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FOLDER TITLE:
Seneca Falls - Women's Domestic Issues: Treasures Tour [and Seneca Falls]

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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
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PHOTOCOPY
PRESERVATION

File
Seneca
Falls

[redacted]
Treasures Tour

7/10 FINAL draft
Secretary's SENECA FALLS Induction Ceremony/Keynote speech
Comments NO LATER THAN 3 p.m. Friday to Bill Woodward (ph. 79841)(fx 736-7687)(rm. 7538)

Thank you Karen Stone for those very kind words and thank you all for your welcome.

Sister inductees and their families and representatives, congratulations. Ms. Pataki, Supervisor Pheiff, Lyn Bedell, guests and friends: Like many public officials, I am often compared to illustrious predecessors. So you can imagine how happy I am to be the first American Secretary of State to join the Women's Hall of Fame. I am tempted to call up Henry Kissinger just to say "Henry, eat your heart out."

As a little girl, I had many dreams, but I never imagined something like this. When I look at the list of members of this Hall of Fame, I am inspired by the incredible range and richness of their accomplishments. As someone who cannot sing like Ella Fitzgerald, write like Emily Dickinson, act like Helen Hayes, or shoot like Annie Oakley, I am astonished and humbled to be in their company.

And as I contemplate the world at the end of the twentieth century, I draw encouragement especially from the memory of those in this Hall who dared to stand up and fight for human dignity and freedom.

Simply being in Seneca Falls is a reminder of the debt we owe. So much of what we have accomplished as individuals and as a nation is attributable to the courage, vision and brilliance of our foremothers. After all, who but the crafters of the Seneca Falls Declaration could have found a way, in just their second sentence, to get the better of Thomas Jefferson?

Because they asserted that men <u>and</u> women are created equal, Lucretia Mott, Elizabeth Cady Stanton, Lucy Stone and their compatriots were scorned, ridiculed, laughed at and vilified. Day after day, they were advised to abandon their foolish quest for suffrage. For decades, they experienced more setbacks than steps forward.

But like the movement to abolish slavery, the campaign for women's rights exposed a fundamental contradiction between American ideals and reality, between the promise of liberty for all, and the denial of real freedom to millions of people.

Once that contradiction was exposed, and held up for public consideration and scrutiny; once every stratagem for rationalizing it had been tried and found wanting; once every effort to deny and delay it had been worn down; the contradiction remained.

It had to be confronted. It had to be eliminated. And ultimately, the appeal made by the signers of the Seneca Falls Declaration to "the divinely implanted principles of human nature," as they put it, could not be denied.

Today, we look back across the years for inspiration and instruction. But we also look ahead, for the movement launched here is still young, still blossoming, still spreading the good news of equality and empowerment, justice and freedom. It is now far more than an American movement. It is universal. It has gone global.

And I believe that, of all the forces and trends that will shape the world of the twenty-first century, this may be the most important. From the tiniest village to the largest metropolis, surmounting every barrier of geography, language, ethnicity and background, the movement to unleash the full capacities and energies of women and girls is gaining strength.

In recent years, I have had the privilege of seeing in virtually every region of every continent the continuous working out, in ways unimaginable at the time, of the principles formulated here in Seneca Falls.

I have seen women's groups in Bosnia insisting on a voice so that they may help re-unite their country and heal the wounds of past strife.

I have seen the birth of movements in Central Europe and the New Independent States designed to give women a partnership role in the construction of new democracies.

I have seen women from different ethnic groups in Central Africa working side by side to prevent the return to their lands of genocidal violence.

I have seen women coming together in Latin America to achieve economic opportunity and legal equity in societies where habits of machismo have been deeply entrenched.

Just last month, in China, where females are all too often not accorded the value they deserve, the First Lady and I saw women who are helping each other to find a place in the new world economy through education, training and micro-enterprise.

I have seen representatives of groups from around the world--African, Asian, Latin, Jewish, Islamic and Christian--joined in the common cause of sustaining the global momentum towards more open and representative political systems.

Of course, this does not mean that women everywhere want to be the same. The desire for self-expression is universal, but different women do not express themselves in the same way. Certainly, not every woman looks to the Western model for emulation.

It is worth noting, for example, that in the West a woman's right to own property is a fairly recent development in the West. Under Islamic law, women have always had that right. And although women have made great political progress here in the United States, unlike the largest Hindu nation, and three of the most populous Islamic countries, we have not yet had a female head of government.

So when we talk about advancing the status of women, we are not trying to force our particular way of doing things or our particular values upon other people. We are trying instead to make progress towards consensus goals that have been articulated and agreed upon by women everywhere.

These include the great wellspring of respect for human dignity passed on to us by those who convened in Seneca Falls. And they include the currents of equality and justice that gathered strength in Beijing.

And for our part, let me say that advancing the status of women is a goal that can never again be confined to the backwaters or side channels. It has become what it must always be: part of the mainstream of the foreign policy of the United States.

I make that pledge because advancing the status of women is both the right and the smart policy for America.

As we approach the new century, we know that despite the great strides made in recent decades, women remain an undervalued and underdeveloped human resource. This is not to say that women have trouble finding work.

In many societies, in addition to bearing and nurturing the children, women do most of the non-child related work. But often, women are barred from owning land and permitted little if any say in government, while girls are often excluded from schools and provided less nourishment than boys.

It is no accident that, today, most of the world's poor are women. Frequently, they are left to care for children without the help of the children's father. Many are entangled at a young age in a web of ignorance, discrimination, exploitation and abuse.

In our diplomacy, we are working with others to change that because we know from experience that when women have the knowledge and power to make their own choices, societies are better able to break the chains of poverty. Birth rates stabilize. Environmental awareness increases. The spread of AIDS and other sexually transmitted disease slows. And socially constructive values are more likely to be passed on to the young.

This is how human progress is generated. This is how peaceful and democratic societies evolve. This is how lasting prosperity is built.

To these ends, our overseas aid programs include many projects that expand the ability of women to succeed economically through legal reform and access to education, credit and health care. This is vital because economists will tell you that, especially in the developing world, income controlled by the mother is many times more likely

to be used to promote the health and education of children than income controlled by the father.

We also support international family planning programs, because we believe that women have a right to control their own bodies and because we want to reduce the demand for abortions and make it more likely that when children are born, they survive and thrive.

We are working to equip women in emerging democracies with the skills and knowledge they need to participate politically, whether as officials, advocates or simply as citizens exercising the right to vote, which Susan B. Anthony called "the right protective of all other rights."

From Central Asia to Central Europe to Central Africa to Central America, we have a vital interest in the spread and deepening of democracy. But as the sentiments expressed here in Seneca Falls affirm, there can be no democracy if the voices of half the population are not heard.

A half century ago, a great American First Lady, Eleanor Roosevelt, was the driving force behind the adoption of the Universal Declaration on Human Rights.

Three years ago, at the United Nations Fourth World Conference on Women, another great First Lady--Hillary Rodham Clinton--eloquently reaffirmed America's commitment to that Declaration and to its application to all people--stating specifically that there can be no distinction drawn between human rights and women's rights, for each includes the other and both must be observed.

