International Ladies Garment Workers Union, with its membership 80 percent female, has one woman on its 23-member international board. The Amalgamated Clothing Workers of America, also 80 percent female, had two women on its 20 member board. Few women help to negotiate contracts. The United Automobile Workers has women in about 14 percent of its top local offices but less than 10 percent of its bargainers are women.
- In 1974, The Coalition of Labor Union Women was formed by members of 58 labor unions to work within the labor movement to promote the interests of women. The goals of this group include encouragement of affirmative action programs and women's participation in their unions at all levels, support for passage of legislation of concern to women workers, and recruitment of nonunion working women.
- Apprenticeship programs have traditionally provided access to relatively high-paying jobs in the skilled trades. Opportunities for women have historically been more limited than for men and women have been trained primarily for traditionally female work, such as cosmetologists and cooks. In 1973, less than 1 percent of the nation's registered apprentices were women.

#### THE EARNINGS GAP

- Among year-round full time workers, the earnings gap between men and women has increased. In 1955 men's earnings exceeded women's by 56 percent. By 1974 this differential had risen to 75 percent. Only 5 percent of workers earning \$15,000 or more were women. An important factor contributing to the widening gap is the continued concentration of large numbers of women in low-skilled, low-paying occupations.
- In both 1970 and 1974, the median income of women college graduates aged 25 and older who worked year round full time was only about 60 percent of the comparable male median income. Women college graduates had incomes that were, on the average, lower than men with only a high school education.
- The working wife contributes between 20 to 40 percent of the family income. The proportion tends to be higher among younger families and in families of minority races.

#### MINORITY WOMEN

- The labor force participation rate for black women has been higher than that of white women although the rate for white women has been rapidly closing this gap. In 1974, 49 percent of black women were in the civilian labor force compared with 45 percent of white women. The presence of young children in the family affects black women less than white women. In 1975, 51 percent of married black women with children under 6 were in the labor force, compared with 35 percent of white women. In 1976, about 2.2 million minority mothers were in the work force, representing 44 percent of all minority women workers and 58 percent of minority

mothers in the population.

- Unemployment rates for Spanish women were higher than the rate for all women in 1974; about 10 percent of Spanish women over 16 in the civilian labor force were unemployed compared with 6 percent of all women in the civilian labor force. Labor force participation rates do vary according to type of Spanish origin. While 40 percent of Mexican women and 50 percent of women of other Spanish origins were in the labor force, only one-third of the Puerto Rican women were in the labor force in 1974.
- A larger proportion of Spanish women were employed in blue collar jobs than were employed women in the overall population. Only 16 percent of all employed women were blue collar workers while about one-third of Spanish women had blue collar jobs in 1974. About 6 percent of Spanish women were in professional occupations in 1974 compared with 16 percent of all women.
- The median income of Spanish women in 1973 was not significantly different from that of all women, \$2,800. Women of Mexican origin had a lower median income (\$2,300) than women of Puerto Rican origin (\$3,600) and women of other Spanish origins (\$3,100).
- Between 1950-1974, women have become a larger proportion of those in the labor force, of those looking for jobs, and of those unemployed. Teenage and young adult women comprise a larger share of the unemployed. Of the 6.6 million women with some unemployment in 1973, 19 percent were of minority races and 45 percent were teenagers and young adults.

Additional Sources: B. M. Wertheimer, *We Were There*; Bureau of Labor Statistics; Bureau of the Census; Women's Bureau.

## EQUAL RIGHTS AMENDMENT

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

*Section 2: The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.*

*Section 3: This amendment shall take effect two years after the date of ratification.*

— Proposed Amendment XXVII —

#### THE HISTORY OF THE ERA

- Alice Paul, leader of the militant National Woman's Party, composed the Equal Rights Amendment in the 1920's, after ratification of the 19th Amendment (woman suffrage). Convinced that the vote was an inadequate guarantee of political power for women and that many discriminatory practices remained in the law, the National Woman's Party determined to secure equal rights for women through this more comprehensive constitutional amendment.
- The ERA has been introduced in each Congress since 1923. While the National Woman's Party has been singleminded in its dedication to this cause, its major ally in this lengthy struggle has been the National Federation of Business and Professional Women Clubs, founded in 1919. For many years, other women's organizations opposed the ERA because they believed it threatened hard won protective legislation for women and children, so vital in the early industrial era.
- In 1940, the ERA was supported for the first time by a major political party and was included in the Republican plat-

form. Since that time, both major parties have endorsed the ERA at each succeeding convention.

- One house of Congress has on occasion passed the ERA but the House of Representatives and the Senate did not reach agreement on this issue until 1972, forty-nine years following its initial introduction. The House approved the ERA (H.J. Res. 208) on October 12, 1971 and the Senate approved this measure on March 22, 1972. It was Rep. Martha Griffiths, D.-Mich., who finally succeeded in securing the required number of signatures on a discharge petition, which removed the resolution from the House Judiciary Committee and brought it to the floor for debate. Despite strong opposition led by Sen. Sam Ervin, D.-N.C., the ERA was finally approved and submitted to the states for action on its ratification.
- The resolution provided that ratification by the required number of states (three-fourths or 38) must be completed by March 22, 1979, seven years from the date of its approval by the Congress. The ERA, if approved, would become the 27th Amendment to the U.S. Constitution. Thirty-five states have now ratified the ERA.
- President Gerald Ford created the National Commission on the Observance of International Women's Year by Executive Order on January 9, 1975. This action resulted from worldwide preparations for International Women's Year (1975), which had begun in 1972 in this country. There was also growing pressure from many women's organizations on both public and private sectors to achieve equality, particularly in education, employment, legal status and politics. In his proclamation, Pres. Ford stated that "... Americans must now deal with those inequities that still linger as barriers to the full participation of women in our Nation's life." The first consideration of the Commission was "to promote equality between men and women." At its meeting in April 1975, the Commission, composed of representatives of government, business, education, law, racial and ethnic groups, and voluntary organizations, determined that ratification of the ERA would be its top priority issue.
- The Commission's ERA Committee, led by co-chairs Congresswoman Margaret Heckler and Alan Alda, first sought a ruling from the General Accounting Office to define the acceptable limits of their activities. In the opinion of the Comptroller General of the United States, the Executive Order conferred wide discretion upon the Commission as to how it should actively promote equality between men and women. He noted that the Commission, exercising this discretion, had resolved to favor ratification of the ERA. To carry out this resolution, "the ERA Subcommittee intends to educate interested parties as to the impact of the amendment on sexual inequality in the United States and consult with experts on how to best communicate the facts about ERA." The Comptroller General concluded that "the planned activities are within the scope of the Executive Order, both in letter and spirit."
- Following this 1975 ruling, the Comptroller General affirmed the Commission's advocacy of ERA on August 10, 1977. He stated that the activities of the IWY Commission did not violate the anti-lobbying provisions of any Federal statute. In addition, he called attention to Public Law 94-167 which specified that Commission activities must include "a mix of representatives from local, State, regional, and national agencies, groups, etc. "which work to advance the rights of women" and of



members of the public "with special emphasis on the representation of low-income women, members of diverse racial, ethnic, and religious groups, and women of all ages." Nowhere, he stated, was there a legal requirement that those involved "must represent different points of view on ratification of the ERA."

— Many prominent organizations concerned with issues of significance to women have coordinated their efforts on behalf of ERA with those of the Commission. Among these groups are the National Federation of Business and Professional Women's Clubs, League of Women Voters, National Women's Political Caucus, National Woman's Party, American Association of University Women, Common Cause, National Organization for Women, and representatives from both church and labor coalitions. Among these organizations are several which have for years failed to support the ERA but have now become aware and convinced of its vital significance to women.

### THE OPPOSITION

While the credible sources support the ERA and the need for it is clear, many people have been confused by unfounded claims about its presumed effects. The proponents are striving to dispel the misconception and unfounded folklore that continue to obscure the intent and impact of the ERA.

As indicated above the courts will carry out the intent of the framers in interpreting the ERA, and will look to the views of the chief proponents expressed in the majority report of the Senate Judiciary Committee and in the debate.

The following explanations of the effects of the ERA are based on these sources. Phrases and sentences in quotation marks are quoted from the majority report of the Senate Judiciary Committee.

### BASIC PRINCIPLE OF THE ERA

"The general principles on which the ERA rests are simple . . . Essentially the amendment requires that the Federal government and all State and local governments treat each person, male and female, as an individual.

" . . . The Amendment applies only to governmental action; it does not affect private action or the purely social relationships between men and women."

### EFFECT ON THE FAMILY

The ERA will not alter family structure, which is based on private relationships and custom.

Obligations for family support, which are in fact obligations to pay creditors, will be based on individual circumstances and not on sex. Congress specifically recognized in the legislative history of the ERA that a homemaker's contribution, whether the homemaker be male or female, has economic value, a fact with far-reaching implications for the homemaker.

"It is clear the the Amendment would not require both a husband and wife to contribute identical amounts of money to a marriage. The support obligations of each spouse would be defined in functional terms based, for example, on each spouse's earning power, current resources and nonmonetary contributions to the family welfare.

" . . . where one spouse is the primary wage earner and the other runs the home, the wage earner would have a duty to support the spouse who stays at home in compensation for, the performance of her or his duties."

The State of Montana, which has an equal rights amendment in its State constitution, amended its support law in 1975 to specifically recognize the value of the homemaker:

Duties of husband and wife as to support. In so far as each is able, the husband and wife shall support each other out of their property and labor. As used in this section, the word "support" includes the nonmonetary support provided by a spouse as homemaker. Section 36-102, Revised Codes of Montana.

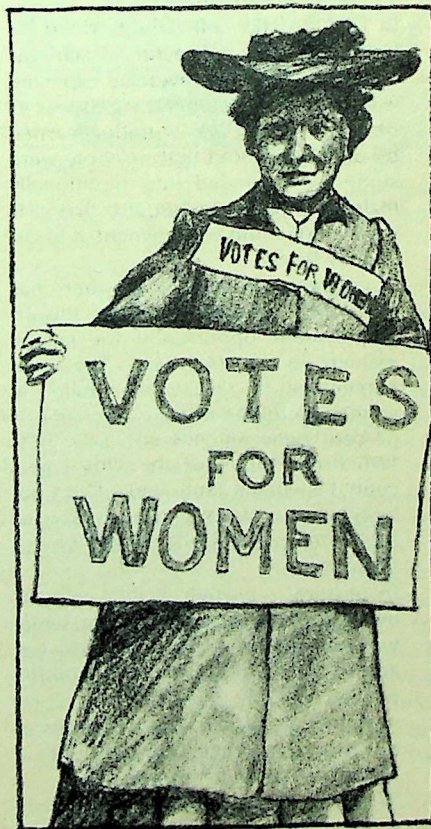
### ALIMONY AND CHILD SUPPORT AND CUSTODY

The effect of the ERA would be to offer fairer treatment on the basis of individual circumstances rather than sex. Courts will be making judgments based on an individual's background and potential earning capacity. The noncompensated contributions of a spouse will be a prime factor in determining support obligations. Currently, the Uniform Marriage and Divorce Act, which provides a model divorce and support law without distinctions based on sex, has been adopted by a number of States.

Divorced parents will be responsible for support of the children *in accordance with their means*, which will be an improvement for women over present practice. Mothers are contributing by and large more than half the support of the children even though they earn less.

State courts are interpreting State equal rights amendments in harmony with the legislative history of the Federal amendment in this and other respects. In no case has a court said that support must be 50-50. On the contrary, a Pennsylvania court has recognized the care given the children by the mother as constituting support stating:

This is not, of course, to suggest that a mother who is keeping a house and caring for her children must secure the services of a babysitter and seek employment in order to contribute to the children's financial support; it is obvious that a mother who is caring for her children is providing them valuable support. *Green v. Freiheit*, Court of Common Pleas, First Judicial District of Pennsylvania, Family Division, October Term 1973, No. 1015 D.R. #260259.



### COED BATHROOMS

"This right (of privacy) would likewise permit a separation of the sexes with respect to such places as public toilets, as well as sleeping quarters of public institutions."

No bathrooms have been made coed in States having equal rights amendments. Governor Evans of Washington replied when queried on this subject:

"The accusations concerning integration of facilities are so ridiculous, we in Washington have ceased to reply to them. Rights of privacy remain fully protected in this State, and thus our restroom facilities, prison cells, and sleeping quarters of public institutions remain totally segregated." (Letter of Feb. 5, 1976 to Ms. Paula Minklei.)

### PROTECTIVE LABOR LAWS

Too often protective labor laws applying to women only discriminate against women in the job market. Under the ERA, labor laws applying to women only which are restrictive such as weight lifting laws or laws prohibiting employment more than 8 hours a day, will be invalid. There are practically no such laws now operative as a result of court decisions under title VII of the Civil Rights Act of 1964 and legislative action. Complaints under title VII based on application of protective labor laws were all brought by blue-collar union women, who found the laws discriminatory, and the courts agreed. Laws which are beneficial will be extended to cover both sexes.

### MILITARY SERVICE

The ERA will require that women be drafted if men are drafted. There is no draft now and because of the success of the volunteer armed services, there is little likelihood of a draft in the foreseeable future. Also, it must be noted, Congress has always had the power to draft women under its general war powers and probably would in the event of an emergency with or without the ERA. Appropriate exemptions would in such a case be available to men and women.

ERA means that women who choose to enlist will have equal opportunity for enlistment, and hence access to valuable military benefits such as in-service training, GI loans and mortgages, and veterans' preferences for civilian jobs. Unfortunately now women who wish to enlist must meet higher standards than men, and even those who meet the standards may have to wait a considerable period.

As to combat, the ERA does not mean that infantry units will be half women. The military services will have the same right to assign women as they have to assign men and certainly will not assign women to duties they are not capable of performing. There are numerous references to this in the majority report of the Senate Judiciary Committee and in the debate in both Houses of Congress.

The constitutional right of Federal authorities to assign military personnel, as interpreted by the Supreme Court, is so broad that it is probable that women who want to serve in combat units will have to sue in the courts to get admitted to combat units even in small numbers.

### AUTHORITY OF STATES TO LEGISLATE

The Federal Government will have no more power to legislate in any areas reserved to the States than it now has. Both proponents and opponents agreed that the Congress has adequate authority now to enact any legislation needed to end legal discrimination.

The only restriction the ERA places on State legislation is to require that it not discriminate on account of sex. The ERA no more transfers authority to enact domestic relations law, for example, to the Federal Government than the 18-year-old suffrage amendment transferred all power to make voting laws to the Federal Government. The States still write the voting laws but they can't have a minimum age higher than 18. The States will still enact domestic relations laws, but they cannot make distinctions based on sex; they can make distinctions based on function, such as homemaking.



## EDUCATION

June 25, 1978 marks the 300th anniversary of the graduation of the first woman in the world to receive a university degree. Elena Cornaro, a young Venetian woman, was awarded a doctorate in philosophy from the University of Padua, Italy in 1678. For most of the intervening period, Elena Cornaro remained a remarkable exception among women.

The development of equal education for women has been inhibited by cultural tradition, religious beliefs, and biological arguments about woman's place in society. Although Plato advocated educating women like men, it was the eighteenth century French philosopher, Jean Jacques Rousseau who expressed the prevailing view of women's education through history. Rousseau wrote, "The whole education of women ought to be relative to men, to please them, to educate them when young, to care for them when grown, to counsel them, and to make life sweet and agreeable to them." The educational system of the United States has consistently reflected societal views of sex differences and has provided more limited opportunities for women. Change has occurred very slowly. Discrimination against women in education remains widespread, even though it has been contrary to national public policy since 1972 when the Education Amendments prohibiting sex discrimination were enacted.

- Women comprise over half of the U.S. population but they appear in only 31 percent of the elementary textbook illustrations. Males are depicted in 150 occupational roles while almost all women illustrated are housewives.
- The message little girls get from school textbooks is subservience and passivity. Boys learn to express independence and creativity.
- In a HEW study it was discovered that 47 percent of boys but only 37 percent of girls reported that their fathers "definitely desired" college for them; for mothers it was 48 percent for boys and 37 percent for girls.
- Minority women, including Hispanic, Native American and black, are at an educational disadvantage when compared to whites and are affected by both sex and race discrimination.
- Although approximately  $\frac{1}{3}$  of the American population is rural, of which more than  $\frac{1}{2}$  are women and girls, little attention is being directed to them by either rural educators, advocates for rural development, or women's education advocates and providers.
- A study of college students entering Berkeley in 1973 discovered that only 8 percent of the women had four years of high school mathematics compared to 57 percent of the entering men. As a result 92 percent of the freshman women could major in only five out of the twenty available fields.
- In recent years the percentages have risen: 37 percent of the high school women and 59 percent of the men reported four or more years of high school math in 1974.
- In most universities and colleges, without four years of high school mathematics, it is impossible to enter engineering, computer science, economics, business, mathematics, or most science fields. Females are effectively excluded from many fields before they enter college because they do not have the prerequisites.
- Among persons 25 to 29 years of age in 1950, there were only 66 women who had completed at least four years of college for every 100 men who had done so. The ratio in 1975 was 77 female college graduates for every 100 comparable males. While the proportion completing four or more years of college has risen more rapidly for

young women than for young men, a higher proportion of men than women in both 1950 and 1975 had completed this much schooling.

- In 1974 women still constituted a very small proportion of students enrolled in some of the traditional "male" majors. For example, the percentage of engineering majors who were women rose from 2 percent in 1966 to 7 percent in 1974. The comparable figures for agriculture and forestry were 3 percent in 1966 and 14 percent in 1974. Female college students in 1974 remained a large proportion of traditional "female" majors, such as education (73 percent), English or journalism (59 percent), and health or medical professions (64 percent).
- Females received 3.1 percent of the degrees awarded for dentistry in 1974-1975 and 13.1 percent of those for medicine. These figures represent an increase of more than four times the percentage of dental degrees and twice the percentage of medical degrees earned by women a decade earlier. Female law degree recipients increased from 3.1 percent in 1964-1965 to 15.1 percent in 1974-1975.
- Changing career aspirations of women are reflected in the increased number of women entering undergraduate, graduate and professional schools. Recent (1975) census data show that the number of women aged 25 to 34 attending college rose more than 100 percent from 1970 to 1975; the total undergraduate enrollment of women increased 45 percent from 1970 to 1975; and that women comprise nearly half of the first-year enrollment in graduate and professional schools. From 1970 to 1975 the number of women receiving the doctorate increased by 59 percent and the number of women receiving first professional degrees increased by 184 percent but even with these increases, women still lag in degree attainment. In 1975 women received only 21 percent of the doctorates and 12.5 percent of the first professional degrees in law, medicine and other professions.
- In 1974, an HEW official described his visits to vocational-technical schools, observing that the average expected wage for trades learned by girls was 47 percent lower than for trades learned by boys. He noted that not only were students channeled into traditionally male or female jobs but also that girls were guided into employment at lower income levels.
- At colleges and universities, there has been little overall progress toward employment opportunity for faculty women in recent years. The total percentage of faculty jobs held by women increased by only one half of 1 percent between 1974-1975 and 1975-1976 (from 23.8 percent to 24.3 percent). Female professors earned \$3,096 less, on the average, than males in 1975-1976, compared to \$2,820 less in 1974-1975.
- In a study reported in 1977 of 1,037 institutions, it was found that white women held only 14 percent of the key administrative positions and minority women only 2 percent. In addition women were paid about four-fifths as much as men with the same job titles at the same type of institution.
- In 1928, 55 percent of elementary school principals were women while in 1973 only 19.6 percent were women.
- In the field of education, there are extremely small percentages of women in leadership roles. Women comprise 20 percent of the members of state boards of education, 3 percent of junior high principals, 1 percent of the senior high principals, and .1 percent of local school superintendents. More important, the number of women in these positions has declined in the last ten years.

