The original documents are located in Box 11, folder “10/25/75 - International Women's Year Congress, Cleveland, OH (2)” of the Betty Ford White House Papers, 1973-1977 at the Gerald R. Ford Presidential Library.

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International Ladies' Garment Workers' Union

75th Anniversary ALMANAC

A compendium of facts and figures about a great trade union – its history, members, the products they make and the industry in which they work.
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There's never been anything quite like the three-day session of the Cleveland Congress for International Women's Year that opened today.

The topics to be covered in hundreds of meetings and displays run the whole course of women's interests—which means almost no topic has been omitted.

It's all there—everything from assertiveness to feminism, from women in politics to women in sports, from coping with widowhood and divorce to the pros and cons of abortion, from women's role in labor unions to creative day care centers for children.

Her mother or her grandmother may have demonstrated for the right to vote or in favor of prohibition or to protest war.

Today's woman is concerned not only with the obligation of using the vote wisely, but of broadening women's opportunities to hold public office.

Today's woman is interested in the treatment of alcoholism. And she, too, has marched for peace.

Today's woman carries high the banner calling for equal rights with men on all fronts. She proclaims the watchwords of this International Women's Year: Equality, Development, Peace.

She urges her sisters to become aware of the opportunities already open for them—and to help unlatch other doors to equality.

Personified here by Gwill York (right), chairman of the Cleveland Congress, she lifts high the banner carried by American women of past generations and invites others—men as well as women—to look, and listen and discuss the issues that involve women in 1975.

That's what the Cleveland Congress of IWY is all about. It will continue at the Convention Center from 9 a.m. to 9 p.m. tomorrow and from 9:15 a.m. to 8:30 p.m. Monday. Admission is free.

Here, in interviews with Press staffers and in their own words are portraits of some of the outstanding women scheduled to speak today and tomorrow on a wide range of topics.

—By MARJORIE SCHUSTER

**Women's pay shrinks**

Union leader Addie Wyatt doesn't fancy herself an alarmist, but she brought to Cleveland some pretty alarming figures.

"The gap between what women make and what men make is widening, not narrowing," the vice president of the Coalition of Labor Union Women told an IWY session today.

"In 1956, women earned 63% of what men made; in 1970, they made only 59%.

"For black women it's worse. They earn only 51% of what men make—but then, weights and loads, hours and struggle are a way of life for black women."

Addie Wyatt worked her way up in the Unionized Meat Cutters and Butcher
Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.
The Socialist Workers Party proposes:

A Bill of Rights
for working people

for protection from high prices, unemployment, wars, racism, and oppression of women

Peter Camejo for President
Willie Mae Reid for Vice-President
Today we are ruled by a new tyranny. Industrial and financial barons govern us by the rule of profits, denying the basic democratic and social rights we need for "life, liberty, and the pursuit of happiness."

The United States is in a deepening crisis. We are in the midst of the worst depression since the 1930s. The quality of life for most people is going from bad to worse. And the present system offers us no hope for improvement.

There is no end to war—one after another since the end of World War II. After Korea came Vietnam; now the Middle East is a powder keg. And Washington is looking for a way to help turn Portugal into the next Chile. Huge stockpiles of hydrogen weapons are a constant reminder of the threat of nuclear war.

Pollution is destroying our environment—from the water we drink to the air we breathe. Millions are unemployed, and layoffs throw more out of work every day. Breakdowns, shortages, and high prices—each week our real take-home pay is less. Suffering the most are those at the bottom of the ladder—Blacks, Chicanos, Puerto Ricans, women, and other doubly oppressed people.

Neither the Republican administration nor the Democratic Congress can offer a solution. They are only interested in shifting the responsibility and escaping the blame. They try to pit white workers against Blacks in a struggle for jobs, housing, and education.

They blame all working people, claiming we eat too much and live too well. They say that inflation will slow down if we tighten our belts and stop demanding higher wages. They blame people in other countries. They point to a "population explosion" in Asia, Africa, and Latin America as a burden on the U.S. economy—while the corporations they represent plunder the resources of these same countries.

They say the Arabs caused the energy crisis, as if skyrocketing profits of the U.S. oil monopolies weren't responsible.

The Democratic and Republican proposals are clear: don't struggle to defend your living standards; pay the costs of foreign wars; eat less and pay more; victimize foreign-born workers; use less electricity and gasoline; forget about health and safety, social services, and jobs.

This way of running the country can be stated in nine words: "What's good for big business is good for America."

The Rockefellers, DuPonts, Mellons, Morgans, and other super-rich families who rule America think they were born with rights and privileges that come before the welfare and security of the rest of us. For the sake of profits they think it is perfectly justifiable to lay off millions of workers, to destroy our environment, or to plunge the country into war.

They are a tiny minority trampling on the rights of the American people.
Defend the democratic rights of the majority

Nearly 200 years ago, when our country won its war of independence against British tyranny, the workers and small farmers waged a fight to add ten amendments to the Constitution—the Bill of Rights. These were intended to help guarantee "life, liberty, and the pursuit of happiness."

Among these rights are:
- Freedom of speech, press, assembly, and religion
- Right to a jury trial by one's peers
- Right to bear arms
- Protection from unreasonable search and seizure, excessive bail or fines, and cruel or unusual punishment

A second revolution—the Civil War—resulted in additional amendments to the Constitution protecting the rights of the American people:
- Outlawing of slavery
- No deprivation of life, liberty, or property without due process of law
- Right of all male citizens age 21 or over to vote, regardless of race or color

More than fifty years ago women won the right to vote, and recently this was extended to all citizens over the age of 18.

These rights were won through struggle, and bitter battles have been required to preserve them against witch-hunts, racists, bigots, and antilabor forces. Especially significant was the recent victory of Blacks in the South, who fought for nearly two decades to restore voting rights forcibly denied them since the defeat of Reconstruction in the 1870s.

Yet all these rights have never been fully implemented, nor are they extended to everyone. In reality, millions of Americans are being pushed into second-class status by the powerful few who rule this country. Their whole strategy is to divide working people by trying to create a class of pariahs—oppressed minorities, women, foreign-born workers of color, the unemployed—those that relatively better-off white workers view as "them" rather than "us."

The only way to counter the rulers' attempts to undermine working class solidarity is for all working people to support the struggles of oppressed minorities and women for equal opportunities.

Preferential hiring and upgrading are necessary to help achieve equality on the job. Employers must not be allowed to use layoffs to reduce the proportion of minority and women workers.

To gain equality, Blacks and other oppressed minorities must have the right to live in the neighborhoods of their choice. They must have the right to decide where to send their children to school, and to use busing if necessary to transport them to better, predominantly white schools.

Minorities who don't speak English as their first language must be provided with education, civil service exams, ballots, and voting instructions in their own language to help achieve equality.

The struggle of women for the right to safe, legal abortions and to get the Equal Rights Amendment adopted and implemented should be supported to help achieve equality in all spheres of life.

Watergate revealed a tiny bit of the illegal spying, bugging, and harassment carried out by the government against unions, Black organizations, socialists, and other dissenters. Subsequent revelations have shown how the secret agencies coldly calculated to frame up people demanding their rights and then tried to sabotage their legal defense efforts—for example the American Indian Movement and the Attica defendants.

As the economic crisis deepens and big business tightens its squeeze on labor, the civil liberties of working people are threatened even more. Our rights to assembly, free speech, and individual privacy are being challenged.

Government interference infringes on the rights of unions to organize, bargain collectively, and strike. All laws that allow government interference in the unions or that bar public employees from striking should be repealed.

Democratic and human rights should be applied to prisoners, GIs, gays, foreign-born workers, and young people. Repressive legislation must be abolished, along with all cruel and unusual punishment including the death penalty.
A Bill of Rights for working people

Not only is it necessary to fight back and reassert our rights, but we need to broaden these rights to protect working people against the threat of new wars, racist offensives, and attacks on our working conditions. We need a new bill of rights to meet the present needs of the majority, those who must work for a living.

The Socialist Workers Party proposes the following:

1. **Right to a Job**
   - It is an elementary obligation of society to guarantee steady work for everyone. This can be done by the following measures:
     - An emergency public works program should be launched to provide jobs through construction of housing, mass transportation, hospitals, schools, child care facilities, parks, and other social necessities. Priority should be given to projects in the workers' neighborhoods, where they are most needed—especially in Black, Chicano, and Puerto Rican communities.
     - The huge sums necessary to pay for this program should come from eliminating the mammoth war budget and from a 100 percent tax on war profits. A moratorium should be declared on using our taxes to pay billions of dollars to bankers for interest on the public debt.
     - Working hours should be reduced with no reduction in take-home pay in order to spread the available work and achieve full employment.
     - Unemployment compensation should be paid by the government at full union wages for as long as a person is unemployed.

2. **Right to an adequate income protected against inflation**
   - A guaranteed living wage is a basic human right. As a protection against inflation, wages must be free to rise. There must be no government wage controls.
   - To offset price gouging on food, rent, gas, electricity, and other basic necessities, wages must be protected with cost-of-living escalator clauses in union contracts, so that wages increase—promptly and fully—with each rise in living costs.
   - Escalator provisions should be pegged to the real rate of inflation as determined by committees set up by unions and consumer groups—not the Labor Department's Consumer Price Index which is based on a "market basket" that deliberately underestimates price increases.
   - All pensions, Social Security benefits, unemployment and disability compensation, welfare and veterans' benefits should be raised to union wage scales and protected with cost-of-living escalator provisions.

Small working farmers, who are gouged by banks on one hand and squeezed by the food trusts on the other, should be allowed to make a decent living. They have a right to low-interest, long-term government loans.
3. Right to free education
4. Right to free medical care
5. Right to a secure retirement

Education, health, and security should not be privileges of the rich. These are rights that should be guaranteed to everyone. They are the responsibility of society.

Tuition, books, and living expenses should be furnished to all who want to attend colleges and trade schools. Everyone, from birth to old age, should be guaranteed free medical and dental care through a full program of socialized medicine. All retired and disabled persons should receive government-financed benefits at full union wages.

Government-financed programs should be instituted not only to provide care for people who are ill, but for medical research and public education about health.

6. Right of oppressed national minorities to control their own affairs

Blacks, Chicanos, Puerto Ricans, and other oppressed people have a right to control the schools, hospitals, child care centers, parks, and other institutions in their communities. They have a right to determine how federal and state funds will be used in their communities.

To end police brutality and lower the crime rate, the police should be removed from the schools and barrios. They should be replaced with a security force democratically selected and supervised by the people who live in these communities.

7. Right to know the truth about and decide political policies that affect our lives

Republican and Democratic administrations claim that their foreign policy decisions advance peace and democracy throughout the world. The Pentagon Papers, the CIA's intervention in Chile, and Nixon's secret promise to the Thieu regime to send U.S. troops and B-52s back into Vietnam show that this is not true.

We have a right to know the full truth.

Let us see what the rulers really have in mind when they make decisions that affect our lives:

- Publish all secret treaties and agreements Washington has made with other countries.
- Open all police, CIA, FBI, and IRS files!
- No secret diplomacy behind the backs of the American people.

Let the public know the truth about U.S. support for dictatorships all over the world, from South Africa to South Korea.

Take the war-making power away from the White House and Congress.

Let the people vote in a referendum before the country is dragged into any more wars. Let us have the right to say no to policies that can lead to nuclear holocaust and the end of humanity.

We have the right to say no to government stockpiling and testing of weapons that threaten our health and safety and endanger the ecology.

8. Right to know the truth about and decide economic and social policies

When the corporations claim they can't grant wage increases, and when they lay off workers, make them open their books.

Workers have the right to control government policies! We have a right to veto the stationing of U.S. forces throughout the world and support of puppet military dictators.

- Make the oil, food, and auto monopolies show their records to elected workers' committees so we can see their real profits, production statistics, technological possibilities, and secret dealings. Then we can see who is rigging prices, deliberately creating shortages, and hoarding reserves.

When employers close down plants, those plants should be nationalized and put under the control of these workers' committees. With access to all financial and technical information kept secret by the bosses, the workers' committees will be able to make necessary decisions on retooling and reopening the plants to produce for the needs of society.

These workers' committees can expose the hundreds of business secrets that tie industry and agriculture to the big banks, the transportation and retailing monopolies, government agencies, Democratic and Republican politicians, and judges.

Workers have the right to control...
their working conditions through their own democratically elected committees. They have the right to regulate the pace of work in the safest and least dehumanizing way.

Workers—for example, the miners—have a right to elect their own safety inspectors. Production must be shut down on the demand of the workers and at the expense of the boss whenever the safety of personnel is involved.

Workers have a right to halt industrial processes that contaminate the air and water and endanger the environment. They have a right to veto arbitrary and discriminatory layoffs.

Workers also have a right to insist that things they produce will be safe and durable and that production will be for social needs rather than private profits.

When monopolies like the utilities, the postal service, the railroads, and the airlines cry bankruptcy, charge exorbitant rates, or refuse services to those who can't pay their rates, they should be nationalized and operated under the control of workers' committees.

In order to make sound decisions, these committees will have to cooperate with similar committees throughout their industry on a national scale and in other industries in their region, as well as with committees of consumers, housewives, and other affected groups.

To acquire the needed information and resources for economic planning, the entire banking system—in reality the accounting and credit system of the capitalist class—will have to be taken over, opened up to the workers' committees, and placed under their control.

Only in that way can the entire economy be democratically planned and organized so as to prevent the recurring breakdowns and chaos that result from the anarchy of production for private profit.

If the majority had known the truth about the oil industry and had the right to make the decisions about the country's energy needs, the energy crisis would have been prevented. The oil trusts deliberately cut back their refining capacity in order to create a shortage and drive up prices and profits. A national plan worked out and overseen by the workers themselves would not have allowed this to happen.

Such a national economic plan would divert the colossal sums now spent for military purposes to social needs. It would end the threat of worldwide famine and war.

However, this will only be possible if the government itself passes completely into the hands of the majority—the masses of working people.

Police protect landlords and big business—workers need own government

For a workers' government

When the American colonists could no longer tolerate British rule and drew up their Declaration of Independence, they stated that "whenever any form of government becomes destructive of these ends [life, liberty, and the pursuit of happiness], it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

Today we are ruled by a new tyranny. Industrial and financial barons govern us by the rule of profits, denying the basic democratic and social rights we need for life, liberty, and the pursuit of happiness. This government of the few must be abolished and replaced by a workers' government that will represent the majority.

A workers' government will guarantee democracy and implement a new bill of rights for working people. It will immediately recognize the right of Blacks and Chicanos to self-determination. It will immediately grant independence to Puerto Rico. It will end all discrimination against foreign-born workers and extend them equal rights with all other workers.

It will adopt a policy of peace and friendship with peoples throughout the world and offer massive economic and technical assistance and food to other countries—with no strings attached. It will stop U.S. interference in the internal affairs of other countries and dismantle all U.S. military bases abroad. It will stop shedding the blood of America's youth in foreign adventures.

Instead of supporting oppressors and dictators, it will aid the struggles of people everywhere to gain freedom and self-determination.

For a workers' government
of the oppressed—Palestinians driven from their homeland by Israel; South African Blacks ruled by a white minority; South Koreans dominated by U.S.-backed generals, bankers, and landlords; Chileans repressed by the bloody military junta.

A workers’ government in the United States would be a tremendous inspiration to people all over the world. With a knowledge that the mighty USA was not their enemy, oppressed people everywhere would rise up against their oppressors. The entire world would be changed for the better.

The working people of the Soviet Union would throw out their hated rulers and revive the democratic and humanitarian goals of the Russian Revolution. The bond of friendship would be extended between the Soviet and American peoples, and the threat of nuclear war would be eliminated. Socialist democracy would open up a new epoch for humanity.

How can these goals be achieved?

The majority can win its rights only by its own independent action. Rallies demanding jobs for all; strikes for higher wages and cost-of-living clauses; demonstrations against new rent threats, against cutbacks in education and social services, and for the rights of women; a boycott of scab lettuce, grapes, and wine; marches against racist attacks on busing and school desegregation—these are examples of struggles now being waged. But it doesn’t make sense to strike, rally, demonstrate, boycott, or march against the deterioration of our rights and living standards on one day, and then vote for the two parties responsible for them on the next.

The colonists fighting British rule and the abolitionists fighting against slavery learned that they could have no faith in the goodwill of colonial governors or the slave-owners’ parties.

They formed their own organizations, including committees of correspondence, continental congresses, and Black conventions.

Likewise today, working people cannot rely on the Democratic and Republican parties, which are financed and controlled by big business to defend its profits. We must break from them.

The Socialist Workers Party believes that the only way to effectively organize the power of American working people on the scale necessary to abolish the present government of big business, and initiate a workers’ government, is through a mass socialist party. This will not be anything like the Democratic and Republican parties; it will be a fighting party that will help lead the struggles of working people and all the oppressed. This is what the Socialist Workers Party is campaigning for and what it intends to become.

The first big step toward a working class break from the two parties of big business would be the formation of an independent labor party based on the power of the unions. Workers running as independent labor candidates on a local scale can help set an example and point the way to a nationwide party of labor. Such a party would organize union power into a new social movement to fight for the rights of all the oppressed. It would lead the way toward a mass socialist movement that can start building a new social system.

The Socialist Workers Party is campaigning for a new society—a socialist society—where industry and science will be put at the service of the vast majority; where wars, racism, sexual oppression, and all other forms of human degradation and exploitation will no longer exist. We believe this is a realistic goal, and a necessary one if humanity is to survive.

Join us in this struggle.
Peter Camejo for president

Socialist Workers presidential candidate Peter Camejo has spent much of his life on the front line of struggles to advance the rights and well-being of working people.

Unlike the Democrats and Republicans running for president, Camejo is an activist in struggles against racist oppression and was a leader of the massive movement against the Vietnam War.

Camejo, 35, has been a member of the Socialist Workers Party since 1959. Active in the student movement of the early 1960s; he joined the civil rights struggle against segregation and was a leading defender of the Cuban Revolution.

Since he announced his campaign, Camejo has been touring the country, speaking to students on college campuses and in high schools.

He participated in the April 26 march and rally for jobs in Washington, D.C. He actively supports the struggle against racist attacks on school busing in Boston, where he has participated in demonstrations and rallies against school segregation.

In 1970 Camejo was a candidate for U.S. Senate in Massachusetts, and one of his opponents was Senator Edward Kennedy. The pro-Kennedy Boston Globe admitted, "The young man Camejo draws a big response from students...more than Senator Edward Kennedy...."

Camejo, fluent in Spanish, is the first U.S. citizen of Latin American descent to be a candidate for president of the United States.

Willie Mae Reid for vice-president

When Willie Mae Reid was running for mayor of Chicago in early 1975, a prominent Black community paper, the Chicago Weekend, wrote that "she is no ordinary candidate."

For one thing she was the first candidate for mayor under any party label other than Democrat or Republican to get enough signatures to obtain ballot status since the 1930s. She ran an energetic and widely publicized socialist campaign against the Daley machine.

Reid, 36, has firsthand experience with the problems facing Blacks and other working people.

She grew up in the segregated Southern city of Memphis, Tennessee, where she supported civil rights struggles that ended the segregated seating of Blacks on city buses.

After moving to Chicago, she became active in a West Side community group, Together One Community, organized around tenants' grievances.

In 1970, Together One Community joined with other West Side groups to fight for the construction of low- and moderate-income housing.

She also actively supported the September 1973 demonstration for "Jobs and Economic Justice" organized by Operation PUSH and a number of unions in Chicago.

She helped organize the Chicago Women's Abortion Action Coalition, a group fighting for women's right to abortion.

Reid has worked nearly all her life—as a kitchen worker in a hospital, a hotel worker, a garment worker, and a computer programmer. As a child she spent three months a year picking cotton.

She became an active socialist in 1971. In 1974, she was the Socialist Workers Party candidate for U.S. Congress from Illinois’s First District.
Join the socialist campaign

☐ I would like more information about the Socialist Workers campaign.
☐ I want to join the Socialist Workers Party.
☐ I endorse the Camejo-Reid ticket as a positive alternative to the Democratic and Republican parties, although I do not necessarily agree with all the planks of the SWP platform.
☐ I would like information about the Young Socialist Alliance, whose members are organizing youth support for the campaign.