Now, I don't know whether this resulted from a conversation between those two First Ladies.

But I do know that the Universal Declaration embodies values that are central to all cultures, reflecting both the wondrous diversity that defines us and the common humanity that binds us.

Unfortunately, today, despite the progress that has been made, in many countries, appalling abuses are still being committed against women. These include coerced abortions and sterilizations, children sold into

prostitution, ritual mutilations, dowry murders and domestic violence.

There are those who suggest that all this is cultural and there's nothing we can do about it. I say it's criminal and we each have a responsibility to stop it.

That is why we persist in our effort to persuade key Members of the Senate--and they know who they are--that it is long past time for America to become party to the Convention on the Elimination of All Forms of Discrimination Against Women.

That is why we back so strongly the international war crimes tribunals, because we believe that the authors of ethnic cleansing should be held accountable, and those who see rape as just another tactic of war must pay for their crimes.

That is why we are speaking up on behalf of the women and girls of Afghanistan, who have been victimized by all factions in their country's bitter civil war. The most powerful of those factions, the Taliban, is determined to drag Afghan women back from the dawn of the twenty-first century to the thirteenth. The only female rights they seem to recognize are the rights to remain silent and invisible, uneducated and unemployed.

Afghan women have asked for our help. I know because last fall I sat in a tent in the high mountains of Central Asia and listened to their stories. I will tell you what I told them. We can not and we will not abandon the girls and women of Afghanistan. We are providing new support for educating and training to increase their capabilities and develop their skills. And we have made it clear that if leaders of the Taliban or any other Afghan faction want international acceptance, they must treat females not as chattel, but as people; and they must respect human rights.

Finally, because we believe in helping every woman to have a fair chance in life, we have undertaken a major diplomatic and law enforcement effort to halt trafficking in women and girls. After all, if we believe in zero tolerance for those who sell illegal drugs, shouldn't we feel even more strongly about those who buy and sell human beings?

This is one of the fastest growing criminal enterprises in the world. It exploits the desperate economic needs of more than a million mostly young women every year; women who think they're applying for jobs as governesses, waitresses or sales clerks, but who end up virtual slaves of thugs, pimps or unscrupulous employers.

Our strategy is to educate the public, assist the victims, protect the vulnerable and apprehend the perpetrators. Our approach is to develop and implement specific plans in countries where predators and the preyed upon are most often found, including the United States.

For example, as a result of my talks with Prime Minister Netanyahu, Israel has set up special police units in Tel Aviv and Haifa. We have established a joint working group with Italy. And in response to a request from the Government of Ukraine, we are preparing a comprehensive strategy for responding to the problem in that country.

We see these as potential models of cooperation to be replicated as often as required. Our goal, ultimately, is to mobilize people everywhere so that trafficking in human beings is met by a stop sign visible around the equator and from pole to pole.

My friends, the invitation presented by the Hall of Fame is to "Come Stand Among Great Women." In recent years, I have had that honor many times. Not in fancy meeting rooms or the high councils of state, but in refugee camps. In villages constructed solely of mud and tin. In urban health clinics where malnutrition and ignorance have been allied with disease and conspired against life. In arid grasslands where nothing grows but the appetites of small children.

It is in these places, especially, that I have truly stood in the presence of great women; women who have been beaten back and beaten down and beaten up, but never defeated because their pride is too strong, their love too fierce, their spirit unshatterable.

The sentiments contained in the Seneca Falls Declaration have endured not simply because of their logic and eloquence and rightness, but because of the underlying

power of their central premise, which is that every individual counts. This basic idea of valuing each human person fairly is what has united the women's movement across the boundaries of nation, status and culture, through the window of time, back to our great great grandmothers, and forward to embrace the youngest girls here in this auditorium today.

This philosophy is not based on any illusions. Advocates of social progress have seen far too much of hardship and frustration to indulge in sentimentalism. But we live in a nation and a world that has been enriched beyond measure by those who have overcome enormous obstacles to build platforms of knowledge and accomplishment from which others might advance.

Susan B. Anthony said once that "Cautious, careful people [who are] always casting about to preserve their reputation and social standing, never can bring about reform. Those who are really in earnest must be willing to be anything or nothing in the world's estimation."

It is with these words, and the examples in mind of heroes going back to Lucretia Mott and Frederick Douglass, and in recognition of the millions who have struggled greatly, but whose names we will never know, that we reaffirm this truth, that all work that is worth anything is done in faith.

And now, on this day of warm memory and renewed resolve, let us all pledge to keep the faith that our perseverance and dedication will make a difference, that every door opened by our striving, every life enriched by our giving, every soul inspired by our commitment and every barrier to justice brought down by our determination will ennoble our own lives, inspire others, and explode outward the boundaries of what is achievable on this earth.

Let us go forward with respect and gratitude for those who came before us. With determination and love for our daughters, and for the sons whose own lives will only be enriched by progress towards a world more equitable and democratic, more peaceful and fully free.

Thank you very much for your attention, and for allowing me to share with you this beautiful day.

8 45 pm

To: Kate Button

From: Linda Tan-Wiela

This is the almost final version. We are not expecting major changes.

FORUM '98
DECLARATION OF SENTIMENTS
JULY 17, 1998

PREAMBLE

We gather on the 150th anniversary of the Declaration of Sentiments issued by the first U.S. women's rights convention in Seneca Falls to reaffirm and advance its basic human rights principles. The Declaration, patterned after the Declaration of Independence, described the legal, social, and economic liabilities under which women lived in the United States in the 19th Century asserting, "A history of repeated injuries and usurpation on the part of man toward woman."

While women have made many advances over the past one and one half centuries, equality has not yet been achieved. The persistence of entrenched patterns of sex discrimination, poverty, political exclusion, and violence against women in many forms in the United States and around the world should outrage women and men alike on the eve of the new millennium.

The year 1998 is also the 50th anniversary of the Universal Declaration of Human Rights, a United Nations document setting forth fundamental human rights for all, signed by the United States and all member states in 1948. The document affirms everyone's entitlement to civil, economic, political and social rights, "without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Today women around the world are demanding that women's rights be defended as human rights and that governments and communities be held accountable for promoting and upholding the human rights of all. We pledge to work to achieve worldwide realization of equal human rights for women, men and children of all races and nations. Justice demands that no one be denied these fundamental human rights.

In linking these two important anniversaries, we add our voices as U.S. women to those of other women in this country and around the world who are seeking to realize equality and human rights for all. Further, we affirm previous programs of action for women's rights, noting in particular the National Plan of Action from the National Women's Conference held in Houston, Texas, in 1977 and the International Platform for Action from the Fourth World Conference on Women in Beijing, China, in 1995. It is essential that our government work vigorously to implement these platforms and that the United States Senate ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). We deplore the fact that the United States is one of only a handful of countries which have not yet ratified this international Women's Convention.