— In the area of education, black women have made major advancements. In recent years, there has been a sharp increase in the number enrolled at the college level. In 1964 slightly more than 100,000 black women under 35 years of age were attending college, compared with 392,000 in 1974. Although college enrollment also expanded among white women during this same period, the growth has not been as great as that for black women.

— In 1975 the proportion of black women 25 to 29 years old who were high school graduates (including those going on to college) reached 70 percent, a substantial increase over the 39 percent who were high school graduates in 1960. An educational gap remained in 1975 between black and white women because 83 percent of the white women of this age group had completed high school.

— In 1974 women of Spanish origin were at a lower educational attainment level than were all women in the nation, but younger women of Spanish origin were closing the gap of educational attainment. About 28 percent of Spanish origin women 45 to 54 years old had completed high school, but about 50 percent of these women 25 to 29 years old had done so.

Title IX of the Education Amendments of 1972, Public Law 92-318, states that with some exceptions:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance . . .

### TITLE IX QUESTIONS AND ANSWERS

QUESTION: Who is covered by Title IX?

ANSWER:

Virtually every college, university, elementary and secondary school and preschool is covered by some portion of the law. Many clubs and other organizations receive Federal funds for educational programs and activities and likewise are covered by Title IX in some manner.

QUESTION: Who is exempt from Title IX's provisions?

ANSWER:

Congress has specifically exempted all military schools and has exempted religious schools to the extent that the provisions of Title IX would be inconsistent with the basic religious tenets of the school.

Not included with regard to admission requirements ONLY are private undergraduate colleges, nonvocational elementary and secondary schools and those public undergraduate schools which have been traditionally and continuously single-sex since their establishment.

However, even institutions whose admissions are exempt from coverage must treat all students without discrimination once they have admitted members of both sexes.

QUESTION: How can schools and colleges interested in a positive approach to Title IX deal with its provisions?

ANSWER:

To encourage each school and college to look at its policies in light of the law, the final regulation now includes a self-evaluation provision. This requires that during the next year the educational institution look at its policies and modify them to comply with the law as expressed by the regulation. This includes remedying the effects of any past discrimination.

QUESTION: Does Title IX cover textbooks?

ANSWER:

No. While the Department recognizes that sex stereotyping in curricula and educational material is a serious matter, it is of the view that any specific regulatory



requirement in this area raises constitutional questions under the First Amendment. The Department believes that local education agencies must deal with this problem in the exercise of their traditional authority and control over curriculum and course content.

QUESTION: May a vocational school limit enrollment of members of one sex because of limited availability of job opportunities for members of that sex?

ANSWER:

No. Further, a school may not assist a discriminatory employer by referral of student or any other manner.

QUESTION: What are the Title IX requirements for counseling in schools and colleges?

ANSWER:

An institution using testing or other materials for counseling may not use different materials for males and females, nor may it use materials which lead to different treatment of students on the basis of sex.

If there is a class or course of study which has a disproportionate number of members of one sex, the school is required to assure that the disproportion does not stem from discrimination by counselors or materials.

### WOMEN AND SPORTS

More specifically, the "Rules and Regulations" relating to Title IX from the Department of Health, Education and Welfare read as follows:

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis.

(86.41 Athletics)

The Department of Health, Education and Welfare published the following questions and answers concerning Title IX and Sports in June 1975:

QUESTION: In athletics, what is equal opportunity?

ANSWER:

In determining whether equal opportunities are available, such factors as these will be considered:

- whether the sports selected reflect the interests and abilities of both sexes;
- provision of supplies and equipment;
- game and practice schedules;
- travel and per diem allowances;
- coaching and academic tutoring opportunities and the assignment and pay of the coaches and tutors;
- locker rooms, practice and competitive facilities;
- medical and training services;
- housing and dining facilities and services;
- publicity.

QUESTION: Must an institution provide equal opportunities in each of these categories?

ANSWER:

Yes. However, equal expenditures in each category are not required.

QUESTION: What sports does the term "athletics" encompass?

ANSWER:

It encompasses sports which are a part of interscholastic, intercollegiate, club or intramural programs.

QUESTION: When are separate teams for men and women allowed?

ANSWER:

When selection is based on competitive skill or the activity involved is a contact sport, separate teams may be provided for males and females, or a single team may be provided which is open to both sexes. If separate teams are offered, a recipient institution may not discriminate on the basis of sex in

providing equipment or supplies or in any other manner. Moreover, the institution must assure that the sports offered effectively accommodate the interest and abilities of members of both sexes.

QUESTION: If there are sufficient members of women interested in basketball to form a viable women's team, is an institution which fields a men's team required to provide such a team for women?

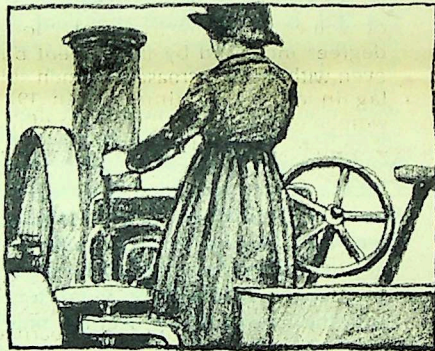
ANSWER:

One of the factors to be considered by the Director in determining whether equal opportunities are provided is whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes. Therefore, if a school offers basketball for men and the only way in which the institution can accommodate the interests and abilities of women is by offering a separate basketball team for women, such a team must be provided.

QUESTION: If there are insufficient women interested in participating on a women's track team, must the institution allow an interested woman to compete for a slot on the men's track team?

ANSWER:

If athletic opportunities have previously been limited for women at that school, it must allow women to compete for the men's team if the sport is a noncontact sport such as track. The school may preclude women from participating on a men's team in a contact sport. A school may preclude men or women from participating on teams for the other sex if athletic opportunities have not been limited in the past for them, regardless of whether the sport is contact or noncontact.



QUESTION: Can a school be exempt from Title IX if its athletic conference forbids men and women on the same noncontact team?

ANSWER:

No. Title IX preempts all State or local laws or other requirements which conflict with Title IX.

QUESTION: How can a school athletics department be covered by Title IX if the department itself receives no direct Federal aid?

ANSWER:

Section 844 of the Education Amendments of 1974 specifically states that: "The Secretary shall prepare and publish ... proposed regulations implementing the provision of Title IX of the Education Amendments of 1972 relating to the prohibition of sex discrimination in Federally-assisted education programs which shall include with respect to intercollegiate athletic activities reasonable provisions considering the nature of particular sports."

In addition, athletics constitutes an integral part of the educational processes of schools and colleges and, thus, are fully subject to the requirements of Title IX, even in absence of Federal funds going directly to the athletic programs.

The courts have consistently considered athletics sponsored by an educational institution to be an integral part of the institution's education program and, therefore, have required institutions to provide equal opportunity.

QUESTION: Does a school have to provide athletic scholarships for women?

ANSWER:

Specifically, the regulation provides: "To the extent that a recipient awards athletic scholarships or grants-in-aid, it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics."

### TEXTBOOKS AND INSTRUCTIONAL MATERIALS

Sexism in textbooks is one area not covered by Title IX, on the grounds that to proscribe what shall be in textbooks would abrogate the First Amendment guarantee of freedom of speech. However, this does not mean that parents, teachers or others can not pressure publishers and school officials to publish and use new texts free of sexism and point out sexist references in currently used or old materials.

Research indicates that stereotyping does not end in elementary school. A study completed in 1974 by a Citizens Advisory on Sex Inequality in Lexington, Massachusetts schools found stereotyped and biased examples in a widely used algebra text for grades 8-10. Boys work, earn high grades, paint, push mowers; girls spend money and one is on a diet.

High school civics books contain a prevailing message that is for men only, according to a study by Jennifer MacLeod and Sandy Silverman. The eight books they surveyed include 1,104 listings for men, 33 for women. Illustrations are similarly one-sided; in charts, political leaders are shown as male. Senator Margaret Chase-Smith is seen holding a bouquet of roses.

History books repeat this pattern. In more than one dozen of the most popular U.S. history texts examined by Janice Trecker, women are generally invisible — more often ignored than maligned. Authors select and quote from male leaders even in areas where there are articulate and able women leaders, such as abolition, labor and other reform movements. Topics uniquely concerned with women, such as women's suffrage, are given short shrift. Birth control is usually omitted entirely. One text devotes five pages to the story of the six-shooter, five lines to the life of a frontier woman.

### WOMEN EMPLOYED IN EDUCATION

The difference in salary between males and females is often attributed to women having had shorter service on faculties and thereby not having been in a position to achieve as many raises. Others strongly argue that even if all factors are equal women faculty members at most institutions are paid less than their male counterparts simply because they are females.

It is sometimes argued that males are promoted and advance further than women because their careers are not interrupted by marriage and/or childbirth. Evidence from recent research however, suggests the contrary. Suzanne Howard concluded in her report for the National Council of Administrative Women in Education that "men advance faster with less experience simply because they are men." She cited numerous studies to support her findings. One revealed that 67% of the male principals had less than six years of elementary classroom experience prior to promotion while 88% of the women who became principals had six or more years of elementary teaching.

The National Coalition for Women and Girls in Education noted that "more charges of sex discrimination had been filed against institutions of higher learning than against any other industry in the country." In 1973 alone, one in every forty charges filed were against an institution of higher education. More than 500 educational institutions have been charged with



discrimination under Executive Order 11246 which requires that government contractors have employment policies which do not discriminate on the basis of sex, race, religion or national origin, and to have affirmative action programs to implement such policies. More than 1,600 charges, mostly charging sex discrimination, have been filed with the Equal Employment Opportunity Commission under Title VII of the 1964 Civil Rights Act, in addition to the more than 1,000 charges of sex discrimination against institutions of higher learning filed under the Equal Pay Act.

#### VOCATIONAL EDUCATION

The new Vocational Education Bill extends and revises the Vocational Education Act of 1963, the Higher Education Act of 1965, Title IX of the Education Amendments of 1972, and certain other federal education programs. Under the law, States will be given Federal grants on the condition that the State provide matching funds. The act mandates criteria for the distribution of vocational education funds within States and specifies administrative requirements for operating State programs. This act affects all three levels of government — national, State, and local.

Under the legislation, signed into law October 12, 1976, each State must hire full-time staff to help end sex bias and stereotyping in vocational education. Starting October 1977, \$50,000 of each State's federal allotment (without matching fund requirement) will be set aside for this purpose. States will have to outline how they will assure both sexes equal access to vocational education in a five-year plan before they can qualify for Federal aid.

Some other actions required under the law:

1. Expansion of national and State advisory councils to include women familiar with the problems of sex discrimination in job training and employment, and sex stereotyping in vocational education.
2. Development of curriculum and guidance programs that reflect women's changing role so that career choices can be based on their occupational needs and interests.
3. The act also specifically mentions services for women, including counseling and entry into non-traditional occupations, as well as programs for former homemakers, and single heads of households.

Additional sources: Bureau of the Census; Project on the Status and Education of Women; WEAL; Office of Women in Higher Education, American Council on Education; *Chronicle of Higher Education*.

## HEALTH

#### MATERNAL HEALTH.

- Maternal mortality is 3 times higher in the U.S. than in Sweden and Scotland.
- Maternal mortality for non-white women is more than 2 and ½ times the rate for white women.
- Caesarean sections are increasing significantly in teaching hospitals.
- According to Doris Haire, President of the American Foundation for Maternal and Child Health, "Few American babies are born today as nature intended them to be." Yet at least 90% of all births are normal and uncomplicated.
- There are some 1300 certified nurse-midwives and approximately 5000 lay midwives in the U.S. today.
- In other developed countries, such as France and Sweden where midwives are an essential part of the childbirth process, the rates of infant mortality and birth trauma are significantly lower than in the U.S.

- Nurse practitioners, nurse and lay midwives, and physician assistants are new categories of health workers dominated by women. These new roles for women in the health sector represent a significant change in that they have real autonomy and authority and provide significant alternatives in the delivery of care. Nurse-practitioners are registered nurses who usually take extra training beyond their RN degree. The difference between the work of a registered nurse and that of a nurse practitioner is that the latter determines a patient's care without the intervention of a physician, unless indicated. She practices nursing, not medicine, usually independently of the physician. There are some 7,000 nurse practitioners in the United States today. Many are employed by hospitals in home care programs and emergency rooms, others work in public health programs. The Federal Medicare program does not reimburse the independent midwife or nurse practitioner for services rendered. A tremendous increase of these independent practitioners would be seen if they could count on reimbursement either under existing programs or a national health insurance program.

#### PATIENT'S RIGHTS.

- Since 1970 female sterilizations in the U.S. have increased threefold.
- Twenty percent of married black women have been sterilized compared to seven percent of married white women.
- Fourteen percent of Native American women have been sterilized.
- Many sterilizations have been performed without the informed consent of the patient.
- The increase in female sterilizations in the U.S. has been most prevalent in the minority groups as can be seen from the figures presented above. These figures show that minority women are sterilized more than their percentage of the female population would warrant. In Los Angeles, ten Chicana women have filed suit alleging that a hospital coerced or deceived them into sterilization procedures. They claim they received consent forms while in labor, or were told about the sterilization procedure only after the fact.
- The Department of Health, Education and Welfare has drafted guidelines for sterilizations paid for with Federal funds. The guidelines include an informed consent form, an explanation of the permanence and irreversibility of the procedure, the dangers of major surgery, a 72-hour waiting period and the option of last-minute refusal. Many, however, feel that these guidelines are insufficient and the Committee to End Sterilization Abuse (CESA) in New York has drafted more stringent guidelines. There has recently come to light further evidence of HEW's failure to help control sterilization abuse. In a May 1976 draft of a new booklet being prepared by HEW entitled "Your Sterilization Operation: Hysterectomy" the government agency continues to advocate hysterectomy for sterilization despite the enormous risks, the needless surgery, and the simpler, safer tubal ligation as an alternative.

#### DRUGS AND DEVICES.

- Between 1965 and 1975 the number of American women taking estrogen drugs tripled.
- A California State Department of Health survey found a 50% increase in cancer of the endometrium (lining of the uterus) between 1969 and 1974.
- It has been known since the 1930's that estrogens cause cancer in test animals.

- Diethylstilbestrol (DES) has caused vaginal cancer in the female offspring of women given DES during pregnancy and cancer in the women themselves.
- Prior to the 1970's only 3 cases of vaginal cancer had ever been reported. By 1975 250 cases of this cancer had been reported and many went unreported.
- Despite a Food and Drug Administration ban on the use of DES during pregnancy, approximately 11,000 prescriptions for DES are written each year for prenatal care.
- Approximately 150 million women world-wide have taken the birth-control pill and some 50 million women currently use it.
- Contrary to most powerful drugs, the birth-control pill is given to millions of healthy individuals over a long period of time.
- A definite link has been established between the birth-control pill and greater risk of blood clots, stroke, heart attacks, rise in blood pressure, urinary tract infections, and gall bladder disease.
- Women on the Pill have a 7 to 10 times greater risk of blood clots than those who don't take the drug.
- Women on the Pill have 9 times as many strokes as non-Pill users.
- The Food and Drug Administration has advised women over 40 to use a form of contraception other than the birth-control pill because of its risks.
- The Pill causes the growth of non-cancerous polyps in the lining of the cervix and an increase in the number of cells in the ovaries, uterus, and breasts.
- The intra-uterine devices (IUD) used by millions of American women have never been subject to federally-regulated testing unless they contained a drug or chemical which is released and which is itself a contraceptive, such as the Copper-T and Progestasert. The devices were pre-market tested by the manufacturers who produced them. Under the new Medical Devices Act now in effect those IUD's that have been on the market for many years, such as the Lippes Loop, may continue to be marketed. New IUD's coming on to the market, those with new designs, new composition, etc., have to be pre-cleared. Evidence has to be presented to FDA establishing the effectiveness and safety of the IUD.
- Women use 50% more prescription drugs than men.
- Women use 72% of all anti-depressants, 76.5% of the major analgesics, 70.5% of the minor tranquilizers, and they use the majority of major tranquilizers prescribed.

#### GYNECOLOGICAL HEALTH

Breast cancer is the most common cancer in women. Almost 90,000 breast cancers are diagnosed each year and each year some 33,000 women die of the disease.

Approximately 95% of breast cancers are found by women themselves, usually by accident.

Some 67,000 new cases of cervical, uterine and ovarian cancers are diagnosed yearly. Of these three, cervical cancer is the most common, killing some 11,000 women each year.

Uterine cancer will be diagnosed in some 27,000 women in 1977. Treatment for uterine cancer is hysterectomy.

According to the National Center for Health Statistics, some 690,000 women had hysterectomies in 1975.

More than ½ of all women over the age of 40 are advised to have hysterectomies each year.

Dr. John P. Bunker of Stanford University's Medical School stated that hysterectomy causes "a loss of the uterus by more than half the female population by the age of 65 years."



Hysterectomy is performed 2 and 1/2 times more often in the U.S. than in England and Wales and 4 times more often than in Sweden.

Hysterectomies for sterilization are 20 times more likely to cause death than a tubal ligation.

According to Dr. Valentina Donahue, an obstetrician-gynecologist, the complications of hysterectomy "include the usual hazards of major surgery — infection, hemorrhage, thromboembolic disease (blood clots) and the risks of anesthesia."

In a *New York Times* article of September 21, 1975, the director of a large New York City hospital stated that it is "unwritten policy to do hysterectomies for sterilization on poor blacks, Puerto Ricans, and other indigent minorities in charity wards."

Hysterectomy is performed for contraception (sterilization), cramps, vaginal laxness, small noncancerous fibroids, and for headaches and backaches.

Dr. Ralph C. Wright, a gynecologist, has stated, "The uterus has but one function: reproduction. After the last planned pregnancy, the uterus becomes a useless, bleeding, symptom-producing, potentially cancer-bearing organ and therefore should be removed."

The rate of invasive cervical cancer among black women is twice that among white women.

Chosen to call this section gynecological health (not reproductive health) because the issues are important to all of us whether or not we bear children. Educating ourselves to care for our health will enable us to make intelligent, informed choices about the care we seek.

Two of the major issues relating to gynecological health are the detection and treatment of cancer, and hysterectomy as a means of birth control.

Cancer is one of the more over-riding threats to women's health. It is a prime issue today, receives much public attention and causes great personal anxiety. Breast cancer kills more women than any other cancer and these sad statistics have not improved in some 30 years. Early detection through breast self examination continues to be our best hope for reducing the mortality statistics. Most women are reluctant to do breast self-examination (BSE) because they are afraid they might find a lump and because they do not know normal breast tissue from abnormal. Breast self-examination cannot be stressed enough. All the experts agree that far fewer women would die from a breast cancer which has fatally spread if they would regularly examine their breasts and be able to distinguish healthy breast tissue from abnormal signs and symptoms.

### ALCOHOL AND DRUG ABUSE

Over 1/3 of the nation's 9 million alcoholics are women.

Of 600 halfway houses for alcoholism only 30 are for women.

Only 14 out of 582 treatment grants awarded by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) are for women's programs.

Out of 1374 NIAAA research grants 4 are specifically for the female alcoholic.

Of 76 NIAAA prevention/education programs none are geared specifically for women.

Only 1 NIAAA treatment program provides a child-care service.