☐ Please send me a catalog of the socialist literature available from Pathfinder Press.
☐ Send me two months of The Militant, the socialist newweekly. Enclosed is one dollar.
☐ I would like to set up a meeting for a socialist speaker. Enclosed is a contribution of $___.

Funds are urgently needed.

Name ________________________________
Address _____________________________________________
City ____________________ State ______ Zip ______

Organization/School/Occupation ______________________________
Business Address __________________________________________
Clip and mail to:
Socialist Workers 1976 National Campaign Committee,
14 Charles Lane, New York, N.Y. 10014

Local address: ____________________________________________________________________________

Literature

Brochures: SWP Proposal for a Bill of Rights for Working People (English or Spanish)/3¢; The Socialist Candidates for 1976 (biographies)/4¢; Youth and the '76 elections—join the campaign for socialism/2¢
Posters: Camejo for President/10¢; Reid for Vice-President/10¢; Jobs for All/25¢; Join the Fight Against Racism/10¢
Buttons: Vote Socialist Workers Party/30¢; Photo Buttons: Peter Camejo/35¢; Willie Mae Reid/35¢; Jobs for All, Not One Cent for War/50¢
Pamphlets: What Socialists Stand For/50¢; Socialism and Democracy/50¢; The Racist Offensive Against Busing/50¢; Who Killed Jim Crow?/50¢; Inflation: What Causes It, How to Fight It/50¢; America's Road to Socialism/$1.95

Special prices for bulk orders
Officers of the Socialist Workers 1976 National Campaign Committee—Chairpersons: Fred Halstead, Ed Hersh, Linda Jennings, Andrew Pulley—Treasurer: Andrea Morrell
A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C.
The Socialist Workers Campaign stand on:

**The Fight for Women's Rights**

Ratify the E.R.A. / Defend Abortion Rights
Stop Discriminatory Layoffs / Free Joanne Little

Peter Camejo for President
Willie Mae Reid for Vice-President
The Fight for Women's Rights

The framers of the U.S. Constitution considered women to be inferior to men and unworthy of full rights as human beings. This same concept of female inferiority is still reflected in the Constitution 200 years later.

On the eve of the bicentennial, the Equal Rights Amendment has yet to become part of the Constitution. This is symbolic of the second-class status allotted to women in all areas of life in this country.

The Equal Rights Amendment simply states: "Equality of rights under the law shall not be denied or abridged ... on account of sex."

Introduced into Congress every year since 1923, it was not until 1972 that the ERA was adopted by Congress. To take effect it must be ratified in at least thirty-eight states by March 1979. Thirty-four states have ratified so far.

A Harris poll released last May showed that a solid majority of the American people support the ERA. What is needed is for that majority in the United States to bring the full force of its weight to bear on state governments where it is not yet ratified.

Women's organizations, regardless of differences on other issues, can unite to organize a massive campaign for the ERA through education, demonstrations, pickets, and debates. The women's liberation movement and its supporters can make it clear to this government that 200 years without equality is enough! The bicentennial of this country should not pass without women's rights being codified in the U.S. Constitution!

Broader attack

The effort to stop ratification of the ERA is part of a generalized attempt to roll back the gains women have made and to rob them of newly won victories, both democratic and economic.

This is combined with a racist offensive to try to also beat back the gains that have been won by Black people, Chicanos, and other oppressed minorities. The same reactionary forces are involved in fighting to stop the ERA, in demanding restrictions on abortion, and in stoning school buses carrying Black students trying to acquire a better education.

The backdrop for this offensive is the policies of the federal government, for which both the Democratic and Republican parties are responsible. The burden of the current depression—the layoffs and cutbacks in social services—is hardest on women and the oppressed minorities.

The capitalist rulers also use their traditional weapons of racism and sexism to point the finger at scapegoats for the problems generated by their own system. They try to deepen
the divisions that exist among working people by saying: "Blame the women and Blacks who have gotten so 'uppity' as to demand equality."

No discriminatory layoffs
One manifestation of the attack on women is discriminatory layoffs. The massive layoffs taking place are threatening to wipe out the gains made by women through affirmative-action plans in recent years. These plans were an effort to force employers to increase the percentage of women and oppressed minorities in the work force and to upgrade their positions and pay. Through them, women were hired in previously all-male jobs, and many won higher-paying positions.

Now, under the guise of strict seniority—or "last hired, first fired"—these women are being disproportionately victimized by the layoffs. Often this is supported by the unions. Women should not suffer more layoffs because of the sexist hiring practices of the bosses. Where layoffs occur, the percentage of women workers should not be reduced one iota!

The unions will only be effective in fighting for the interests of all workers to the extent that they defend the rights of the most oppressed workers.

Abortion rights
Another attack on women is against the right to abortion. The conviction of Dr. Kenneth Edelin, a Black physician in Boston, was an ominous warning to the abortion-rights movement. Dr. Edelin was convicted of "manslaughter" for having performed a legal abortion.

In 1973 the Supreme Court ruled that abortions are legal. The decision came as a result of pressure, through the courts and in the streets, from women demanding the right to abortion. Only women—not the church and not the state—have the right to decide if and when to bear children.

But conservative, antifeminist forces are trying to curtail and restrict the Supreme Court decision. Their aim is to totally reverse the decision through a constitutional amendment giving a fetus rights from the moment of conception.

Ideas of women's liberation
The women's liberation movement has come a long way. Started by a handful of primarily young, student women in the late 1960s, the ideas of feminism now affect millions. The latest Harris poll shows that 59 percent of the American people have been won to support the basic demands of the women's movement.

In particular, working women and Black women are among the staunchest supporters of equal rights for women.

Women's fight for equality has extended into the unions. In March 1974 the Coalition of Labor Union Women was formed. Its purpose is to fight against sex discrimination in the unions, on the job, and in society as a whole.

It is this growth and wide support for the women's movement that the government is trying to stop. Women need to serve notice that whenever and wherever women's rights come under attack, we stand ready to fight back.

A drive is needed by the entire women's movement and its supporters to push through the ERA in 1976 and...
show the antifeminist forces that they are in a minority.
Attempts to roll back the right to abortion should be greeted with a
massive "NO!"
We need to unite in defense of
affirmative-action gains. Not one
percentage decrease in the proportion of
women in the work force!
The women's liberation movement
must be the government know that the
old trick of divide and rule won't work.
* Women stand with the Black,
Chicano, and Puerto Rican communi-
ties in the face of the racist attacks
against them.
* Women stand with the Black
community in Boston and elsewhere
in the fight to desegregate the schools.
* Women stand with the oppressed
national minorities in protecting the
gains they made through affirmative
action.
* Women join with Blacks in de-
manding freedom for Joanne Little
and for overturning the conviction of
Dr. Kenneth Eddlin.

Join the socialist campaign.
The oppression of women is woven
into the very structure of this society.
The relegation of women to household
drudgery and the superexploitation of
women on the job are profitable for the
bankers and the business elite who control both the economy and the
government. As long as society is
organized on the basis of private
profit, women cannot win total liber-
atlon.
The Democratic and Republican
parties, which have been in power for
decades, are responsible for maintain-
ing discrimination against women.
Major advances for women have been
won only when women themselves
organized massive, united action to demand
justice—such as during the suffrage
movement, or the recent abortion-
rights movement, or the many
struggles that have been waged by
working women. The Democratic and Republican
parties have made a special effort in
recent years to run women candidates
and to pretend to support women's
rights. But women who have been
sucked into this two-party hoax have
only hindered what they could do for
the cause of women's rights. Whatever
their intentions, they serve to justify
these partials of big business
unemployment, Watergate, the Vietnam
War, and the CIA and FBI.

These two parties cannot be re-
formed into representing working peo-
ple, women, Blacks, or any of the
oppressed.
The present capitalist government,
ridden by corrupt agents of the rich,
needs to be replaced with a govern-
ment run by the majority—a workers
government. This system run on the basis of
private profit needs to be replaced with
a system based on human need—a
socialist system.

Supporters of women's liberation can
best aid the fight for women's rights in
1976 by supporting the socialist candi-
dates: Peter Camejo for president
and Willie Mae Reid for vice-president.

Peter Camejo for President / Willie Mae Reid for Vice-President

Peter Camejo, 35, has been a member
of the Socialist Workers party since
1969. Active in the student movement
of the early 1960s, he joined the civil
rights struggle against segregation
and was a leading defender of the
Cuban Revolution. Camejo was also a
leader of the massive movement
against the Vietnam War.

He participated in the April 26
march and rally for jobs in Washing-
ton, D.C., and actively supported the
struggle against racist attacks on
school buses in Boston.

In 1970 Camejo was a candidate for
U.S. Senate in Massachusetts, and one
of his opponents was Senator Edward
Kennedy. The pro-Kennedy Boston
Globe admitted, "The young man
Camejo draws a big response from
students... more than Senator
Edward Kennedy."

Camejo, fluent in Spanish, was the
first U.S. citizen of Latin American
descent to be a candidate for president
of the United States.

When Willie Mae Reid ran for mayor
of Chicago on the Socialist Workers
ticket in early 1976, a prominent Black
community paper, the Chicago Week-
end, wrote that "she is no ordinary
candidate."

For one thing, she was the first
candidate for mayor under any party
label other than Democrat or Republi-
can to obtain ballot status since the
1930s.

Reid, 36, grew up in Memphis,
Tennessee, where she participated in
civil rights struggles that ended the
segregated seating of Blacks on city
buses.

After moving to Chicago, she helped
organize the Chicago Women's Abor-
tion Action Coalition, a group fighting
for women's right to abortion.

She actively supported the Septem-
ber 1975 demonstration for "Jobs and
Economic Justice" organized by Oper-
ation PUSH and a number of unions
in Chicago.

Reid became an active socialist in
1971.
Join the socialist campaign

☐ I would like more information about the Socialist Workers campaign.
☐ I can help distribute campaign literature.
☐ I can do volunteer office work.
☐ I would like to set up a meeting with a campaign representative.
☐ I want to join the Socialist Workers party.
☐ I would like information about the Young Socialist Alliance, whose members are organizing youth support for the campaign.
☐ I want to send a catalog of socialist literature available from Pathfinder Press.
☐ Enclosed is $ for two months of the Militant, the socialist newsmagazine.
☐ Enclosed is a contribution of $ funds are urgently needed.

Name ____________________________ Address ____________________________

City ________________ State ______ Zip _____

Organization/school/Occupation ____________________________

Business Address ____________________________

Clip and mail to: Socialist Workers 1976 National Campaign Committee, 14 Charles Lane, New York, N.Y. 10014

Local address: 2300 Payne • First Floor
Cleveland, Ohio 44114
Phone: 216-426-666

Literature

Brochures: SWP Proposal for a Bill of Rights for Working People (English or Spanish)/8¢; The Socialist Candidates for 1976 (biographical)/8¢; The Fight for Women’s Rights/2¢; Youth and the ’76 Elections/2¢.

Posters: Camejo for President/16¢; Reid for Vice-President/10¢; Jobs for All/5¢; Join the Fight Against Racism/10¢.

Pamphlets: What Socialists Stand For/50¢; Socialism and Democracy/25¢; The Racist Offensive Against Busing/50¢; Why Women Need the ERA/35¢; America’s Road to Socialism/$1.95.

Pamphlets: What Socialists Stand For/50¢; Socialism and Democracy/25¢; The Racist Offensive Against Busing/50¢; Why Women Need the ERA/35¢; America’s Road to Socialism/$1.95.

Buttons: Vote Socialist Workers Party/70¢; Photo buttons: Peter Camejo/55¢; Willie Mae Reid/55¢; Jobs for All, Not One Cent for War/50¢; Education is a Right, Stop the Cutsbacks/50¢.

Special prices for bulk orders

Officers of the Socialist Workers 1976 National Campaign Committee—Chairperson: Fred Halstead, Ed Heisler, Linda Jenkins, Andrew Pulley—Treasurer: Andrea Morrell

A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C.
A Tribute to The Retirees of The International Ladies' Garment Workers' Union
We wandered here from faraway,
We came from night to look for day
With all our worldly goods in hand
We came to find the Promised Land.

On June 3, 1900, eleven men founded the ILGWU, in a meeting at the Labor Lyceum, 64 East Fourth Street, New York City. Out of that small beginning rose a great union that has profoundly shaped the economic and political life of the garment workers, the labor movement and the nation.

Among the more than 75,000 living retirees of the ILGWU are countless numbers who contributed mightily to the work of the union, often at great personal sacrifice to themselves. The names of some appear in the records. The names of most do not.

It is to the unsung and unknown heroes of the ILGWU that we pay our tribute on this, the Seventy-fifth year of our life and labors. They may have retired from their jobs but the deeds they have done, the causes they have created will never rest.

We salute them in our name and in the name of humanity.

Wilbur Daniels
Executive Vice President

E. Howard Molisani
First Vice President

Louis Stulberg
President

Sol C. Chaikin
General Secretary-Treasurer
m faraway,
look for day
ods in hand
omised Land.

We came from streets that saw no sun.
Our hours of work were never done.
With every gasp of poisoned breath,
We smelt the stench of living Death.

We cut a dream within our head
And then with needle and with thread
We fashioned something great and good,
A union seamed with brotherhood.
A report by the Ohio Task Force for the Implementation of the Equal Rights Amendment.

July, 1975
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ACKNOWLEDGMENTS

The Ohio Task Force for the implementation of the Equal Rights Amendment wishes to express deep appreciation to the following organizations and individuals for assistance which was invaluable in enabling us to fulfill our charge:

- William J. Brown, Attorney General of Ohio, for legal staff and services throughout the life of the Task Force and full support services during the final seven months of the project;
- The Columbus Foundation, the Cleveland Foundation, Battelle Memorial Institute, the Manpower Comprehensive Employment and Training Act, and the Department of Housing and Urban Development, for operating funds;
- The Academy for Contemporary Problems for meeting space, meals, overnight accommodations, and other services;
- The Ohio Civil Rights Commission for reprinting copies of the final report;
- The Lucille and Robert Gries Foundation for funds for editing and printing of the expert testimony received regarding education;
- The Women's Law Project, Philadelphia, for legal consultant services;
- Simon Lazarus, Jr., for services of his legal intern, Deborah Belong;
- Cleveland State University, Channel 30 (WGTE-TV), Toledo, and Case Western Reserve University for facilities used in public hearings;
- Annette Johnson, Cleveland State University; Patricia Garver, NOW, Toledo; Mel Weisblatt, Case Western Reserve University; and the staff of Channel 30, Toledo, for assistance in arranging the hearings;
- Ohio Bell Telephone Company for its communications staff services, producing a half-hour television documentary on implementing the Equal Rights Amendment in Ohio. The documentary will be scheduled in cities around the state throughout the coming year;
- Margaret Rosenfield for assistance in editing this report;
- The Department of Commerce for use of its public information staff from September through December, 1974;
- Chancellor Dolph Norton, Board of Regents, Barbara Rawson, Cleveland Foundation; Leeds Matting, Columbus Foundation; Jane Parker, Women's Law Fund, Cleveland; Catherine East, Citizens' Advisory Council to the Commission on the Status of Women; Dave Johnstone, Legislative Services Commission, for time and advice in the formation of the Task Force.

July 1, 1975
Honorable James A. Rhodes
Governor of Ohio
Honorable William J. Brown
Attorney General of Ohio

Gentlemen:

The Task Force on Implementation of the Equal Rights Amendment submits to you this report documenting our findings of sex discrimination in the Ohio Revised Code. We recommend changes which will make the Code comport with the Equal Rights Amendment, and present rationale for these changes. Many sections can be changed simply by making the law gender neutral. Others involve substantive changes and these recommendations have been made after expert testimony, day long public hearings, examination of basic resource material and in-depth discussion, first in committee and then by the entire Task Force.

This report also recommends new statutes which, if enacted into law, will affirm the principle of equality of rights for women and men in the State of Ohio.

The implementation of the Equal Rights Amendment will not be accomplished by the work of this Task Force alone. It should be continued on a regular basis and, for that reason, this Task Force recommends an agency in state government to monitor this implementation for as long as it is necessary.

The struggle through which the members of this Task Force arrived at their decision is proof of their conscientious dedication to the task. They are to be highly commended as is the valuable staff which facilitated their efforts.

We are committed to support legislation which will implement these recommendations, and to provide testimony on behalf of it. It is our belief that enactment of such legislation will enhance the quality of life for all the citizens of Ohio.

Respectfully,

Mary E. Miller
Chairperson

MEM/IT

P. R. R. P.
Dear Ms. Miller:

On behalf of the citizens of Ohio and the Office of the Attorney General, I wish to thank you and the Ohio ERA Task Force for the thousands of hours of hard work and careful consideration which have gone into the preparation of the task force report. The wealth of information and the wide variety of citizen input reflected in your report will contribute significantly to the implementation of the Equal Rights Amendment in Ohio.

Your report effectively and graphically demonstrates the need for revisions of laws which discriminate against citizens on the basis of their sex. The impact of your work will undoubtedly be felt throughout the state of Ohio and the nation. The report will serve as an example and model for other states which aspire to the goal of true equality for their own citizens.

I have considered it an honor to have sponsored and assisted the Task Force by supplying legal and logistic resources. You have my assurance that your recommendations will be studied carefully and thoroughly so that the necessary work can begin immediately to make equality among our citizens a reality.

Thank you again for your work.

Very truly yours,

William J. Brown
Attorney General
Introduction

Since the earliest days of building a new country, the struggle for equal rights for women has been underway at different times during the last century, large movements have formed around demands for equality in specific areas such as property holding, labor protections, suffrage, and, finally, in all areas of the law.

The evolution toward equal treatment has always involved a process of establishing and attaining goals, discovering their inadequacies, and then establishing new goals. For instance, in the late nineteenth century, women who worked in factories and sweatshops relied on legislation to protect them from inhuman working conditions; yet, by the mid-twentieth century, some of those hard-won protections were beginning to prevent women from access to higher paying jobs or lucrative overtime work.

A new chapter in the equal rights movement opened in 1972, when, after 49 years of instruction, Congress ratified the Equal Rights Amendment to the Constitution. The Amendment was simple, stating that "Equality of rights under the law shall not be denied or abridged by the United States or any state on account of sex." Its implications touched some aspect of every citizen's life, because it recognized that discrimination on the basis of sex could harm men as well as women.

On February 7, 1974, the Ohio Legislature became the 33rd state (of a necessary 38) to ratify the Equal Rights Amendment to the U.S. Constitution. This victory could have been only a hard-won symbol — meaningless without implementation. Fortunately, within a few weeks of passage, Governor John J. Gilligan and Attorney General William J. Brown began work to create a citizens' task force to seriously study the precise form that implementation of equal rights should take in this state.

On August 22, 1974, the Governor issued an Executive Order creating the Ohio Task Force for the Implementation of the Equal Rights Amendment charged with:

1. Reviewing all statutes in the Ohio Revised Code and regulations of the various departments and agencies of the state to determine which need revision or repeal to comply with the Equal Rights Amendment;
2. Drafting new statutes or amendments to existing statutes as needed to conform existing law to the non-discrimination mandates of the Equal Rights Amendment;

The Governor and Attorney General appointed to the Task Force thirteen women and twelve men with varied backgrounds including business, labor, social work, law, homemaking, the Legislature, education, and the military. Also represented were Republicans and Democrats, persons involved in the ratification of the ERA and others who were considering its implications for the first time.