We note with alarm trends at the end of this century that tend to undermine the human rights of women and men. Without sufficient enforcement of human rights standards, the globalization of the economy has worsened the marginal existence of hundreds of millions of women. The continuing escalation of war and civil strife and the violence practiced against women destroy lives and turn large numbers of women and children into refugees. The neglect and pillage of the environment and disregard for the resources necessary for sustainable development diminish lives today and for future generations. The growing global market trafficking in women and children for sexual and economic exploitation demeans and destroys countless lives. Further, women throughout the world face growing backlash and fundamentalist forces aimed at denying our claims to the human rights guaranteed by the Universal Declaration of Human Rights.

Women everywhere are seeking to counter these trends and to create societies with justice and equality for all. Nevertheless, we are often separated from one another by the persistence of racism, homophobia, ethnic, class and other divisions in the world which produce inequality among women. We will not trade off the rights of one woman for the advancement of another. We commit ourselves to respecting women's diversity and finding common ground by working to end all forms of discrimination women face based on color, ethnicity, national origin, religion, culture, age, sexual orientation, disability, class, childbearing choices or marital status.

We also celebrate the contributions of women to political and civic life, our economy and our communities. The values and leadership of women are changing businesses and governmental policy as well as daily life. Democracy thrives when women have full and equal representation in all decision-making. Families thrive when women and men share the responsibilities and joys of family life. Times have changed. Women in the United States are now the majority of voters, almost half the workforce and the driving force behind the growth of small business. But policies and institutions have not kept pace.

We see it as the responsibility of women and men to create the changes necessary to advance the human rights of all. As U.S. women, we acknowledge our challenge and obligation to work against injustice and for human rights at home and wherever U.S. policy and institutions impinge on the lives of others around the world.

We pledge to uphold the principles of the Seneca Falls Declaration of Sentiments and of the Universal Declaration of Human Rights and to seek policies that embody these principles. We build upon a global women's movement which has reached into every corner of our country and consciousness and which gains strength from women's diversity. Further we commit ourselves to extending the promise of this movement by engaging new generations of women and girls in our communities.

Just as women's lives and roles are seamless, so the following areas of concern are interrelated and the actions proposed are only some of those needed to move this agenda forward. Bearing these principles in mind, we call for bold actions and legislation at all levels to transform our society to assure equality and human rights to the girls and women of the next millennium. As our foremothers and forefathers in Seneca Falls pledged to achieve equality, so we, the women of Forum'98, pledge our individual and collective efforts to the achievement of these goals.

WOMEN TAKE LEADERSHIP

On the threshold of the 21st century, we envision a world with new leadership reflecting the rich variety and diversity of people in our communities, our country, and around the globe--a world in which compassion and caring, human rights, social justice, and economic equity are central values.

We affirm that women have a fundamental human right and responsibility to full political participation and leadership to create an inclusive, humane, and just society. Decision-makers must be representative of the gender and racial composition of the population.

Shaping a better world in the 21st century includes:

- Teaching respect for human diversity, including race, gender, class, ethnicity, religion, sexualities, age, and differing abilities;

based multi-national corporations. We affirm women's initiatives in creating alternative economic systems and structures.

Both the workforce and the economy are changing as new technologies emerge. We call for these opportunities to be used to maximize women's potential rather than marginalize women in contingent work with little security, low pay and minimal benefits. Women need to be equal participants in economic decision-making at all levels, including community economic development.

We seek to transform the economy and workplaces so that women's basic rights are affirmed including the following:

- Freedom from discrimination in hiring, pay, benefits and advancement;
- Equal pay for work of equal value;
- Work and educational environments free of violence and sexual harassment, and sex stereotyping that narrows women's choices to a limited range of lower paid occupations;
- Access to information about the employment practices of all employers, such as statistics on wages, hours, and representation of women in job categories both in relation to men and disaggregated by race and ethnicity;
- The right to organize collectively and be proportionately represented in the leadership of labor unions;
- Equal representation in senior management and on the Boards of Directors of corporations and businesses;
- The opportunity to own and develop their own businesses and to have equal access to capital, credit, government contracts and business assistance programs;
- A secure, adequate and equitable retirement income;
- An adequate safety net for those unable to work; and
- Taxation that is fair to women.

WOMEN IN A HEALTHY SOCIETY

We affirm women's and girls' fundamental human right to full recognition of and respect for bodily integrity and reproductive self-determination. This includes:

- Freedom from violence, sexual abuse, and rape;
- Freedom from coerced pregnancy, with protection for the right to safe abortion and safe birth control;
- Freedom from forced sterilization and genital and other forms of bodily mutilation;
- Freedom from harassment based on gender or sexuality at all ages;
- Right to adequate and affordable health care, including reproductive, prenatal, well-baby care, and care in old age, preventive care and health education;
- Right to determine one's own medical treatment;
- Right to physical development and full participation in athletics;
- Right to develop a healthy bodily self-image;
- Right to sexual self-determination.

We affirm women's fundamental human right to form families and mutually consensual adult intimate relationships. Public policy as well as religious and societal institutions should respect and

support women's diverse personal relationships, including their right to dissolve such partnerships equitably and to protect their children's security.

People have the basic human right to receive care throughout their life cycle to ensure that fundamental needs are met. We affirm that participating in nurturing and caring--as parents, adult children, partners and others--is an integral and joyful part of what makes us human. We also affirm that providing care is the most valuable and important societal work, is indispensable and central in a compassionate society, and is one which men and women should share fully.

The above principles demand new policies. Governments, private institutions, and the community at large have the responsibility to provide affordable, quality childcare, elder care, and early childhood education; to ensure that all who need it receive appropriate care; and to assure the safety and well-being of those requiring care. Moreover, all providers, including parents and other family members who choose to provide care for children, the elderly, and persons with disabilities or long-term illnesses, should be economically supported or fairly compensated and not be discriminated against in social security, pensions, health care benefits, employment, and tax policy. Income level should, therefore, not be an impediment to anyone's choice to provide care.

As concerned women, we commit ourselves to stand together on these issues. We recognize and respect the diverse choices and circumstances women face throughout their lives. Therefore, we will not be divided nor exploit each other in our intimate, relational, and caring lives.

RESOLUTION FOR SUPPORT OF A NATIONAL WOMEN'S EQUALITY ACT FOR THE 21ST CENTURY

Whereas the National Council of Women's Organizations, a network of more than one hundred organizations representing over six million women in the United States has proposed the passage by the Congress of the United States of comprehensive legislation addressing the unfinished business of women's equality; and

Whereas the proposed principles of legislation seek to provide fairness and equity for girls and women in all aspects of society—education, employment, family responsibilities, taxation, health care, the justice system, and access to the media; and

Whereas the principles of legislation are consistent with the goals adopted by Forum '98 in its Consultation and its commitment to action to achieve full equality for women and girls,

Therefore, be it resolved

That participants in the Forum endorse a National Women's Equality Act and pledge to mobilize support for it.