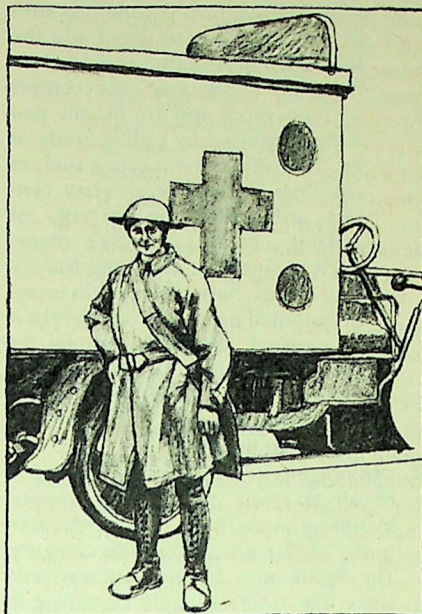
The majority of women drug addicts are white, do not use illegal drugs, and receive their drugs through a doctor's prescription.

Women represent approximately 28% of the total drug treatment population.

According to Alberta Henderson at the National Institute on Drug Abuse (NIDA), "the actual percentage of females in the drug abusing population was nearly 50% in a survey conducted in 14 major cities."

Alcohol and drug problems among women have received little attention.

Nevertheless, recent research has shown that the prevalence of these problems in the female population is much greater than had been anticipated. Senator Harrison Williams (Democrat, NJ) and specialists have stated that fully 1/2 of all alcoholics are women.



### WOMEN AS HEALTH CARE WORKERS

Women are 80% of the healthworkers in the U.S., including doctors, nurses, technicians, secretaries, house-keeping aides, clerks, and dietitians.

Women are only 3.5% of the dentists, 9.3% of the physicians, 9.1% of the administrators and scientists.

Women are 97.9% of the dental assistants, 97.3% of the registered nurses, 96.4% of the practical nurses.

As health paraprofessionals women represent 63.5% of the therapists, 67.9% of the x-ray technicians, 72% of the clinical laboratory technicians, and 92% of the dietitians. In 1970 their median income was \$6,000.

Women hold 96.4% of the health service jobs such as aides, dietary help, housekeepers, ward clerks, and bookkeepers. Their median income in 1970 was \$4,000.

Despite their large numbers in the health labor force women hold few positions of decision-making power. The majority of health administrators and over 90% of all physicians are men. As reflected in the statistics above, women hold health jobs which tend to reinforce their traditional task-oriented roles of nurturing and service to others. The jobs are also low-paying and offer little chance for upward mobility in the health system.

Dr. Vincente Navarro of Johns Hopkins University has stated that "unless the composition of the decision-making bodies in the health sector changes substantially to reflect better the sex and class composition of the producers and consumers of the health sector, no real changes will take place to benefit the majority of women in the health sector."

### CHILD CARE.

Arguing whether mothers should be employed away from home has become a pointless exercise. In 1977, mothers are working and they will continue to hold jobs regardless of the action or inaction on child care by State or Federal government. So the crucial issue is not *whether* child care, but *how* to achieve good quality child care and *how* to help working parents find it and afford it.

### THE NUMBERS

Once their children are old enough for grade school, the majority of American mothers now enter the labor force. The 28.2 million children of working mothers accounted for 46 percent of all children under age 18. Over 16 million children 3 to 13 years old had working mothers in 1975,

but only 1.7 percent were enrolled in group care centers.

— "Most mothers work outside the home because they need the earnings for themselves and their families," Women's Bureau director Alexis M. Herman has said. "And with the dramatic increase in the number of working mothers, especially those with children under 6 years old, lower cost and more readily available child care facilities are critically needed."

— At least 4.6 million children have mothers who are single, separated, divorced or widowed heads of families. In 1975, more than one in every six children under 18 was living in a single-parent family, a percentage that has almost doubled since 1950.

— For the female family head who earns the national average income of \$75 a week, or \$6,770 a year, the high cost of child care services greatly reduces her choices among available programs.

— The working mother is not solely an urban phenomenon. In 1970, 30 percent of rural non-farm women, and more than 25 percent of rural farm women with children under six, were in the labor force.

— Today, two out of five mothers of preschoolers are at work or looking for work, a proportion that has doubled in fifteen years and is still growing.

### THE TRENDS

Market Opinion Research, in a 1975 study for the International Women's Year Commission, found 27 percent of women who have never worked think they will or might work in the future; 13 percent of those would need child care. More than four in ten women who previously have been in the labor force think they'll return to work in the future; 17 percent of the mothers in this group would need child care. Most of the women planning to return to work were under 35, still in prime child-bearing years.

Fewer women are able to afford child care at home since the 1974 Fair Labor Standards Act extended the minimum wage to include domestic workers and housekeepers. It is expected that the demand for Federally subsidized child care will increase as parents with housekeepers try to trim budgets and find it considerably less expensive to use more formal day care programs, centers, and family day care homes.

The "storybook American family" is one of the latter-day casualties of the Industrial Revolution. Inflexible work hours away from a home-centered business or farm, time-consuming commutes, job transfers and relocation away from relatives, economic pressures that make two or more incomes necessary to maintain a family's standard of living — all these developments have greatly altered the fondly remembered pattern of family life.

Extended families, where more than two generations of relatives live in the same household, are all but gone. Fifty years ago, half of Massachusetts homes included at least one adult besides the parents; today the figure is four percent.

### SAVING THE FAMILY

Ironically, one of the key slogans of the day, "respect for the family," is being translated to mean "leave the family alone."

Opponents of child care programs maintain that until children are old enough to attend school, the responsibility for supervision rests squarely with the parents, especially mothers. They are suspicious that access to quality child care will threaten the family, that more women will be encouraged to go to work "to entertain themselves," and that the husband's usual "breadwinner role" will be undermined. Charges are made that child care services would brainwash children and take control from their families to give it to "the state."



To child care advocates, the slogan "respect for the family" represents a demand that public policy support family life as traditional extended family circles once did. They urge work policies that allow workers to combine their jobs with parenting, rather than force them to choose between the two. They seek not only improved child care services of all kinds, but also flexible working hours so parents can share care, paternal (as well as maternal) leave policies permitting time off when children are sick, and early education in parenting skills.

Some child care activists are presently urging a minimum income level for every family with young children so that the mother or father who is a willing caregiver can afford to stay home. Urie Bronfenbrenner, professor in the Departments of Psychology and of Human Development and Family Studies at Cornell University, has reported to Congress that the United States is the only industrialized nation that has not yet established such a guaranteed minimum. He reported further that the United States is also the only industrialized nation without a nationwide program of child care services for children of working mothers.

Other societies view child care less as a "service to parents" and more as a healthy emotional and intellectual experience for the child. But in this country, the Government supports child care chiefly as a tool to move low-income mothers off public assistance and into jobs. Federal money now sponsors about 900,000 of these children.

#### WHO CARES FOR CHILDREN?

1. *A relative at home.* This is the most commonly used form of child care and includes older schoolage siblings and night-shift fathers who must nap and supervise children simultaneously.
2. *A non-related baby sitter or an informal arrangement with a neighbor.* This is the second most common form of care.
3. *Center-based programs.*
  - A. *Nursery schools.* Preschool children whose parents can afford such care begin attending on a part-day basis, with sitters or family day care homes filling the gap until the work day ends.
  - B. *Family day care homes.* These homes are one of the least researched but most widely used types of care: they provide 78 percent of child care for working parents. They consist of private residences which take in children who are either related or unrelated to the resident. Less than 10 percent of family homes are licensed which is not to say that all unregulated care is undesirable. Unfortunately, a majority of such homes received low ratings in a widely-circulated descriptive study published in 1972, and this reputation may persist despite quite excellent facilities in many communities. This type of care can also be the most subject to parental dissatisfaction, especially when parents are unsure what a care agreement should cover. Such arrangements can be highly unstable: only half last longer than a few months. Public funding for these homes is almost nonexistent, and licensing of family day care homes is not mandatory in at least ten states.
  - C. *Parent cooperatives.* Fathers or mothers share duties as caregivers for a specified number of hours, an impractical arrangement when both work during the day.
  - D. *Day care centers.* Centers are used less than any other arrangement and provide care for only about 2 percent of children of working mothers. Many refuse to accept children under age 2. Some centers

require attendance on a full-time basis which fails to meet the needs of those working irregular hours or part-time. However, of all the child care arrangements used by mothers interviewed in *Windows on Day Care*, a 1972 survey, center care was the most popular because of the stable environment and the learning opportunities provided for children. Public day care centers are non-profit and are usually partially supported by public funds or by charitable organizations such as churches. Private proprietary centers are where the majority of existing center care takes place. Such businesses, including franchised chains, base their fees in terms of potential profit. Consequently, it is unusual for such centers to provide service in poor communities or to attract well-trained caregivers by offering competitive salaries or benefits.

4. *"Arrangements unknown."* One-fourth of all children of working parents, including some four million children under 14, are grouped in this category. The figure may be an underestimate since few mothers would be willing to admit that they are unable to provide "proper care." Included in this group of children are about 1.8 million 7-13 year olds who care for themselves until a parent returns from work. Five years ago, an estimated 18,000 children under age 6 were in self-care.
5. *Work-based programs.* In the late 1960s, a number of Federal agencies and private concerns began to establish child care centers at the workplace. But a trend toward workplace-based day care has failed to develop. One difficulty was that many working parents were already committed to other long-term arrangements by the time center care was available at work.

A small number of employers are assisting working parents by keeping registries of available day care services, granting vouchers to purchase day care, or by contracting with existing day care centers to hold spaces for children of employees.

With few exceptions (e.g. the Amalgamated Clothing Workers of America, which operates child care centers for children of employees), labor unions have demonstrated minimal interest in child care problems of members. Until recently, the most obvious reason was the absence of women from union leadership. Consequently, child care has been missing from health and welfare packages in negotiations. Women workers are now urging their unions, with only mixed success, to make child care a priority issue.

#### WHAT EFFECT DOES CHILD CARE HAVE ON CHILDREN?

Opponents of child care persist in quoting early studies of children on the Israeli kibbutz. These initial findings indicated that children living full-time in centers away from their parents developed into "middling" people low on initiative. Recent evidence challenges such claims.

Findings in at least a half dozen current studies of several hundred preschool children report that day care children suffer no ill effects due to regular intervals of separation from their working parents when good substitute care is provided.

Research in the last ten years has shown that children with working mothers learn to be self-reliant, have fewer self-doubts, and are as well adjusted socially as children whose mothers stay home full-time.

Kristin A. Moore and Isabel V. Sawhill write that children of working women have been found to be slightly higher in achievement motivation. They point to several earlier studies that have even

found a positive relationship between IQ scores and maternal employment.

"A day care center or day care home can be like a good family in its influence on children — providing stable, warm relationships with caretakers and encouraging intellectual, emotional and social development of children or it can, like some family setting, ignore, brutalize . . . and destroy a child," said the team that wrote *Toward National Policy*, a 1976 report released by the National Research Council, National Academy of Sciences.

#### LEGAL RIGHTS OF HOMEMAKERS.

In his *Commentaries on the Laws of England* (1795), Blackstone defined the legal position of the married woman in terms that provided the model for American family law:

By marriage, the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband; under whose wing, protection, and cover, she performs every thing . . . Upon this principle, of a union of person in husband and wife, depend almost all the legal rights, duties, and disabilities, that either of them acquire by marriage . . . The husband is bound to provide his wife with necessaries by law, as much as himself; and if she contracts debts for them, he is obliged to pay them; but for anything besides necessaries he is not chargeable.

Throughout the nineteenth century, this basic legal concept was liberalized and married women gained some rights to their property, their wages, and their children. At the same time, it has consistently supported the idea that the legal duty of the husband is to support his wife, in return for which the wife provides domestic services within the home. Judicial interpretations provide definite limitations to the implied economic security of married women.

1. Courts generally prefer not to interfere with the sanctity of the marital relationship and the husband's duty to support his wife is seldom enforced while the couple lives together. When living under the same roof, the husband may give his wife as little as he wishes to run the home, regardless of his income. A wife may charge necessities to her husband but merchants may be reluctant to extend credit to a wife if they believe they may have to sue her husband and prove that the purchases were necessary in order to collect. A 1953 Nebraska case, *McGuire v. McGuire*, established that "The living standards of a family are a matter of concern to the household, and not for the courts to determine. . . . As long as the home is maintained and the parties are living as husband and wife it may be said that the husband is legally supporting his wife and the purpose of the marriage relation is being carried out." The support obligation is enforceable only at separation or divorce.
2. The wife's duty to perform work in the home, as defined by law, is regarded as a service owed to her husband and consequently is not interpreted as work or activity which merits economic rewards.
  - Thirty-one percent of husband-wife families in 1973 depended upon the earnings of the husband. These wives were legally and economically dependent upon their husbands.
  - Homemaking wives who become disabled get no benefits, even though their services to their families must be replaced, often at considerable expense. The family of a homemaker wife who dies receives no benefits.



- Wives who work outside the home, but have left the work force for more than five years — perhaps to care for children — often get no return from their Social Security contributions. The reason: they have earned smaller benefits than they are entitled to as their husband's dependent.
- Women who have fulfilled their roles as homemakers may find themselves in their middle years "displaced" through divorce, widowhood, or other loss of family income. They are ineligible for AFDC if their children are over 18 years of age. They are ineligible for unemployment insurance because they have been engaged in unpaid labor in the home. They are often ineligible for Social Security and health plan benefits because they are too young. These women confront employment discrimination because they are women, are older, and have had no recent paid work experience. Consequently they are subject to one of the highest unemployment rates of any sector of the work force.
- Between 1950 and 1975, the percentage of women ages 35-64 who were divorced increased from 2.9 to 6.6 and of women age 65 and older from 0.7 to 2.6. During their period, the percentage of women who were widowed decreased slightly.
- The economic protection of dependent wives and children, always minimal, is being further eroded by the increase of no-fault divorce. Under this system, any leverage to secure adequate division of property, alimony, and child support is seriously weakened. Of the 46 states having some form of no-fault divorce, only nine recognize the "contribution of the homemaker" as a factor to be considered in economic arrangements at divorce.
- As the number of divorced women has increased, the number of female-headed families has also risen. Such families numbered over 7.2 million in 1975 — 13 percent of all families and approximately a 73 percent increase since 1960. Correspondingly, the number of children in female-headed families grew from 4.2 million in 1960 to 6.9 million in 1970 and to 10.5 million in 1975.
- In 1950 families with female heads had a median income which equalled about 56 percent of the median for male-headed families; in 1974 this had dropped to about 47 percent.
- In 1960 there were about 31 female-headed families for every 100 male-headed families below the poverty level, while in 1974 there were 85 female-headed families for every 100 male-headed families. The growth in the number of families with female heads below the poverty level occurred exclusively among families with children under 18 years old. Therefore, the number of children in female-headed families below the poverty level increased by approximately one-third between 1960 and 1974, and in 1974 the majority of children in poverty were in families headed by women.

Additional sources: Bureau of the Census, Bureau of Labor Statistics.

## RAPE.

- MYTH #1: Rape is an impulsive act of passion.  
Fact: 71% of all rapes are planned: the place was arranged, enticement was used, or the victim was deliberately sought and a plan made to coerce her into sexual relations.
- MYTH #2: Women cry "rape" as a form of revenge against former male friends.  
Fact: Of adult victims (over the age of 18) the vast majority were raped by

strangers. Children who are raped are more likely to know their assailant. A Washington, D. C. study on rape which divided the cases by age groups found:

1-12	78% knew their assailant
13-17	82% knew their assailant
18-24	37% knew their assailant
25 or older	28% knew their assailant

Recent New York police sex squad statistics indicate that only 3.4% of rape complaints are unfounded, a rate comparable to those of other felonies. Furthermore, adult women are usually raped by strangers. When a law enforcement agency receives a complaint of a criminal nature and the investigation that follows discloses that an offense has neither occurred nor was attempted, the complaint is "unfounded". Of the number of "unfounded" rape complaints reported to the New York Police Department only .4% were false in the sense projected by the myth.

MYTH #3: Only women who dress provocatively and are in places where they shouldn't be are raped. In other words, women who are raped are asking for it in one way or another.

Fact: Women of all ages, races and economic backgrounds get raped. Rape Awareness in Miami reports that victims range from 2 months to 85 years old (34% were 15 years and under).

Most rapes are planned; only 16% are explosive acts. Physical force was used in 85% of the cases. The remaining cases involved various degrees of non-physical force such as coercion and intimidation with or without weapons. Rape is a violent crime where brutality is inflicted upon the victim.

In 52% of the cases the victim met the offender in a public place and then was coerced into accompanying the rapist to the place of assault.

MYTH #4: If you are going to be raped you might as well relax and enjoy it.

Fact: Victims' responses to rape reflect that the violence and intense trauma of the event was neither relaxing nor enjoyable. After being raped:

- 42% reported feeling afraid of men
- 28% said it affected their sex lives
- 27% felt less independent or more afraid of being on their own
- 23% said it damaged their trust in male-female relationships
- 18% felt worthless or lost self-respect
- 17% felt hostile toward men
- 10% sustained physical injuries
- 7% reported suicidal impulses
- 5% suffered nightmares

MYTH #5: No woman can be raped against her will.

Fact: Rape is a crime of violence, not sexual passion. Amir finds that in most cases (85.1%) some type of force is used, such as choking, beating, roughness, or use of a weapon.

MYTH #6: Women have rape fantasies which reflect their desire to be raped.

Fact: Rape is an act of violent aggression. As Molly Haskill points out in her article "The 2,000 Year Old Misunderstanding: Rape Fantasy." For a woman to fantasize rape in the correct sense of the term would be to fantasize not love or lust but mutilation and no sane woman and very few insane ones express such a desire, even unconsciously.

### INCIDENCE

— The FBI has noted that of all the major offenses, rape "is probably one of the most underreported crimes due

primarily to fear and/or embarrassment on the part of the victims." Other studies estimate that the actual number of sexual assaults against women of all ages may range from three and a half to nine times the number actually reported to police or medical facilities.

— In a report by the Metropolitan Washington Council of Governments on the treatment of rape victims, forcible rape from the victim's perspective was described as "both a severe personal violation resulting in the loss of control over her sexual and self determination and an extremely frightening life-threatening situation."

— The Department of Justice report on victims of rape described it as "one of the most brutal of all crimes. Rape victims need sustain no physical injury to suffer severe and lasting pain; few crimes are better calculated to leave their victims with lasting psychic wounds.

— The Queen's Bench study, *Rape Victimization*, noted that 89 percent of the victims interviewed reported that the rape had "altered" their lives in a major way.

— A study by the D. C. Task Force on Rape reported that some medical personnel neglected to perform tests necessary for the collection of evidence for further prosecution, thus lowering the chance of convictions. Many doctors did not want to examine a rape victim, or if they did, falsified medical records for the court, minimizing or neglecting entirely signs of trauma in an attempt to avoid being called to testify. Some doctors are not trained in specialized treatment or in the methods of collecting evidence. Psychological counseling is not always available at a "time when empathy would go a long way toward abating future mental trauma. Frequently victims are not informed about methods of avoiding pregnancy and of the need for follow-up medical tests for venereal disease.

— Two researchers, Cathleen Schurr and Nancy Gager, maintain that one of the greatest gaps in current police methods is the lack of training given to police officers with regard to handling rape victims. As a result, many victims receive insensitive treatment, extensive and unnecessary questioning, and are treated with skepticism, while much needed evidence is lost in the process.