At the first meeting of citizens appointed to the Task Force, it became obvious that certain basic operating assumptions needed to be clarified in order to meet the charge. The first of these assumptions was central to the deliberations: namely, "the question of the value of the Equal Rights Amendment has been settled in Ohio. The ERA has been ratified, and it is not the responsibility of this Task Force to reconsider the decision of the General Assembly; rather, our charge is to recommend the best ways to implement the ERA considering both the legislative history of the ERA and established constitutional guidelines." The remaining assumptions followed logically from this:

- The goal of the Task Force shall be to examine current Ohio laws and recommend adoption, amendment, or repeal which will comport with the letter and spirit of the Equal Rights Amendment.
- When protective legislation is reviewed by the Task Force, the following guidelines should be used:
  - If such legislation is, in fact, protective of workers, such protection should be extended to all workers;
  - If such legislation is not truly protective, repeal is recommended.
- With marriage and family law, families should be seen as a partnership or joint enterprise in which both partners have equal rights and responsibilities.
- Where the Code has not addressed itself to the realities of modern life or the legal rights of women and men in modern society, the Task Force may need to consider and recommend affirmative legislation.
- With regard to the Task Force's charge to study the need for a permanent Commission on the Status of Women, the approach should be to recommend the best possible vehicle which the state government can create to insure the equality of all Ohio citizens;
- The method of decision making for committee recommendations should be by consensus; decisions of the entire Task Force should be made by vote with simple majority ruling.
- The final work product of the Task Force will be a report recommending to the Governor and the Attorney General such legislative changes and additions to the Ohio Revised Code as seem appropriate.

At this same meeting new members were divided into six committees to study particular areas of law: Marriage and the Family; Children, Employment; Insurance, Pensions, and Tax; Criminal Law; and Public Obligations. Education was identified as an area needing attention, but as the law governing education seemed significantly different from these other areas of law, a special committee was recommended. (See Education Chapter.)

In October, 1974, Attorney General William J. Brown provided the Task Force with a computer code study identifying some two hundred sections of the Ohio Revised Code which might require revision in order to comply with the ERA. Most Committees began their research by addressing these code sections and considering additional areas where affirmative legislation might be needed. Over an eight month period, previous studies, case law, position papers by legal consultants, et al., were presented and debated in committees while the entire Task Force heard expert testimony on its regional meetings and public testimony at four additional hearings held across the state. Based on this study, committees presented their findings to the Task Force and the Task Force then voted on final recommendations.

Committees of the Task Force varied greatly in style and approach. Individual chapters of this report generally reflect those variations. Moreover, debate of committee reports by the whole Task Force was often heated, with voting rarely unanimous. Although there was disagreement about the best method for implementing equality, in general the Task Force saw its recommendations not as a means of imposing change on the lives of Ohio's citizens. Rather, its study led the Task Force to believe that such ERA-mandated changes would merely allow the law to keep pace with the ways in which most people's lives have already changed.

In presenting this final report, the Task Force believes it has fulfilled its charge. However, as the sex-based inequities in society reach beyond the areas regulated by law, the Task Force sees these recommendations as a final solution but as a contribution toward the continuing quest for individual equality.
Recommendations

MARRIAGE AND FAMILY RECOMMENDATIONS

I. ABILITY TO CONTRACT MARRIAGE

A. Age

The Task Force recommends that §3101.01 should be amended to provide that persons of both sexes 18 years of age or over may marry without parental consent, those between ages 16 and 18 may marry with parental consent.

B. Marriage of a Female Ward

The Task Force recommends that §2111.45 should be amended to terminate guardianship of the person of wards of both sexes, not just female wards, upon marriage.

II. ON-GOING MARRIAGE

A. Determination of Domicile

The Task Force recommends that a new statute be enacted prescribing the manner in which domicile is established. The statute should recognize the individual's right to determine his/her own domicile apart from that of the individual's family and would specifically state that domicile may not be acquired or lost by marriage alone.

B. Determination of Legal Settlement for Poor Relief Payments

The Task Force recommends that §5113.05 should be amended to provide that one who marries a person with legal settlement in any county and resides there with intent to establish residence acquires the right of the spouse to receive poor relief. The legal settlement statute should contain an affirmative statement that marriage alone, does not affect the settlement of an individual.

C. Spousal Support

The Task Force recommends that §3103.03 should be amended to provide that it is the mutual obligation of each spouse in a marriage to support the other spouse to the extent possible considering the ability and property of each, and that both spouses bear the responsibility of support for their children. The statute should set forth the factors to be considered by the court in ruling on a petition for support; for example, age, education, job skills, custody of children (if any), contributions of a homemaking spouse, physical or mental disability, and financial resources of both parties. The third party's right to recover for necessities furnished to a dependent spouse should be made applicable to either spouse.

D. Property Holding

1. Present Common Law System

The Task Force recommends that the statutes which provide for the common law property holding system in Ohio should remain unchanged.

2. "Married Women's Property Acts"

The Task Force recommends that §§2107, 2109.22, 2207.08, and 2303.09 which provide married women with the same property rights as all other adult persons should be amended to be gender-neutral.

3. Married Women and/or Widows

The Task Force recommends that certain sections of the Code relative to property that are discriminatory in that they grant special privileges to widows or married women should be amended to be gender-neutral and applicable to either spouse and/or surviving spouse.

E. Names

The Task Force recommends that in order to lessen the confusion surrounding the retention of birth names by both spouses, Ohio should enact a statute which permits parties to a marriage to state each party's choice of name at the time of application for a marriage license. The name(s) would not necessarily have to relate to any name either had previously. We support a recent Massachusetts Attorney General's Opinion (October 29, 1974) which states that a child of a marriage may be given any name the parents wish. In the event of divorce or dissolution of the marriage of the child's parents, the child would continue to use the name given to him/her at birth. If for any reason the child wants to use another name, he/she should formally request a name change from the probate court.

F. Spousal Agency

The Task Force recommends that §1311.10, which codifies a common law agency principle allowing a husband to act as his wife's agent in certain property contracts, be repealed.

G. Consortium

The Task Force recommends that no affirmative legislation is needed.

III. DISSOLUTION/DIVORCE

The Task Force recommends that judges and the court system must uphold the letter and the spirit of the law which calls for equitable treatment of both spouses in dissolution and divorce. Citizens should become aware of their Domestic Relations Court and its judges as only an informed electorate can see that the present statutes are enforced.

Furthermore, the Ohio Legislature must give attention to the problem of the overwhelming default rate of appraisal support and/or child support payments and take action to correct this problem.

IV. MISCELLANEOUS

A. Order and Disposition of Cases on Appeal

The Task Force recommends that §§2501.09(e) and 2501.01, concerning order and disposition of cases on appeal, be amended by deleting the reference to "widow," because the term "next of kin" already contained in the section includes widows.

B. Free Transportation

The Task Force recommends that $917.30 relative to free transportation on railroad be amended by changing "widow" to "surviving spouse".

C. Damages of Lynching

The Task Force recommends that §3761.04, which provides for payment of damages to the relatives of lynching victims, be amended to change "widow" to "surviving spouse".

D. Marriage Relationship Contracts

The Task Force recommends that §3103.06 defining conditions under which spouses may contract to alter the marriage relationship should remain unchanged.

E. Education of Ohio Citizens About Marriage

The Task Force recommends that the State Department of Education foster and encourage the inclusion of courses which discuss marriage and family law in the high school curriculum.

CHILDREN RECOMMENDATIONS

I. JUVENILE JUSTICE

A. Age Jurisdiction of Ohio Youth Commission

The Task Force recommends that §6139.25 be amended so that both boys and girls may be committed to the Ohio Youth Commission at the same age, twelve.

B. Juvenile Treatment Facilities

1. Single-Sex Facilities

The Task Force recommends that juvenile treatment facilities used for educational, social, and vocational purposes be made coeducational.
II. SOCIAL SERVICES

A. Inadequacy of Services

The Task Force recommends that the State of Ohio be required to provide adequate child care services to both the mother and the father of any illegitimate child. The State should be required to ensure that all children have access to professional child care services. This includes providing counseling about birth control and to procure adoption if either parent desires to end their parental responsibilities.

III. MISCELLANEOUS DIFFERENTIALS

The Task Force recommends that both parents be treated equally with respect to their parental duties and obligations. Specifically, §201.12 should be amended to require theprobate court to record both the parents’ names in the guardian's docket. §201.05 should impose the duty of filling a personal property tax return for a minor, idiot, or insane person who does not have a court-appointed guardian or both parents, if either is deceased, on the surviving parent. In the event of a divorce or legal separation or dissolution of marriage, then on the parent with the custody of the child. §191.21 should provide that either parent can recover all or a portion of sums paid to the state for the institutional care of a minor child from the other parent on the basis of each parent’s respective ability to provide support to the child, as determined under §1910.03, [See Marriage and Family Chapter, II(C)]. §§201.07 and 201.08, dealing with service of process on a minor, have been superseded by the Ohio Rules of Civil Procedure and should be repealed.

IV. ILLEGITIMACY

Since the existing concept of legitimacy requires different legal treatment of parent-child relationships based solely on the sex of the parent, the Task Force recommends that §§205.17, 205.18, 375.15, 1017.06, and Ch. 311 be repealed, and that a comprehensive parentage act, modeled in part, after the Uniform Parentage Act, be enacted. Such legislation should cover all the situations in which parenthood may be an issue, including adoption, inheritance, custody, and child support. Under such an act, all children would be the legitimate children of their natural parents. Rights and duties between parent and child would not be determined solely by the marital status of the parents, or the act of formal acknowledgment by the father. Instead, parentage would be the governing factor.

V. CHILD CARE

A. Inadequacy of Services

The Task Force recommends that the State establish a priority during the next biennium for the establishment of high quality, universally available child care services which are funded in whole or in part by the State of Ohio.

B. Program Development

The Task Force further recommends the enactment of standards which indicate a priority during the next biennium to the provision of child care centers.

VI. AID TO DEPENDENT CHILDREN

Given the disparity in treatment between recipients of Aid to Dependent Children and those receiving Supplemental Security Income (now Aid to the Aged, Blind, and Disabled), and the discriminatory impact of this disparity on women and children, the Task Force recommends that the State of Ohio increase the benefits of ADC recipients to achieve parity with the other assistance programs and to ensure an adequate standard of living for women and children living in poverty.

EMPLOYMENT RECOMMENDATIONS

I. THE STATE AS EMPLOYER

A. Civil Service Changes—Women's Study Committee

The Task Force recommends that the Legislature consider the suggestions made by the Ad Hoc Women's Study Committee for Civil Service Law Revision, toward eliminating sex-based discrimination in civil service employment in the State.

B. Sex-based Classifications

The Task Force recommends that §§124.23 and 124.25, which relate to the area of civil service employment, be revised to make it clear that distinctions based upon sex between applicants or persons eligible for appointment are constitutionally impermissible and will not be tolerated.

C. Veteran's Preference

The Task Force makes no recommendation.

II. THE STATE AS REGULATOR OF PRIVATE EMPLOYMENT OR EMPLOYMENT-RELATED SERVICES

A. Licensing Boards

The Task Force recommends that, with regard to licensed professions, in all instances where a sex-based distinction limits entry into the professions or the scope of practice of the profession or the sex of the professional or the clientele, for example, §§4709, et seq., 4713, et seq., the limitations be repealed, whether statutory or administrative in nature.

B. Employment Agencies

The Task Force recommends that Chapter 4143 be amended to require the Department of Commerce to review the procedures of all employment agencies to determine if discriminatory practices, whether based upon race, color, religion, sex or national origin, are being followed or sanctioned by these agencies and to require the suspension or non-renewal of the license of any employment agency if there is an adjudication or final order finding that agency to have discriminated on the basis of race, color, religion, sex or national origin. In addition, it is recommended that the Department of Commerce adopt appropriate forms to be kept by all employment agencies so as to make the annual license renewal and review procedures meaningful.

C. Employment Rights of Minors

The Task Force recommends that §§203.01, 3331.01, and 4109.01 be revised by equalizing the age restrictions, in order to make equal the employment opportunities for minors of both sexes; §§4109.10, 4109.12, 4109.20 and 4109.25 should be reviewed by the Legislature to determine whether the exceptions addressed by these sections are still considered dangerous to minors; if so, the protection afforded by these sections should be extended to all minors regardless of their sex.

D. Protective Labor Legislation

1. Occupations

The Task Force recommends that the language of Chapters 4125, 4151, 4153, and 4157 be made sex neutral. In recognition of the ERA's mandate that all jobs must be available to all persons regardless of their sex.

2. Public Health

The Task Force recommends that §913.08 be amended to require all employees in the canning industry to wear "clean washable caps covering the hair."

3. Female Protective Legislation

a. Exclusionary Statutes

i. Specific Occupations

The Task Force recommends that the portion of §917 that prohibits the employment of females in certain occupations (for example, gas meter reader, freight elevator operator), be repealed.

ii. Weight Limit

The Task Force recommends that the portion of §4107.43 regulating weight lifting, be extended to men in a fashion designed to enhance rather than diminish the safeguards of workers' health and safety.

b. Restrictive Statutes—Hours Limitations

The Task Force recommends that statutes which restrict the number of hours a woman may work be amended so that no employee can be required to work in excess of 48 hours per week, unless the employee receives premium pay.
c. Beneficial Statutes

The Task Force recommends that statutes which provide employers to require

doing female employees with certain be-

neits (such as, work breaks, safety stand-

ards, and sanitary facilities), be extended
to cover male employees.

d. Administrative Statutes—Enforcement

The Task Force recommends that statutes that provide for the enforcement of female protective laws (for example,
§§4104.02, 4107.08, 4113.11 be amended
to reflect the new functions of the en-
forcement agency (that is, insuring that
all workers, male and female, receive
the protections granted them by law).

III. THE STATE AS PROVIDER OF EMPLOYMENT-
RELATED BENEFITS

A. Workers' Compensation

1. Survivors

The Task Force recommends that
§§4123.57, and 4123.60, which give special
treatment to widows with regard to work-
men's compensation benefits, be amended
to cover widowers.

2. Dependency

The Task Force recommends that §4123.59,
providing for death benefits to a dependent
spouse, be amended to treat widows and
widowers equally.

3. Bureau Name Change

The Task Force recommends that the name,
"Workers' Compensation Bureau," be
made gender-neutral; for example, the
agency could be called "Workers' Compen-
sation Bureau," or "Employees' Compensation
Bureau."

B. Unemployment Compensation

1. Disqualifications

a. Marital, Parental, Fidal, and Domestic
Obligations

The Task Force recommends that
§4141.29(D)(2)(c), which provides that
no unemployment compensation ben-

efits be paid to an individual who quits
work to marry or "because of marital, par-
ternal, filial, or other domestic obliga-
tions . . . .", be repealed because of its
discriminatory impact on women.


The Task Force recommends that
§4141.29(D)(2)(c), which provides that
no unemployment compensation bene-

fis be paid to an individual who "be-
came unemployed because of preg-
nancy," be repealed in order to remove
any confusion that may exist over the
status of pregnancy disqualifications.
In addition, it is recommended that all other
special post-pregnancy provisions that
provide for an arbitrary period of inel-
gibility without regard to the time at
which the actual disability ended (for example, §4141.29(G)), or which
impose some additional requirements or obstacles to reinstatement to eligible
status that are not imposed in the case of
other disabilities, be repealed.

2. Dependency

a. Dependent Spouses

See Marriage and Family Recom-
mendations II(E).

b. Dependent Children

The Task Force recommends that the
Bureau of Unemployment Compen-
sation discontinue the sex-discrimi-

datory practices it has adopted for
determining dependency conditions
under §4141.30. The Bureau should
use a simple balancing test in de-
termining these dependency factors,
as is presently mandated by the clear
language of §4141.30.

C. The Women's Division

The Task Force recommends that the Women's
Division, created pursuant to §4141.42, be
abolished.

INSURANCE, PENSIONS AND
TAXES RECOMMENDATIONS

I. DISABILITY INCOME INSURANCE

A. Unequal Availability

The Task Force recommends that renewable
and noncancellable disability income insur-
ance policies which are available to men in
various occupations be made available on
the same basis to women in those occupations.

B. Unequal Conditions

The Task Force recommends that where dis-
ability income insurance policies discrimi-

nate against women in terms of premiums, bene-

fits, waiting periods, eligibility conditions

and coverage, they be equalized and made
available to women on the same basis as men.

C. Risk

The Task Force recommends that rather than
failing female risk upon the number of wom-
en in an occupation, insurance be available
on a basis calculated only from the risks asso-
ciated with the occupation and made avail-
able to all persons, regardless of sex, upon
payment of the premium.

D. Work Patterns

With regard to women who work part time, at
home, or are employed by relatives
1. The Task Force recommends that in the
situation of the part-time worker, or the
woman employed by relatives, disability
coverage be made available with appropri-
ate safeguards.

2. The Task Force recommends that disability
insurance income be made available to the
homemaker; coverage should be calculated
on the value of the homemaker's work,
using the most current national figures, and
should be revised accordingly when ad-
justments are made.

II. MEDICAL INSURANCE

A. The Task Force recommends that where group
medical plans (offered by insurance compan-
ies licensed by the State of Ohio) currently
incorporate coverage or benefits variations
based on race, color, religion, sex, national
origin, or alienage, these distinctions be elimi-
nated.

B. The Task Force recommends that a notifica-
tion provision be written into the statutes so
insurance must be notified if, at the in-
stance of the policyholder, any alteration in
the policy or beneficiary should occur.

III. LIFE INSURANCE AND ANNUITIES

The Task Force recommends that differential
coverage and benefits in life insurance and an-
nuities which are based upon sex-linked classifi-
cations not be allowed.

IV. INSURANCE—GENERAL RECOMMENDATIONS

A. The Task Force recommends that an unfair
practices statute be enacted prohibiting sex-
linked discrimination in all types of insurance.

B. The Task Force recommends that where exis-
ting statutes do not include sex in defining
non-discriminatory classifications, they be
amended to do so.

C. The Task Force recommends that the Ohio
Department of Insurance be given the statu-

tory authority to disapprove any form of in-

surance available in Ohio which differentiates
in coverage, benefits, or premiums on the basis of sex or sex-linked characteristics.

V. PENSIONS FOR PRIVATE AND PUBLIC PLANS

1. Since discrimination exists in both public
and private employment-based pension plans, in
that male retirees have a greater reduction in
benefits than female retirees when they elect
the survivor option, the Task Force recom-


dends that the reductions be equal for both
male and female employees when survivor
options are elected.

2. Because states are virtually pre-empted by
the new federal law from playing any role in
the private pension field (and because, at the state
level, neither private nor public employment-
based pension plans can be sufficiently re-
formed to meet the legitimate needs of work-
ners and, at the same time, be non-discrimina-
tory), the Task Force recommends that a na-
tionally-administered, fully portable, non-
discriminatory pension plan be established
through appropriate federal legislation.

VI. TAXES

A. Estate Tax

The Task Force recommends that §2117.20,
R.C., be changed so that the surviving spouse
is provided an allowance for support which is
set off from the decedent's spouse's estate.

B. Income Tax—State and Federal

The Task Force recommends that a minimum
deduction or credit be enacted under state tax

law to put married wage-earning persons on
a par with unmarried wage earners.

VII. MISCELLANEOUS SECTIONS

In addition to the general discriminatory fea-
tures mentioned above, there are occasional mis-
cellaneous sections of the Code's provisions on
insurance which should be gender-neutral.
(See footnote 7 of Insurance, Pensions and Taxes
Chapter).
CRIMINAL LAW RECOMMENDATIONS

I. RAPE

A. Evidence of Past Sexual Conduct

The Task Force recommends an addition to the present rape law, §2907.02, R.C., as follows:

Evidence of specific instances of the victim's sexual conduct, and reputation evidence of the victim's sexual conduct, and evidence of the victim's reputation for chastity shall not be admitted under this section unless and only to the extent that the judge finds that the following proposed evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value:

(a) evidence of the victim's past sexual conduct with the actor;
(b) evidence of specific instances of sexual activity showing the source or origin of semen, pregnancy or disease at or immediately about the time of the alleged rape.

B. Corroboration and Proof of Resistance

The Task Force recommends that evidence of the victim's past sexual conduct with the actor;

(c) evidence of specific instances of sexual activity showing the source or origin of semen, pregnancy or disease at or immediately about the time of the alleged rape.