RESOLUTION ON THE UNITED STATES' RATIFICATION OF THE CONVENTION TO ELIMINATE ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Whereas participants in Forum '98 have gathered in the communities which are the birthplace of the struggle for women of the United States for full equality in society; and

Whereas we have committed ourselves to continue to move that cause forward for the women and girls of our country and the world; and

Whereas the United Nations in 1979 overwhelmingly adopted the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) as an international declaration of support for the achievement of full equality between women and men; and

Whereas the United States has failed to ratify this important international commitment to the rights of women;

Therefore, be it resolved

That Forum '98 participants call upon the United States Senate for immediate ratification of the Convention to Eliminate All Forms of Discrimination Against Women without reservations, declarations or understandings that would in any way weaken this commitment to women's equality.

CHRISTOPHER J. DODD
United States Senator
Washington, D.C. 20510

July 15 98

Dear Mrs. Clinton —

Understand you are having a great trip. Are you sure you couldn't use me along? I'd much rather be there with you than here!

Enclosed is an idea you may want to visit in upper Iowa falls area.

Best — Chris.

Chris Dodd
U.S. SENATOR FROM CONNECTICUT

NEWS

FOR IMMEDIATE RELEASE
July 10, 1998

Contact: Laura Sheehan
(202) 224-0346

Dodd Introduces the "Women's Progress Commemoration Act"

Washington – Hoping to protect women's historical sites, Senator Chris Dodd, D-Conn., today proposed legislation that will create a bipartisan fifteen member commission to help preserve historical sites important to women's history. This legislation honors the 150th anniversary of the Seneca Falls Convention, convened in July of 1848 to press for equal social and civil rights for women.

"When I attend a UCONN Lady Huskies game, I am reminded of all the young people in Connecticut and in the country who need strong positive female role models," said Dodd. "And that's what we should give them – a living heritage they can see, touch, and know. There are many sights both here in Connecticut and throughout the country that need to be preserved not just for women and girls but for everyone."

The goal of this legislation – the "Women's Progress Commemoration Act" – is to highlight sites that are significant to women's history. The commission, made up of members selected on the basis of their knowledge of women's history and historical preservation, will compile a list of sites in need of preservation and recommend actions to rehabilitate the sites. The Women's Progress Commemoration Act will enable future generations to learn about the vital contributions of women to American history.

Currently, a very small percentage of all nationally registered sites chronicle women's achievements, many of which are deteriorating due to lack of funds and public knowledge of their existence. Sadly, a number of women's historic sites have deteriorated and disappeared, so that only a plaque or signpost remains to mark their existence. Connecticut sites such as the Prudence Crandall House, the first school for African-American girls, and the home of Harriet Beecher Stowe, author of *Uncle Tom's Cabin*, have been successfully preserved. The focus of this legislation is to spread this success nationwide.

- 30 -

July 15, 1998

Memorandum to: First Lady Hillary Clinton
Chief of Staff Melanne Veveer

From: Ambassador Linda Tarr-Whelan

It was good to talk to you and would be terrific if there could be a mention in your Seneca Falls speech about the work which is going on here.

What: Forum 98: National Consultation to Set A Course For Women Into The New Century

Who: Co-Chairs — Nan Johnson, Susan B. Anthony Center, University of Rochester
Sheila Bennett, Provost, Hobart and William Smith Colleges
Participants - an unusual bi-partisan combination of activists, writers and academics (mostly people you know well including: Swanee and Helen Hunt, Anita Perez Ferguson, Charlotte Bunch, Ruth Mandel, Sheila tobias, Martha Burk, Mary Dent Crisp, Karen deCrow, Sissy Farenthold, Presidents of BPW and AAUW, Elie Smeal, Harriett Woods, Anne Zill, Kate Millet, Constance Baker Motley, Aileen Hernandez, Susan Bianchi-Sand, Heidi Hartmann and about a dozen others.

Purpose: Reaffirm the principles of the declaration of sentiments, take stock and set a course for the new century.

Basic Framework: The preamble ties us closely to the rights framework adopted in Beijing and is specific in reference to that the 50th Anniversary of the Declaration of Human Rights and calling for the ratification of CEDAW. The drafting is still proceeding and the final plenary will be tonight at 8pm. I have included the current draft of the Preamble. The three dominant areas of the document will be Women's Leadership, Women and the Economy, and Women's Personal Lives. It is coming together as a nice balance (especially since the participants have a variety of views). The language is still older than I would like — but we'll see what we can do between now and tonight. Girls and young women will be added.

New Areas: There are a few new concepts beyond Beijing which are worth mentioning. Caregiving receives a lot of attention — both in terms of workers who do it and the need for women and men to be involved for both the responsibility and the deep human compassion. This includes elder care as well as child care. Child care is a major emphasis along with a new workplace that respects the fact that family and work lives are intertwined. There is a section on personal bodily integrity which includes international issues like genital mutilation as well as more domestic concerns. There is a section on women (adults that is) having the ability to form relationships "beyond the current norm of the nuclear family". This section still needs a lot of work and was not available when I faxed this.

Suggested inclusion in remarks: What follows is no doubt too long and doesn't flow but you get the general idea.

Simultaneous to my remarks here today in Seneca Falls, the participants in Forum "98, a national consultation of 50 women leaders is presenting their commitment to the principles of the Seneca Falls Convention and sharing an agenda they have framed for equality for the 21st Century in ~~Rochester~~. It is a prestigious group of activists, academics and writers who collectively have centuries of experience in the fight for women's equality. Using the framework of "women's rights are human rights, and human rights are women's rights" they are presenting a platform for the future for women's leadership, women in the economy and women's personal lives. One major recommendation is one that I share — Forum '98 is calling for ratification of the Convention to End Discrimination Against Women. (Add whatever you are already using.) I look forward to hearing about the results of this important consultation.

It is not easy to reach me but the best chance is through the Provost's office here at the college -- 315-781-3308. I'll send Katie along the draft which exists this evening and will patch through to you if there are any unforseen developments which would alter my advice. Sorry I can't be in Seneca Falls — I'm sure it will be terrific (and probably more fun!). Best wishes to you both.

As I finish this Swanee says "hi"!

It is time to Take stock

DRAFT DRAFT DRAFT of Preamble

We gather here in 1998 to commemorate the 150th anniversary of the Declaration of Sentiments issued by the first US women's right convention in Seneca Falls and to reaffirm its basic human rights principles. The Declaration, patterned after the Declaration of Independence, described the legal, social, and economic liabilities under which women lived in the United States in the 19th Century alleging "A history of repeated injuries and usurption on the part of man toward woman." While many advances for women have been made over the past one and one half centuries, the persistence of entrenched patterns of sex discrimination and violence against women in many forms around the world should outrage women and men alike on the eve of the new millennium.

1998 is also the 50th anniversary of the signing of the Universal Declaration of Human Rights which sets forth fundamental human rights - civil, economic, political, and social - to which everyone is entitled "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." During this year, women around the world are demanding that women's rights be defended as human rights and that governments be held accountable for their responsibility to promote and uphold the human rights of all. We pledge to work to achieve world-wide realization of the principle that women, men and children of all races and nations have equal rights and that human justice demands that no one be denied these rights.