— The Metropolitan Washington study concluded that "unless a victim is able to receive positive support from those close to her or from an agency or service designed to provide this support, she may have greater difficulty coping with both the assault and her normal life for a long time."

— The low prosecution rate can be attributed to the administration of rape laws, according to legal experts. They report that "the victim is subject to peculiar pressures, humiliations, and traumatic occurrences in the very process of prosecuting the crime. This occurs because the rape jurisprudence, that is, the case law evidence requirements, the instructions, and the operations of the jury itself, is based on a deeply suspicious view of both the nature of women and sexual intercourse."

— The common law definition of rape serves as the basis for most statutory and case law relating to rape. According to this definition, rape is the unlawful carnal knowledge (penetration however slight) of the victim by the alleged assailant, without the victim's consent. Other forms of sexual assault, such as oral and anal contact and use of objects, are not included in this traditional definition. Under common law, sexual intercourse by a man with his wife, although it may be



against her will," can never constitute rape. Intercourse is considered an inherent right of marriage, and there wives are obligated to submit to their husbands.

- In most States the prosecution must prove that the victim did not consent. Her past sexual history can be introduced to show consent, as well as to undermine her credibility. While the woman's past sexual history may be considered admissible evidence, the past behavior of the defendant, even if criminal, is often not considered relevant.
- The consent standard is a feature unique to rape prosecution. Rape is the only crime in which the victim has to prove that she did not consent, and did not want — even subconsciously — to be raped.
- Judicial decisions and the verdicts of even the most representative of juries often influenced by Victorian anachronisms, according to one report. These include the suspicion that a "proper" person should have absorbed substantial physical brutality to evidence lack of consent; that prior sexual experience of consent; that prior sexual experience of any kind is reasonable evidence of possible misconduct or "provocation" on the part of an unmarried victim, that "nice girls don't get raped and bad girls shouldn't complain."
- While most States do not require corroborative testimony to bring a case to trial, such evidence is usually needed to get a conviction. Corroboration is any testimony or evidence other than testimony of the victims of the crime. In a rape case; corroborative evidence may include: torn clothing; bruises or injuries; medical evidence and testimony; promptness of complaints to friends, relatives, or police; the presence of semen or blood on clothing of accused and victim; lack of reason to falsify charges; the emotional conditions of the victim; evidence of breaking and entering into the victim's home; conduct of the accused when arrested; and the opportunity for the accused to commit the crime.
- In many cases of sexual assault no corroborative evidence exists. Criminals who intimidate their victims with weapons or threats of harm generally do not leave evidence behind. Women who are embarrassed, scared, or perhaps unaware of the procedure may not report the crime immediately. A lack of this evidence often allows the defendant to plead consent.
- Judges are required by law in some States, and by tradition in others, to instruct the jury that "rape is an accusation easily to be made and hard to be proved, and harder to be defended by the party accused, though never so innocent." Known as the Hale instruction, these words of caution date back to the 17th century jurist Lord Chief Justice Matthew Hale. Modern male authorities also assume that many innocent men have been convicted on the basis of false charges by women in spite of the difficulty of getting convictions.
- In reality rape is not a charge that is frequently falsely made. Recent New York Sex Squad Analysis Unit statistics indicate that only 3.4 percent of rape complaints are unfounded, a rate comparable to those for other felonies. The FBI reports that 15 percent of reported rapes nationwide are unfounded. These statistics do not differentiate between false accusations and unprosecutable rapes, that is, between cases where women actually lied about an alleged attack and those where the police could not establish a case.

## BATTERED WOMEN.

Until recently, a man had a legal right to "correct his wife for her misbehavior." It is clear that wife beating still occurs.

While there are no nationwide statistics on wife assault, we do have data from pilot projects. For example, in Kalamazoo county, Michigan, there were 5,600 cases of assault a year in a county with 40,000 families.

In Montgomery county, Maryland, the police intervened in 285 cases of assault in 1974.

Wife assault cases comprised 35% of all of the assault cases reported to the Washtenaw county, Michigan, police departments.

In another study of forty families known to be violent, the researcher found that over one-third of the forty neighboring families also reported spousal assault.

And, spouse assault is a common cause of divorce. A 1966 study of divorce applicants found that 36.8% listed abuse as a complaint. Another study of 150 divorce prone couples found that 17% said that violence occurred in their marriage.

Public opinion condones a degree of spouse assault. The National Commission on the Causes and Prevention of Violence found that 25% of the men and 16% of the women surveyed approved of slapping a spouse under some circumstances.

The law also condones spouse abuse. The typical police practice in situations of domestic violence is to avoid arresting the assailant while emphasizing the physical safety of the police officers. This practice is usually justified by asserting that family disputes cause more police deaths than any other type of crime. However, this assertion is unproven. FBI statistics on police deaths are available only for the broad category of "disturbance" calls. Domestic violence is only one of many components of this category. Thus, there are no nation-wide data on the number of police killed while responding to domestic violence calls. Now, the police do not make the safety of the victims their primary concern. In addition, District Attorneys rarely prosecute those who assault their spouses. Many women don't prosecute for fear of reprisal.

The reluctance of law enforcement agencies to intervene on behalf of the victims of spouse assault has grave consequences. Such violence tends to be chronic, vicious, and often homicidal in intent. The Kansas City police department found that in 85% of the family homicides, the police had been called to intervene at least once; and in 50% of these cases, the police had been called upon at least five times. And, women were the most frequent victims of family assault and homicide.

What alternatives are available to abused women? While the legal remedies available to victims of spouse abuse vary greatly from State to State, the following options are being explored by women concerned about this problem. First, since the police rarely arrest the assailant, a victim may tell the police that she wishes to make a citizen's arrest. However, most people are not aware that they may do so, and the police rarely inform victims of this right.

In some States, efforts to change the law are aimed at broadening police powers of arrest. Washington State law permits the police to arrest a person believed to have committed a misdemeanor. In Florida, a bill was introduced which would permit the police to arrest without a warrant a person who is reasonably believed to have assaulted a spouse (HR3474, 1976). However, it is not clear that the police would exercise their power of arrest, since most training manuals used by local police forces follow the advice of the International Association of Police Chiefs to avoid arrest, restore the peace, and leave.

Another option which has attracted much interest of late is for the victim to seek temporary refuge in a shelter for battered wives. Volunteer groups of battered wives, acting either alone or in conjunction with government and private agencies, have created at least twenty-nine such shelters across the country and many more groups of women are attempting to create additional refuges. These shelters are valuable in that they provide the victim with physical security and supportive counseling services which encourage her to take positive steps to reorganize her life away from her assailant.

The drawback to the reliance upon a shelter is that it disrupts the life of the victim and her children, while leaving her assailant in full possession of the family home. In some cases, the woman might be charged with desertion and she may jeopardize her rights in a subsequent divorce settlement. Therefore, one alternative to leaving the family home would be obtaining an injunction or temporary restraining order which bars the assailant from the family home and from further assaults upon the wife. New York and Massachusetts permit the issuing of such orders, while Maryland and Pennsylvania have proposed similar laws.

A final option is for the victim to sue her assailant to recover damages. The threat to sue might act as a deterrent and an award of damages could provide a woman victim some financial security as she begins a new life without her spouse. At present, only New York has a law permitting a spouse to sue the other spouse for intentional damage to person or property. Four States, Illinois, Louisiana, Hawaii, and Pennsylvania and Maryland have proposed to correct this condition by removing "interspousal tort immunity".

Courts in eighteen additional States have reinterpreted common law to permit, in some circumstances, such suits by victims of abuse. However, the courts have not followed a uniform standard here. In Minnesota, the court required, "substantial evidence . . . (of) excessive or . . . gross abuse. . . ." The Virginia courts have only applied this right to sue to cases arising from automobile accidents.

However, twenty-three States still follow the common law rule which denies an assault victim the right to sue a spouse. Thus many women are effectively denied recourse for justice unless the legal authorities are willing to file criminal charges against the abusive husband. This rarely happens.

Although counseling services should be available to the couple who jointly want to resolve the problem of abuse and preserve their marriage, abusive behavior is difficult to reform. Professionals working with abused spouses suggest that divorce is often the only real solution. However, for many women — especially those without job skills and experience — divorce may mean a sharp drop in their standard of living. Very few women collect alimony and only about a quarter of the women having child custody regularly collect child support. Thus, if women are to have a real alternative to remaining with an abusive spouse, the laws affecting property settlements at divorce must be reformed.

## LEGAL REFORM

The New York State law of 1937 may be a model for other States in removing spousal tort immunity. It states:

Right of action by or against married women, and by husband and wife against each other for torts.

A married woman has a right of action against her husband for his wrongful or tortious acts resulting to her in any personal injury . . . or resulting in injury to her property, . . . or if they were unmarried, and she is liable to her husband for her wrongful or tortious acts resulting in any such personal injury to her husband or his property, as if they were married.



One common objection to the removal of inter-spousal tort immunity is that it might give rise to collusion between husband and wife in order to collect insurance payments. To prevent just such collusion, the New York State legislature enacted a law providing that no policy of insurance could cover liabilities of the insured because of death or injury to his spouse.

Also, the objection that such a legal change would produce a flood of trivial suits has been dismissed by the judges in several States who have permitted suits between spouses.

Finally, the argument that such suits would undermine marriage has been dismissed as ridiculous by several judges who argue that women should not be denied their right of redress.

The State of Massachusetts permits a woman to obtain a vacate order in conjunction with an action for divorce or separate maintenance. If necessary, a victim can obtain the order within twenty-four hours. Violation of the court order is considered a trespass and is enforced by the police. The order is in effect for ninety days and it can be renewed. The essential features of such an injunction are that it can be obtained, if necessary, very quickly and that it has strong enforcement provisions.

## WOMEN AND THE MASS MEDIA

*As long as newspapers and magazines are controlled by men, every woman upon them must write articles which are reflections of men's ideas. As long as that continues, women's ideas and deepest convictions will never get before the public.*

Susan B. Anthony, 1900

## BROADCASTING

A 1974 Screen Actors Guild study of prime-time network shows found:

	Starring	Small roles
ABC	75.6% male	73.7% male
CBS	66% male	64.2% male
NBC	73% male	77.1% male

Major findings from a 1975-1976 monitoring project conducted by the United Methodist Church included:

Women were under-represented in the world of television. A total of 1,095 characters appeared in the episodes coded; 345 or 32% were female; 748 or 68% were male.

The percentage of women portrayed in leading roles was even less than their distorted 32% representation on television.

Women's categories of problems and relationship roles clustered around family and romance. Those of men clustered around business and acquaintances.

In problem solving, men were portrayed primarily as being resolvers of problems faced by others.

Women were more likely to be portrayed in traditional female occupations (secretary, nurse) having low occupational authority. Women were supervised; men were more likely to be supervisors.

Women generally did not use aggressive or defensive force, but were victims of force.

## PUBLIC OR NON-COMMERCIAL BROADCASTING

In 1975, the Corporation for Public Broadcasting released "A Report of the Task Force on Women in Public Broadcasting" which showed that of 28 television programs monitored (18 hours):

- 200 characters were male; 36 were females (an 85% to 15% ratio),
- Eleven (of the 28) programs had no female participants;
- Only four black women were seen during the week monitored;
- Only 4% of the shows had female announcers/narrators.

The report concluded, "Women are not stereotyped on public television, they are overlooked."

In adult public radio programs, women fared slightly better:

- 428 of the voices were male, 127 female (a 77% to 23% ratio);
- Ten percent of the shows had female announcers, 10% jointly, 80% were moderated by males.

## NEWSPAPERS

Most newspapers around the country have changed their women's pages to 'Lifestyle' or 'Living' sections — focusing on both women and men and dealing with concerns of the "average citizen", such as consumer news.

A recent study examined the stories and photos in the Lifestyle sections of four major newspapers (The New York Times, the Washington Post, the Chicago Tribune and the Los Angeles Times) and compared these with the contents of the Women Pages of the same newspapers ten years earlier.

The results of the study included:

Percentages of Numbers of Stories, Photos and Ads by Content Category and Sex

	N.Y. Times		Post		Tribune		L.A. Times	
	1965	1975	1965	1975	1965	1975	1965	1975
Stores	N=250 N=105 N=484 N=310 N=550 N=282 N=723 N=325							
About Women	26	26	37	6	24	25	34	16
About Men	3	9	1	9	3	5	2	6
About Both	71	65	62	85	73	70	64	78
	100%	100%	100%	100%	100%	100%	100%	100%
Photos	N=120 N=101 N=165 N=162 N=309 N=208 N=213 N=138							
Of Women	68	56	54	37	66	66	73	49
Of Men	7	27	9	38	21	24	5	22
Of Both	25	17	37	25	13	10	22	29
	100%	100%	100%	100%	100%	100%	100%	100%

From Journalism Quarterly, Winter 1976

The author concluded: "In summary, there have been certain changes in lifestyle sections since 1965. But at some papers, there has been more talk than change. And, in some instances, the changes have been for the worse."

## ADVERTISING

Random studies of television advertising showed in 1971, 87% of all voice-overs (the authoritative voice selling the product)

were male. In 1973, 93% of the voice-overs were male. And, in 1974, 84% of the voice-overs were male.

75% of ads using females were for products in the bathroom or kitchen.

One academic researcher concluded, "Across a range of locales, samples and coding schemes, (these) studies agree on many aspects of the presentation of women in television commercials:

- women are rarely heard as the authoritative voice-over;
- women are portrayed in the role of wife and mother much more than men are portrayed in the role of husband and father;
- When shown at work, women occupy lower status jobs than men;
- Women are portrayed as younger than men and deferential to men;
- women are shown as product users, while men are shown demonstrating and advocating products rather than using them."

Another researcher pointed out, "The impression given here is that women operate independently only for relatively inexpensive household purchases — for food, cosmetics and cleaning products. For the more expensive items requiring more complex decisions, advertisers use men in their ads."

"The female viewer who is bombarded with television's derogatory, stereotypical images of women can only conclude that she has very few role options available for defining herself."

"The National Advertising Review Board concluded:

"It also happens that in the portrayal of women, it is good business to be decent and fair. You don't sell to people by insulting them.

"Yet, as we have said, there is a problem (with the image of women in advertising). It exists because advertising is part of a changing society in which old ways of thinking sometimes outlive changed conditions."

## FILM

A discussion of four decades of the portrayal of women in films, showed:

- In the 1940's, women were shown as autonomous, career women striving to achieve their aspirations (Hepburn, Crawford, Davis and Stanwyck);
- In the 1950's, women were shown as "simpering, dependent hysterics" or as undulating sexual manikins (Monroe);
- In the 1960's, women were shown as remaining outside the safety of marriage and finding devastating loneliness and despair (Black);
- In the 1970's women in pornography films are shown as lecherous whores of endless appetite and sexual ingenuity (Lovellace).

An analysis of nearly 200 films made from 1968-1974, found:

- 98% of the films were written by men;
- 99% of the films were produced/co-produced by men;
- 99% of the films were directed by men;
- 80% of the roles were male; and,
- 90% of the speaking roles were male.

## CHILDREN AND THE MASS MEDIA.

"Research supports the conclusion that television can influence children's social behavior and attitudes . . . Moreover, children change their attitudes about people and activities to reflect those encountered on television programs."

What do children see in the mass media?

1975 findings showed that on Sesame Street:

- 78% of the characters (including muppets) were male;
- 87% of the announcers/narrators were male;
- Males were found to initiate action more often than females;
- Females were found in non-active roles three times more than male characters.

On Saturday morning cartoons:

- males were shown in 42 roles, females in 9;
- 71% of the major characters were male;
- males were shown in adventuresome, knowledgeable, independent, aggressive, sturdy and bold; females were shown as romantic, submissive, fragile, timid and patient.

## CHILDREN'S BOOKS

Look at her, mother, just look at her. She's just like a girl. She gives up.

— *Around the Corner*, Harper and Row, 1966, 1972

We are willing to share our great thoughts with mankind. However, you happen to be a girl.

— *Ventures*, Book 4, Scott Foresman, 1965

The quotes above are from documentations of 2,760 stories in 134 school readers assembled by a group of professional consultants and published in a book, *Dick and Janes as Victims*.

Boy-centered stories appeared 5 times to every 2 girl-centered stories, male biographies were 6 to 1 over female biographies and male animal stories were 2 to 1 over female animal stories. There were four times as many male folk or fantasy stories as female stories.

The study also reported, "Traits such as ingenuity, creativity, bravery, perseverence, achievement, adventurousness,



curiosity, sportsmanship, generativity, autonomy, self-respect are assigned to boys 4 to 1.

"Traits such as passivity, incompetence, fearfulness, altruism, kindness, domesticity are assigned to the girls."

#### EMPLOYMENT

All media employers with 15 or more employees are required to comply with Title VII of the 1964 Civil Rights Act;

All licensed broadcasters must meet certain equal employment opportunity requirements of the Federal Communications Commission; and,

All federal contractors in the communications and motion picture industries must develop certain employment standards of the Department of Labor.

Equal employment opportunity is the law, and women working in the mass media are covered by these laws. However, even though these laws are on the books, they are not adequately complied with nor adequately enforced.

The American Society of Newspaper Editors, as of Spring 1977, had 803 members, of which 22 (or 3%) are women.

In 227 cities with newspapers with a daily circulation of 40,000 or more, 1128 males are in policy-making positions and only 30 (or 2.7%) are females.

1974 membership figures for the Motion Picture Academy of the Arts and Science showed males were:

89% of the actors; 100% of the cinematographers; 99% of the directors; 98% of the executives; 99% of the producers; 92% of the writers; 89% of the editors; 90% of the art directors and 94% of the members.

In 1976,

- the Producers Guild had 20 women out of 590 members;
- the Writers Guild had 662 women out of 4031 members;
- the Directors Guild had 288 women out of 4500 members.

Writing credits in 949 TV episodes (between 10/75-10/76) were:

Women	Men	%Men
254	2,377	90%

Employment discrimination complaints have been filed by female employees against the New York Times, the Washington Post, the Associated Press, Reuters news service, Hearst newspapers, the National Broadcasting Company, Newsweek, Time, The Detroit News, Universal Studios, among others.

As one researcher wrote:

"Aside from the question of employment discrimination being illegal ... is the aspect of lost energy and talent which might fully be utilized ... intelligence and creativity are not sex-linked and by not using approximately one-half of the possible talent pool, television (media) is denied the benefit of one-half of its brightest people."

And, as one former newspaper editor explained:

"It is important to individual women to have an opportunity to have the most meaningful and best paying jobs in their profession. But, it is of great importance to this nation that women help make policy."

#### REPRODUCTIVE FREEDOM, INCLUDING TEEN-AGE PREGNANCY

"Society asks, What is to become of children that women are forced to bear? Society provides prisons for them, and the death penalty now. Might it not be well to leave women the liberty to choose whether they will bear children to be hung or not?"

Mary Gove Nichols, 1854-

"Those laws, generally proscribing abortion or its attempt at any time during pregnancy except when necessary to preserve the pregnant woman's life, are not of ancient or even of common law origin.

Instead, they derive from statutory changes effected, for the most part, in the latter half of the 19th century ... abortion was practiced in Greek times as well as in the Roman Era ... 'it was resorted to without scruple.'"

"It is undisputed that at the common law, abortion performed before quickening — the first recognizable movement of the fetus in utero, appearing usually from the 16th to the 18th week of pregnancy — was not an indictable offense ... Although Christian theology and the canon law came to fix the point of animation at 40 days for a male and 80 days for a female, a view that persisted until the 19th century, there was otherwise little agreement about the precise time of formation or animation. There was agreement, however, that prior to this point the fetus was to be regarded as part of the mother and its destruction, therefore, was not homicide."