D. Rape Victims, Minor

The Task Force recommends that minors who are the victims of rape be afforded medical treatment under guidelines similar to those used for the treatment of medical emergencies of minor victims of non-sexual assaults.

E. Evidence Costs

The Task Force recommends that a statutory provision mandating the tests which are necessary to prosecute a rape case, standardizing and requiring that such tests be paid for by the responsible law enforcement agency be enacted. The statute should provide that the admission of such tests is not necessary for a finding of guilt, and no inference may be drawn by the defense for the failure to admit such tests. The cooperation and expertise of the state prosecutors' association, the state police chiefs' association, and the state hospital association should be obtained in determining which tests should be taken.

F. Rape Victims, Minor

The Task Force recommends that minors who are the victims of rape be afforded medical treatment under guidelines similar to those used for the treatment of medical emergencies of minor victims of non-sexual assaults.

II. PROSTITUTION

The Task Force recommends that the law which provides for the criminalization of prostitution be repealed, while other provisions consistent with decriminalization, such as those which prohibit procurement for prostitution, exploitation of prostitutes, and offensive and harassing solicitation for prostitution in public places remain in the Code.

III. THE CORRECTIONAL SYSTEM

A. Unequal Facilities

1. The Task Force recommends the immediate equalization of male and female treatment facilities to the greatest extent feasible, given the constitutional rights of the prisoners to be free from cruel and unusual punishment and to due process. The fixed nature of Ohio's present physical facilities, the vast disparity in size between the female institution and the male institutions, and the interest of the state in providing the best possible rehabilitation.

In addition, the Task Force recommends that before taxpayers' money is spent to build additional facilities, the sex-equivalent mandate of ERA be given serious consideration by the Legislature.

2. The Task Force recommends that the classification system, as mandated for men by §§5143.02 and 5145.01, R.C., be studied and that the system be made applicable on a sex-neutral basis or that the system be eliminated. The committee declines to make a more specific recommendation because the value of such a system is open to debate.

B. Jury Duty

The Task Force recommends that §2331.11 (which grants females a privilege from any arrest for any debt claim or demand arising upon a contract) be repealed, because each is obsolete.

5. Privacy

The Task Force recommends that §§5123.32 and 339.67 be expanded to provide that male mental patients and male tuberculous patients being transported under certain conditions be accompanied by male attendants.

6. Obsolete Sections

The Task Force recommends that §2945.42 (which related to actions for criminal non-support, which actions no longer exist) and §2331.11 (which grants females a privilege from any arrest for any debt claim or demand arising upon a contract) be repealed, because each is obsolete.

PUBLIC OBLIGATIONS RECOMMENDATIONS

I. ELECTIONS AND JURY DUTY

A. Elections

1. Name Changes

The Task Force recommends that §5003.18, R.C., be amended to preclude application of the name-change presumption to all women who marry. In practice this would mean notifying all applicants for marriage licenses that if they are changing their names they must also change their voter registration.

2. Honorifics

The Task Force recommends that §5003.13, R.C., be amended to delete all titles from voter registration forms.

B. Jury Duty

The Task Force recommends that §2313.16, R.C., dealing with jury, be so amended as to use gender-neutral terms such as "juror" and "spouse."

II. MILITARY PROVISIONS

A. Language

The Task Force recommends that Title 59, R.C., dealing with the Ohio National Guard and the Ohio Defense Corps, be so amended as to employ gender-neutral language.

B. Qualifications

The Task Force recommends that an independent group be formed including representatives from both the military and from
civillian ERA-oriented groups to review military procedures and regulations. Equal Opportunity should be made readily available to the members of both sexes to serve in the military.

C. Rape

The Task Force recommends that §109.120, R.C., be amended to prohibit sexual imposition on either sex in conformity with the new §2907.02 of the Ohio Criminal Code.

III. VETERAN’S BENEFITS

A. Relatives

The Task Force recommends that §§5901.05, 5901.06, 5901.07, 5901.08, 5901.25, 5901.05, 345.09, 345.16, and 129.46, R.C., which generally provide that benefits to veteran’s relatives go only to “wives, widows and mothers,” be amended to permit benefits to “spouses, surviving spouses, and parents.”

B. Madison Home

The Task Force recommends that §§5901.28, 4907.13, 5907.14 and 5907.16, R.C., providing the Madison Home for wives, widows, or mothers of veterans, be deleted, since the Home completely closed on January 15, 1975.

IV. BENEVOLENT CORPORATIONS

A. Trustees

The Task Force recommends that §§1715.29, 1715.30, R.C., be amended to permit any nonvested association (not just those of which women are trustees) to ask for the appointment of fiscal trustees of either sex, if such action is deemed advisable by the association.

B. Widows’ Homes

Because of the extreme administrative difficulty in retroactively revoking the charters of corporations designated as “widows’ homes” or as “asylums for aged and indigent women,” the Task Force recommends that §§1743.04, 1713.28 and 1713.29, R.C., be amended to provide for homes for the care of aged and indigent persons. The Task Force also suggests that the Legislature in the near future review these sections in their totality to determine whether or not these sections are still necessary.

C. YMCA

The Task Force recommends that §§1715.23, 1715.24, 1715.25, 1715.26, 1715.27, 1715.30 and 4907.30, R.C., which makes special provision for the Young Men’s Christian Association, be deleted and that the YMCA be treated, under §1702.12, like any other nonprofit corporation.

V. MISCELLANEOUS PROVISIONS

A. Fire Wardens

The Task Force recommends that §1503.11, R.C., which authorizes fire wardens to summon “any able-bodied” resident between eighteen and fifty years of age to aid in firefighting efforts, be amended to read “any able-bodied” resident.

B. Library Board

The Task Force recommends that §3375.12, R.C., which provides that the municipal library board shall consist of members, “not more than three of whom shall be women,” be amended by deleting the phrase “not more than three of whom shall be women.” The Task Force hopes that library boards do not become male monopolies, as have most other governmental boards.

C. County Children’s Services Board

The Task Force recommends that §§5153.05 and 5153.08, R.C., which require that at least one woman serve on the County Children’s Services Board, be amended to delete these special provisions for women, so as to make these sections gender-neutral.

D. University Housing Commission

The Task Force recommends that §§3477.09, R.C., which authorizes the state university housing commission to provide accommodations for the wives and children of students, faculty and staff, be amended to authorize the commission to provide accommodations to spouses and children.

E. State Agencies

While this Task Force did not have the time or the resources to examine the rules and regulations of all state agencies, the Task Force recommends that every state agency make a concerted effort to study their rules and regulations to make certain that they are in compliance with the mandate of the Equal Rights Amendment.

VI. AFFIRMATIVE POLICY RECOMMENDATIONS

A. All State Boards

The Task Force recommends that on all agencies, commissions, boards, etc., appointed by an officer or arm of government, the number of members of the board that are of one sex shall never exceed the number of the members of the opposite sex by more than one.
MARRIAGE AND FAMILY

I. Ability to Contract Marriage
   A. Age
   B. Marriage of a Female Ward

II. On-Going Marriage
   A. Determination of Domicile
   B. Determination of Legal Settlement for Poor Relief Payments
   C. Spousal Support
   D. Property Holding
      1. Present Common Law System
      2. "Married Women's Property Acts"
      3. Married Women and/or Widows
   E. Names
   F. Spousal Agency
   G. Consortium

III. Dissolution / Divorce

IV. Miscellaneous
   A. Order and Disposition of Cases on Appeal
   B. Free Transportation
   C. Damages of Lynching
   D. Marriage Relationship Contracts
   E. Education of Ohio Citizens about Marriage

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I.

§3101.01 should sent. 2 between 16 and 18 must obtain Recommendation The Committee report is in four parts:

The changes the Committee is suggesting in the ERA definition.

recommendation {

The charge of the Marriage and Family Committee of the Task Force is to review the sections of the Ohio Revised Code relating to marriage, divorce, dissolution of marriage, and death of one spouse in a marriage and correct any gender-linked discrimination; (2) to investigate gender-linked discrimination in the administration of these statutes; and (3) to suggest methods for eliminating such discrimination by proposing affirmative legislation, revising rules and regulations, or persuading the public. As the Committee approached its task, three principles were used against which to evaluate sex-based discrimination;

• the need to achieve a balance between the needs of individuals and the needs of society;
• the need to recognize the boundaries of legitimate state interest in the institution of marriage, that is, the state's need to know who and where its citizens are for purposes of licensing, taxation, the custody transfer of property, etc.;
• the need to insure that marriage is a viable institute by correcting the legal inequalities in it.

The Committee found that these three principles are not antithetical to either the letter or spirit of ERA, but rather can be accommodated while still assuring the rights guaranteed to citizens under the ERA.

The traditional views on marriage were widely divergent, from quite traditional to quite progressive, however the Committee was able to agree on the following definition of marriage:

"Marriage is the relation between man and woman in which the independence equals the dependence mutual, and the obligation reciprocal."

The changes the Committee is suggesting in the Ohio Revised Code reflect that definition.

Although the charge of the Committee was to examine marital law and the effect the Ohio Revised Code have on it, the Committee fully realizes that the marital relationship is much larger than a legal contract. This report addresses the areas of marital law which will be affected by the ERA; however, the personal, psychological and social relationships in marriage must be addressed by educators, health professionals, sociologists and others if the goal of equality for both spouses in a marriage is to be realized.

The Committee report is in four parts:

• the ability to contract marriage;
• on-going marriage;
• dissolution and divorce;
• miscellaneous.

A. Ability to Contract Marriage

§3101.01 should be amended to provide that persons who are 18 years of age or over may marry without parental consent; those between ages 16 and 18 may marry with parental consent.\footnote{Louis Kaufman, American Heritage Dictionary of the English Language, 3d ed. (1976), p. 783.}

Rationale Equating the ages for men and women is necessary to eliminate gender-based discrimination present in the statute. The Task Force recommends age eighteen because the age of 18 is recommended as the age of majority both in Ohio and the United States and child marriages should be discouraged in order for Ohio citizens to complete their education, attain job skills, and acquire the ability to provide mutual support in a marriage relationship.\footnote{See §3101.04 and §3101.05, supra footnote.}

B. Marriage of a Female Ward

Problem The present statute, §2111.45, provides that marriage of a female ward determines guardianship to her person, but not as to her estate. There is no analogous statute pertaining to male wards.

Recommendation §2111.45 should be amended to terminate guardianship of the person of wards of both sexes upon marriage.

Rationale The statute must be extended to male wards to eliminate gender-based discrimination in the present statute. Any person who was a ward prior to marriage would be an independent person after marriage. However, guardianship of the estate of a ward would not change as a result of his or her marriage.

II. on-going marriage

A. Determination of Domicile

The domicile of a person is that place in which the person's habitation is fixed, and to which, whenever the person is absent, he/she has the intention of returning. The Ohio Divorce Reform Act of 1974 repealed §3101.02 which provided that the husband was the head of the family and that he could choose any reasonable place or mode of living and the wife had to conform thereto. Thus, under this section, the wife's domicile was determined by the domicile of her husband. Since this section was repealed, no new provision has been enacted to clarify the method of determining domicile.\footnote{Ohio Revised Code §5113.05 should be amended to provide that one who marries a person with legal settlement in any county and resides there with intention to establish residence acquires the right of the spouse to receive poor relief.}

Although the domicile of children has been a matter of judicial decision, former §3101.02 led to the assumption that in an on-going marriage the domicile of the father was also that of the child.

Recommendation A new statute should be enacted prescribing the manner in which domicile is established. The statute would recognize the individual's right to determine his/her own domicile apart from that of the individual's family and would specifically state that domicile may not be

acquired or lost by marriage alone. A suggested form is attached. (See Appendix to this chapter.)

A minor child's domicile should be determined by the responsible parent or parents.

Rationale Determining domicile on an individual basis eliminates gender-based discrimination. Although Ohio statutes no longer contain an explicit gender-discriminatory domicile rule, legislation is needed to affirmatively state that marriage or change in marital status alone does not affect the domicile of an individual. A clarification of the minor child's domicile is needed in marriages which are on-going, have children, and yet the spouses are maintaining separate domiciles.

B. Determination of Legal Settlement\footnote{Ohio Revised Code §5113.05 should be amended to provide that one who marries a person with legal settlement in any county and resides there with intention to establish residence acquires the right of the spouse to receive poor relief.} for Poor Relief Payments

Problem The legal settlement statute, §5113.05, provides that all men and unmarried women must reside in the state for one year in order to receive poor relief payments, and married women automatically acquire settlement of their husbands. (Since Butler v. Breyer, 355 F. Supp. 465 (D. Ohio, 1972), invalidation of the one year residency requirement, the statute should be re-examined in its totality.)

Recommendation §5113.05 should be amended to provide that one who marries a person with legal settlement in any county and resides there with intention to establish residence acquires the right of the spouse to receive poor relief. The legal settlement statute should contain an affirmative statement that marriage alone does not affect the settlement of an individual.

Rationale The change eliminates gender-based discrimination against men.

C. Spousal Support

Problem §3103.03 provides that the husband must support himself, his wife, and their children.

\footnote{Testimony of Prof. Hugh Buse, Case Western Reserve Law School, Cleveland, Ohio, March 4, 1975. For further discussion see The Uniform Marriage and Divorce Act—Marital Age Provisions, 57 MINNESOTA LAW 941 (1974).}
D. Property Holding

Only where the husband cannot support his family is there an analogous duty on the part of the wife. If the husband fails to support his wife, a third person may supply her with necessary support and maintain the wife according to her position as a wife, a third person may maintain the wife according to the position and condition of the life and means of the husband.

**Rationale**

The statutes listed in footnotes 14-20 should be amended to be gender-neutral and applicable to either spouse or surviving spouse.

D. Property Holding

1. Ohio's Common Law Property System

Ohio has a common law property system in which each marital person owns what he or she earns and what he or she brought into the marriage. Property other than land which belongs to one spouse can be sold or used without the consent of the other. Ohio does make some limited provision for jointly held property, with rights of survivorship in common law systems.

The current system derived from the common law property system, in which the husband owned all the real property of the wife and managed all her personal property of the husband as well. She did not control her own earnings or have the right to bring legal actions; these rights accrued to her husband. She could not enter into contracts, and had no independent legal identity. The discriminatory features of property ownership in an on-going marriage began to disappear in the nineteenth century. In 1937 and 1938, the so-called "Married Women's Property Acts," giving married women the same rights to ownership and control of property as all other adult persons. A serious objection to the common law property system is that the homemaking spouse might be prevented from sharing in the earnings of the other spouse. This disability could disadvantage the homemaking spouse in the event of divorce or dissolution. The statutes recognizing common law property holding in Ohio are generally gender-neutral.

An alternative system which is in effect in several states in the United States today is the community property system. Under this arrangement, property brought into the marriage or inherited during the marriage is community property but property brought into the marriage by either spouse during the marriage are considered separate property, jointly owned by both. During the on-going marriage, the community property is not split evenly into the marital or her hers, but on dissolution of the marriage, is to be divided between the two marital parties.

In fact, in most community property states, the husband has, or has had until recently, the sole management and control of the community property during the on-going marriage. One of the most serious objections to the community property system is that the deceased spouse can claim the community property assets of the other.

**Rationale**

The statutes which provide for the common law property holding system in Ohio should remain unchanged.

2. "Married Women's Property Acts"

Several sections of the Code were enacted as part of the "Ohio Married Women's Property Acts" and provide married women with the same rights as all other adult persons.

Specifically, §2107.37 provides that a will executed by an unmarried woman is not revoked by subsequent marriage; §2107.39 provides that marriage of a woman does not disqualify her as a testator; §207.09 permits a married woman to sue and be sued if unmarried; §2323.09 provides for judgment against a married woman.

**Rationale**

Although the repeal of these sections would be one method of complying with the ERA, the Task Force recommends an affirmation of the equality principles inherent in these sections by making them applicable to all married persons.

3. Married Women and/or Widows

Certain sections of the Ohio Revised Code relative to property are sex discriminatory in that they apply specifically to married women and/or widows such as widow's alimony, personal property, personal property exempt from attachment, various liens on property, particular exemptions and order of payment of debts. Certain provisions dealing with dowar are sex-neutral in application but discriminatory in their language.

**Rationale**

The following is a descriptive rather than co-operative discussion of Ohio's common law property-holding system.

While Both Spouses are Alive

(1) Personal Property. §3103.07 provides that a married person may hold and dispose of both personal and real property of that spouse whether the other spouse has any interest in the personal property of the other merely as a marital relation. It also allows for action and sales against each spouse. A husband or wife has no vested or quased rights in his or her spouse's personal property during the life of that spouse. Either may dispose of personal property during the life without the consent of the other.

(2) Community Property. §3103.07 provides that a married person may hold and dispose of both personal and real property of that spouse whether the other spouse has any interest in the personal property of the other merely as a marital relation. It also allows for action and sales against each spouse. A husband or wife has no vested or quased rights in his or her spouse's personal property during the life of that spouse. Either may dispose of personal property during the life of another spouse without the consent of the other.

(3) Joint Property. §3103.07 provides that a married person may hold and dispose of both personal and real property of that spouse whether the other spouse has any interest in the personal property of the other merely as a marital relation. It also allows for action and sales against each spouse. A husband or wife has no vested or quased rights in his or her spouse's personal property during the life of that spouse. Either may dispose of personal property during the life of another spouse without the consent of the other.

(4) Separate Property. §3103.07 provides that a married person may hold and dispose of both personal and real property of that spouse whether the other spouse has any interest in the personal property of the other merely as a marital relation. It also allows for action and sales against each spouse. A husband or wife has no vested or quased rights in his or her spouse's personal property during the life of that spouse. Either may dispose of personal property during the life of another spouse without the consent of the other.

(5) Personal Property. §3103.07 provides that a married person may hold and dispose of both personal and real property of that spouse whether the other spouse has any interest in the personal property of the other merely as a marital relation. It also allows for action and sales against each spouse. A husband or wife has no vested or quased rights in his or her spouse's personal property during the life of that spouse. Either may dispose of personal property during the life of another spouse without the consent of the other.

(6) Community Property. §3103.07 provides that a married person may hold and dispose of both personal and real property of that spouse whether the other spouse has any interest in the personal property of the other merely as a marital relation. It also allows for action and sales against each spouse. A husband or wife has no vested or quased rights in his or her spouse's personal property during the life of that spouse. Either may dispose of personal property during the life of another spouse without the consent of the other.

(7) Joint Property. §3103.07 provides that a married person may hold and dispose of both personal and real property of that spouse whether the other spouse has any interest in the personal property of the other merely as a marital relation. It also allows for action and sales against each spouse. A husband or wife has no vested or quased rights in his or her spouse's personal property during the life of that spouse. Either may dispose of personal property during the life of another spouse without the consent of the other.

(8) Separate Property. §3103.07 provides that a married person may hold and dispose of both personal and real property of that spouse whether the other spouse has any interest in the personal property of the other merely as a marital relation. It also allows for action and sales against each spouse. A husband or wife has no vested or quased rights in his or her spouse's personal property during the life of that spouse. Either may dispose of personal property during the life of another spouse without the consent of the other.
**Rationale**

Gender-based discrimination in these statutes should be corrected by extending the rights contained in these statutes to men.

**E. Names**

Although it is a widely accepted practice, there is no statute in Ohio which requires that a wife change her name upon marriage to that of her husband. Married women have the legal right now to maintain their birth names after marriage. However, in practice, many women are denied the use of their birth names; for example, by administrative regulations or by creditors. Further, in an instance where a woman uses a name different from her husband’s, a problem arises in naming children born to the marriage.

**Recommendation**

In order to lessen confusion in this area, Ohio should enact a statute which permits the parties to a marriage to state each party’s choice of name at the time of marriage license application. The name(s) would not necessarily have to relate to any name already having existed. We support a recent Massachusetts Attorney General’s Opinion (October 29, 1974) which states that a child of a marriage may be given any name the parents wish. In the event of divorce or dissolution of the marriage of the child’s parents, the child would continue under the name given to him/her at birth, if for any reason the child wants to go by some other name, he/she would have the right to request a name-change from the probate court.