In linking these two important anniversaries, we add our voices as US women to those of other women in this country and to the movements of women around the world who are seeking to realize human rights for all. Further, we affirm previous programs of action for women's rights and in particular the Women's Platform from the National Women's Conference held in Houston in 1977 and the International Platform for Action from the Fourth World Conference on Women in Beijing in 1995. We call upon the US government to work to implement these platforms and to ratify the Convention on the Elimination of All Forms of Discrimination Against Women.

Further, we note with alarm trends at the end of this century that tend to undermine the human rights of both women and men. The globalization of the economy without sufficient rights and values guidelines for its operations has worsened the marginal existence of millions of women. The continuing escalation of militarization and violence against women both takes many lives and dislocate large numbers particularly of women and children. The continuing pillage of the environment and disregard for the resources necessary for sustainable development for all people around the world. The growth of the global market in women and children for both sexual and economic exploitation. The persistence of racism,

homophobia, and class divisions in society and the intra-gender inequality that results from these differences among women.

We see it as the responsibility of women to seek to create change that will advance the human rights of all just as it is the responsibility of men to work for the human rights of women. As US women, we acknowledge our responsibility to work against injustice and for human rights both within our country and as our nations institutions impact on the lives of others around the world. We pledge to work to uphold the principles of the Seneca Falls Declaration of Sentiments and of the Universal Declaration of Human Rights and to seek policies that move toward these goals. We note that the following issue areas are inter-related and the actions proposed are only some of those needed to move this agenda forward. Bearing these principles in mind, we call for bold actions that would seek to transform institutions and advance the human rights of all.

FAX TRANSMISSION

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To: Katie Button **Date:** July 15, 1998

Fax #: 202.456.~~6266~~ 6244 **Pages:** 1, including this cover sheet.

From: Joy McGrath

Subject: Names of prominent women

COMMENTS:

Here are a few that we thought would work:

Elizabeth Blackwell, first American female medical school graduate, in 1849
Mary McLeod Bethune, American educator
Jane Addams, American social worker and reformer
Helena Rubinstein, American entrepreneur
Frances Perkins, American social reformer, first female U.S. Cabinet member, 1933
Ruth Benedict, American anthropologist
Margaret Mead, American anthropologist
Rosa Parks, American desegregationist
Sojourner Truth (Isabella Van Wagener), American emancipation leader
Harriet Tubman, American emancipation leader
Ella Grasso, first elected female governor
Sarah Caldwell, American conductor and opera director
Shirley Chisholm, first American black female U.S. Representative
Carrie Chapman Catt, American suffragist, founder of League of Women Voters

Judy Lichtman's suggestions

Ruth Bader Ginsburg

Born in Brooklyn, New York in 1933, Ruth Bader Ginsburg was raised by her parents, Nathan and Celia Bader. Her childhood years were marked by the loss of her elder sister Marilyn to meningitis. Apart from this tragedy, Bader Ginsburg's early years passed without much significance. A studious child, Bader Ginsburg succeeded in academics. She received her undergraduate degree from Cornell University, graduating Phi Beta Kappa in 1954. She attended Harvard Law School, but transferred to Columbia Law School when her husband began work with a New York Law firm. Designated a Kent Scholar, Bader Ginsburg graduated from Columbia Law School in 1959, tied for first in her class.

Although Bader Ginsburg was a distinguished graduate, she had difficulty attaining employment. Traditional notions of female roles limited the opportunities available to the accomplished scholar and Jewish mother. Despite these setbacks, she remained hopeful, bearing the smile of optimism for which she is now known. After an extensive search, Bader Ginsburg found a position as a legal secretary to a Federal Court Judge.

After her clerkship with New York Judge Edmund Palmieri, she joined the faculty at Rutgers School of Law, where she remained for nine years. In 1972, she returned to Columbia Law School, no longer as a student but as a member of the faculty.

Her return to Columbia Law School was accompanied by a period of intense activism. In 1972, Bader Ginsburg co-founded the Women's Rights Project of the American Civil Liberties Union. She directed her attack to laws which differed in their treatment of men and women. Championing the nights of women, she argued six cases before the Supreme Court between 1973 and 1976. Winning five of the six cases, she pleaded for the application of equal protection to gender issues. Above all, Bader Ginsburg demanded the end of discrimination along gender lines.

Promoting gender equality, Bader Ginsburg came to be seen as one of the preeminent players in legal reform. Her relentless efforts resulted in her appointment in 1980 to the Court of Appeals for the District of Columbia Circuit. She held this position until 1993, when she was nominated by President Clinton to serve on the Supreme Court. Upon her confirmation, she became only the second female justice appointed to the Court.

She has been hailed by some as a centrist and by others as a moderateliberal. Typically, she is considered to be a jurist who treads the path of the middle. Although she is a noted for her role in advancing women's rights, she has often been criticized for her reservations on Roe v. Wade 410 US. 113 (1973).

During her tenure on the Court, she has been known for emphasizing the importance of cooperation among the justices on the bench. Arguing for the merits of a more unified Court, Bader Ginsburg has advocated the need for judicial consensus in opinion writing.

Bibliography of Internet Sources

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Microsoft Encarta Biography

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http://marian.creighton.edu/~mpoly/wirc/ruth.html

Ruth Bader Ginsburg

Justice Ruth Bader Ginsburg was a teacher before she became a Supreme Court Justice. While she was a teacher, she felt that unfair actions were being taken against women in the work place. She even experienced some of these prejudices herself. Becuase she was pregnant, she was told that she could not handle a promotion, and therefore was stuck with a lower-paying job. These circumstances inspired Ruth Bader Ginsburg to study law and try to change the injustices to which women were subjected.

In 1971, Ruth Bader Ginsburg aided the American Civil Liberties Union by finding the Women's Rights Project. This group's main objective was to prove to the Supreme Court that it was unconsistuitional to discriminate because of gender. After many rulings, it was determined that the equal protection clause in the Constitution applies to both men and women.

Ruth Bader Ginsburg became the one hundred and seventh justice of the U.S Supreme Court. She continued her quest for women to have equal rights, and in fact, vocalized her opinions about several cases. Justice Ginsburg plainly is pro-choice, and agrees with the Roe v. Wade decision. Her view on why abortions should be legal differs from Justice Harry Blackmun. She states that the Roe v. Wade decision should be based on equal protection of women's rights rather than the right of privacy.


Birth Control Then and Now

Created by:
Michelle Chaumont, Samantha Galing, Stacy Heiman, Mary Ann Polityka, Chris Pollack

Source Page

Harry Blackmun

Supreme Court Justice Harry Blackmun, who has recently announced his retirement, played a major role in the courts involvement with abortion. He held that the right to an abortion is constitutionally protected.