England's first criminal abortion statute, came in 1803.

In this country the law in effect in all but a few States until mid-19th century was the pre-existing English common law. Connecticut adopted abortion legislation in 1821 that related to a woman "quick with child" but unlike common law, did not impose the death penalty. Abortion before quickening was made a crime in that State only in 1860. New York enacted abortion legislation in 1828. Gradually the degree of the offense and the penalties became more severe. By the end of the 1950s, a large majority of the States banned abortion under all circumstances unless done to preserve the life of the mother.

Women enjoyed a broader right to terminate a pregnancy from the Revolutionary period and throughout most of the 19th century than they did in the 1960s.

After the Civil War, the practice of medicine gained professional status and doctors became the authoritative guardians of the health and morality of American society. The American Medical Association publicly deplored abortion and called upon state legislatures to revise their abortion laws. In 1871, resolutions were adopted making it unlawful for any physician to perform an abortion without the agreement of another doctor and then always with the intent to protect the life of the child, if possible. The AMA called the attention of all clergymen to "the perverted views of morality entertained by a large class of females — aye, and men also, on this important question."

In 1959, the American Law Institute considered the abortion proposals to be included in a proposed Model Penal Code. It was suggested that abortion should be permitted when the pregnancy would impair the physical or mental health of the mother, the child might be born with a physical or mental defect, or the pregnancy resulted from rape, incest, or other felonious intercourse. At the time, no state recognized the legality of abortion under any of these circumstances. But it was accepted hospital practice to provide therapeutic abortions in violation of the law in most of these situations for a small number of women. The obvious discrepancy between the law and its application created the movement for abortion reform in the 1960s.

In the last half century, it has been estimated that in the United States approximately one of every five pregnancies was terminated by abortion, an average of more than 1 million each year.

The Supreme Court decision in 1973 supersedes all more restrictive state laws. In preserving individual freedom of choice, it does not force any woman to have an abortion against her will.

Recent research indicates that the timing and spacing of births and the number of children born into a family are probably the most influential determinants of maternal, infant, and even long term family health.

The response of existing health organizations to the legalization of abortion has been limited. In 1974, the year after the Supreme Court decision, at least 400,000 and perhaps as many as 900,000 women who needed an abortion were unable to obtain one.

Nearly 40 percent of low and moderate income women, some 3½ million, are without access to any kind of family planning services at all.

Seven out of ten legal abortions performed in 1974 would have taken place illegally if abortion were outlawed, according to biostatistician Christopher Tietze of the Population Council. During 1973, the first year that abortions were legal nationwide, there was a 40 percent drop in abortion-related deaths.

Abortions performed in the first trimester of pregnancy are seven times safer than childbirth. In 1973, eight out of ten legal abortions were performed in the first trimester. Women who seek later abortions are usually those without adequate access to medical services — the young, the poor, and those living in rural areas. Other women seek late abortions after learning that they are carrying defective fetuses.

Medicaid currently finances about three out of every ten abortions in the United States at a cost of \$40-50 million per year. If Medicaid funds were not available for abortion, the U.S. Department of Health, Education and Welfare estimates that the annual cost to the government would be between \$450 million and \$565 million for medical care and public assistance in the first year after birth. Without Medicaid support for women who choose abortion, there would be an estimated 125 to 250 deaths annually from illegal and self-induced abortions as well as 12,500 to 25,000 complications requiring hospitalization, according to HEW.

In 1975, the U.S. Commission on Civil Rights recommended that Congress reject all anti-abortion legislation, and constitutional amendments and repeal those already enacted. The Commission stated, "So long as the question of when life begins is a matter of religious controversy and no choice can be rationalized on a purely secular premise, the people, by outlawing abortion through the amendment process, would be establishing one religious view and thus inhibiting the free exercise of religion of others."

Popular sentiment in favor of the Supreme Court ruling is strong and increasing. An April 1975 Gallup Poll found three out of four Americans felt abortion should be legal in some circumstances. A national telephone survey conducted by the *New York Times* and CBS News in February 1976 showed that 67 percent agreed that "the right of a woman to have an abortion should be left entirely up to the woman and her doctor." A March 1976 *National Observer* plebiscite vote (in which those feeling strong enough about the issues mailed in their ballots) found 71.4 percent asking to let the Supreme Court decision legalizing abortion stand. Knight Ridder newspapers asked a similar question in January 1976 and found 81 percent agreement.

#### LEVEL OF SEXUAL ACTIVITY

Teenagers are sexually active at increasingly younger ages:

— Of approximately 10 million females aged 15 to 19, more than two million of the unmarried teens are sexually active and risk unintended pregnancy.

— A 1971 study estimated that nine percent of the 15-year-old females had already had sexual intercourse.

— Eleven percent of all non-virgin girls age 13-15 and 28 percent of all non-virgin girls age 16-19 report having been pregnant at least once.

Contraceptive use among the young is infrequent. About half of sexually active teens say their last intercourse was without contraceptives. Nearly three in ten



teenage women who have premarital intercourse become pregnant. It isn't unusual, Planned Parenthood clinics report, for teens who seek contraceptive advice to have been sexually active for at least one year.

Despite the level of sexual activity, many teenagers remain ignorant about the risks of becoming pregnant.

A 1971 survey revealed that one teen in four didn't know it was possible to get pregnant during a single act of intercourse. A large number are unable to relate the menstrual cycle to the times of greatest risk of pregnancy. Moreover, the menstrual cycle in young teenagers often is irregular, adding to confusion about which days are "safe".

Another national survey reported that 30 percent of young women aged 13 to 19 knew of no place a young person could go to get contraceptives. Others are afraid to bring up the subject with family physicians. And many teenagers resist using contraceptive methods, even when they have access. They say buying contraceptives is embarrassing, that being prepared for sex looks "cheap" or "interferes with romance", and some methods (such as the pill) sound dangerous. Researchers suggest that girls resist using contraceptives to avoid admitting to themselves they are no longer virgins.

### TEENAGERS AND THE LAW

The rights of teenagers — whether they involve a pregnant girl's access to education or to contraceptives — are undergoing considerable change. A teen's legal status as a minor is still a big obstacle to obtaining family planning help.

Many clinics are timid about publicity because they are perpetually uncertain about local restraints against serving young persons. Within each State the courts and legislature may clash over whether teenagers should be allowed to secure either contraceptives or abortions.

A number of courts have declared local laws requiring parental consent for abortion to be unconstitutional. And several States have enacted or recognized through court decisions a "mature minor" doctrine. This concept says that a minor intelligent enough to understand the nature and consequences of a particular medical treatment and may consent to it.

All States now establish the right of persons under 18 to obtain treatment for venereal disease without parental consent.

There is a trend in many States to change laws so that minors can consent to their own health care. But the legislation does not insure that teens will be allowed to receive the care they consent for. There are other instances where States continue to enact and maintain restrictions against minors. For example, one State has made only a slight change in its consent rules: teenagers now must be over 14 instead of over 16 to consent to their own care.

### EDUCATION AND THE LAW

Title IX of the Education Amendments Act of 1972 declared that schools receiving federal funds can't deny a student the right to participate in any class or extracurricular activity because of pregnancy, childbirth, miscarriage, or abortion. Section 86.40 says schools must not maintain different rules for pregnant students than they do for students with any other temporary disability.

Pregnant students may not be excluded from regular classes, but separate instruction is permissible if participation in the program is voluntary, and if instruction offered in the program is comparable to that offered to non-pregnant students.

Schools which violate the act are subject to loss of federal funds. Nonetheless, many jurisdictions are still unfamiliar with this law, and with the requirement that each school district set up its own grievance procedure to resolve cases of sex discrimination.

Public campaigns to assist pregnant teenagers and to reduce teenage pregnancy usually stop short of the American classroom. Large-scale efforts to reach the school-age audience have limited impact because:

— Sex education in the schools remains highly controversial.

The American School Health Association reports that in 1976 only six States and the District of Columbia required the teaching of some form of family life or sex education in schools; only 28 States either required some "health education" or offered it as an option. States have even banned sex education entirely. Even where sex ed is allowed, many existing programs limit the subjects which may be discussed, most often avoiding any mention of contraception.

— Whenever special arrangements are made for students who are pregnant, there is a tendency to isolate these girls and a failure to encourage them to set high personal goals for education or for skills, well-paid occupations.

In 1972, only one pregnant student in five had access to any kind of special education program at school, such as pre-birth counseling, nutrition lessons, or classes on how to parent.

By 1975, less than one-third of 17,000 school districts in the U.S. were making provisions for education needs of pregnant girls. Only one per cent of school districts offered child care for school-age parents continuing their education.

Additional Sources: Babcock, Freedman, Norton and Ross, *Sex Discrimination and the Law*; Davidson, Ginsburg, and Kay. *Texts, Cases, and Materials on Sex-Based Discrimination*.

### TEENAGERS

— The teenage pregnancy rate in America (58 per 1,000 females) is higher than in 18 other countries.

— Nearly one million teenagers become pregnant each year and nearly one birth in five in the U.S. is to a teenage mother. Some 30,000 girls younger than 15 get pregnant annually.

— The younger the mother, the greater the health risk to herself and to the baby. Society pays a high price for teenage pregnancies — from the consequences of interrupted or abandoned education, loss of job skills, and unstable family life, to costly mounting pressures on welfare services.

What is being done? Unfortunately, little:

— The media, entertainment and broadcast industries continue to promote sexually-explicit advertising, suggestive songs and (often violent) films that exploit women as passive, dependent sex objects.

— Less than one third of 17,000 school districts in the U.S. provide special education programs for pregnant girls or teenage mothers. Only one percent of school districts provide child care for children of students.

— Two-thirds of teenage pregnancies are unintended, yet in 1976 only six States and the District of Columbia required the teaching of some form of family life and sex education in the schools.

— Seven in ten young teens get no prenatal care in the first three months of pregnancy.

— Custom has reversed since 1970, and today at least 85 percent of young unmarried mothers decide to keep their children rather than arrange for adoption. Grandparents are making more sacrifices to help out, but welfare rolls are growing, too.

— Only 1/5 to 1/3 of two million sexually-active unmarried teenagers receive services from organized family planning programs. And at least 125,000 teenagers who wanted abortions in 1975 could not obtain them.

— Teenagers accounted for one-third of all legal abortions performed in the

United States in 1975. Teenage pregnancy most frequently results from non-use or sporadic use of contraception. About two million unmarried women aged 15-19 need contraceptive services; only one-fifth to one-third of them receive services from organized family planning programs.

— One upstate New York county, in which family planning services were minimal, was reported to have the second highest rate of teenage pregnancies (girls 15-19 years of age) in the state in 1976. Of the 222 women obtaining abortions in 1976, 101 were teenage girls including seven girls between 10 and 14 years of age.

— In the last 130 years, the age of onset of the first menstrual period has declined from age 17 to 13. Society must recognize this earlier maturing and try to understand the powerful physiological impact that occurs in adolescence.

### HEALTH RISKS

Because the teenage mother's body often is too immature and undernourished to properly bear a child, she is more likely than any other age group to suffer from:

- toxemia (blood poisoning)
- anemia (weakness due to insufficient red blood corpuscles)
- infections (including those from self-induced abortion attempts)
- complications from difficult and long labor (up to 47 hours in patients under age 15. Six hours is average for women age 19 and older.)
- premature end to growth of the young mother's long and short bones, i.e. those in the arms and legs.

Dangers to the mother and her infant are multiplied at age 16 or younger, particularly when pregnancy occurs within two years of the onset of menstruation. When the mother is immature, the infant is two to three times as likely to be born premature. Stillbirths and infant deaths are not uncommon.

Mental and physical defects occur at least twice as often among children of very young mothers. IQ tests have shown that at age four, such children score in the retarded range at five times the rate for the rest of the population in general.

For older women, second pregnancies usually involve fewer health risks than first ones. But the reverse is true for teenage mothers; their second infants face a significantly higher risk of death or prematurity. In 1968, 23 percent of the births to teenagers were their second or third child.

The medical risks of early childbearing may be stark, but there is also much uncertainty about the risks associated with abortions and birth control pills for very young girls.

Physicians are not in total agreement on the wisdom of prescribing a hormonal birth control pill to a girl whose menstrual cycle is not yet regular or whose body is still developing.

### SOCIAL IMPACT

Early pregnancy may severely cripple a young woman's ability ever to become self-sufficient.

The school drop-out rate is high for young teenage mothers. Girls who give birth at age 15 or younger finish, on the average, only nine years of school. In comparison, the more mature 19 to 21 year-old mother completes an average of 12 years of school.

Compared with other single parents, the never-married teenage mother faces far greater financial problems: she is not entitled to child support, alimony, or the life insurance a widow might receive.

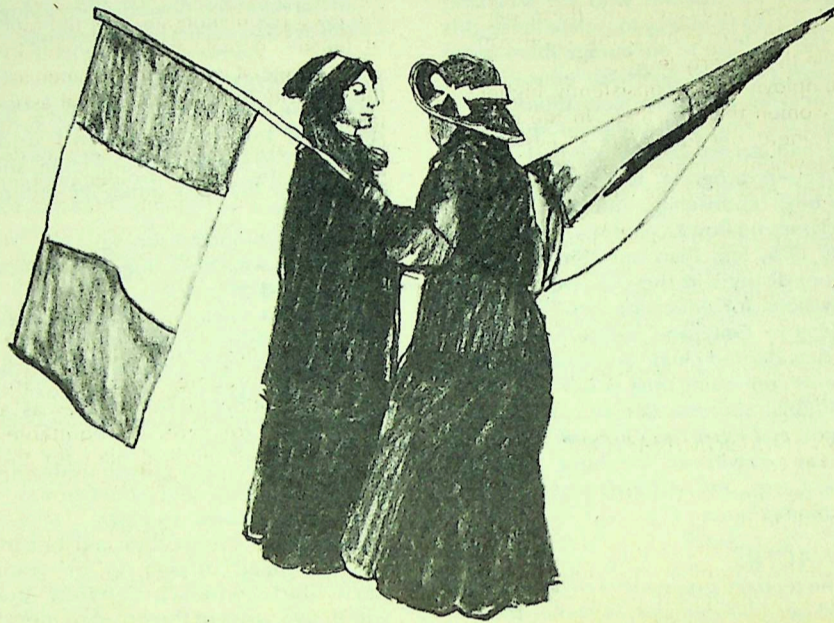
Forced marriages among teenagers tend to be unstable. The divorce rate is three to four times higher among those married in their teens than among those married at later ages. Nearly half of all teenage marriages break up in five years,



and teen marriages resulting from pregnancy are three times more likely to dissolve.

The skills teenagers bring to the job of being parents are often inadequate, particularly for youngsters in the 11 to 16 age range. The family arrangements made to accommodate a teenage pregnancy — such as the tendency of a grandmother to take over caring for an infant — may make it more difficult for the young mother to acquire parenting skills.

There is some limited evidence that children born out of wedlock are 3½ times more likely to be victims of child abuse. Out-of-wedlock births to teenagers are up: 36 percent of teenagers who became mothers in 1974 were not married; in 1975 that figure rose to 39 percent. Teenage births now represent 52 percent of all out-of-wedlock births.



## INTERNATIONAL INTERDEPENDENCE

### WOMEN AND FOREIGN POLICY

— A survey of the files at the State Department's Office of International Conferences for FY 1975 revealed that the figures for delegates to conferences, meetings, working groups, councils, etc. were 3,459 men to 194 women or 95 percent men and 5 percent women. From July 1976 through January 1977 of a total of 2,136 delegates, only 114 or 5 percent were women.

— "... Mr. Carter spent his second full day on the job in the company of the men who will be involved in the shaping of his foreign policy and defense postures ..."

— The Office of Equal Opportunity found that Foreign Service women employees in the Department of State lagged 3-5 years behind their male colleagues in achieving promotions and that women were clustered in support functions rather than policymaking positions. Women, finding it difficult to reach the upper levels, were leaving the Foreign Service voluntarily at middle levels, taking valuable talents with them.

— Women represent the United States on two functional commissions — the Commission on the Status of Women and the Commission on Social Development. But they are largely absent from the governing boards of other United Nations organizations and the specialized agencies.

— There are over 100,000 private and voluntary organizations in the United States today. Over 400 are involved in meeting the needs of people overseas. Of these 400, 92 work directly with the Agency for International Development's Advisory Committee on Voluntary Foreign Aid. When

non-governmental organizations work through coalitions and with international affiliates, they can have a profound effect upon world affairs.

### WOMEN IN DEVELOPMENT

"... we are dealing with a very serious issue, for improving the status of women is not only a matter of social justice, it is also a significant means of achieving economic and social development."

Sen. Charles H. Percy,  
UN Committee II, 11/22/74

In a setting of growing concern for the necessity of women's participation in the development process, the U.S. Congress passed the Percy Amendment to the Foreign Assistant Act of 1973. This landmark legislation requires that all U.S. bilateral assistance programs "be adminis-

tered so as to give particular attention to those programs, projects and activities which tend to integrate women into the national economies of foreign countries, thus improving their status and assisting the total development effort." It also provides that no program which adversely affects women be carried out.

American bilateral aid is administered by the Agency for International Development (AID). In its plan for implementing the Percy Amendment, the agency calls in all of its programs for the inclusion of clear statements about the extent of women's involvement, how they will be benefited and how their own capabilities will be used. Strong preference is to be given to those projects which use them in technical and managerial positions. An information collection system and overseas monitoring project will highlight effective programs. All international and voluntary organizations working with AID will be encouraged to apply the same standards of measurement to their own undertakings.

The American position on the inclusion of women at all stages of the development process was carried to the United Nations in a U.S. resolution that all programs of the United Nations Development Program be studied for their impact on women, and that women's concerns be brought to the fore, not in small part by placing women in leadership roles.

— More than half of the world's two billion females do not participate in the economic and social development of their countries. Their lives are confined to rural villages where women traditionally do the most menial work. In the 42 nations where the annual per capita income is less than \$500, women work largely outside the money economy. Their jobs are to till the fields, harvest the crops, carry the water, procreate and function as child raisers.

— The illiteracy rate among women of the

world has actually grown in the last fifteen years from 58 percent to 62 percent. That, according to a recent UNESCO report, is half a billion women.

— Literacy, especially of women, seems to be a significant factor in differences in the mortality and morbidity rates between various Indian states. The highest crude death and infant mortality rates coincide with a very low female literacy rate.

— In the rural areas, most mothers work; in Africa, women provide more than half of the agricultural labor. Generally they receive no wages for their work, much of which is devoted to subsistence farming. It is ironic that the general practice has been to provide technical advice in farming for men and not women, even where women have been doing most of the subsistence farming themselves. In some societies the husband works the moneycrop and may not share the cash from it with the mothers. In the urban areas, she works primarily in service occupations, and in unskilled industrial jobs for meager wages.

— "Women drop out of statistics very often," Dr. Irene Tinker commented. "For example, there is a tendency to count women's labor on the farm as family labor, also to overlook this tertiary sector of the economy that women engage in — small trading and barter. These things rarely come into the census statistics. We are arguing that women all over the world do a lot more work than they are given credit for. Most of the occupational statistics count industrial labor only. For instance, according to the statistics African women only make up 5 percent of the labor force, whereas anyone who has been in Africa knows that the women often work twice as hard as the men."

— In many countries, particularly in Latin America, there are many women who are heads of families, but their opportunities for work are slight because they have had no proper education. In rural areas, modernisation sometimes eliminates the very tasks that women used to have before, and they cannot avail themselves of the few training opportunities that exist because of the demands of their daily life at home and in the fields. Clearly, one of the first things to be done is to alleviate their daily burden by introducing improved basic facilities such as safe water supplies or perhaps mechanical means of grinding corn-meal.