**Rationale**

The proposed affirmative legislation will enable persons to clearly establish their choice of names at the time of marriage. The recommendation reaffirms the conviction that right of all Ohioans to go by whatever name they choose as long as there is no intention to defraud, while providing a document to buttress that choice.

The recommendation relative to children’s names allows parents maximum freedom in the selection of children’s names, while specifically allowing for giving the child a hybridized combination of both parents’ birth names.

**F. Spousal Agency**

Article X, §1311.10 codifies the agency principle in situations in which a husband acts as his wife’s agent when she is the owner of certain property and the husband contracts as to that property with her knowledge and without her express objection.

**Recommendation**

Repeal §1311.10.

**Rationale**

Spouses would be bound to contracts by agency principles contained in the common law without a specific statute.

**G. Consortium**

**Problem**

Consortium is the companionship, comfort, conjugal affection, and sexual relations which all form part of the relationship between married persons. When one spouse is injured, intentionally or negligently, the other spouse suffers, too, and the uninjured spouse may sue for loss of consortium. The law governing actions for loss of consortium is not in the Revised Code but is based on case law. The review of case law indicates that, although the original common law principle held that only a husband could sue for loss of consortium, this principle has been modified by subsequent court cases to allow the wife an equal right to sue.

**Recommendation**

The Task Force recommends that no affirmative legislation is needed.

**III. DISSOLUTION/DIVORCE**

**Problem**


Simon Lazarski disagrees from the majority view (stating that a child should have the surname of one of its parents).

Lazarski, Winning, Gail and Lazarski disagree in this recommendation because they believe that voluntary registration will be ineffective. Registration should be mandatory at the time the marital license is issued. This registration should also be filed with the Ohio Vital Statistics Division. In the event of divorce or dissolution, each party would file with the court the name of the child currently on file with the Division. This would also be filed with the Ohio Vital Statistics Division. Further, the legal obligation for the support of a child would continue until the name is changed.

This process of name change should be the only way a citizen can change his or her legal name other than through the registration filed at the time of marriage and dissolution/divorce, unless the court order.

**Recommendation**


**IV. MISCELLANEOUS**

**A. Order and Disposition of Cases on Appeal**

In a case where relief is sought for death caused by negligence and where the widow or family of the decedent may receive $500,000 or more, future courts have the discretion or choice of him to decide the decedent’s daily labor. $2501.09(e) and $2507.37(f) require that these cases be advanced in the docket order.

**Recommendation**

Amend Substitute House Bill No. 513 effective September 23, 1974, to provide for fast-tracking in any appeal where the widow or family of the decedent’s daily labor. $2501.09(e) and $2507.37(f) require that these cases be advanced in the docket order.

**Rationale**

Since a widow meets the definition of next of kin, gender-based discrimination can be eliminated from the statute by deleting the word “widow.”

**B. Free Transportation**

**Problem**

§4907.30 exempts widows of employees who die while in the performance of any common carrier from the law that prohibits free transportation on the railroads.

**Recommendation**

Amend §4907.30 by changing “widow” to “surviving spouse.”

**Rationale**

Extending this right to widowers eliminates gender-based discrimination.

**C. Damages of Lyming**

**Problem**

§3761.04 provides that the widow of a lynching victim may recover up to $5,000 in damages from the county.

**Recommendation**

Change “widow” to “surviving spouse.”

**Rationale**

Extending this right to widowers eliminates gender-based discrimination.

**D. Marriage Relationship Contracts**

**Problem**

§3103.06 states that a husband and wife cannot, by contract with each other, alter their legal relations, except that they may agree to an immediate separation and make support provisions for themselves and their children during the separation. This section prohibits antenuptial agreements, such as agreements that would provide for religious education of children, agreements allowing the wife to maintain her own name, and agreements waiving the inheritance rights of the spouses in each other’s estates, have been held to be invalid and not within the prohibitions of this section. Further, §3103.06 is an exception to the general rule stated in §3105.03, that a husband or wife may enter into any agreement or transaction with the other, or with any person, which may not be valid, as a subject; transactions.
between themselves, to general rules which control the actions of persons occupying con­
tinental relations with each other.

Recommendation
No change should be made in the statute.

Rationale
The statutes are gender-free and permit Ohio citizens to contract with each other concern­
ing major aspects of their marital contract. In addition to formal legal contracts, the Task Force speci­fied personal marriage agreements which permit parties to a marriage to make as many conscious decisions as possible prior to the marriage about how they will live together, and to reevaluate these decisions regularly during the marriage. For this latter purpose the Task Force encourages the use of a tool popularly being called “marriage con­tracts,” but feels these should not be binding legal contracts, but rather personal marriage agreements. (Examples of several such “contracts” are contained in the Appendix of the report.)

E. Education of Ohio Citizens About Marriage

Problem
Most parties to a marriage are not aware of the legal rights and responsibilities entailed in marriage. The Task Force believes that a full understanding of the legal concepts of marriage and divorce/dissolution by both the women and men intending to marry can only strengthen the marriage bond. In addition, both parties should understand those aspects of marriage discussed in the introduction which are beyond the scope of the ERA.

Recommendation
The Committee favors marriage and family courses in high school and recommends that the State Department of Education foster and encourage the inclusion of courses which discuss marriage and family law in the high school curriculum.

Rationale
It is our belief that the family as a basic instit­ution of society will continue to exist in spite of economic, political, or religious change. It is assumed that the family institution encompasses a relationship which provides not only the basic needs of living but also the sense of belonging which is crucial to human development; therefore, the term “family” may refer to a variety of human relationships.

In order to build a stronger and more realistic base for future family life, Marriage and Fam­ily courses in the high school curriculum must be broadened to include the following units:

- legal aspects of family life
- financial aspects of family life
- division of labor within families
- physical requirement of living (e.g. shelter, food, etc.)
- psychological and interpersonal needs of family members

We believe that such a preparatory course is crucial for all young adults as the success of on-going marriage cannot be left to the law or chance, but depends on individual readiness to face the decisions and responsibilities in­

APPENDIX A
PROPOSED DOMICILE STATUTE
AN ACT
RELATING TO ESTABLISHMENT OF DOMICILE.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF OHIO:
Section 1. Section 3103.02 is enacted to read:
3103.02. DOMICILE—RULE FOR DETERMINING.
—For the purpose of determining domicile, domicile shall be determined by the following rules:
A. The domicile of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return.
B. The place where a person’s family resides is presumed to be his domicile, but a person who takes up or continues his abode with the intention of remaining at a place other than where his family resides is domiciled where he abides.
C. A change of domicile is made only by the act of removal joined with the intent to remain in another place. There can be only one domicile.
D. A person does not gain or lose domicile solely by reason of his presence or absence while employed in the service of the United States or of this state, or while a student at an institu­tion of learning, or while kept in an institu­tion at public expense, or while confined in a public prison or while residing upon a military reservation.
E. No member of the armed forces of the United States, his spouse or his dependent is domici­led in this state solely by reason of being stationed in this state.
F. A person does not lose his domicile if he leaves his home and goes to another country.

state or place within this state for temporary purposes only and with the intention of returning.
G. A person does not gain a domicile in a place to which he comes for temporary purposes only.
H. A person loses his domicile in this state if he votes in another state in an election requiring residence and/or domicile in that state, and has not upon his return regained his domicile in this state under the provisions of the Constitu­tion of Ohio.
I. A person does not acquire or lose domicile by marriage only.

MINORITY REPORT of Maryann Gall
RE: §3103.03—“Necessaries” (II(C))
The Ohio Revised Code, Section 3103.03 pro­vides, in part, that if the husband “neglects to support his wife, any other person, in good faith, may supply her with necessaries for her support, and recover the reasonable value thereof from the husband unless she abandons him with cause.” The “necessaries” doctrine is an anachronism in today’s society and has lead to much confusion in the areas of women’s credit—especially women, married or not. Although society has changed, and more and more women now have their own incomes, creditors retain the historical reluctance to extend credit—they believe that, despite a woman’s own credit worth, the husband is ultimately liable for debts construed to be part of her support. The problem is not so much with the present law, which does allow a woman to purchase solely on her own credit; the problem is with creditors’ perception of the law. As the necessary clause is part of the cause of this confusion, it should be eliminated. It would serve little purpose to extend this hazy, out­moded concept to husbands as well as wives. In ad­dition, when the ERA abolishes the husband’s pri­mary duty to support his family and places liability for household and family expenses on both spouses equally, there will be no need for specific legislation covering the narrow situation of “necessaries.” There­fore, I recommend that the “necessaries” clause of R.C. 3103.03 be eliminated rather than changed.
I. Juvenile Justice
   A. Age Jurisdiction of Ohio Youth Commission
   B. Juvenile Treatment Facilities
      1. Single Sex Facilities
      2. Vocational Opportunities
   C. Juvenile Court Referees
   D. "Unruly Child" Status Offense

II. Social Services

III. Miscellaneous Differentials

IV. Illegitimacy

V. Child Care
   A. Inadequacy of Services
   B. Program Development

VI. Aid to Dependent Children

COMMITTEE:
Lila Burke, Chair
Betty Carroll
Catherine Catanzarite
June R. Galvin
Margaret Rosenfield
I. JUVENILE JUSTICE

A. Age Jurisdiction, Ohio Youth Commission Problem

Under present law, the age at which a child may be committed to the Ohio Youth Commission (OYC) depends upon the sex of the child. Section 5139 of the Ohio Revised Code authorizes the OYC to take permanent custody of delinquent males between the ages of ten and twenty-one and of females between the ages of twelve and twenty-one. The ERA requires the elimination of age differentials based solely on sex.

Recommendation

The Task Force recommends that §5139.05 be amended so that both boys and girls may be committed to the Ohio Youth Commission at the same age, twelve.

Rationale

The notion that boys, by nature, are prone to commit more serious offenses at an earlier age and to deal with more seriously than girls is not supported by empirical evidence. The Ohio Youth Commission advocates that the minimum be set at twelve for both boys and girls.

B. Juvenile Treatment Facilities

1. Single-Sex Facilities

Problem

The juvenile treatment facilities presently operated by Ohio are primarily sex-segregated. The OYC operates facilities for boys between the ages of twenty-one and of females between the ages of twelve and twenty-one. The ERA requires the elimination of age differentials based solely on sex.

Recommendation

The Task Force recommends that §5139.05 be amended so that both boys and girls may be committed to the Ohio Youth Commission at the same age, twelve.

Rationale

The notion that boys, by nature, are prone to commit more serious offenses at an earlier age and to deal with more seriously than girls is not supported by empirical evidence. The Ohio Youth Commission advocates that the minimum be set at twelve for both boys and girls.

when addressing the subject of incarceration.

II. Vocational Opportunities

Problem

Even though the ERA may not require complete integration of juvenile facilities, it will require correcting existing inequities between boys' facilities and girls' facilities. The vocational and educational opportunities available to girls are substantially less than those available to boys. In addition, those vocational programs that are offered are frequently aimed at preparing girls for the traditional woman's role and occupation. For example, girls are given the opportunity to learn cosmetology or cooking, while boys can study auto mechanics.

Recommendation

The Task Force recommends that vocational and educational opportunities available to females in juvenile facilities be equal to those available to males. Such opportunities should not be limited to areas that have traditionally been occupied by women.

Rationale

Tradition and educational programs provided in juvenile facilities should not be determined by traditional sex stereotyping; both boys and girls should be exposed to the same variety of programs.

C. Juvenile Court Referees

Problem

ES215.15 provides that whenever possible a female referee shall be appointed in the trial of a female offender; there is no preference for appointing male referees for male offenders. This differential treatment will not be permitted under the Equal Rights Amendment. A preference system of assignment, based on sex, is particularly undesirable because in practice, it works to the disadvantage of the female offender. The recommendation that juvenile offenders tend to be similar in nature; for example, running away, truancy, ungovernability. When one referee is confronted repeatedly by similar offenses, the referee has a tendency to develop a stereotyped approach to dealing with offenders, often ignoring the particular problems and circumstances of the individual offender.

Recommendation

The Task Force recommends that §2151.15 be amended to incorporate a statute requiring that juvenile court referees be assigned on a random basis, unless the individual children requests that the referee assigned be of a particular sex.

Rationale

It is important that random assignment be made to a statutory requirement, rather than simply abolishing the present sex-preferential provision. If random assignment is not required by statute, there will be a tendency for courts to continue to assign male referees to female offenders. It should be possible for a child to indicate a preference that the referee assigned be of a particular sex (and not necessarily of the same sex).
D. "Unruly Child" Status Offense

Problem

Historically, the juvenile court system developed to protect the children who committed criminal acts from being subjected to adult criminal sanctions, and to initiate alternative measures with the child's interests in mind. However, in addition to dealing with criminal behavior, the Ohio juvenile system deals with children who fail to respond to lawful authority.

§2151.222 provides that an "unruly child" is one:
(A) Who does not subject himself to the reasonable control of his parents, guardian, or custodian, by reason of being wayward or habitually disobedient;
(B) Who is an habitual truant from home or school;
(C) Who so departs himself as to injure or endanger the health or morals of himself or others;
(D) Who attempts to or procures another to commit a crime.

The "unruly child" statute raises an ERA problem because the vagueness of the statute permits officials to apply the statute in a sex-dis­crimination fashion. Testimony revealed that the application of the "unruly child" statute is discriminatory in the treatment of the sex of parents, guardian, or custodian, in the treatment of a minor patient's mother as opposed to paternal treatment of the father. The concept is sex discrimination. Under the AMA, essentially all patients can be handled in the same way. This raises serious concern among the testifying counsel.

Recommendation

The Task Force recommends that the Ohio General Assembly undertake a thorough revision of O.R.C. §2151.222 which governs the "unruly child": particular attention should be given to correcting existing inequities in the application of the law to male and female juveniles, to providing adequate alternatives to placement in juvenile detention facilities, and to the establishment of guidelines for applying the "unruly child" statute which are non-discriminatory.

Rationale

The problems inherent in the "unruly child" statute are great. Yet certain portions of the statute, specifically subsections (A) and (D), are legitimate objects of legislative concern.

There is an urgent need for the Legislature to establish guidelines for the application of this statute which will permit the court to continue to apply in a sex-dis­crimination fashion. In addition, the Legislature should concern itself with improving local social services so that the basic of juvenile offenders can be handled outside the court system. The Juvenile Justice and Delinquency Act of 1974 states that the Legislature should provide administrators of the ADC program to refer both the mother and the father of an illegitimate child.

§5106.10 should be amended to permit administrations of the ADC program to refer both the mother and the father of an ADC recipient for counseling about birth control and to procure for the mother any birth control devices needed.

Rationale

The task force recommends that §5121.6 allow the recovery of payments made to the state by the mother or father who is a state institution from such minor patient's father.

§5121.27 and 2101.29, dealing with the service of notice and summons on minors, specify that service is to be made on "his guardian, father, mother, the person having care of the minor or the person with whom the child lives in wedlock." These sections were renderd obsolete with the adoption of Ohio Civil Rights 4 and 73.

Recomendation

The Task Force recommends that both parents be treated equally with respect to their parental duties and obligations. Specifically, §2101.10 should be amended to require the probate court to record both parents' names in the guardian's docket. §5711.06 should impose the duty of filing a personal property tax return for a minor, idiot or insane person who does not have a court-appointed guardian on both parents, and if either is decedent, on the surviving parent, in the event of a divorce or legal separation or dissolution of marriage, then on the parent with the custody of said property.

§5121.21 should provide that either parent can recover all or a portion of sums paid to the state for the institutional care of a minor child from the other parent on the basis of each parent's respective ability to provide support for the child, as determined under §3103.05 (See Marriage and Family Chapter). §2101.26 and 2101.08, dealing with service of process, have been superseded by the Rules of Civil Procedure and should be repealed.

Rationale

This recommendation will render the above Code sections gender neutral.

IV. ILLEGITIMACY

Problem

Historically, the purpose of the concept of illegitimacy was to discourage illicit sexual relations by making the products of these relations legally and socially disfavored. The concept is sex discriminatory, because the legal treatment of patients in that regard is based more on the sex of the parent, and therefore the treatment of the child. The rights and duties running between the father and the illegitimate child are substantially different than those between the mother and the child. Under the present law, a child born out of wedlock has no rights of inheritance against the father's estate. Although §2101.17 does give the child similar rights against the mother's estate. Under §3111.17, the out-of-wedlock child has no right to support from the father unless a successfulaternity proceedings has been initiated.
brought. The mother's duty of support is automatically established when she has a child by bearing a prescribed child. Although children clearly have "legitimate" interests, the putative father is not given any rights regardless of the sex or marital status of the parent. These responsibilities and restrictions are in existence until they are overridden by neglect of paternal obligations for a significant period of time, or until other persons adopt their children with their consent. Ascertainment of parenthood thus becomes the crucial factor.

Rationale

The growing judicial recognition of the constitutional problems with disparate treatment of legitimate and illegitimate children and their parents, as well as the ERA problems raised by the sex-based distinctions, makes affirmative legislation dealing with responsibilities of parenthood the most desirable.

A basic tenant of a comprehensive parenthood act should be that all biological parents who can reasonably be identified have the same responsibilities and rights regardless of the sex or marital status of the parent. These responsibilities and restrictions are in existence until they are overridden by neglect of paternal obligations for a significant period of time, or until other persons adopt their children with their consent. Ascertainment of parenthood thus becomes the crucial factor.

V. CHILD CARE

A. Inadequacy of Services

Problems

The lack of adequate child care services in the state of Ohio raises ERA problems because the State recognizes a need for increased legal support for the safety and health of children, both biological and adopted. Mothers have traditionally been considered the most qualified persons to raise children; as a result, mothers have been given the responsibility of full-time care regardless of whether an alleged father has been assigned the role of sole breadwinner. However, these traditional notions ignore the realities of today's world. Before the recent economic decline, it was estimated that at least five out of ten children with age eighteen were in the labor market. The axiom that "motherhood is the life work of women" no longer holds true for a large number of Ohio's mothers.

Many women are presently unable to assume the role of full-time child caretaker for three major reasons. First, it is economically imperative for many mothers to work to supplement the family income. Second, it is usually advantageous for the child to be brought up in the home of a single parent. And third, if the mother of the child is employed, the child may be in the care of someone other than the mother, and the custodial arrangement may not be until the time the child is five years old.

Special Report

This report has been prepared to make the task force aware of the adequacy of services available to mothers and children in the state of Ohio. The report is not an exhaustive study but rather a preliminary indication of the kinds of problems which exist.

References

[1] Ibid., §42. See also Working Mothers. (248,500, Washington: GPO, 1974, p. 6.)

Provisions

The right of the father to custody of the child is inferior to that of the mother, but superior to that of all other persons. If a man dies, his child, as such, is the heir. The right of the mother may be limited only by the express consent of the child, the custody, the care, and the education of the child.-Ibid.

Note

The Uniform Parentage Act of 1973, as amended, provides for the determination of the duty of support by the mother or father as provided for in Sections 3111.17 (C) and 3111.17 (L) (C).

The mother's rights are limited only to those who have a non-marital child. If the child has been adopted, the biological mother would have no rights.

The Uniform Parentage Act permits the mother to seek custody of the child in any court of competent jurisdiction. If the child is not adopted, the biological father has no right to seek custody of the child.

The Uniform Parentage Act of 1973, as amended, permits the mother to seek custody of the child in any court of competent jurisdiction. If the child is not adopted, the biological father has no right to seek custody of the child.
themself and their families. With the rising divorce rate, the number of female-headed households is on the increase. In addition, married women who are forced to work because their husband's income alone is insufficient to meet the family's needs. Second, many middle-class mothers have personal or professional aspirations in addition to those of motherhood and desire to combine the rewards of child rearing with the challenge of participating in the adult world. Third, some mothers are emotionally, physically or mentally unable to cope with the responsibilities of full-time child rearing. Existing child care services are inadequate in terms of quantity, quality and cost. There are only approximately 60,000 slots in licensed day care facilities throughout the state, yet, there are approximately 250,000 children under age six whose mothers work.