- **The court case Roe v. Wade was a must in Justice Blackmun 's opinion. A case like this was bound to occur sometime because outlawing abortion was unconstitutional.**
- **The right of privacy was protected by the constitution, and therefore, criminalizing abortion would violate that right. This right of privacy, previous to 1973, protected the use of birth control, marriage, and procreation.**
- **Justice Blackmun wrote the decision for Roe v. Wade. In this decision, it states that it is "a woman's decision whether or not to terminate her pregnancy. . ."**
- **Ruth Bader Ginsburg holds the view that abortion should be legal, but disagrees with Blackmun on the reasons why this decision should be upheld.**



Birth Control Then and Now

Created by:
Michelle Chaumont, Samantha Galing, Stacy Heiman, Mary Ann Polityka, Chris Pollack

Source Page

Margaret Sanger 1879-1966

Because Margaret Sanger was a nurse and witnessed so many complicated births, extremely large families, miscarriages, and unwanted pregnancies, she devoted her life to legalize birth control and educate young women, especially poor women, who were in need of family planning. She also wanted to teach women to be independent and not to be slaves to their own sexuality. She fought hard for this cause. If fact, in 1916, she was arrested for creating a public nuisance when she opened a birth control clinic in Brooklyn. She challenged the legal system several times, and played a dominant part in changing laws. Because of her struggles, it is now legal for doctors to distribute birth contol information to patients.

- **Two major reasons that Margaret Sanger wanted to legalize birth control was to help the poor control the birth rate and to help women be in control of their bodies.**

- **Margaret Sanger went through many trials during her quest for legalized birth control. She even went as far as changing her name for a year to get around censorship guidelines so that she could get *Family Limitation*, a journal about birth control, released.**

- **In the early 1900's, birth control was accessible to the wealthy but not the poor. There were no physicians who would serve the underprivileged, therefore, many poor women ended their unwanted pregnancies with self-induced abortion. Because of this unfairness, Margaret Sanger worked primarily for the poor in order to get doctors for them and to educate them on the subject of birth control.**

- **In 1921, Margaret Sanger organized and was the first president of The Planned Parenthood Federation of America. It started in New York City, where it's headquarters are now located. The Planned Parenthood establishments around the United States help give basic information about birth control and birth planning to the general public.**

- **Margaret Sanger founded the Nationanl Birth Conrtol League in 1914, and helped to make birth control a talked about subject.**

- **A case in 1915, debating whether poor women might mave the same right that the rich already had which was to prevent unwanted pregnancy, raised Maragret Sanger to be a national figure of protest against unjust law instead of sending her to jail.**

- **Margaret Sanger wrote *The Woman Rebel* which was a journal that taught wives to fight for their own rights, and it announced that there were safe ways for women to prevent excess pregnancies.**

- **Several letters were written to Margaret Sanger by poor women in need of help. These women voiced their support to Sanger and also pleaded for her to get the laws against birth control changed.**

[redacted]

Nicole R. Rabner

07/15/98 03:04:17 PM

Record Type: Record

To: Katharine Button/WHO/EOP

cc:
Subject: Margaret Sanger

Did you know that the NEH is a sponsor of an effort to publish all of Margaret Sanger's papers? Here from the web:

The Papers of Margaret Sanger

About Margaret Sanger

Margaret Sanger's name is virtually synonymous with the development of birth control, a term she helped coin in 1914. Schooled in the pre-World War I activism of the radical labor left and mobilized by her work as a home nurse in the immigrant ghettos of New York, Margaret Sanger (1879-1966) became convinced that in liberating women from the tyranny of unwanted pregnancies, birth control would effect fundamental change. From the publication of The Woman Rebel in 1914 through her leadership of the International Planned Parenthood Federation in the 1950s, Margaret Sanger dedicated herself to making birth control safe, effective, legal, and socially sanctioned. Committed to insuring that every woman had both the knowledge and right to practice birth control, Sanger is best known for her battles over the right to legally disseminate contraceptive information and open birth control clinics. Yet her decision to press for the acceptance of contraception by the medical establishment and to support medically sanctioned birth control has also been critical to contemporary attitudes and debates. Birth control today remains a key component of social and economic change, and continues to be surrounded by controversies and debates at whose center lie the policies developed and publicized by Margaret Sanger.

About the Margaret Sanger Papers Project

The goal of the Margaret Sanger Papers Project is to publish the more than 140,000 Sanger papers, in microfilm, book, and electronic versions. In 1995, the Project published its first microfilm series, The Margaret Sanger Papers: Smith College Collections Series, consisting of the 45,000 documents located at the Sophia Smith Collection and College Archives at Smith College; in 1996 the Project will microfilm approximately 9,000 additional documents gathered in an international search as the Collected Documents Series. In addition, the Sanger Papers Project is indexing a third series, the existing 145-reel microfilm of Sanger Papers produced by the Library of Congress in 1977. The Sanger Papers Project will then produce an integrated guide that will include reel descriptions and an item level index to all three microfilm series, a four-volume book edition of selected letters, and an electronic version of the entire three-series microfilm edition. (Click here for a sample document image.)

Support

The project is sponsored by New York University's Department of History, in association with the Sophia Smith Collection at Smith College; it is supported by the National Historical Publications and

Records Commission, the National Endowment for the Humanities, and by several private foundations and individual contributors.

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Margaret Sanger 1879-1966

Born in Corning, New York, Margaret Higgins learned from her nonconformist father to be a rebel and to reject prejudice. She married William Sanger, an architect, but after three children and ten years in an affluent Westchester suburb, she yearned for more. The Sangers moved to New York City and plunged into the world of bohemian radicalism in Greenwich Village. Perhaps the radical activist Emma Goldman first introduced her to the issue of birth control. Margaret Sanger worked as a visiting nurse on the Lower East Side. She always said that a poor woman named Sadie Sachs, dying after trying to end an unwanted pregnancy, made her determined to take up the fight.



Sanger published *The Women Rebel*, a newspaper advocating birth control, and when indicted for sending "obscene" materials through the mails, she fled to Europe and gathered information there. In 1916 she opened a clinic in Brooklyn, was arrested, and served thirty days for distributing information about contraceptives. From then on Sanger assumed leadership of the struggle for free access to birth control.

She was persuasive, tireless, singleminded, and unafraid of a fight. Her arguments might vary -- at first she saw birth control as part of a socialist reordering of society, later as a means to prevent the multiplication of the inflicted or to assure happy marriages. But always Margaret Sanger saw it as a woman's issue and she was prepared to take on the medical establishment, the churches, the legislatures, and the courts.

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Virginia Apgar 1909-1974

Virginia Apgar, brilliant physician and humanitarian, is best known for her development of the Apgar Score (1952), a system to determine whether a newborn infant needs special attention to stay alive. In most births at the time, attention was focused on mothers, not the newborns, which resulted in many infant deaths. This simple test, performed in the very first minutes of a baby's life, measures an infant's pulse, skin color, activity and respiration very quickly, enabling medical staff to intervene if help is needed. This simple but brilliantly conceived examination has saved countless newborn lives.



Apgar, one of the few women admitted to Columbia University College of Physicians and Surgeons in the 1930s, trained first in surgery, but shifted her work to anesthesiology, a new field that offered the opportunity to do groundbreaking work. She was soon named director of anesthesiology at Columbia, the first woman to head a department at the University. In 1949, after she build a major academic department in the discipline, she was named the first full professor of anesthesiology -- the first woman to hold a full professorship in any discipline at Columbia University.