### INTERNATIONAL EDUCATION AND COMMUNICATION

— Only 3% of all undergraduate students, less than 1% of the college-aged group in the United States, have enrolled in any courses which deal with international events or discuss in any way foreign peoples and cultures.

— In 1973, a survey conducted by the American Association of colleges of Teacher Education reveals that barely 5% of the teachers being trained have any exposure at all to international content or perspectives in their coursework for teacher certification.

— The current average newspaper coverage of international events which is read by the general public equals no more than one-half of one column of newsprint per day. Virtually none of the newspapers in the United States has foreign affairs reporters on the payroll. Fewer than twenty-four have any staff specialists in the area of foreign affairs.

Additional Sources: AID, UNESCO, World Health.



## OLDER WOMEN

The situation of today's older women is the result of discriminations over a lifetime, the result of what was *not done* 20 or 30 years ago to give equity to women in their young and middle years.

### LONGEVITY: WOMEN LIVE LONGER

An older woman has more of just one thing: LIFE. If a woman reaches the age of 65, which she has a good chance of doing, her life expectancy is 83 years. Today a woman's life expectancy is 76 years compared to 68 for men. That is, on the average, women outlive men by eight years.

Older women outnumber older men 144-100; they make up 59% of the population over age 65.

Of the approximately 22.4 million persons 65 and over, 13.2 million are women and 9.2 are men.

After age 75 the ratio is 171 women to 100 men; after age 85, 200 women to 100 men.

Because of these figures, aging is of special importance not only to older women, but to ALL women. Anyone who is 20 years old today will be considered older in 2025.

It is expected that older women will continue to outnumber older men; projections for the year 2000 are 154 women to 100 men.

The female-male ratio is important because women live significantly longer than men and all aspects of aging impact more on them as a group. However, this age differential, an extremely significant demographic phenomenon, has not been translated into action by those who work and deal in the field of aging, primarily men.

### POVERTY: OLDER WOMEN ARE POOR.

— According to Alex Comfort in *A Good Age*, a good life in aging depends upon three things: "luck, money and genetic inheritance." The only factor there that has potential for control is the amount of money one has. It is a key to a good, decent life as one gets older. If you have enough money, many of the services you need can be bought and many problems avoided. Without sufficient money there is suffering and degradation in aging.

— However, older women don't have much money. In fact, some estimates suggest that more than 50% of all single women above the age of 60 live at or below poverty level.

— In 1974, 18% of all women 65 and over had incomes BELOW poverty level; 42% of black women age 65 and over lived BELOW poverty level.

— Commissioner on Aging, Dr. Arthur Flemming, said in 1975 that "older women who are 65 and above have the lowest annual median income of any age or sex group, roughly around \$1900 a year, about half of what men in the same group receive."

— The situation of today's older women is the result of a lifetime of economic discrimination which did not allow women to plan for their older years.

The interrelationship and long-term continuation of many discriminations — in opportunities for employment, for training, job advancement, and credit, inequities of salary, pension, and benefit levels — all have conspired to bring poverty and financial insecurity to the overwhelming majority of older women.

### INCOME

— Economic patterns for men and women have been well established and recent statistics predict the pattern of the future: the median income for men in 1975 was \$8,853; for women, \$3,385; for men over 65, \$4,959; for women over 65, \$2,642.

— Women still only earn a percentage of what men earn; women aged 55 to 64 only earned 63.1% of what men in that category earned in 1975.

— Women receive less than men in retirement payments and very few women ever qualify for a private pension.

— Women receive less on average in social security payments: June 1976 payments averaged \$2,340 for women and \$2,937 for men.

— Another measure of the poverty of older women can be seen in the number of women who receive Supplementary Social Security payments (SSI). Generally, people age 65 or over who have no income or limited resources can receive SSI benefits: \$167.80 a month or \$2,014.00 annually. 70% of those 65 plus who receive SSI are women.

— This means that out of every 100 older persons receiving SSI payments, there are 11 more women than the population ratio would indicate. And these payments do not even bring a person above the poverty level.

— Unemployment is consistently higher for women than for men. In the pre-retirement decade, ages 55-64, unemployment is more than double for women. And after age 65 the disparity increases.

— In the recent Louis Harris report, *The Myth and Reality of Aging in America*, 30% of women over age 65 said they wished to work, and further, a majority of women age 55 and over indicated that they were not interested in volunteer work.

### AGISM: (DISCRIMINATION DUE TO AGE)

— Eight percent, one million older women, do in fact work. But these women and even younger women face another problem when looking for a way to support themselves: agism. Women begin to suffer from agism at an earlier time than men due to society's preoccupation with youth and the pressure for women to look young. Agism translates into even fewer jobs, less income and more poverty for older women.

### ISOLATION: OLDER WOMEN ARE OFTEN ALONE

— Most women will outlive their spouses. Women not only live long, with little income, but they tend to live the end of their lives alone. On average, a woman can expect to live eleven years as a widow. In 1975, 53% (6.5 million) of older women were widows. And 62% were living alone.

— Women fare better economically when their spouses are alive. In 1974 the median income for widows and other elderly women not living with a spouse was \$2,700, while the median income of husband-wife families with an elderly head was \$7,200, over 2½ times as large as for elderly women without husbands.

— Furthermore, their chances for remarriage and more economic stability are limited. In 1975 when 53% of elderly women were widows, 79% of older men were married. There were more than five times as many widows as widowers.

— Also, males who marry after the age of 65 tend to marry women younger than themselves. In 1975, three fourths of men 65 and older were married and living with spouses compared to one third of women. Thus "most women, on the average, will be widows for the last decade of life. In contrast, most men are married when they die."

— And, although loneliness was not considered the major problem of growing older in the recent Harris report, women mentioned loneliness about twice as often as men in reporting the worst aspects of growing old.

— Lack of transportation aggravates isolation and prevents women from participating in community services either because it is unavailable or too expensive for many women. Only two of

every five women aged 65-74 had regular access to a car according to 1970 census figures. And the proportion dropped to one in five for women 75 plus.

### HEALTH: OLDER WOMEN NEED BETTER SHORT AND LONG-TERM HEALTH CARE

— Because there is a correlation between increasing age and disability, more women, because they live longer, become incapacitated with time. Thus women require more and longer-term medical care.

— While a large majority of those over age 65 are relatively free of major problems, almost 20% of those aged 65-75 have substantial or severe physical limitations while 42% of those 75 and over have substantial or severe limitations.

— Remembering that women are 59% of the aged population and that the ratio of female to male increases with increasing age, it is clear that women are the majority in need of medical assistance.

— However, available medical services do not meet the needs of older people. The two major programs intended to deal with the medical needs of the elderly are not adequate: medicare is designed for acute short term illnesses and does not meet the needs of long term care, often necessary for older women. Medicaid, available to those with low income, requires institutionalization in some cases as a prerequisite for care. An equitable, comprehensive medical plan for the aged has yet to be enacted.

### SOCIAL SERVICES: MANY OLDER WOMEN COULD LIVE AT HOME GIVEN SUPPORT SERVICES

— A large majority of those older persons in institutions are women: nearly ¾ of a total of 1.1 million in 1973. A great number could be living at home given sufficient support services, perhaps as many as 25%.

— Older people want to live at home not in institutions. Yet less than 1% of Medicare funds were spent for home health service in 1975.

— It is clear that support services, both health and social, should be geared toward home living for the elderly. These services include some of the following: visiting nurse service, home-health service, homemaker service, meals-on-wheels, transportation and escort services and others.

— However, no basic support services program for the elderly exists. Services are fragmented and vary from State to State and community to community. And services range from excellent to spotty to non-existent.

## WOMEN OFFENDERS

In 1975, the National Study of Women's Correctional Programs was funded by the Law Enforcement Assistance Administration, U.S. Department of Justice. This study surveyed 16 State prisons, 46 county jails and 36 community-based programs to develop the following information about incarcerated women:

**Age:** Two-thirds of incarcerated women are under 30 years old. The median age of unsentenced women and misdemeanants is 24 years and the median age of felons is 27 years.

**Ethnic:** 50% of the women are black. Native Americans are also over-represented.

**Education:** The majority are less educated than women as a group. 45% had not finished high school and 14% had completed elementary school only.

**Marital Status:** At the time of their incarceration, 27% of the women were single; only 10% of the inmates had been living with spouses prior to incarceration.



**Children:** 73% of the women have children. 56% had dependant children living at home prior to incarceration. The average number of children was 2.78. Husbands were involved in only 10% of all child care arrangements.

**Welfare:** 56% of the women had received welfare as adults and 33% had received welfare during their childhood.

**Childhood:** Half of the women came from two-parent homes; 31% lived with the mother only; 3% without a mother; 4% with no relatives.

**Work:** Almost all of the women had worked at some time in their lives; 40% worked in the two months prior to incarceration. Most expressed the desire to work.

**Vocational Training:** Those women who had received vocational training were usually trained in clerical skills, cosmetology, nursing or paramedical fields.

#### WHAT ARE THEIR CRIMES?

Despite increases in the arrest rates of women, women still commit fewer crimes than men and fewer women are represented at all stages of the criminal justice process. In 1975 one of every five persons arrested was female. According to the 1970 Bureau of Census report, one of every ten persons in jail — either awaiting trial or serving sentences of a year or less — was female. And the 1974 FBI Uniform Crime Report said that one of every thirty persons finally sentenced to jail or prison was a woman. The Uniform Parole Reports indicate that in 1973 one of every sixteen persons on parole after release from a State prison was female. And according to the U.S. Department of Health, Education and Welfare study of the juvenile justice system, young women represented 26 percent of the cases heard in court in 1973.

There are several theories why females make up a relatively small proportion of the offender population. One is that they do indeed commit fewer crimes. Another is that the male-dominated criminal justice system tends to protect women — police may be more reluctant to arrest a female, the prosecutor may be less inclined to charge her, and a judge or jury less inclined to convict her. There is a corollary theory that the types of crimes women tend to commit are considered less threatening to the community. Even the typical female homicide, for example, is described as a crime of passion; women rarely kill strangers. Finally, there is the claim that because women are denied equal job opportunities and economic status they have fewer opportunities than men to commit crimes. These and other factors quite possibly contribute to the differences in the male and female offender population.

Most female offenders have been arrested for property crimes — specifically larceny. In 1975 larceny accounted for 24% of all female arrests; the next largest percentage of female arrests was disorderly conduct (9%), and running away (9%). Arrests for prostitution represent only 3% of female arrests and homicide accounts for less than one percent.

There has been a dramatic increase in the number of women arrested for property crimes. From 1960 to 1972, FBI statistics show that the rate of female arrests increased three times faster than the rate for males and the most dramatic increases involved larceny, embezzlement, forgery, and fraud. In 1953, one out of every seven arrests for larceny involved a female; in 1972 the rate was one out of every three.

Yet, the proportion of females arrested for violent crimes — homicide, assault, robbery — has remained constant for the past twenty years. About one out of every ten violent crimes is committed by a female.

#### WHAT IS NEEDED?

Studies show that female offenders want help finding jobs more than they

want any other form of assistance after release. A 1976 survey by the Female Offender Resource Center of community-based programs representing 6,200 female offenders found that a lack of job skills is the greatest problem encountered by female offenders (84%). A lack of education was the second most important problem and difficulty in arranging for child care, readjusting to family life and coping with prejudice were all listed as the third most significant problem.

#### WHAT JOBS DO WOMEN OFFENDERS WANT AFTER RELEASE?

Discussion groups were sponsored by the Urban Coalition and the South Forty Corporation at New York's Bedford Hills Correctional Facility in April, 1974. Although the vocational training at Bedford Hills focuses on sewing prison clothes for the state correctional system, not one of the 20 women participating in the discussions wanted to be seamstresses after release. The jobs they were interested in ranged from secretary to professional guidance counselor, to electrician and telephone repair person.

Twenty-five percent of the 101 women who completed questionnaires in a 1973 Oklahoma study wanted business-related training as secretaries, switchboard operators, bookkeepers, and the like. An additional 25 percent were interested in learning medical skills. Fifteen of the women wanted training in cosmetology and modeling, and eight wanted to learn technical trades such as welding, barbering and meat cutting.

#### WHAT ARE THE DIFFERENCES IN TREATMENT?

A number of national surveys and studies have revealed particular differences in the treatment of male and female offenders. Some of these differences seem to benefit women; others suggest patterns of neglect. Ten significant differences are:

**Prison and jail facilities:** Because there are fewer women incarcerated than men, many communities and at least four states and the District of Columbia, which have institutional facilities for men, do not have them for women. In these communities there are two options: (1) the women are sent to the nearest female institution, or, (2) the women are held in a segregated section of a male facility. The first option has the disadvantage of isolating women offenders from their families and communities, which may be several hundred miles from the institution to which they are sent. In the alternative, women offenders confined in male institutions are isolated from the general prison population and usually not permitted to join in special education and job programs. The result is an unwarranted type of solitary confinement. Additionally, the smaller number of women has also meant that the prison facilities which do exist are less specialized: female first-time offenders, juveniles and hard core repeaters are often housed together, a practice which is employed less frequently with the male offender population.

**Vocational training in prison.** A 1973 national survey of prisons by the Yale Law Review found that men's prisons had an average of 10 vocational training programs per institution compared with an average of 2.7 programs in women's prisons. The study also showed that the types of programs offered differed considerably. The men's prisons offered programs in financially rewarding fields like electronics, printing, plumbing, data processing, radio/t.v. repair, welding, and tailoring. In contrast, women's prisons offered housekeeping, cosmetology, food services, nurses aid and secretarial training.

**Children of offenders.** Although between 70 and 80 percent of the incarcerated females have children and approximately

half of these mothers are the sole supporters of their children, there are few programs sensitive to the needs of offenders who are mothers.

In a 1974 survey of 81 Federal and State prisons by the Junior League of New York, 39 institutions indicated they did not have any programs for inmates' children. Some of those responding affirmatively offered basic referral services. Three actually had nurseries.

Incarcerated mothers frequently face special problems: loss of contact with their children immediately after arrest, with no way to locate the children for long periods of time; loss of custody for mothers who are sole supporters, and possible placement of children in foster homes or referral to adoption agencies. The Junior League survey found that of the 727 children under five years of age, 70 percent were being cared for by relatives; 14 percent were in foster homes; and 16 percent in institutions or released for adoption.

Women offenders under supervision in the community may face similar problems. For example, probation and parole conditions often require that the offender locate and maintain employment. However, most of the special job training and education programs do not provide child care facilities. Regular child care programs may exclude mothers who are offenders.

**Work-release programs.** A Southern California Law Review Survey in 1974 found that women in California prisons are often not permitted to participate in work release programs. Prison officials gave these reasons to defend the exclusion of women:

There are fewer women offenders than men, so it is not economical to spend limited program funds on women;

Women are unsuited for work release because they do not have to support themselves or dependents; and,

It is more expensive to provide separate housing facilities for women.

**Juveniles.** A majority of juvenile girls in custodial institutions are charged with "status offenses" such as truancy, running away and incorrigibility — offenses for which adults could not be confined. However, most boys in institutions are not there for status offenses but because they have been legally declared delinquent; i.e. the offense they committed would have been criminal if committed by an adult. According to a 1974 study by the National Assessment of Juvenile Corrections Project, nearly 75 percent of the girls detained in juvenile correctional facilities are status offenders, as compared with only 25 percent for boys. This same study also found that girls, detained for less serious offenses, are confined for longer periods of time. Another recent study in New York State revealed that the average reformatory stay for girls was 12 months, compared to 9.3 months for boys.

**Health care.** According to the Yale Law Review Survey, women's prisons are less likely than men's to have a full time medical staff or adequate hospital facilities. In 1974 the Citizens' Advisory Committee in Texas also found that incarcerated women did not have easy access to the recommended preventive health measures. The committee reported that no regular pap tests were given and no gynecologist was available on the staff of the Texas Department of Corrections to serve the 650 female inmates.

**Pregnant women in prison encounter special problems.** Most institutions have no health care facilities for either the mothers or newborn children. The Health Law Project of the University of Pennsylvania Law School reported in 1972 that mothers whose babies are born in custody are pressured to give up their infants for adoption. A similar study done in Connecticut revealed that prisoners were told parole would be denied unless the children were put up for adoption. Furthermore, in some institutions pregnant



prisoners are often denied the right to have an abortion.

*Treatment by the courts.* Using data from a 1962 publication of the American Bar Foundation, researchers Stuart Nagel and Lenore Weitzman revealed in a 1972 study that there are considerable differences in the way women and men are treated during court handling of their cases.

Among the inequities cited: A woman is less likely than a man to have an attorney, preliminary hearing, or jury trial. And certain State statutes dictate that women but not men be given indeterminate sentences. This practice means a woman's sentence in those jurisdictions is potentially longer than a man's for the same violation.

*Pretrial intervention programs.* Prior to the trial, some defendants — often young, non-violent first-offenders — are given the option to participate in supervised programs to earn dismissal of pending charges. Approximately 135 communities have established such pretrial intervention programs to provide an alternative to incarceration. However, because females were few in number, most of these programs initially excluded them. Officials cited administrative difficulty in providing services to both sexes. In the past few years PTI programs have changed their eligibility criteria to include females, although most programs still do exclude those charged with prostitution and in some cases, shoplifting. Since many women fit into these categories, they are, in fact, still being denied pretrial intervention services. In addition, several surveys and reports suggest that many pretrial programs serve women only secondarily, do not acknowledge that women have special problems and program needs, and have predominantly male program staffs which do not work effectively with female defendants.

*Special prison services.* The 1973 Yale Law Review survey found that general support services in prisons — health, counseling, library, religious, and recreational — are less available to women than men. In all-female institutions such services are more likely to be totally lacking. And in those institutions where women and men are housed in separate sections, the women are often excluded from participation in available programs.

*Different prison structures.* Generally, an advantage of women's prison facilities is that they are smaller and appear more like dormitories than the traditional high-security facilities built for men. For example, in many women's prisons the inmates have private rooms, are not required to wear uniforms, and have fewer restrictions.

Source: Female Offender Resource Center, ABA.

## SEXUAL PREFERENCE

### WHY IS LESBIANISM A WOMAN'S ISSUE?

Because lesbians are women. Many women experience multiple discrimination, such as sex and race, or age and poverty, and lesbians are no exception. For lesbians, both sex and sexual preference pose blocks to full participation in society. Abridgement of the basic rights of any woman diminishes the freedom of all women.

Q. If we pass gay rights laws, what we are really saying is that being homosexual is just as good as being heterosexual, and that we are telling our kids that it is all right to be gay.

A. As a matter of fact, civil rights laws don't encourage anybody to be anything. If you say that people ought not to be discriminated against because they are Catholic or Buddhist, that doesn't mean your children are going to be Catholic or Buddhist. It simply means the rights of Catholics and Buddhists should be respected.

Q. What kind of discrimination do lesbians face, which could be rectified by protective civil rights legislation?

A. *EMPLOYMENT:* Lesbians suffer from employment discrimination in several different ways. Most obvious is when an employer, whether private or governmental, simply refuses to accept gay employees: an open gay person cannot be hired and any closeted gays already working are fired if their sexual orientation becomes known. As revealed in various public opinion samplings, a surprisingly large percentage of the American people, nearly a majority, is already willing to reject and condemn this sort of discrimination.