The cost of quality child care to lower and middle income families is generally prohibitive. The cost of average quality day care is paid by 93x118

rearing.

The cost of average quality day care is paid by 93x118

in Ohio, according to the 1970 Census, there were 60,400 female heads or households in which there were 6 children over 6 years old. There were 6,850 children with ages between 6-13 years. There were 130,450 children living below the poverty level whose mothers were in the labor force. In Cuyahoga County, according to the 1970 Census, every third family had a employed. Many mothers and fathers need to be free during portions of the day to pursue educational or personal goals and civic responsibilities. An important factor in any child care plan is flexibility. Child care should be available to parents who work right or weekend shifts, and in cases of family emergencies.

B. Program Development

Problem

Presently child day care is governed by Chapter 5104 of the Ohio Revised Code. Contained within this section are numerous rules and regulations which cover requirements to achieve a state license. While there is sufficient attention to physical facilities little attention is given in program development.

Recommendation

The Task Force further recommends the enactment of standards which speak to program development.

Rationale

A variety of programs that enhance the developmental level of children is available to meet differing child care needs. Children experiencing full-time care clearly need different programs than children who are in child care situations only on an occasional or part-time basis.

VI. AID TO DEPENDENT CHILDREN

Problem

The level of funding for the Aid to Dependent Children (ADC) program has been set by the State of Ohio to provide only 49% of the cost of maintaining the minimum standard of health and decency. Underfunding presents an ERA problem because of its discriminatory impact on women. The majority of ADC recipients are women and children. The ADC program is the one assistance program having not only the minimal level of funding, but also the smallest level of participation by adult males. Of the various government programs designed to aid those in need, these programs having greater percentages of male participation are not achieving the additional funding levels than the ADC program.

The refusal to set ADC grants at a level which would insure a minimum standard of health and decency is indicative of the widespread low regard afforded welfare mothers and their children.

Recommendation

Given the disparity in treatment between recipients of Aid to Dependent Children and those receiving Supplementary Security Income (formerly Aid to the Aged, Blind and Disabled), and the discriminatory impact of this disparity on women and children, the Task Force endorses that the State of Ohio increase the benefits to ADC recipients to achieve parity with the other assistance programs and to insure an adequate standard of living for women and children living in poverty.

Rationale

The sex discriminatory impact of the present funding level of the ADC program will be lessened when ADC payments are brought into alignment with the other assistance programs. The fact that the state no longer controls the funding of these other assistance programs does not justify the continuation of this disparate treatment. Families in need should be treated as well as the state's aged, blind and disabled in need are treated. It is the responsibility of the State to make adequate provisions for its citizens in need; that the federal government has stepped in to shoulder some of this obligation does not relieve the state of its remaining responsibilities.

The substantial amount of federal money is available to the state for the purpose of providing child care for ADC mothers who work; the federal government will match 80% of every $1 spent by the state on child care, subject to a federal $5.5 billion spending ceiling for welfare programs that involve matching federal funds.

Federal projects include Headstart as well its purchased service contracts with selected agencies administered by Ohio Department of Public Welfare under Title V-A of Social Security Act, social security, Ross, The Rights of Women. (New York: Bantam, 1970).

"The 1970 ADC payment standard for a family of four is $209 per month, or an average of $1.72 per day per person. This amount is to be used on:

1. Food, clothing, shelter and other living expenses.
2. The maintenance of the home, clothing, shelter and other living expenses.
3. The care of children up to age three of parents employed in full-time job, who are not eligible for ADC supports. The amount of $23.85 per child is paid to the family for child care needs.
4. The amount of $35.85 per family is paid to the family for food and clothing.

Ohio's ADC payments are the smallest in the United States. The following are the average monthly amounts paid for basic needs for a family of four.

Wisconsin

$403

Michigan

$270

Minnesota

$209

Pennsylvania

$171

Illinois

$209

Indiana

$171

Ohio

$209


The breakdown of ADC recipients as of September, 1974, is as follows:

Children

70.3%

Adults

29.7%


"Under the Supplemental Security Income (SSI) program, which administers federal money, a single adult is eligible for $110 per month, an eligible individual with an eligible spouse can receive up to $1,750 per year, and an eligible individual 65 years or older receive up to $3,285 per year. Title 42 USC STATES CODE 1382.
MINORITY REPORT OF SIMON LAZARUS, JR.

I cannot subscribe to the Children's Section of the Report of the Task Force.

1. There is a philosophy pervading this section of the report that downgrades the institution of marriage and the family.

For example, the recent case of Green v. Woodard, decided in May of 1974, by the Court of Appeals of Cuyahoga County, held that illegitimate children inherit the same as legitimate children (40 O. App. 2d 101).

B. The Section of the Report on Day Care is not completely accurate in its description of O.R.C. §5104.01 et. seq. The report fails to describe the statutory minimum requirements for licenses for day care centers other than physical, such as food, medical personnel, etc. Further, the analogy to the statutes and regulations concerning schools, teachers and other educational provisions should have been considered in the Report.

4. The Report on Children seems to advocate relieving parents of the responsibility to care for their children, if the parent or parents so desire. My view, is unsuccessful. These are matters for other studies and not this Task Force.

3. The Report on Children is not, as mandated by the Governor's Executive Order, a well thought-out review of the statutes exhibiting gender-discrimination in the field of children.

A. Workmen's Compensation
1. Survivors
2. Dependency
3. Bureau Name Change

B. Unemployment Compensation
1. Disqualifications
   a. Marital, Parental, Filial, and Domestic Obligations
2. Dependency
   a. Dependent Spouses
   b. Dependent Children
C. The Women's Division

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I. THE STATE AS EMPLOYER

A. Civil Service Changes—Women's Study Committee

Problem and Rationale

In spite of the fact that the State of Ohio, as an employer, is required by federal and state law to provide equal opportunity in employment, the evidence indicates that this goal is not being met. The majority of women in State employment are concentrated in the lowest pay ranges. This is the result of both blatant discrimination in the civil service laws and also institutional barriers that act to deny to women equal access to State employment.

During the summer of 1974, an ad hoc group of women employed by several branches and agencies of State government prepared a report analyzing and documenting the discrimination experienced by female employees under both the civil service laws and administrative rules. It was recommended that legislation be enacted to remedy the inequities that were found to exist in the statutes that were to be found to exist by that study group.

Recommendation

The Task Force recommends that the Legislature consider the suggestions made by the Ad Hoc Women's Study Committee for Civil Service Law Revision toward eliminating sex-based discrimination in civil service employment.

B. Sex-based Classifications

The Ohio civil service laws presently sanction sex-based classifications. Section 124.23, §124.26, requires that two or more applicants receive the same mark on an examination, the veteran receives priority in ranking on the eligible list (§124.26). And finally, when three persons are certified, the director by the administrative services to the appointing authority, §124.27 requires that veterans be given an absolute preference in original appointment "over all persons eligible for such appointments and standing on the list that have a rating equal to that of each such person."

Ohio's veteran's preference system is not by design or application sex-discriminatory. Only its effects are, and its effects are only discriminative because of federal law and practice discriminating against female entrance into the military. A graphic example of this disadvantage was presented in the testimony of Jane M. Picker. The 1972 eligibility list of the Cleveland Police Department was examined in order to measure the effect of Cleveland's 10 and 5-point preference system. A candidate with a raw score of 84,718 ranked between 290 and 291 on a list of approximately 1500 eligible. Adding a 5-point preference improved a candidate's score to 230; while dropping 5 points would lower the candidate to 19th among the eligible. Such a result essentially eliminated women from all classified jobs.

This Task Force does recognize the validity of veteran's benefit plans in which the costs of such benefits are spread over society as a whole. Therefore, in order to maintain the benefits and services provided for to the veterans the veteranization is necessary.

II. THE STATE AS REGULATOR OF PRIVATE EMPLOYMENT OR EMPLOYMENT-RELATED SERVICES

Ohio has adopted a multiple approach in regulating private employment within the State. Certain discrimination is considered to be of such a nature that the State reserves the right to license individuals to practice these professions, that is, lawyers, doctors, barbers, and cosmetologists, and to define the manner in which these occupations are to be practiced. In other areas the State seeks to regulate the industry or the working conditions affecting employees to be certain that the health, safety, and security of the employees are protected. In all areas the State must be certain that it is not mandating sex discrimination in attempting to regulate private employment within the State. 4

A. Licensing Boards

Problem and Rationale

Examples of Ohio's control of occupations through licensing boards are §§4709, 4709, and 4719, § 4709, which concern themselves with the regulation of the professions of barber and cosmetologist. In Ohio no person is

"Veterans are eligible for a single bonus point at their discretion. For an interesting discussion of Ohio's preferred plan, see the commentary herein."
B. Employment Agencies

It is the recommendation of this Task Force that with regard to licensed professions, in all instances where a sex-based distinction limits entry into the profession or the scope of practice of the profession or the sex of the professional or the client, such limitations be repealed, whether statutory or administrative in nature.

Problem and Recommendation

Employment agencies in Ohio are regulated by Chapter 4143 of the Ohio Revised Code. These public and private employment agencies are undertaken primarily to protect applicants for employment against exploitation, dishonesty, overreaching, and other behavior contrary to the public interest. It is the recommendation of this Task Force, based upon §4143.04, that failure to hold a valid license is prima facie evidence that the agency is not authorized to engage in the business of an employment agency. Licensees are required to maintain records of business transactions of the office upon forms prescribed by the Department of Commerce.

The Department establishes a schedule of maximum fees to be charged and requires that they be posted in the licensee's place of business (§4143.13). Certain other restrictions are placed upon the operation of these agencies. No employment agency or person conducting an employment national origin. In addition, any false statements or misrepresentations to any person seeking employment or concerning any matter within the scope of the business of the agency.

§4112.02 makes it an unlawful practice for an employment agency to discriminate on the basis of sex in referrals or placement of applicants, or to fail to hire, or in any other way to discriminate against any applicant. Employment agencies conduct practices that could be criminally prosecuted for barbershopping without a license.

The sex-based limitation on a profession cannot withstand scrutiny under the Equal Rights Amendment.

In regulating the employment of miners, Ohio has enacted two types of statutes in this area: those concerned with minors who are employed (§§331.01, 331.15, 4109.01), and those that exclude minors from certain occupations or regulate the conditions under which minors can work in those occupations (§§4109.10, 4109.12, 4109.20, 4109.25). In regulating the employment of minors, Ohio has established different standards for male and female miners. Where this differential exists, it generally results in males under sixteen being prohibited from engaging in certain types of work, while females are excluded until they are eighteen. In addition, there are certain occupations or working conditions that are considered tolerable for one sex but intolerable for the other.

Recommendation

It is recommended that these statutes be revised in order to equalize the opportunities for minors of both sexes by establishing the age as sixteen being prohibited from engaging in certain types of work, while females are excluded until they are eighteen. In addition, there are certain occupations or working conditions that are considered tolerable for one sex but intolerable for the other.

D. Protective Labor Legislation

1. Occupations

Ohio, in order to protect the life, health, safety, and welfare of all employees within the State, has established a certain occupation was dangerous for one sex, it must decide whether today, such work remains dangerous to all minors. If so, such protection must be extended to all minors regardless of their sex.

2. Equal Employment Opportunity

Ohio has historically excluded women from working in mines, but such regulations and control are not sufficient to address the issues of sex. Women are now be available to all persons regardless of sex. Although the changes may merely be the substitution of "patriot" for "man" and "spouse" for "widow," these changes are significant in their reaffirmative commitment to equality of opportunity in all occupations in Ohio.

Recommendation

It is recommended that these occupations be redefined in order to equalize the opportunities for males and females. Additionally, those areas where Ohio has concluded that a certain occupation was dangerous for one sex, it must decide whether today, such work remains dangerous to all minors. If so, such protection must be extended to all minors regardless of their sex.

3. Equal Pay

The statute under discussion also fails to withstand scrutiny under the Equal Pay Act. In Henning v. Ross (C-73-619), N.D. Ohio (Dec. 23, 1974), a three-judge federal district court ruled that the Ohio statute must be considered invalid to allow licensed cosmetologists to practice their profession on persons of either sex. See also, Jones v. Louisiana State Board of Barber Examiners, 364 Federal Supplement 961 (E.D. La. 1973); Meriden Board of Barber Examiners v. Kryl, 171 Atlantic 2d 218 (Me. Ct. App. 1970); John v. Board of Barber Examiners, 490 Federal Supplement 961 (N.D. Tex. 1973), aff'd 409 United States Supreme Court Reports 807.

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The Task Force recommends that the existing gains made by workers shall not be diminished, but rather extended wherever possible, on a gender-neutral basis.

For example, the existing weight-lifting restrictions in §4107.43, now applicable only to women, ought to be extended to men, in a form designed to enhance rather than restrict the capabilities of workers’ health and safety.

Similarly, no employer should be required to work in excess of 8 hours per day or 40 hours per week, without premium pay.

Likewise, existing safety and health laws regarding, for example, work breaks, lunch breaks, safety standards, sanitization facilities should be made applicable to all workers.

The Task Force recognizes the existence of many diverse perspectives on the foregoing. It is certain that various interest groups may have different and, in many cases, better specific applications of the foregoing provisions of the Task Force’s limited charge permitted it to consider. However, the guiding principles of such changes should involve the maintenance of existing protective laws, their extension on a gender-neutral basis, and their improvement for the benefit of all workers.

Recommendation and Rationale of a. (ii)

It is this Task Force’s recommendation that the provisions of all laws originally designed to protect women’s health or safety, or both, be extended to all workers.

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III. THE STATE AS PROVIDER OF EMPLOYMENT-RELATED BENEFITS

A. Workmen's Compensation

1. Survivors

Provisions

Chapter 4123 of the Revised Code contains the statutory system for compensating employees who are injured or who contract occupational diseases in the course of employment. The chapter, although containing one case of unnecessary epiphenomenal in its view and discriminatory in its coverage, the statute assumes that an employee is a male. Thus, references are made to widows as surviving spouses, thereby excluding widowers. The result is that, under §4123.57, surviving widows have first priority for disability benefits, but surviving widowers receive benefits only if they can prove that they were dependent

upon the wife and if there are no children surviving. §4123.60 provides a procedure whereby a widow can make an application to the Compensation Commission on behalf of herself and minor children, but there is no such provision for widowers. Widows of alien workers are protected from discrimination but widowers are not (§4123.60).

Recommendation

It is recommended that the statute be redrafted to protect widows and widowers equally.

2. Dependency

Problem

§4123.59 provides for the payment of benefits in the case of death. Benefits are made payable to persons who were dependent upon the deceased at the time of death. However, a wife who was residing with her husband at his death or who was not residing with her husband because of his aggressive behavior is presumed to be wholly dependent upon her husband.

Recommendation

Such a provision discriminates against widowers and should be revised to treat widows and widowers equally.

3. Bureau Name Change

Recommendation

Finally, it is this Task Force's recommendation that the word "workmen's" in the bureau name be replaced by a gender-neutral term such as "worker's" or "employee's.

B. Unemployment Compensation

The practices of the Unemployment Compensation Division of the Bureau of Employment Services are among the most discriminatory considered by this Task Force. Not only is the Division saddled by a discriminatory statute but, where the statute is written in non-discriminatory terms, the administrators have, through rule or regulation, created discrimination, always to the disadvantage of female claimants. These practices have gone so far as to protect the violators of a federal court order mandating nondiscrimination in the enforcement of the Code. Such actions must not be permitted to continue even without the Equal Rights Amendment.

On December 31, 1970, the United States Department of Labor, Manpower Administration, issued an audit report on the unemployment compensation program of the state of Ohio. The report, which covered all state administration agencies, including Ohio, in order to bring to their attention provisions of the federal law that discriminate against persons on the basis of sex. The Department of Labor recognized two areas where discrimination could occur and urged each state agency to modify or remove all discriminatory provisions as they had "no place in a social insurance program." Ohio had, and still has, offending provisions in both areas.

1. Disqualifications

Eligible individuals are entitled to benefits due to involuntary total or partial unemployment, provided:

- they meet the eligibility requirement and file an application for determination of benefit rights,
- make a claim for benefits,
- register at an employment office,
- be "able to work and available for suitable work and (be) actively seeking suitable work," and
- be unable to obtain suitable work.

However, otherwise eligible individuals may still be denied benefits under certain disqualifying conditions. §4141.29(D)(2)(c) provides that no benefits are to be paid to an individual who "quit work to marry or because of marital, parental, filial, or other domestic obligations or became unemployed because of pregnancy.

(b. Maternal, Parental, Filial, and Domestic Obligations

Problem

The Department of Labor recommended that marital, parental, filial, and domestic obligation provisions be scrutinized to determine the effect of the disqualification upon claimants. Professor Hugh A. Ross was of the opinion that this disqualification has an unequal impact upon women. "(I) t is the working woman who is expected to quit her job and follow her husband when he is drafted or transferred by his employer, and it is the working mother who may be laid off without benefits because she has to stay home to care for a sick child." Indeed, examination of the court decisions interpreting this section reveals that in every reported instance, it is a woman who is being denied benefits.

Recommendation

Consequently, it is this Task Force's recommendation that this disqualification be repealed.

Rationale

Because all applicants for benefits will have to demonstrate eligibility requirements discussed above, this Task Force agrees with Professor Ross's opinion that abolition of the disqualification, as has been done in other states, would not create a serious risk of encouraging malingering or "voluntary" unemployment. In fact, the statute already recognizes the special situation of such workers, since it requires only one week of covered employment to re-establish a worker's right to benefits rather than the six weeks of covered employment required to re-establish eligibility after a "cessation of employment for some other disqualifying reason.

(b) Pregnancy & Post-pregnancy Provisions

Problem

§4141.29(D)(2)(c) provides that individuals who became unemployed because of pregnancy are disqualified from receiving benefits. Additionally, §4141.29(G) provides that a woman who is unemployed because of pregnancy is to be considered unemployed until such time after delivery as she can furnish medical evidence that she is able to work and that work with her former employer is no longer available. The Department of Labor directed that provisions which subject pregnant and post-pregnant women to more stringent eligibility conditions than those applied to disabilities common to both sexes are patently discriminatory. This conclusion was also reached by the court in Ohio, in August 1973. In Lasko v. Garbat, 72-1250 (N.D. Ohio, August 14, 1973), Judge Kupersky, finding the application of the statute to be discriminatory, enjoined the administrators of the Ohio Bureau of Employment Services from "denying unemployment compensation benefits to those women who . . . apply for such benefits because of involuntary discharge from employment and who are otherwise qualified to receive benefits." In spite of this injunction, women are still being denied benefits because of this section of the Code. Dorothy Hall, employed attorney, stated before this Task Force that, as recently as November 1974, over one year after the court order in Lasko, a client of hers was denied benefits solely because of this statute without any evidence of her being otherwise eligible. Apparently the Bureau has not taken steps to insure that the federal court order is obeyed.

Recommendation

It is this Task Force's recommendation that
§4141.29(D)(2)(c) be repealed in order to remove any confusion that may exist over the status of disabilities because of pregnancy. In addition, it is recommended that all other special post-pregnancy provisions that provide for an arbitrary period of ineligibility without regard to the time at which the actual disability ended or which impose some additional requirements or obstacle to reinstatement to eligible status that is not imposed in the case of other disabilities be repealed. The Task Force is most concerned about the facts that have come to light surrounding the Lasko decision and its implementation by the Bureau of Employment Services. The Task Force heard testimony that indicates that the federal court order in this situation be investigated.

The Task Force saw the need for the Bureau of Employment Services to modify policies so discriminatory that it led the Bureau of Employment Services to enforce the statutes in a manner that is all but irrebuttable - precluded the Bureau from complying with the Equal Rights Amendment. The Bureau must remember that its reason for existence is to provide unemployment benefits to those persons who qualify, both male and female. It is not the Bureau's function as a clearinghouse for information, to conduct studies, to address legislation affecting women's employment opportunities, and so forth.