Apgar's career shifted again in 1959 when she became a senior executive with the National Foundation-March of Dimes, and spent her time working to generate public support and funds for research on birth defects. She was a spectacular fundraiser and educator of the public, and greatly increased both visibility and attention paid to the problems of birth defects. In 1973 she became the first woman to receive the Gold Medal for Distinguished Achievement in Medicine from the College of Physicians and Surgeons, Columbia University. In 1994, Apgar was pictured on a U.S. postage stamp, as part of the Great Americans series.

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Belva Lockwood 1830-1917

Belva Lockwood was born on a farm in Niagara County, New York. She began to teach school at fifteen and married at nineteen. When her husband died soon after, she was left with an infant daughter to support. She returned to teaching and determined to continue her education. In 1857 she graduated with honors from Genessee College (later Syracuse University).



After a move to Washington, D.C., she married Ezekiel Lockwood. She was nearly forty when she decided to study the law. She finally found a law school that would admit her, but even there her diploma was held up until she demanded action. Lockwood was admitted to the bar of the District of Columbia, but was refused admission to practice before the Supreme Court. She spent five years energetically lobbying a bill through Congress, and in 1879 Belva Lockwood became the first woman to practice law before the US Supreme Court.

In 1884 she accepted the nomination of the National Equal Rights Party and ran for president. Although suffrage leaders opposed her candidacy, Lockwood saw it as an entering wedge for women. She polled over 4,000 votes and ran again in 1888. Using her knowledge of the law, she worked to secure woman suffrage, property law reforms, equal pay for equal work, and world peace. Thriving on publicity and partisanship, and encouraging other women to pursue legal careers, Lockwood helped to open the legal profession to women.

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Mary McLeod Bethune
1875-1955

Mary Jane McLeod was born in South Carolina, the fifteenth of seventeen children. Scholarships enabled her to attend Scotia Seminary and Moody Bible Institute. Turned down when she applied to go to Africa as a missionary, she returned to the South. She met and married Albertus Bethune, and began to teach school.



In Daytona, Florida, in 1904 she scraped together $1.50 to begin a school with just five pupils. She called it the Daytona Literary and Industrial School for Training Negro Girls. A gifted teacher and leader, Mrs. Bethune ran her school with a combination of unshakable faith and remarkable organizational skills. She was a brilliant speaker and an astute fund raiser. She expanded the school to a high school, then a junior college, and finally it became Bethune-Cookman College.

Continuing to direct the school, she turned her attention to the national scene, where she became a forceful and inspiring representative of her people. First through the National Council of Negro Women, then within Franklin Roosevelt's New Deal in the National Youth Administration, she worked to attack discrimination and increase opportunities for Blacks. Behind the scenes as a member of the "Black cabinet," and in hundreds of public appearances, she strove to improve the status of her people.

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Emily Blackwell 1826-1910

Emily Blackwell directed the New York Infirmary for Women and Children and the Women's Medical College, providing rare advanced training for pioneering women physicians and medical services for women, by women.



Sister of Elizabeth Blackwell, America's first woman physician, Emily Blackwell also became a physician and collaborated with her sister to expand the New York Infirmary to include a medical college for women. Emily was a brilliant organizer and manager, and for more than 30 years served as the institution's dean and professor of obstetrics and gynecology. Her high standards made the college probably the finest of its time for educating women in medicine. In the years before women were routinely admitted to medical schools with men, 364 women physicians were well-prepared for medical practice because of Blackwell's management and medical skills, and challenged by her inspiring example.

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Margaret Meade 1901-1978

Her father taught economics at the Wharton School, but Margaret had to struggle to persuade him to send her to college. At Barnard she studied with Franz Boas and his brilliant student Ruth Benedict. They convinced her to join them in a new science, anthropology, devoted to the study of varieties of human culture.



Over Boas's opposition Margaret went by herself to Samoa to do field work. The result was a tremendously popular and influential book, *Coming of Age in Samoa*. Adolescence, she argued, is not inevitably a time of stress and conflict. While portraying the free and easy Samoan life, she was critical of American society for shrouding sexuality in secrecy.

Mead went on to a career of brilliant field work. While other anthropologists spent a lifetime studying one primitive tribe, she studied half a dozen. In the 1920s and 30s the Pacific Islands and New Guinea still offered conditions that tested a scholar's mettle. "The natives are superficially agreeable," she once wrote home, "but they go in for cannibalism, headhunting, infanticide, incest, avoidance and joking relationships, and biting lice in half with their teeth." She pushed back the boundaries of her science, and her clear style of writing and public speaking brought advanced ideas to the general public.



Field research in Bali, 1957 or 1958

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Constance Baker Motley
1921-

Making history and making law are the twin components of Constance Baker Motley's extraordinary life and career. Motley's legal career began as a law clerk in the fledgling National Association for the Advancement of Colored People Legal Defense and Education Fund, where she worked with Thurgood Marshall and others. She became a key legal strategist in the civil rights movement, helping to desegregate Southern schools, busses, lunch counters - and successfully arguing nine cases before the U.S. Supreme Court.



In 1964, Motley became the first African-American woman elected to the New York State Senate; in 1965 she was chosen Manhattan Borough President - the first woman and first African-American in that position; and in 1966, President Lyndon Johnson named her a Federal Court judge - the first African-American woman so named - where she continues today. Known as an incisive and capable judge, Motley believes her presence makes a difference: "As the first black and first woman, I am proving in everything I do that blacks and women are as capable as anyone."

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Myra Bradwell 1831-1894

When Myra Bradwell passed the Illinois Bar Exam with high honors in 1869, her path was set on her road to becoming America's first woman lawyer. Bradwell began her legal career with the 1868 establishment of the *Chicago Legal News*, which carried information about laws, ordinances and court opinions admissible as evidence in court. Bradwell, publisher and editor, also used its pages and power to advocate for women's rights, speaking out for women's suffrage, and removal of property ownership rights by women. She was permitted to run her business by special charter allowing a married woman to do so.



In 1869 Bradwell helped created Chicago's first women's suffrage convention, and passed the Bar. Despite an appeal to the state Supreme Court, she was refused admission because of her gender. Progress was made when the Illinois legislature opened most professions to women, and Bradwell was admitted to the United States Supreme Court and Illinois Supreme Court in 1892, retroactive to her initial application in 1869.

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Frances Perkins 1880-1965

From a comfortable background in Worcester, Massachusetts, Frances Perkins went to Mount Holyoke. There lecturers introduced her to the cause of social reform. While teaching in Chicago, she spent her free time at Hull House and she began to move into the new field of social work. She witnessed the Triangle Shirtwaist fire in 1911. That tragedy stiffened her resolve to fight for better conditions for working people, especially women.



After her husband had to be confined to an institution, she proceeded to support herself and raise their young daughter alone. She made conscious compromises to succeed as a career woman, adopting a grandmotherly style of dress she felt was less threatening to men. Perkins was appointed to Governor Al Smith's administration in Albany, serving on the Industrial Commission and the Bureau of Mediation and Arbitration.