Far more difficult to combat, however, is employment discrimination that is based on false assumptions. For instance, there is still considerable resistance to hiring acknowledged lesbians or gay men for any jobs, such as teaching or counseling, involving close contact with young people. The assumption is that homosexuality can be learned and there is great fear of positive gay role models. It is also thought that gays cannot be trusted with children or young people without "molesting" them sexually. This is *not* the view of those in a position to know the facts — for instance, the National Education Association, the American Federation of Teachers, and the United Federation of Teachers, who have issued statements of support for gay rights. The truth is that child molestation is overwhelmingly a heterosexual phenomenon (usually adult males attracted to young girls), and that is almost non-existent among lesbians.

*HOUSING:* Much of the discrimination in housing is directed toward single lesbians living alone and is largely shared with other singles; this can often be fought under existing laws prohibiting discrimination based on marital status. Lesbians living together can face more difficult problems, particularly if they are of an age when the "roommate" excuse is no longer plausible, and especially if they wish to rent or purchase a house together. The right to buy or rent may be refused not explicitly because of the fact or suspicion of homosexuality, but simply because an area is zoned for "family use" and two women (or two men) are not considered a family.

*CHILD CUSTODY:* Many lesbians and gay men either first realize or first come to accept their own sexual orientation after they are already married, and often after they have had children. Such marriages often end in divorce, and the laws are usually interpreted so as to deny custody of the children and adequate visitation rights to the gay parent. At present, custody is generally awarded to the mother. However, judges often decide that a mother's lesbianism makes her "unfit" to care for her own children, who are then either given to the father or else institutionalized. But homosexuality as such, has nothing to do with a given person's ability to love and nurture children. There may be gay parents who are in some way "unfit" to raise children, but it is not because they are gay.

What is needed is reform of the laws in order to leave judges less discretion in awarding custody; the law should spell out precisely what constitutes unfitness, and should explicitly state that homosexuality as such does not.

*CREDIT:* Because of the prejudicial assumption that gays are somehow "less stable" than non-gays, lesbians or gay men often find it more difficult to secure credit for major purchases or expenditures (e.g., an automobile, house, or business), regardless of their past credit record and current financial situation. There is clearly a need here for legal guarantees of nondiscrimination.

Similarly, a heterosexual married couple may co-sign loans, but a gay couple often may not, even if both partners are employed and have good individual credit records.

*MILITARY SERVICE:* Open lesbians and gay men are refused entry into this country's armed forces, and those discovered to be gay while in the service are invariably discharged, frequently with a "less-than-honorable" label that can be a barrier to employment or promotion for the rest of the person's life. In order to keep the services "free" of the homosexual "taint", invasions of privacy and unconstitutional methods of intimidation are routinely used by military investigators. As with other forms of employment discrimination, which this is, the notion that lesbians and gay men cannot effectively and honorably serve in the military is based on falsehoods and myths that have no basis in fact.

*IMMIGRATION AND NATURALIZATION:* The United States Immigration & Nationality Act provides that aliens who are "sexual deviates" shall be excluded from the United States.

The term "sexual deviates" is not defined anywhere in the statute, but the legislative history of the Immigration & Nationality Act indicates that Congress intended to exclude from the United States aliens who had engaged in homosexual conduct.

*PRISONERS:* Lesbians sent to prison, for whatever reason, generally suffer a great deal. There is pervasive official discrimination against gay prisoners, in both State and Federal institutions, in job assignments, work release programs, educational opportunities, furlough and parole decisions, living conditions, and recreational facilities.

*SECURITY CLEARANCE:* Another subcategory of employment discrimination involving government attitudes is the denial of security clearance. These must be approved by either the Defense or State Departments, and in the past they have routinely been denied to known gays. Government agencies have used the argument that gays, being engaged in usually illicit and in any case disreputable activities, are especially vulnerable to blackmail.

*MEDIA:* Lesbians and gay men very often "get it in the neck" from the media, both print and broadcast, and at present there is not a great deal one can do about it except protest and educate influential media people. The Federal Communications Commission does not require licensees to consult the gay community and take it into account in their programming. *CAMPUS GAY GROUPS:* Campus lesbian and gay organizations must often struggle with an anti-gay administration for the right to hold meetings on school property, to advertise in the school newspaper or on the campus radio, and generally to be treated like any other legitimate student group. The legal situation at present is unclear, with several important cases decided for the gay group and at least one against; there is no national precedent binding on all the States.

The U.S. Civil Rights Commission has thus far refused to recognize discrimination against gay people as an appropriate subject for its investigations and recommendations. The same is true of many of the various agencies, commissions, boards, and so on established around the country at the State and local levels to oversee the process of extending full civil rights to previously-discriminated-against minorities.

Q. What is the status of laws which still restrict sexual behavior between consenting adults in private?

A. Under the Constitution, it is not possible for any State (or Congress) to make it illegal to be a lesbian, that is, to have a same sex orientation or preference. However, in March 1976 the U.S. Supreme Court, in a widely criticized decision, affirmed the right of States to prohibit certain sexual acts between persons of the same sex. Of course, the Supreme Court in no way said that State legislatures *must* pass, or retain,



such laws, and even after that decision several more States joined the ranks of those having repealed their anti-gay "sodomy" statutes. By May 1977, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Iowa, Maine, New Hampshire, New Mexico, North Dakota, Ohio, Oregon, South Dakota, Washington, West Virginia, and Wyoming "decriminalized" sexual activities between consenting adults in private.

Q. Exactly how many lesbians and gay men are there in this country?

A. A March 18, 1977 letter from Paul H. Gebhard, Director of the Kinsey Institute for Sex Research, addressed to the National Gay Task Force states:

It is quite evident that when one speaks of homosexuality one is talking about something which involves millions, not thousands, of U.S. citizens, and that homosexuality is a phenomenon which, with only slight variations, appears to cross all geographic, ethnic and socioeconomic barriers in this country.

The institute studies published in 1948 and 1953 indicated that 37% of the male and 20% of the female population had some form of overt homosexual experience after puberty and that only 63% of males and 80% of females were exclusively heterosexual up to the time they were interviewed. Although these figures have remained remarkably constant in subsequent research and reworking of the data, I wish to point out that our samples had an undue proportion of people of college age. If the average age of our samples were in the forties, the figures for homosexual experience might well be higher by several percentage points. I also believe that if the same research were conducted today, the percentages would be significantly higher by virtue of the increased sexual experimentation connected with the so-called "sexual revolution."

Q. Are there any laws which now protect lesbians?

A. Laws have been passed in about 40 cities and municipalities around the country. They range from small college towns like Alfred, N.Y., Chapel Hill, N.C. and Youngstown, OH to major cities like Detroit, Washington D.C., Minneapolis, and Boston. This legislation is usually enforced by the City Human Rights Commission or its equivalent. There is a Federal gay rights bill before Congress, though at this writing it has not yet been voted out of committee.

Q. What are some of the organizations that have supported gay rights?

A. Such organizations include: the American Bar Association, the American Psychiatric Association, the American Medical Association, the American Civil Liberties Union, the Civil Service Commission, the National Council of the Churches of Christ, and the National Federation of Priests' Councils.

## WOMEN IN ELECTIVE AND APPOINTIVE OFFICE

### A HISTORICAL PERSPECTIVE

— The first women in America to wield political power were Indian women, particularly those of the six nations of the Iroquois in New York State. Their important economic roles as property owners and producers of food gave these women considerable political status in their tribe. They determined the fate of captives, could influence plans for war, and selected tribal leaders.

— The first attempt to secure political power by a white woman in America originated with Margaret Brent in 1648. In her petition submitted to the House

of Delegates in the Colony of Maryland, Mistress Brent requested two votes in the Assembly. She believed she merited one vote as a landowner, a vote a man would have secured without question, and one vote as the executrix for the deceased brother of Lord Baltimore. Her request was denied.

— Abigail Adams wrote to her husband John in 1777 and suggested, "... in the new code of laws ... I desire you to remember the ladies and be more generous and favorable to them than your ancestors. Do not put such unlimited power into the hands of the husbands. Remember all men would be tyrants if they could. If particular care and attention is not paid to the ladies, we are determined to foment a rebellion and will not hold ourselves bound by any laws in which we have no voice or representation".

— In the years immediately following the American Revolution, women did have the right to vote in parts of Virginia and New Jersey. Later the adoption of state constitutions limited the franchise to white males and excluded women.

— At Seneca Falls, New York, the first woman's rights convention in the world was held in 1848. Resolutions were passed advocating equal rights for women in marriage, education, and employment. Elizabeth Cady Stanton proposed publicly for the first time that women must have the right to vote.

— Elizabeth Cady Stanton became in 1866 the first woman candidate for Congress. Although women could not vote, she received 24 votes.

— In 1870, women gained the right to vote in the territory of Wyoming, the first to enfranchise women. Wyoming was also the first territory or state to impanel women jurors.

— Victoria Woodhull, flamboyant reformer and advocate of free love, announced herself as candidate for president in 1870 and promoted her colorful program through her own newspaper, *Woodhull and Claflin's Weekly*. In 1872, she declared herself a candidate again, representing her own "Equal Rights" party. Woodhull attracted much notoriety but few votes.

— During 1871-1872, over 150 women attempted to vote in ten states and the District of Columbia. Susan B. Anthony attempted to vote in Rochester, New York in 1872. She was charged, tried, and convicted of illegal voting in a widely publicized trial. The judge ruled that her fine was \$100 but Anthony refused to pay.

— The first provision for woman suffrage was introduced in Congress in 1868 but failed to receive approval. In 1878, a proposal for woman suffrage, usually referred to as the Anthony Amendment, was introduced. Stating that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex," this amendment would not receive final approval for more than 40 years.

— In 1884, women organized the "National Equal Rights Party" and nominated as their presidential candidate, Belva Lockwood. A lawyer and the first woman admitted to practice before the Supreme Court (1879), Lockwood was a serious candidate with a platform advocating equal rights for all, uniform marriage and divorce laws, and more women in the legal profession. Her campaign was ridiculed by many and opposed by other women in the suffrage movement, but she received 4,149 votes in six states. In 1888, she was again a candidate.

— Impatient with the slow pace of the campaign for woman suffrage, Alice Paul organized the National Woman's Party in 1916. In contrast to other conservative groups, the Woman's

Party was militant. They organized suffrage parades, picketed the White House, and chained themselves to the fence. The women were repeatedly arrested and imprisoned. In protest against their illegal and harsh confinement, they went on hunger strikes and were forced by prison authorities. Their suffering dramatized their cause, aroused widespread public outrage, and hastened ratification of the suffrage amendment.

— Jeannette Rankin, a Republican from Montana, was the first woman elected to serve in Congress in 1917. She was the only woman to serve before the adoption of the Federal suffrage amendment.

— An outgrowth of woman suffrage organizations, the League of Women Voters was organized in 1919 to educate women for their new political and social responsibilities.

— On August 26, 1920, the Nineteenth Amendment was ratified and 26 million women of voting age had finally gained the right to vote.

— The campaign for woman suffrage aroused intense opposition and emotional arguments. Opponents claimed that if women became involved in politics, the American family would be destroyed. Female participation in political life, it was feared, would cause arguments between husbands and wives, and a subsequent increase in divorce. Also the claim was made that voting mothers would neglect their children, causing an increase in juvenile delinquency. Extensive immorality was predicted when "pretty girls buttonholed strange men in the streets on Election Day" to urge support of candidates. Opponents continually identified woman suffrage with the feared alien influence of socialism. While those advocating votes for women were frequently depicted as "radicals," a group of women claiming to represent "women of every station in life" stated in the 1913 *Congressional Record* that to add "the distracting forces of political campaigns" to their many other duties would surely wreck their physical and emotional health, and destroy their homes.

### CURRENT DATA

— Ella Grasso of Connecticut became in 1974 the first woman elected Governor without having been preceded in office by her husband.

— The Gallup Poll, Fall 1975, found that 73 percent of those interviewed said they would vote for a qualified woman nominated by their party for President of the United States. 71 percent of those polled said they thought that the country would be as well or better off with more women officeholders.

— At the political party conventions in 1976, 31.4 percent of Republican delegates were women and 34 percent of the Democratic delegates were women.

— A study by the Capitol Hill Women's Caucus of the 1976 presidential campaign staffs concluded that it was "men who plotted the strategy and made the crucial decisions." In staffs of 400 paid jobs, women held "10 of significant influence."

— In 1976, the major parties nominated 52 women for the House of Representatives, 8 more than in 1974 but 31 ran against incumbents. 18 were elected. 1,260 women were nominated for state legislatures and 685 were elected.

— The number of women serving in Congress in 1976 declined by one from the previous Congress. Although women won seats in Maryland and Ohio and all incumbents won reelection, Rep. Bella Abzug and Rep. Patsy Mink gave up their seats to make

— Between 1971 and 1977, the number of women in state legislatures has increased from 344 to 685. This increase



however represents only 9 percent of legislative seats.

- Following the 1976 elections, the states with the highest percentages of women legislators are: New Hampshire — 27.1 percent; Connecticut — 20.3 percent; Arizona — 16.7 percent; Washington — 15.6 percent; and Maine — 15.2 percent.
- Women candidates generally have limited money to run a campaign and they have more difficulty raising money for a campaign. All relevant studies over the past five years support these statements. Therefore, public financing can be extremely helpful to female candidates.
- Shelah Leader found a clear relationship between the sex of legislators and policies enacted — especially on issues affecting women. Her study shows that women legislators are more supportive of legislation beneficial to women. For example, in both the ratified and unratified States, women legislators have been proportionately more favorable to the Equal Rights Amendment than male legislators. In Congress, the women members have consistently been more supportive of legislation to promote child and maternal welfare, health, and civil rights. Both Democratic and Republican women legislators are far more supportive of women's rights and needs than are their colleagues.
- In recent years, organizations and special programs have been established to encourage and support women candidates.

Women activists have organized to raise funds for women candidates and train qualified women to obtain public office. Organizations such as the Women's Campaign Fund and the National Women's Political Caucus raise money for women candidates. State branches of the Women's Political Caucus have been organized to promote and support women candidates.

Women's educational programs such as the Political Training Center at Hunter College and the Washington Institute for Women in Politics at Mount Vernon College conduct training seminars for women interested in political careers.

The National Women's Education Fund monitors women's candidacies and elections and conducts training sessions in campaign techniques for women.

The Center for the American Woman and Politics at Rutgers University conducts research, publishes information, and designs educational programs for women's political participation.

Both major political parties have prepared educational material to train and assist women candidates for office. Additional Sources: Eleanor Flexner, *Century of Struggle*; Edw. James, ed., *Notable American Women*; Aileen Kraditor, *Ideas of the Woman Suffrage Movement*; *U.S. News*, 8/23/76; *Washington Post*, 11/4/76.

## ARTS AND HUMANITIES

In all arts — and humanities-related professions surveyed in the 1970 census, the median earnings of men were higher, and men outnumber women in all but two professions — dancing and librarianship. The median number of years invested in schooling by male and female professionals in the arts and humanities differs by only a few months. But median earnings range from \$1,000 a year higher for male actors to \$6,000 to \$7,000 a year higher for male museum personnel, male designers, and male architects.

A 1975 study by the Task Force on Women in Architecture found that men's salaries were on the average 61 percent higher than women's; and that there was a general lack of internship opportunities for women, with advancement for women architects stopping at the lower middle echelons. A special kind of stereotyping

was also noted such as the belief that women are "more capable of designing residences, kitchens"; or reluctance to send women architects to building sites "on the assumption that prejudicial attitudes of contractors and construction workers would prevent her from doing her job..."

Women have obtained half of the Ph.D.'s in art history and half of the M.A.'s and M.F.A.'s, but a survey by the Women's Caucus for Art in 1975 showed that in 165 college and university art departments, women made up only 22.4 percent of the faculties, up from 20 percent in 1973.

A few of the top U.S. major orchestras have far less than 25 percent women. Out of a total average orchestra size of about 100 musicians, one major orchestra has only 6 women, another only 9; 6 more have from 10 to 12 women. In the last decade, there has been a total increase of 36 percent in the use of women instrumentalists in the nation's major orchestras overall. Metropolitan and smaller orchestras have always been more receptive to women as instrumentalists and managers.

Government funding for the arts and humanities is determined primarily by two agencies, the National Endowment for the Arts and the National Endowment for the Humanities. Under the terms of Public Law 92-463 and Executive Order 11769, there is an implicit assumption that advisory committee membership will be determined with appropriate attention to factors of sex, race, creed, national origin, and religion. The National Council of the Endowment for the Arts is comprised of 23 percent women and its grant-awarding panels consist of 23 percent women members. At the National Endowment for the Humanities, comparable groups consist of 15 percent women.

The National Endowment for the Arts has reported that the advisory panels which judge awards for theater, literature, and architecture include only 12-13 percent women. In January 1976, a spokesman for this group reported that it is particularly difficult to locate "women in leadership roles" to serve as panelists. Those at the Endowment did not believe there was any relationship between the lack of women on advisory panels and the relatively low representation of women among grant recipients.

In the past five years, Congress has made sex discrimination illegal in many Federal grant programs but grants made by the National Endowments for the Arts and the Humanities are not covered by such legislation.

Sometimes federal grants have an adverse effect on women because they tend to enrich institutions and consequently make certain jobs more attractive to men. The Library Services Act of 1956 has strengthened the budgets of many libraries and helped to raise salaries. A few years after the passage of this act, it became apparent men now hold most of the upper level positions in libraries. More men recruited for the field and more men prepared in college for these increasingly attractive positions, previously held by women.

There is considerable evidence to support the advantages of blind judging for women. A study published in 1976 showed that over the years 1960 to 1972, women painters and sculptors did considerably better in juried shows where their names were concealed than they did in one-artist or group invitational shows where names were known.

A study by the American Symphony Orchestra League, completed in 1976, shows that only one-third of the major American orchestras conduct their preliminary auditions behind screens, and only two orchestras — all with a high percentage of women — use a screen in final auditions.

The adoption of a policy of anonymous submission of scholarly papers for pre-

sentation at the annual conference of the Archeological Institute of America has resulted in a substantial increase in the papers presented by women. The Women's Classical Caucus of this organization had urged the adoption of this policy so that papers could be judged without regard to sex, age or status. In 1973, at the last annual conference held before the policy was initiated, 6.3 percent of the papers selected were those of women scholars. In 1975, 17 percent of the papers selected were from women scholars.

## WOMEN AND INSURANCE

### GROUP COVERAGE

Insurance which is provided through employers is commonly group coverage and is part of an employee benefits or "fringe" benefits package. Health, disability, life insurance and pensions are typical kinds of employee benefits purchased from insurance companies. Discrimination against women in employer provided insurance is found in coverage and benefits. For example, health and disability insurance often excludes or restricts maternity and gynecological treatment by refusing to cover single women or by limiting the maximum benefits. Coverage for abortion services is also often excluded. Women workers may also lack access to group life insurance options, while men workers do not.

Worker's compensation, unemployment compensation and social security are also employee benefits, but they are required by law, (worker's compensation is not required in some States) and are government regulated. Thus, these employee benefits will not be discussed in the context of this Fact Sheet.

Discrimination can be erased in employee benefits through enforcement of Federal and State employment discrimination laws. Title VII of the Civil Rights Act of 1964, enforced by the Equal Employment Opportunity Commission, has the most beneficial requirements in terms of employee benefit discrimination. Guidelines on sex discrimination published by the Equal Employment Opportunity Commission specifically prohibit different treatment and unequal benefits. The coverage of maternity in health and disability plans has been a principal concern under Title VII. EEOC guidelines require coverage of maternity as other temporary disabilities. The exclusion of maternity was held to be permissible by the Supreme Court in *General Electric Co. Vs. Gilbert*, 97 S. Ct. 401 (1976), where the Court overruled six courts of appeals decisions, giving no deference to EEOC guidelines.