Recommendation
This Task Force recommends that the Women's Division be abolished.

Rationale
Our study of the functions of the Bureau of Employment Services has shown numerous policies that severely discriminate against women and that ignore specific court and Labor Department rulings calling for cessation of such discrimination. Therefore, the Task Force could only conclude the Division has been ineffective in fulfilling its charge. One cause of this ineffectiveness may be structural: the Division is required to monitor the policies of other Divisions within the same agency. Another cause may be serious underfunding. In 1973-74, the staff of the Division consisted of only three employees. Moreover, the funding has been totally federal and has imposed restrictions which limit the Division's capabilities.

C. The Women's Division

Problem
§4141.42 of the Unemployment Compensation Code provides for the creation within the Bureau of Employment Services of a Women's Division. The Division is directed to promote programs to improve the employment opportunities of women and to enhance their employment opportunities through a wide variety of measures from relocation to child care. In addition, the Division is charged with a function as a clearinghouse for information, to conduct studies, to address legislation affecting women's employment opportunities, and so forth.

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I disagree with and do not subscribe to the parts of the Employment Section of the Report which state that protective legislation formerly applicable only to women be made applicable to men as well (O.R.C. §§4107.42-53). No testimony or evidence was offered to substantiate the extension of these protective laws to men. Since the statutes are gender-discriminatory, they should be repealed; namely, O.R.C. §4107.42, dealing with working conditions for women (requiring seats be provided for women, lunch rooms and lunch breaks); O.R.C. §4107.43, dealing with the occupations prohibited to women; and O.R.C. §§4107.46-47, dealing with hours and days limitations of employment for women.

The administrative statutes (O.R.C. §§4107.48-49) that deal with record keeping for female employees should also be repealed. The Federal Occupational Safety and Health Act of 1970 (OSHA) and the Federal Fair Labor Standards Act of 1938, as amended April 8, 1974 (FLSA), require sufficient records for all employees. These two statutes more than adequately furnish protection of workers from health and safety points of view, and place limitations on hours that may be worked in such a way as not to interfere unduly with an employer's needs and an employee's freedom to work.

If additional protective legislation were needed, it would take far greater evidence and proof of necessity than the bootstrap assertions made in the majority report. In Muller v. Oregon, 208 U.S. 412 (1908), which upheld Oregon's right to limit women's hours of work in laundries, Louis D. Brandeis (later Mr. Justice Brandeis) represented the State of Oregon. He filed in that case a separate brief which has come to be known as the "Brandeis Brief" because of its thoroughness and depth in presenting social and economic needs to substantiate his legal case. The Supreme Court cited excerpts from Mr. Brandeis's special brief. That brief outlined the course of women's protective legislation, as well as expression of opinion from other than judicial sources, which the Court characterizes as a very copious collection of all these matters. In addition to tracing the history of protective legislation for women in the United States and in foreign countries, the brief contained well-documented and creditable evidence of the need for restrictions of hours of employment for women.

No such showing as made by Mr. Brandeis to the Supreme Court was made to or by the Employment Committee or the Task Force. Until such showing can be made for men and women, extension of protective legislation cannot be recommended, certainly not by this Task Force. Furthermore, recommending the extension of such protective legislation, I believe, is beyond the responsibility of the ERA Task Force.
INTRODUCTION
Examination of reports and studies conducted by other states, evidence presented at hearings and recent literature in the area make it clear that widespread sex-linked discrimination exists in the insurance industry. Certain types of coverage are totally unavailable to women; where coverage is available, it is often inadequate and the premiums paid by women are higher than those paid by men, even for the lesser coverage.

While the Task Force recognizes that the insurance industry is one basically founded upon discriminations between groups, the Equal Rights Amendment will not sanction sex-linked classifications because these distinctions are as invalid as those based upon race.1

1 The Final Report and Recommendations, prepared by the Insurance Commissioner's Advisory Task Force for the Pennsylvania Insurance Department, provided us with a basic working document. Problems identified in the Pennsylvania report, for the most part, problems affecting all states since insurance packages of major companies are basically offered nationwide.

The areas of disability income insurance, medical insurance, and life insurance were examined in the context of:
- equal insurance availability;
- insurance coverage for all conditions, regardless of sex; and
- nondiscriminatory insurance rates.

Where these conditions are met, insurance is free from sex discrimination; where any is not present, problems exist, usually for women.

I. DISABILITY INCOME INSURANCE
Disability income insurance currently discriminates unfairly or illegally in terms of renewability, age, occupation, standards of proof, coverage, premium, and waiting periods.

A. Unequal Availability
Problems
- availability of noncancelable policies is limited with regard to women;
- renewable policies are limited to women in permanent career-type occupations;
- many special riders are not available to women;
- coverage is not available to women in the lowest occupational classes even though it is available to men.

Recommendation
Renewable and noncancelable disability income insurance policies which are available to men in various occupations should be made available on the same basis to women in those occupations.

B. Unequal Conditions
Problems
- coverage beyond age 55 or below 25 is not available to women, and lifetime benefits are not available to women;
- some disability income insurance provides that once a woman is disabled, her term for recovering benefits is shorter than that of a male, that is, two years as compared to five years;
- there are maximum limits on the amount of insurance women may buy, but they are not the same limits for men;
- women are required to prove that they have a well-established pattern of full time employment before being able to acquire insurance;
- disability from pregnancy and all its complications is often not covered at all in personal disability insurance insurance policies;
- where covered, disability caused by pregnancy may be limited to six weeks of benefits on group policies, while other causes of disability are covered for the maximum periods;
- disability is often excluded from medical surgical procedures based upon classifications "indigenous to female";
- shorter elimination periods prior to coverage are not available to women;
- in some areas of disability, insurance premiums are substantially higher for women, even though coverage and benefits are lower.

Recommendation
Where disability income insurance policies discriminate against women in terms of premiums, benefits, waiting periods, eligibility conditions and coverage, they should be equalized and made available to women on the same basis as men.

C. Risk
Problems
- many occupational categories for female risk are based on the numbers of women in those occupations, rather than the risks pertaining to the job — this results in higher premiums for women due to sex discrimination, not occupational hazard

Recommendation
Rather than basing female risk upon the number of women in an occupation, insurance should be available on a basis calculated solely upon the risks associated with the occupation, and made available to all persons, regardless of sex, upon payment of the premium.

D. Work Patterns
Problems
- women often cannot obtain insurance if they work part-time, at home, or are employed by relatives.

Recommendation
Insurance should be available to women, and coverage should be made available with appropriate safeguards.2

II. LIFE INSURANCE

A. Problems
- despite mortality data which indicate women live six to nine years longer than men, the insurance industry grants women only one third of the coverage, and at rates up to 200% higher than the male rates, even though the waiver may be available for a shorter time period, or may be available for a limited amount of the premium.
- some clauses continue to prescribe special criteria for female insurability such as the requirement that women be self-supporting, leave home to work, or be employed in a "responsible position".
- differential coverage and benefits based upon sex-linked classifications should not be allowed.

IV. INSURANCE—GENERAL RECOMMENDATIONS

A. An unfair practices statute should be enacted prohibiting sex-linked discrimination in all types of insurance.

B. Where existing statutes do not include sex in defining nondiscriminatory classifications, they should be amended to do so.

C. The Ohio Department of Insurance should be given authority to disapprove any form of insurance available in Ohio which differentiates in coverage, benefits, or premiums on the basis of sex or sex-linked characteristics.

V. PENSIONS

A. Private Employment-Based Pension Plans

Private-plan coverage is more usually enjoyed by men than women. Fewer women, both in absolute numbers and as a percentage of the work force, are covered by pension plans.

• eligibility for pension benefits depends on length and usually continuous service—historically women in any area of employment have had shorter lengths of service than men, thus limiting their eligibility for benefits under pension plans based on length of service

• pensions, plans, almost without exception, provide different treatment based upon sex in the survivor situation. Under most private plans an employee may take either his benefit nondistributed for his own lifetime, providing nothing for a survivor, or he may take the accumulated amount during his lifetime, earning the survivor, usually the spouse, the right to a benefit. Election of the survivor option, if the employed person is a woman, results in practically no reduction in her benefit. If the retiree is a man, the reduction is so substantial that it is often impossible to elect the survivor option and still have enough on which to live. This has the effect of leaving women survivors stranded, since wives are less likely to outlive their husbands

• the Employee Retirement Income Security Act (ERISA)1 is inadequate and will have very little effect upon the bulk of pension plan participants. States have been virtually pre-empted from playing any role in the regulation of pension benefit field by the new federal law

Recommendations (See below)

B. Public Pension Plans

As in the private sector, male retirees in public employment have a much greater reduc-

1Also known as the Pension Reform Act of 1974.

2Footnote of Professor Merton C. Bennett to the ERA Task Force, Ohio State University, College of Law, Columbus, Ohio, February 7, 1975, who suggests that an appropriate legislative vehicle which would be amendments to the Social Security Act of 1935.

VII. MISCELLANEOUS SECTIONS

Recommendation

In addition to the discriminatory features mentioned above, there are miscellaneous sections of the Code's provisions relating to these issues which should be rendered gender-neutral.2

The allowance has little actual impact on either the survivor or state revenues. The widow's allowance is included in the $30,000 exemption and not in the gross income of the widower. The widow is not eligible for an additional $10,000 of income. Her allowance thus does not increase the exemption or form a separate deduction. The allowance is also protected from the state's income tax, but this only affects state revenues when there is not enough other property in the estate to affect. The statute obviously was drafted with the traditional family in mind: husband pays and other family members receive. Under the standards of the ERA, the statute must be revised in order to allow any spouse to be named as beneficiary of a life insurance policy.

In addition, the statute defines beneficiaries, inter alia, as "a relative or relatives dependent upon such person." The statute does not indicate what standard of "dependency" is used in meeting this test. The enforcement procedures for statutes which incorporate such standards must be carefully scrutinized so as to make certain that presumptions of dependency which have a discriminatory impact upon one sex or another are not operating. Additional changes should be made to recognize the consider changes in family life style present today.

The $391.0110 provisions of Ohio's insurance which inure to the benefit of beneficiaries (as defined in $391.0110, exempt from the state's income tax) are likewise protected from the state's income tax. The statute should be changed so that the survivor of a wage-earning person should have the same advantages that the survivor of a wage earner in federal law has. The $391.0110 provisions are also protected from the state's income tax.

Revenue returns because they may take only one standard deduction rather than two.

Recommendation

Because taxable income for Ohio income tax purposes is based on federal tax theory, discrimination in the federal tax provisions carries over into the state tax. Rate structure differentials and standard deduction are based on federal law. Similarly, the $391.0110 provisions should be changed to make them applicable to life insurance policies.
§3915.07. The standard non-forfeiture law, provided throughout, must in calculating adjusted premiums, and present values, adopt ordinary mortality tables (either 1941 or 1958) to be applied to life insurance, except that as to female risks, adjusted premiums and present values may be calculated according to an age other than the actual age of the insured. Such differential treatment of the sexes cannot be sanctioned under the Equal Rights Amendment. A unitary standard of calculation is required and special classifications based upon sex must neither be sanctioned nor encouraged.

§3903.36 of the Code, covering the valuation of reserve liabilities, also relies upon the 1941 and 1958 standard ordinary mortality tables, but allows calculations of policies issued on female risks to be based on less than the actual age of the insured. (See discussion of §3915.07).

§3917.01 defines group insurance. Paragraph (A) sanctions classifications based upon sex in establishing an employment-related group for purposes of group life insurance. Such classifications, with lines drawn on the basis of sex, are impermissible under the Equal Rights Amendment (if not already outlawed by Title VII of the Civil Rights Act of 1964).

§3929.06 deals with insurance money applied to satisfy a judgment rendered in favor of a person whose "wife or minor child" has died or been injured by the insured. The statute should make possible recovery for the death or injury of either spouse.

§5731.16 states that the value of the taxable estate shall not include the widow's allowance and other costs of administration. §5731.37 states that the taxes levied under Chapter 5731 constitute a lien upon the estate except that such lien shall not attach to property used to pay the cost of administration including the widow's allowance. These sections should extend benefits conferred to "surviving spouse" rather than to "widow."

The firemen's funds statutes, §§146.01, 146.12, 146.14 and 521.11 presume that firemen will be only men and that benefits will accrue only to widows. Under the ERA women will be allowed to join such companies on an equal basis, therefore, benefits must be extended to widowers also.

Other firemen and policemen fund statutes, §§741.18, 741.20, 741.49, 741.50, 742.02, 742.37, and 742.50 also fail to reflect the fact that a woman may be a police or fire officer; therefore, the language of these statutes should be extended to cover women employees and their male surviving spouses.
I. RAPE

A. Evidence of Past Sexual Conduct

Problem and Rationale

Historically, rape laws were developed to protect women against sexual assaults by men. While these laws are now sex neutral on their face, rape is still a crime committed almost exclusively by men against women, and because the treatment accorded the rape victim differs radically from the treatment accorded victims of other crimes, the effect of these laws is sex discriminatory. Effective rape laws are needed to enable women to participate more fully in society. The current laws are enforced because victims are reluctant to report the crime, knowing that the treatment they will receive from law enforcement officials and medical personnel will often be abusive and inadequate, and because the legal process itself creates a presumption of guilt on the part of the victim.

In the past, evidence of prior sexual conduct has been admitted at rape trials to show that the victim was more likely to have consented to the act of sexual intercourse with the alleged rapist. Evidence of prior sexual conduct was also admitted to impeach the credibility of the victim as a witness. It was presumed that if the victim had extramarital sexual past she was, therefore, immoral and more likely to lie. The admission of such evidence often violated the victim's rights to privacy and to protection under the law. Perhaps the failure to exclude such evidence accounts for the crime of rape having the lowest conviction rate of any violent crime.

Recommendation

The Task Force recommends an addendum to the present rape law, §2907.02, as follows: Evidence of specific instances of the victim's sexual conduct, and evidence of the victim's reputation for chastity shall not be admitted under this section unless and only to the extent that the judge finds that the following proposed evidences is material in fact at issue in the case and that its immunatory or prejudicial nature does not outweigh its probative value—

- (a) evidence of the victim's past sexual conduct with the actor;
- (b) evidence of specific instances of sexual activity showing the source or origin of semen, pregnancy or disease at or immediately about the time of the alleged rape.

B. Corroboration and Proof of Resistance

Problem

Although Ohio Judicial decisions specifically state that the victim's testimony need not be corroborated and that the victim need not physically resist the assault, there is substantial question whether the police and juries are aware of this law. Failing to apply this law impedes the prosecution effort. Codification of this Ohio case law would accord greater credibility to the word of the rape victim.

The Ohio Supreme Court held in a comment to its new criminal code in 1973. "We note, effective January 1974, eliminated most of the generally-tended theory of corroboration of crime statutes. §2907.02, part of the new criminal code, prohibits any person from resisting force (or attempted force) to the end that the assailant, however, if a man sexually abuses his wife to the point of forced intercourse, he cannot be prosecuted for rape under the current Ohio statute. The inherent difficulty in obtaining sanctions against spousal rape is the recognition of the right of privacy in sexual matters in an on-going marriage. Perhaps, however, the marital relationship has changed and the point of view that the couple is no longer cohabiting, the privacy consideration is no longer controlling.

Recommendation

The Task Force recommends that limitations be placed on the spousal exclusion, defining "spouse" to mean a person married to and cohabiting with an offender at the time of the alleged rape.

D. Police Training

Problem and Rationale

A victim of a robbery, a mugging, or an attempted homicide is assumed to have suffered a serious injury and to be seeking legitimate and appropriate redress for the injury when he contacts the police. A victim of these crimes is generally given sympathetic treatment and the serious and appropriate attention of law enforcement officers. There are standardized procedures for investigating each of the above crimes. None of the evidence-gathering costs are considered to be the responsibility of the victim. Instead, the appropriate law enforcement agencies incur the cost of investigating the crime to determine if it is nothing more than an attempted robbery or rape.

Recommendation

The Task Force recommends that the police department be instructed to treat rape cases in court. When such tests are made in rape cases, the rape victim is treated as though she were the accused or, if a man steals the personal property of his wife, she can accuse him of theft. However, if a man sexually abuses his wife to the point of forced intercourse, he cannot be prosecuted for rape under the current Ohio statute. The inherent difficulty in obtaining sanctions against spousal rape is the recognition of the right of privacy in sexual matters in an on-going marriage. Perhaps, however, the marital relationship has changed and the point of view that the couple is no longer cohabiting, the privacy consideration is no longer controlling.

The Task Force recommends that limitations be placed on the spousal exclusion, defining "spouse" to mean a person married to and cohabiting with an offender at the time of the alleged rape.

E. Evidence Costs

Problem

The lack of serious regard concerning the crimes of rape is evidenced by the total lack of standardized procedures for investigating these crimes. There is no necessity for providing evidence to prosecute the rape case in court. When such tests are made, the victim incurs costs—in addition to any medical treatment she may need to make the rape. Hospitals may refuse to treat rape victims claiming that there are no funds for the victim's medical expenses. The various forms of sexual assault, all specifically exclude expenses from prosecution under federal provisions.
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# Recommendation and Rationale

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Nonetheless, the Task Force has discovered some blatant disparities in the different facilities and programs which are available to men and women prisoners. These disparities appear to be the result of the vastly smaller female prisoner population as compared with the male population, and of some basic assumptions made by the correctional system about females and males, their natures, and their roles in society.

There are no adult correctional institutions which house both men and women in Ohio. All women sentenced to incarceration for a felony in the State of Ohio are sent to Marysville, a minimum security facility. There are approximately 350 women now serving sentences in Marysville. A "cottage" system is used to house the prisoners.

Men sentenced to incarceration for a felony are divided among five large institutions for men as required by §§5143.03 and 5145.01 according to their age, offense, character, and previous offenses. There are 9,600 men serving time in these institutions. The systems of housing vary from cell block to dormitory, and levels of security vary from maximum to medium security. The segregation of prisoners according to sex results in females being housed in a more heterogeneous and smaller institution than their male counterparts. Women prisoners also tend to be further from their homes because there is only one female institution.

It has been suggested that this disparity in treatment could be eliminated by assigning prisoners to correctional institutions in a sex-neutral manner. However, the Task Force rejects this option because of the thirty-to-one ratio of men to women and the impossibility of providing adequate privacy for men and women in the present Ohio correctional facilities. The constitutional rights of the prisoners to be free from cruel and unusual punishment and to privacy when performing intimate functions are more urgent than an absolutely "equal" correctional system for men and women which this option would provide.

Recommendation
1. The Task Force recommends the immediate equalization of male and female treatment facilities to the greatest extent feasible, given the constitutional rights of the prisoners to be free from cruel and unusual punishment, the fixed nature of Ohio's present physical facilities, the vast disparity in size between the female institution and the male institutions, and the interest of the state in providing the best possible rehabilitation.

In addition, the Task Force recommends that before taxpayer's money is spent to build additional facilities, the sex-equality mandate of ERA be given serious consideration by the Legislature.

2. The Task Force also recommends that the classification system, as mandated for men by §§5143.03 and 5145.01, be studied and that the system be made applicable on a sex-neutral basis or the system be eliminated. The committee declines to make a more specific recommendation because the value of such a system is open to debate. Nonetheless, the Task Force has discerned that the system be made applicable on a sex-neutral basis or the system be eliminated. The committee declines to make a more specific recommendation because the value of such a system is open to debate.

9. Unequal Programs
Problem and Rationale
A second major disparity in the treatment accorded men and women occurs in the availability of vocational, industrial, and educational programs. The vocational and industrial programs offered to women are more limited (less than their number) than those offered to men. There are a total of 42 vocational programs and 17 industrial programs at the five male facilities. These programs represent 17 different types of vocational programs and 9 different types of industrial programs. The vocational programs and 2 industrial programs at Marysville are the only programs open to women in addition, the industrial and vocational programs offered at Marysville and the men's institutions are clearly sex-stereotyped. The men's facilities have metal shop and machine shop industrial programs, for example, while Marysville offers sewing and cooking. Vocational programs reflect similar stereotypes. The men's institutions offer auto repair, painting, and welding among other courses, while Marysville offers cooking, sewing, nurses aid, clerical, cosmetic, and keypunch.