Bills have been filed in Congress to amend Title VII to prohibit discrimination in temporary disability plans on the basis of pregnancy. Hearings have been held in the House on H.R. 5055 and in the Senate on S. 995. Action in both Houses is expected in 1977.

Other Federal guidelines are also applicable to employee benefits, as in those under the Equal Pay Act (affecting all employers in commerce) and Executive Order 11246 (affecting Federal contractors), but they permit unequal benefits and do not require that pregnancy related disabilities be treated like all other disabilities.

Cost is a very important factor in providing employee benefits and in fact some employers and insurance companies argue that it is a key factor in addressing discrimination against women. Employers and insurance companies assume that the costs of health insurance, pensions and temporary disability insurance are greater for women employees than for men employees, although we have been unable to locate any data on actual costs for anything except temporary disability insurance.



It is very likely that the actual average cost of a typical package of employee benefits for female employees is less than the actual average cost for male employees because of the following factors:

- health insurance typically includes provision for family coverage and employed women have fewer children than women not in the labor force. Employed women also have fewer health problems than women not in the labor force.
- actual costs of worker's compensation by sex of employees must be much less for women than men as women have many fewer accidents, on the job, as well as off the job.
- pension costs for women must be less than costs for men in many plans in that the more rapid rate of turnover of women and their shorter job tenure cause the pension plan contributions made on women's behalf to be returned to the "fund." Additionally, any pension formula that includes as a factor the employee's salary during the last years of employment or the average salary for a short number of highest paid years compensates disproportionately employees who have a wide difference between entering and leaving salaries (a male pattern of employment). In many companies the clerical, custodial and middle management employees are contributing disproportionately to executives' pensions.

#### PENSIONS

A special note is needed on pension schemes as both women workers and homemakers suffer from discrimination. That is, women are less likely to earn pension rights because women may not work continuously throughout their lives, and breaks in employment typically cancel pension credits. In addition, the industries employing large numbers of women do not tend to provide pensions.

Women who do work all their lives draw much smaller pensions than men because benefits are payable on the basis of salary earned. The latest figures which compare yearly median income for men and women show women with \$970, men with \$2,080 from private pension plans.

Although the working woman suffers in the pension system, the woman at home lives in an even more precarious position with respect to pension benefits. Workers who wish to divest spouses of any survivor benefits may do so without the participation of the spouse. A homemaker who assumes that benefits will continue after her husband's death may be shocked to realize he didn't make arrangements for her. Even more shocking is the dilemma of the homemaker whose husband agreed to a survivor benefit but who passed away prior to retirement. The homemaker in this situation is likely to have no rights to earned pension benefits.

Aside from the systemic discrimination noted above, women are treated differently than men when they are eligible to receive benefits under certain pension plans. In defined contribution plans, women are paid lower periodic benefits based on a 5-9 year longer life expectancy than men are paid even if they have paid equal amounts into the plan. The justification offered by the industry for this practice is that women live longer than men and therefore total benefits, projected over their expected lifetimes, will equal men's total benefits.

Women argue that an individual woman should not be penalized by receiving lower monthly benefits because her-class (women) has a longer life expectancy.

It might also be noted that there are no data on comparative life expectancies of men and women who have been employed outside the home most of their lives.

#### INDIVIDUAL COVERAGE

Individual (non-group) insurance, privately purchased, is subject to discriminatory practices in availability, benefits and rates. That is, women do not have equal opportunity to buy insurance, to receive comparable benefits and coverage, and their sex is commonly used for purposes of assessing them as a risk and determining the premium (the fee for the insurance). Common practices which women face are:

- the refusal to insure homemakers for disability insurance.
- the assignment of high risk, and thus high premiums, for individually purchased health insurance
- life insurance premiums for women which do not fully take into account her longer life expectancy
- restricted access to automobile and property and casualty insurance for divorced and separated women

Insurance discrimination in individual coverage is very difficult to erase for at least two reasons:

1. insurance is essentially a state-regulated industry, and actions taken to eliminate sex discrimination must take place on a state by state basis. This is a painfully slow process for those who seek industry-wide change.
2. insurance companies' policies and practices are based on discrimination between risks. In order to cover the losses of the few, many must purchase insurance and pay premiums. Companies insure "good" risks easily, and charge extra to insure "bad" risks or avoid them altogether. Sex is one of the factors that insurance companies currently use to classify risk. Far too often women have been considered "bad" risks, and have access to coverage and rates accordingly. Although insurance companies have ceased treating blacks as a class, they are not willing to cease treating women as a class.

#### SEX BASED DISTINCTIONS IN GROUP AND INDIVIDUAL INSURANCE

Underlying much of the discrimination that women face in insurance is the issue of whether or not insurance companies should be allowed to use sex as a classification factor in assigning risk categories, in determining premiums and benefits and in collecting data on the insured population.

Some investigators, as evidenced in the Michigan Insurance Commissioners Task Force Report, decline to define as discriminatory "neutral practices which had a heavier impact on women" and continued to describe this with examples:

- 1) where differential rates apply to men and women based on actual experiences and
- 2) where differential annuity and pension benefits are paid based on actuarial data justifying the differential.

But others do not equivocate and state as has Professor Carol Goldberg of the UCLA School of Law:

Sex discrimination involves a characteristic to which people are born and over which they have no control. ... I would argue that so long as there is some alternative method for establishing rates that reasonably reflect the risk there is no compelling interest for classifying on the basis of sex.

Insurance companies actively work to maintain their prerogative of classifying by sex, however, arguing that:

There's a positive value in maintaining private insurance as an integral part of the nation's private economic system on a reasonably flexible basis without forcing it artificially to meet every social goal of the moment. This is particularly so until the evidence is stronger that such goals have been articulated through duly enacted laws.

Insurance companies argue that sex-segregated classifications are required because otherwise men would "subsidize" women in health, disability and pension lines of insurance while women's experience would show they "subsidize" men in life insurance.

Whether or not one agrees with the data upon which insurance companies base opinions, it is certainly true that insurers have always allowed one segment of the population to "subsidize" another. Indeed, factors other than sex — education, occupation, and environment, for example — show equally promising "subsidizing" capability.

Race has also been used as a factor to classify risks, although State law, regulation and custom now forbids this. It is interesting to note that the industry justified race as a classification factor on the same grounds that it presently defends sex; that is, that race as a factor was not discrimination because it was "dictated entirely by actuarial findings."

Women argue that it is no longer acceptable to classify risk on the basis of sex and that no justification, be it economic or otherwise, is reason to treat women as a class rather than as individuals.

The Equal Employment Opportunity Commission Guidelines on Discrimination Because of Sex, 29 CFR Sec. 1604.9, require that equal benefits be provided without regard to sex. Courts have addressed the issue in recent years and either upheld the EEOC position or held unequal pension benefits violative of the equal protection clause of the Fourteenth Amendment.

Resolution of sex based distinctions in insurance will depend upon further action, however, unless Congress chooses to legislate against sex based tables.

#### CREDIT.

##### THE FEDERAL EQUAL CREDIT OPPORTUNITY ACT

Opportunity Act (and similar State legislation in many States) makes it unlawful for a creditor to discriminate in a credit transaction on the basis of sex or marital status. (The Act, passed in October, 1974, went into effect on October 28, 1975. In March 1976, Amendments to the Act, which went into effect March 1977, extended coverage to prohibit discrimination based on race, color, religion, national origin, age, receipt of public assistance, or good faith exercise of rights under the Consumer Credit Protection Act. Only the sex and marital status aspects are discussed in the Face Sheet.) While the Act does not protect women specifically, women are the principal beneficiaries under this legislation, because creditor practices and policies have frequently resulted in discrimination against women on the basis of both sex and marital status.

At the Federal level, Regulation B issued by the Federal Reserve Board elaborates on the Act's basic rule by specifying some of the creditor practices that discriminate against women on the basis of sex or marital status and that are therefore unlawful. The changes in creditor practices, procedural as well as substantial, required by the Act and Regulation B will be discussed below.

The stated purpose of this Act is to require financial institutions and other persons regularly engaged in the extension of credit to make that credit equally available to all creditworthy customers without regard to sex or marital status. The Act, and regulations issued by the Board of Governors of the Federal Reserve System, became effective on October 28, 1975. Enforcement of the Act and the Board's regulations (designated Regulation B) is shared by the Board of Governors and eleven other Federal



agencies that have administrative jurisdiction regarding certain classes of creditors. The Federal Trade Commission has enforcement responsibilities over all creditors (including retail credit card issuers and finance companies) that do not fall within the specific jurisdiction of other agencies.

The Act does not guarantee that all women will receive credit, but it does make it unlawful for any creditor to discriminate against an applicant on the basis of sex or marital status.

#### AT THE APPLICATION STAGE:

- Creditors may not make statements to prospective applicants that would, on the basis of sex or marital status, discourage a reasonable person from filing an application.
- Creditors may not ask marital status if an applicant applies for individual, unsecured credit (except in community property States. Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, and Washington).
- Where an inquiry into marital status is permissible (namely, in community property States or in applications for other than individual, unsecured credit), the question must be phrased in terms of "married, unmarried, and separated."
- A creditor may ask an applicant to designate a courtesy title, (such as Miss, Ms., or Mrs.) but must disclose that such designation is optional. Application forms must otherwise use only terms that are neutral as to sex.
- Except in situations where the creditworthiness or a non-applicant spouse is relevant, a creditor may not request or consider information about a spouse or former spouse. (The Regulation permits such inquires 1) in community property States, 2) where the husband will be permitted to use or will be contractually liable on the account, or 3) where the applicant is relying on the spouse's income as a basis for repayment of the credit requested.)
- A creditor may not ask about income from alimony, child support, or separate maintenance payments unless the creditor first discloses that such income need not be listed on an application if the applicant is not relying on it to repay the debt.
- A creditor may not refuse to extend credit in a birth-given name and surname, or in a birth-given name and combined surname.

#### IN EVALUATING AN APPLICATION, A CREDITOR:

- May not refuse to grant a separate account to a creditworthy applicant because of sex or marital status.
- May not discount income because of sex or marital status (such a practice was common in mortgage lending).
- May not discount income because it is derived from part-time employment (discounting such income discriminates against women, since many women combine part-time jobs with homemaking and child rearing), but may consider its probable continuity in evaluating creditworthiness.
- May not make assumptions on the basis of statistics that because a woman is of a certain age she will drop out of the labor force to bear or rear children.
- May not require a co-signer (or require that a married person obtain the spouse's signature) where an applicant applies for individual credit and meets the creditor's standards for creditworthiness.
- May not take sex or marital status into account, in a credit scoring or any other system of evaluating creditworthiness.
- May not consider whether the applicant's telephone is listed in her name.
- Must consider alimony, child support,

or separate maintenance payments as income to the extent that such payments are likely to be consistently received.

#### NOTIFICATIONS

The regulation requires a creditor:

- To notify an applicant within 30 days after receiving a completed application whether the credit is granted or denied.

A creditor must either provide written reasons for adverse action as a matter of course, or must advise the applicant that s/he has the right to receive written reasons upon request. The reasons given must be specific. It is not sufficient for a creditor merely to indicate, for example, that an applicant failed to achieve the minimum score necessary to have an application approved.

#### CREDIT REPORTING.

The lack of a credit history can represent a major obstacle for women, particularly married women, and may make it difficult, if not impossible, for them to obtain credit. Upon marriage, a woman's credit history has typically been merged into a joint file maintained in only the husband's name. A married woman thus became a non-entity in the credit world. In the event of divorce or widowhood, she found herself with no credit record, even though she may have contributed to the credit history developed in the husband's name either by contributing to the family's income or by managing the family's finances.

After June 1, 1977, creditors that report credit histories to credit bureaus or that respond to inquiries from other creditors will be required:

- To designate accounts on which both spouses are contractually liable, or on which the spouse is an authorized user.
- To furnish information on such accounts to credit bureaus in a manner that will enable the credit bureau to provide credit information in the name of each spouse.
- To furnish information to other creditors and to credit bureaus in the name of the spouse about whom an inquiry is made.

As to accounts in existence on June 1, 1977, if the creditor has not already made the necessary designation, the creditor is required to mail or deliver a notice to account holders advising them of the right to request credit reporting in both names.

The provision enables a woman who is married but not employed outside the home to develop a credit history for herself through use of her husband's account. In order to benefit completely from this provision, such women should be urged to write to each creditor with whom her spouse currently has an account on which she is contractually liable or an authorized user and request that the account be reported in her name as well as his. Forms for such purpose are being mailed out by many creditors.

In addition, all participants who have any credit history should go to their local credit bureau to check the content of their files in order to assure that they are correct and complete. All participants should request that a separate file be set up in their own names (separately from their spouse's file). Such action is necessary in order to insure that each participant develops her own credit identity so that she will be better able to obtain additional credit in the future, particularly at the times that she is likely to need it most (e.g., at the time of separation, divorce, or the death of her spouse, in the case of married women).

#### PRESERVATION OF RECORDS

Records of consumer credit applications must be retained by creditors for 25 months or during the pendency of any action filed against the creditor.

#### EXISTING OPEN END ACCOUNTS.

Creditors commonly used to require a woman who married to return credit cards that had been issued in her name and to reapply for credit in the husband's name. The regulation expressly prohibits such creditor practices in the absence of evidence of inability or unwillingness to repay. If a woman is contractually liable on an account and changes her name or marital status, a creditor may not, because of such a change:

- require reapplication,
- change the terms of the account, or
- terminate the account.

Similarly, if a married woman gets divorced, a creditor may not take these actions as to an account on which she is liable. However, if the account is one on which the spouses are jointly and severally liable, the creditor may terminate an account and require reapplication for new individual accounts where one of the spouses denies further responsibility for the account. Also, if a woman is only an authorized user on an account, or if the credit was based on the husband's income, the creditor may require reapplication.

#### BUSINESS CREDIT.

According to the Regulations, business women who apply for commercial credit may be asked their marital status.

A businesswoman has a right to receive the reasons for denial of credit, but she must affirmatively request that information in writing within 30 days after notification of the adverse action. That right is not automatic. Similarly, a businesswoman must make a request in writing within 90 days after adverse action is taken if she wants her business application records to be retained. Records will not automatically be retained.

#### EXEMPTIONS.

The Act and Regulation apply to all credit transactions, and not just to applications for consumer credit. However, the Federal Reserve Board has provided limited exemptions from certain procedural requirements for business credit, incidental credit (for example, credit extended by a doctor or dentist, which is incidental to the principal activity of health care), securities credit, and public utilities credit. (See section 202.3 of the Regulation.)

#### STATE PROPERTY LAWS.

State property laws are not preempted by the Act. Section 705 (b) states:

Consideration or application of State property laws directly or indirectly affecting creditworthiness shall not constitute discrimination for purposes of this title.

As a result, married women in some States may be made less creditworthy by provisions of State property laws that justify a creditor's treating married and unmarried applicants differently. Such laws, originally intended to protect women, may hinder women who seek to obtain individual credit.

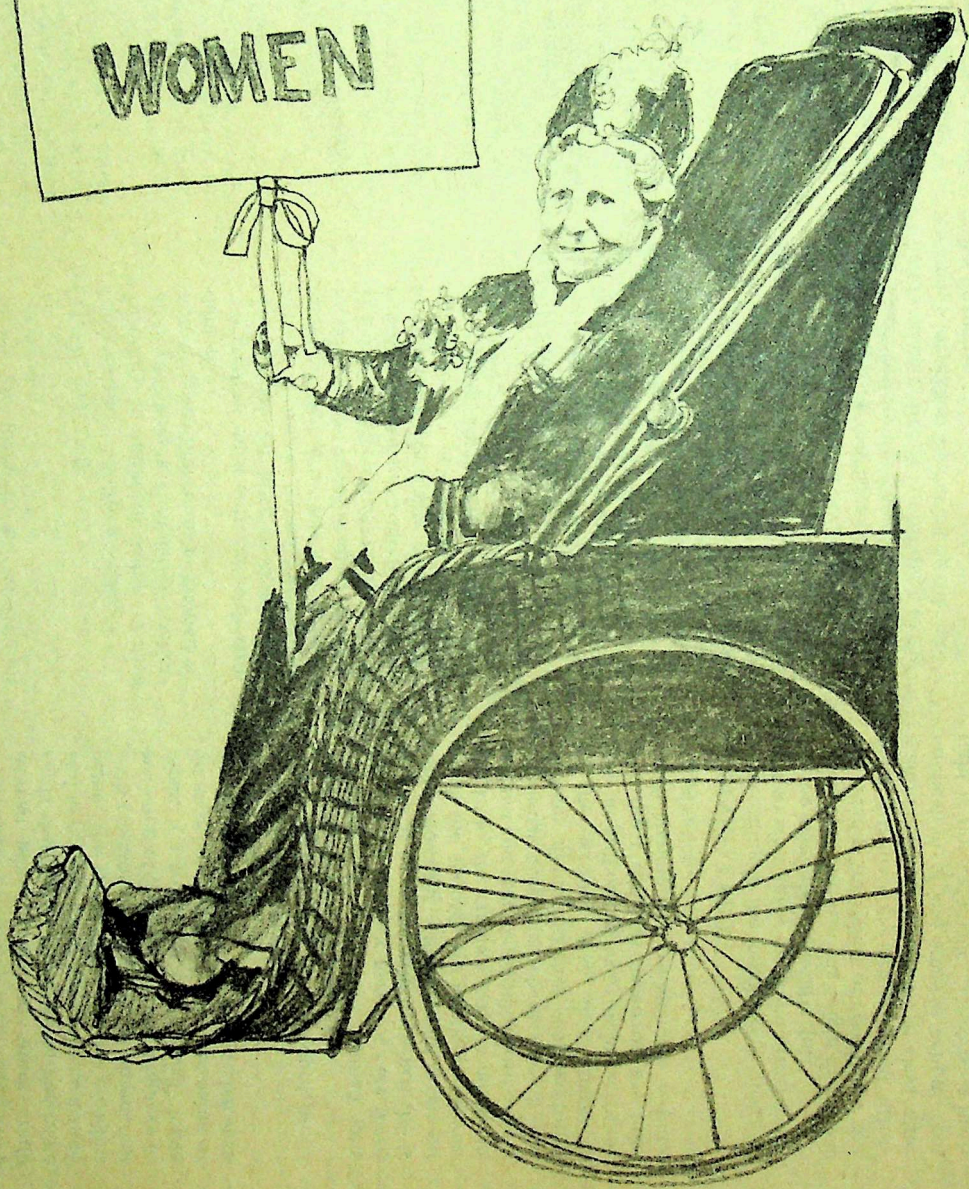
Note that in some States, when all real property (land or buildings) acquired by married persons during their marriage is owned by both spouses, neither the husband nor the wife can transfer rights to the property without the signature of the other spouse. In such States, if a married woman relies on real property to establish creditworthiness, she may lawfully be required to obtain her husband's signature — even though a similarly situated unmarried applicant relying on real property would not be required to obtain a co-signer.

#### STATE EQUAL CREDIT LAWS.

Where a State equal credit law has been enacted, such a law will be affected or preempted only to the extent that it is inconsistent with and less protective than the Federal legislation.



JUSTICE  
FOR  
WOMEN



illustrations by Nani Cowan, House of Coleman

SISTEMA BIBLIOTECARIO - COMUNE DI PADOVA



SBC000104993