The educational opportunities offered to men and women are also different. Although Marysville purportedly has a high school equivalency program with a teacher-inmate ratio of 1:2, the male institutions, the variety of subjects offered is limited because there are only 5 to 6 teachers at Marysville.

The Newgate program based at Marion provides college courses for male inmates, but women are unable to take college courses other than by correspondence. Thus for the most part, women in the correctional system have fewer opportunities vocationally, educationally, and industrially than men and the opportunities that are available reflect sex stereotypes.

Recommendation
The Task Force recommends that the educational, vocational, and industrial opportunities and the vocational counseling programs available to female inmates be expanded to reflect both the wide variety of employment opportunities now open to women, and modern women's greater responsibility to themselves and their families.

C. County and Municipal Jail Provisions and Other Miscellaneous Provisions
1. Prison Labor
Problem
§715.58 specifically authorizes the legislative authority of a municipality to make regulations based upon sex in regulating labor in the city prisons. As discussed above in relationship to correctional institutions, the assignment of prison labor according to the sex of the inmate is violative of the ERA.

Recommendation
The Task Force recommends that sex be determined from the list of permissible factors to be used in drafting regulations concerning prison labor.

2. Support of Prisoner's Family
Problem
§5147.22 authorizes the board of county commissioners or any officer in charge of a correctional facility to withhold a portion of the prisoner's salary for the support of his wife and/or children. The statute assumes that the only prisoner with a support obligation to a spouse will be a male with a wife. However, under current Ohio law both men and women have support obligations.

Recommendation
The Task Force recommends that the word "wife" be changed to "spouse." This revision more accurately reflects the current social responsibilities of women. Recognition of this obligation should encourage expanded vocational rehabilitation opportunities for women.

3. Prisoner's Safeguards
Problem
$341.20 authorizes the sheriff to appoint a matron, who shall have charge over and care for female inmates in the county jail. This section was enacted to ensure the female prisoner's right to privacy. The Task Force suggests that this provision's safeguards are extremely important.

Recommendation
The Task Force recommends that this provision's safeguards be extended to protect both male and female inmates by requiring that an attendant of the same sex as the inmate be used to supervise the inmate in situations in which the prisoner has a right to privacy, including but not limited to body searches, bathing, dressing, the performance of bodily functions and sleeping. This recommendation is not intended to limit the use of attendants of the opposite sex in recreational, work, study or other situations which do not give rise to a right to privacy.

4. Stereotyped Job Classifications
Problem
§341.20 also requires the employment of matrons to care for the insane and minors and allows the utilization of matrons as cooks and janitors. This stereotyped provision as to the specific suitability of women for jobs involving minors, disabled persons, and cooking.

Recommendation
The Task Force feels that these stereotypes restrict equal employment opportunity for males in contravention of the Equal Rights Amendment mandates of equality and recommends that this Code section be made gender neutral.

5. Privacy
Problem
§5123.32 and 389.57 require that female mental patients and female tuberculosis patients be transported under certain conditions be accompanied by women attendants. This section is intended to ensure these women adequate privacy.

Recommendation
Because of the importance of these privacy safeguards, the Task Force recommends that these sections be expanded to provide for female patients who are being transported under certain conditions be accompanied by male attendants.
6. Obsolete Sections

Problem
Two additional sections were considered by the Task Force: §2331.11, which grants females a privilege from arrest for any debt, claim or demand arising upon a contract and §2945.42, which allows women to testify against their husbands in actions for criminal non-support which no longer exist (§§3113.01, 3113.03).

Recommendation
These sections are obsolete and should be repealed.
INTRODUCTION
The study of the Public Obligations Committee has centered around laws affecting individuals as members of the civic community beyond their homes and families. Areas considered by the Committee include voting rights, jury duty, service on public boards, military service, quasi-public organizations, and the problem of dealing with traditional governmental channels.

Women have made substantial and ever-expanding contributions in these areas of civic responsibility. However, the law, particularly in the jury area, has not been able to keep pace with women's evolving role in the community.

Three methods of making statutory changes have been suggested by the Committee: word changes to make the Code gender-neutral; deletions to rid the Code of archaic provisions; and the enactment of new provisions to meet new problems.

However, the Committee recognized that while laws are the foundation upon which government is built, implementation is equally important, and that changing sex-discriminatory laws will not end all sex discrimination. Women's roles in society will continue to evolve and it will be difficult for society to accommodate these changes. Therefore, in addition to the suggested statutory changes, the Committee recommends that a statutory state agency be formed to facilitate changes in governmental rules, regulations, and practices. This agency will also be charged with the continuing responsibility for further implementation of the Equal Rights Amendment mandate for equality of all individuals before the law, irrespective of their gender.

1. ELECTIONS AND JURY DUTY
Women received the right to vote with the 19th Amendment in 1920. Along with the right to vote came the obligation of jury duty. Since that time democratic society and the jury system is the Amendment in Ohio law that their names and the Board of the court notifies the Board of a voter changes his name by marriage or otherwise. The Board is then required to notify a voter changes his name by marriage or otherwise. The Board is then required to notify the voter of the change in marital status; however, we do not believe that any titles are needed.

Recommendation
The Task Force recommends that §3503.14 be amended to delete all titles from voter registration forms.

Rationale
If a title is needed for identification, a more extensive list of title options is needed. Current men have only one title option, and women have three. Other titles that would be useful for identification purposes would include "Dr.," "Rev.," "Prof.," "Lt.," "Capt.," "Sen.," "Pete.," etc.

B. Jury Duty
Problem
The jury provisions of the Ohio Revised Code are for the most part gender-neutral. The only residual discriminatory language appears in §2313.16 governing excuses from jury duty. The current usage of sex-linked language will be eradicated by the following changes in marital status.

Recommendation
The Task Force recommends that §3503.14 be amended to preclude application of the name-change presumption to all women who marry.

Rationale
Notifying all applicants for marriage licenses that if they are changing their names, they must also change their voter registration. (See Marriage and Family Recommendation II (E.)

This change will make application of the law gender-neutral.

II. MILITARY PROVISIONS
A. Language
Problem
The Ohio Revised Code sets forth military structure in Chapters 5919, 5920, 5923, and 5924. The two subdivisions of the military in Ohio National Guard and the Ohio Armed Forces, a testament presented to the Task Force indicates that both units admit women. However, the Code uses the terms "enlisted men" and "men" throughout to refer to enlisted personnel.

Recommendation and Rationale
This language is outdated and should be gender-neutral.

B. Qualifications
Problem
The neutralization of sex-linked language will not completely eradicate sex discrimination in military rules and practices. Current inequalities include different testing and scoring requirements for enlistment of men and women, different policies concerning the commissioning of men and women, different educational requirements for qualifying for officer candidate school between men and women, and differences in uniform requirements between men and women.

Recommendation and Rationale
In addition to the patriarchic satisfaction of military service, the military has provided a vehicle for job training and upward mobility in our society. Equal opportunity should be made readily available to the members of both sexes to serve in the military. We recommend that an independent group be formed including representatives from both the military and from civilian ERA-oriented groups to review military procedures and regulations.

C. Rape
Problem
§4109.130, governing court martial for rape deals only with sexual imposition upon women.

Recommendation and Rationale
The Task Force recommends that this Section be revised to prohibit sexual imposition on women.
V. MISCELLANEOUS PROVISIONS

A. Fire Wardens

Problem
§1503.11 authorizes fire wardens to summon any male resident between eighteen and fifty years of age to aid in the firefighting efforts within their fire district. This provision implies exempting all females from service. Physical fitness to perform the work should be the criterion, not sexual stereotypes. Some females are more physically fit than some males, yet any male can be summoned and no female can be summoned.

Recommendation
We recommend that the word "male" be changed to "able-bodied resident." 

B. Library Board

Problem
§3375.12 requires that the municipal library board shall consist of six members, "not more than three of whom shall be women." This second sentence requires female membership without a parallel restriction on male membership.

Recommendation
We recommend that §3375.12 be amended by adding the phrase "not more than three of whom shall be women." We hope that library boards do not become male monopolies, as is the case in most governmental boards.24

C. YMCA

Problem and Rationale
The YMCA is a prima facie violation of the Equal Rights Amendment principles. These provisions also appear to violate the Establishment Clause of the First Amendment.

Recommendation
We recommend that §1715.23, 1715.24, 1715.25, 1715.26, 1715.27, 1715.30, and 4907.30 be deleted, and that the YMCA should be deleted under §1702.12 like any other non-profit corporation.

VI. AFFIRMATIVE POLICY RECOMMENDATIONS

A. All State Boards

Problem
It has been clearly documented that women are so poorly represented on appointed boards that the members are, in fact, not representative of the public they are charged with serving. In this instance, a policy statement could provide guidance to ensure that women are adequately represented on state boards and commissions.

Recommendation
We recommend that the third sentence of §5153.05 and the last sentence of §5153.08, which require that one woman serve on the board, be deleted, making these sections gender-neutral.

B. University Housing Commission

Problem and Rationale
§3347.09 authorizes the state university housing commission to provide housing, dormitories, dining halls, and recreational accommodations for students, faculty, and staff and their wives and children. These privileges are conferred upon the relatives of male students, faculty, and staff but not upon the relatives of female students, faculty, and staff. This assumption that all wives are dependent and that no husbands are dependent. This assumption is unequal and is based upon sex stereotyping.

Recommendation
We recommend that "wife" be changed to "spouse."
VII. STATUTORY STATE AGENCY ON THE CONCERNS OF WOMEN

Problem and Rationale
Changing the sex discriminatory laws in the Ohio Revised Code will not put an end to all unfair sex discrimination. Women's role in society will continue to evolve, and it will be difficult for society to accommodate these changes. There is a need for an on-going entity within state government to help people in dealing with these changes.

Recommendation
We recommend that such a governmental body be established. Following is a brief description of its proposed structure and function.

Structure
The proposed agency will consist of sixteen members who will be appointed to six-year staggered terms. They will not be eligible for reappointment. Three of these members will be appointed by the Governor, three by the Attorney General, and three by the President Pro Tempore of the Senate, and three by the Speaker of the House of Representatives. Each of these appointing officials may appoint no more than two members from the same political party. For the initial term, each will appoint one member for two years, one for four years, and one for six years. The initial two- and four-year-term appointees may be reappointed one time. Terms will start on January 1 of even-numbered years, and members will continue in office until successively filled vacancies occur and qualified. The members shall elect a chair from their own number. The chair shall have no vote except to break a tie vote.

This structure is designed to allow for the maximum flexibility insofar as the appointments are concerned; that is, both the executive and the legislative branches of government will be appointing part of the membership. The political effect will be that the agency will have a varying ratio of 6:4 to 6:8 of majority-to-minority party members. In this way the agency will not be controlled by either party or by any one branch of government.

The members of this agency will not be paid but will be reimbursed for expenses. However, they will hire a director and staff. The agency will be independent, not attached to the Governor's office and to any other department in government. Non-members will be able to serve on committees chaired by members of the agency. This will insure greater public participation in the policy-making and investigating role of the agency.

Purpose
The purpose of this agency will be to deal with sex discrimination in a variety of ways, but not replace existing agencies, such as the Civil Rights Commission, charged with enforcing specific laws. This agency will serve a variety of functions, including information gathering and advocacy for women, and will serve as a focus and funneling mechanism for women in the State of Ohio who have concerns for which they do not know the proper governmental agency.

Powers
The agency will have power to do the following:
1. Research and study sex discrimination and other related problems in all areas amenable to state action and to recommend legislation.
2. Act as a consultant in a wide range of ways throughout government.
3. Receive and refer questions and complaints to the appropriate agency.
4. Serve as an information center on sex discrimination.
6. Hold public hearings to assess problems and needs.
7. Create advisory committees on various topics as there is a need, and to inform the committee who are not members of the agency.
8. Issue annual reports to the Governor, Legislature, and public that could be free or could be sold at some nominal cost to the public.
9. Review and recommend the expenditure of federal money in the state (through a state agency).
10. Gather statistics useful in assessing sex discrimination and in determining needs and legislation, and to maintain lists of qualified persons for state government positions to be suggested to appointing authorities at appropriate times.
11. Set priorities for state actions and programs to be recommended to the Governor and the Legislature in assisting to eliminate sex discrimination.

Implementation
The salary of the Director of this agency shall be in pay range 43 and sufficient funds shall be provided for adequate staffing and implementation of all the functions listed under "Powers." Only with adequate funding will this agency function as an effective vehicle for insuring the equality of all Ohio citizens.

The agency shall be established initially for a period of ten years, with the explicit provision that at the end of that time, it must come back to the General Assembly for review and evaluation to determine if it is fulfilling its objectives and if its scope and purposes need modification.

We are sure that, if adequately funded for that period, the agency's accomplishments will more than justify its existence.
the Equal Rights Agency. I oppose additional state agencies compounding the proliferation of administrative agencies where similar responsibilities have already been given by the state and/or federal government. The proposals for this agency with pervasive rights over all other state agencies should be taken care of by an oversight committee of the Legislature. The Senate of the United States has a Government Operations Committee used for this purpose. Perhaps the Ohio Legislature could do the same. Specifically, in the proposal the provision requiring review and certification of all funds for programs in the state will further encumber the administrative process. For example, if a Cincinnati hospital is to receive Hill-Burton Funds, it must obtain approval of the United States Department of Health, Education and Welfare, the Ohio State Department of Health, the Central Ohio River Valley Authority and the Hamilton County Hospital Commission, all of which consider non-discriminatory practices of the recipient. The proposed agency will provide a state-supported lobby for women.
INTRODUCTION

Background

In the formative stages of the ERA Task Force, it became apparent that the major areas of investigation should probably include education, but the Code contained little for fruitful study, and the subject itself was too large for the twenty-five members of the Task Force, along with their six other areas of study, to examine.

In October 1974, a dozen women in education from across the state began an ad hoc committee. They met monthly, expanding the group to forty members. The study includes five areas: delivery of services—admissions; sports—extra curricular activities; teacher training—professional practices; and employment and promotion. In Cleveland, January 97, we held public hearings. Generally the hearing testimony was the evidence used to write this report. [See Education Supplement, pages 6-65] The hearing testimony was edited and will be available for free distribution in 1975. The funds for this enterprise have been raised outside the Task Force budget.

Recommendations

At the April 4, 1975 meeting, the ERA Task Force adopted the following recommendations of the ad hoc Education Committee. The full report has not been reviewed by the ERA Task Force and will appear in the supplementary section as separate work of the ad hoc Equal Rights for Women in Education Committee.

A. The State of Ohio, under the sponsorship of either the new agency, recommended in the Public Obligations Chapter of this report, or the Education Commission should establish a citizens’ Task Force for Equal Rights for Women in Education.

B. In each local school district, action committees should be established to eliminate sex discrimination in employment, textbooks, curriculum, or in any area where sex discrimination exists.

C. A model bill, such as attached, [Appendix C, page 65] should be enacted by the Ohio Legislature in 1976.

The committee represented individuals from the OEA, AFT, AAUP, AAW, University trustees, the Ohio Department of Education, the Board of Regents, Women’s Caucus at Ohio University, Cleveland State University, and Ohio State, NOW, YWCA, Ecumenical Women’s Caucus Cleveland, University of Cincinnati School of Education, League of Women Voters, Affirmative Action Officers of State Universities, Continuing Education for Women Association, Council of Jewish Women, Women in Communication, classroom teachers, and college instructors.

MINORITY REPORT
OF SIMON LAZARUS, JR.

I dissociate myself from and do not subscribe to the Education Section of the Report of the Task Force.

1. There may be a need for local affirmative action committees in each school district depending upon what is meant by affirmative action and in what capacity and in what areas of employment, curriculum, attitude, etc. In the absence of clear definitions, I oppose the recommendation.

2. The Model Bill, the result of the Equal Rights for Women in Education Study, should not be adopted in Ohio. The proposed bill may very well be a Pandora’s Box in the first place. In the second place, the enforcement and administrative provisions are too broad, to wit: the section authorizing the issuance of rules, regulations, or orders of general applicability, the section requiring records to be kept that may be required by regulation and such additional reports that may be necessary, the permission of access to the educational institution during normal business hours to its books, records, accounts and other sources of information, etc. (this may be very disruptive of the normal processes of education at the institution, as well as invasion of privacy of some of the personnel and pupils at the institution). The complaint procedure is inadequate. It does not guarantee the educational institution due process and, finally, the enforcement provision permitting the agency to terminate any and all state assistance to the institution is not only a drastic power that may be wielded irresponsibly by a bureaucracy unskilled in due process, but in a sense is a form of blackmail that may be applied. Any such action that the proposed state agencies contemplate taking should not be done except through the courts. In the third place, the authority and powers given the agency for parochial purposes are too pervasive.

The thinking behind espousing another bureaucracy like that contemplated by the proposed bill is ultimately going to result in a series of administrative agencies not accountable to anybody but the chief executive of the state, or of the county who appoints them with no redress for persons who are wronged by arbitrary action. Furthermore, an additional agency such as this only compounds the cost of education and state government. The question is one of balance. Is it necessary? There is sufficient authority in the state government and in the federal government to reach over 99% of the complaints that may arise.

MINORITY REPORT
OF SIMON LAZARUS, JR.

1. I dissociate myself from and do not subscribe to several of the recommendations made in the following sections of the report of the Task Force:

   A. Children’s Section;
   B. Public Obligations Section;
   C. Employment Section; and
   D. Education Section.

2. The Governor’s Executive Order creating the Task Force contained a very limited objective — to conform Ohio statutes to the Equal Rights Amendment and to consider the need for a permanent commission on the status of women. The Executive Order recognized:

   “Many of the laws and regulations of Ohio distinguishing on the basis of sex must be repealed or amended to conform to the Equal Rights Amendment, and that the interests of the State of Ohio would be best served by an orderly and well thought-out review of these statutes.”

3. I believe:

   A. The family is basic to a civilized society;
   B. The family is a unity that must be preserved;
   C. Marriage is a necessary and viable institution;
   D. The state has an interest in the preservation of the family and the institution of marriage;
   E. Parents have a responsibility to impart love and security to their children, and to prepare them to make a better society for themselves and their own children;
   F. Civilized society has an obligation to pass on these ideals to the next generation;
   G. Our society is based upon a system of private enterprise and its work incentives and rewards;

   These values must be preserved and not swept aside merely for the sake of change; and

   A civilized society such as ours cannot endure in an existential, individualistic existence. I believe that women have not had equality of opportunity in many economic ways and such should be rectified; that women as a group have been disparately treated in many respects, but that there are physical, physiological and perhaps emotional differences between men and women generally and between individuals (both men and women) particularly that are and must continue to be recognized.

4. I dissociate myself from and disagree with several recommendations for these reasons:

   A. Some of the recommendations are beyond the scope of the Task Force’s responsibility.
   B. Some of the recommendations in my judgment are based upon insufficient testimony and/or evidence.

5. I do not subscribe to the recommendation for the creation of a commission on the status of women, particularly one that has powers pervasive over other administrative agencies. There are many other federal, state and local agencies that can and do carry out similar responsibilities. The proposal outlined in various sections of the Report creates a state-funded lobbying and special interest organization for women. Such a commission may not only be an improper use of state funds, but may violate the Equal Rights Amendment.

6. Where affirmative social legislation (particularly that beyond the Task Force’s responsibility) is recommended, the Task Force did not consider the direct or indirect cost on the state, on suppliers of goods and services, and on consumers.
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EDUCATION SUPPLEMENT — APPENDIX C

**EDUCATION SUPPLEMENT — APPENDIX B**

**TABLE B**

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**EDUCATION SUPPLEMENT — APPENDIX C**

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**EDUCATION SUPPLEMENT — APPENDIX D**

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