She continued to serve after Franklin Roosevelt was elected Governor. When FDR swept into the White House in 1932, he appointed Frances Perkins Secretary of Labor. She was the first woman cabinet officer in American history. After serving throughout Roosevelt's four terms, she continued to lecture and write, and taught at the Cornell School of Industrial and Labor Relations.

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Rachel Carson 1907-1964

A shy young woman who loved books and nature equally well, Rachel Carson trained as a zoologist. She joined the Fish and Wildlife Service in Washington to work on their publications. In 1951 she came to national prominence when her book, *The Sea Around Us*, topped the best seller list for 86 weeks. Her graceful prose opened up scientific knowledge about the oceans to the layperson. An earlier work, *Under the Sea Wind*, was reissued. When she studied marine life in Maine for her next book, *The Edge of the Sea*, she stayed for hours wading in icy tidal pools until she was so numb with cold she had to be carried out.



She was not by nature a crusader, but when aerial spraying of DDT killed the birds in a friend's bird sanctuary, she began to investigate the effects of pesticides on the chain of life. "The environment" and "ecology" have since become household words for Americans, but it all began with her *Silent Spring* in 1962. Driven by the knowledge that the book was desperately needed, she pored over and combined the work of many individual researchers. She wrote of the heedless pesticide poisoning of our rivers and soils, warning that we might soon face a spring when no bird songs could be heard.

Rachel Carson had to weather a storm of controversy and abuse, and she did not live to see the evidentially banning of DDT. But the environmentalist movement carries on the work she began, preserving our natural heritage for the future.



Rachel Carson around age 10

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Ellen Richards 1842-1911

Ellen Swallow Richards was the first woman professional chemist in the nation, and played a major role to open scientific education and the scientific professions to women. Applying scientific principles to domestic life, she pioneered the new study and profession of home economics, a major opportunity at the time for higher education and employment for American women.



The first woman to study at the Massachusetts Institute of Technology, Richards developed MIT's Women's Laboratory. Her innovative studies of air, water and food led to the creation of national public health standards and the new disciplines of sanitary engineering and nutrition. The interaction between people and their environment led this visionary to predict future environmental crises and to advance the concept of ecology as an environmental science - an idea not widely accepted until almost a century passed.

Richards was central to the founding of the American Home Economics Association and served as the group's first president.

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Dolores Huerta
1932-

Dolores Huerta is one the century's most powerful and respected labor movement leaders. Huerta left teaching and co-founded the United Farm Workers with Cesar Chavez in 1962: "I quit because I couldn't stand seeing kids come to class hungry and needing shoes. I thought I could do more by organizing farm workers than by trying to teach their hungry children." Huerta has raised her own 11 children while organizing for the labor movement.



The 1965 Delano Grape Strike launched UFW into a period of fast-paced organizing, with Huerta negotiating contracts with growers, lobbying, organizing strikes and boycotts and well as spearheading farmworker political activities. Always politically active, she co-chaired the 1972 California delegation to the Democratic Convention. She led the fight to permit thousands of migrant/immigrant children to receive services. She also led the struggle to achieve unemployment insurance, collective bargaining rights, and immigration rights for farmworkers under the 1985 Rodino amnesty legalization program. Huerta continues as an outstanding labor and political activist.

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Rosalyn Yalow
1921-

Rosalyn Yalow is one of the nation's premier medical physicists, the first American women to win the Nobel Prize for Medicine (1977) and the first woman to win the Lasker Prize (1976).



Yalow's Lasker Prize and Nobel Prize were awarded for one of the century's most significant scientific discoveries. Working in radioisotopes, she and her colleague, Dr. Solomon Berson, refined a new approach - called radioimmunoassay (RIA) - using radioisotopes to analyze physiological systems. The technique used radioisotopes to "tag" certain hormones or proteins, making detailed measurements possible of previously undetected concentrations of hormones. RIA opened many doors in the study of disease and chemical responses.

Rosalyn Yalow, wife and mother of two children, believes women can balance career and family life. On receiving her Nobel Prize, Yalow spoke about women in science careers: "We must believe in ourselves or no one else will believe in us...we must feel a personal responsibility to ease the path for those who come after us. The world cannot afford the loss of the talents of half its people if we are to solve the many problems that beset us."

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First Lady Hillary Rodham Clinton
150th Anniversary of the First Women's Rights Convention
Seneca Falls, New York
July 16, 1998

Thank you for gathering here in such numbers for this important celebration. I want to thank Governor Pataki and Congresswoman Slaughter and all the elected officials who are here with us today. I want to thank Marianne and her committee for helping to organize such a great celebration. I want to thank Bob Stanton and the entire Park Service staff for doing such an excellent job with the historic site. I want to thank our choirs. I thought the choirs really added; I want to thank our singers whom we've already heard from and will hear from because this is a celebration and we need to think about it in such terms.

But for a moment, I would like you to take your minds back a hundred and fifty years. Imagine if you will that you are Charlotte Woodward, a nineteen-year-old glove maker working and living in Waterloo. Everyday you sit for hours sewing gloves together, working for small wages you cannot even keep, with no hope of going on in school or owning property, knowing that if you marry, your children and even the clothes on your body will belong to your husband.

But then one day in July, 1848, you hear about a women's rights convention to be held in nearby Seneca Falls. It's a convention to discuss the social, civil, and religious conditions and rights of women. You run from house to house and you find other women who have heard the same news. Some are excited, others are amused or even shocked, and a few agree to come with you, for at least the first day.

When that day comes, July 19, 1848, you leave early in the morning in your horse-drawn wagon. You fear that no one else will come; and at first, the road is empty, except for you and your neighbors. But suddenly, as you reach a crossroads, you see a few more wagons and carriages, then more and more all going towards Wesleyan Chapel. Eventually you join the others to form one long procession on the road to equality.

Who were the others traveling that road to equality, traveling to that convention? Frederick Douglass, the former slave and great abolitionist, was on his way there and he described the participants as "few in numbers, moderate in resources, and very little known in the world. The most we had to connect us was a firm commitment that we were in the right and a firm faith that the right must ultimately prevail." In the wagons and carriages, on foot or horseback, were women like Rhoda Palmer. Seventy years later in 1918, at the age of one-hundred and two, she would cast her first ballot in a New York state election.

Also traveling down that road to equality was Susan Quinn, who at fifteen will become the youngest signer of the Declaration of Sentiments. Catherine Fish-Steben (phon.), a veteran of activism starting when she was only twelve going door to door collecting anti-slavery petitions. She also, by the way, kept an anti-tobacco pledge on the parlor table and asked all her

young male friends to sign up. She was woman truly ahead of her time, as all the participants were.

I often wonder, when reflecting back on the Seneca Falls Convention, who of us--men and women-- would have left our homes, our families, our work to make that journey one hundred and fifty years ago. Think about the incredible courage it must have taken to join that procession. Ordinary men and women, mothers and fathers, sisters and brothers, husbands and wives, friends and neighbors. And just like those who have embarked on other journeys throughout American history, seeking freedom or escaping religious or political persecution, speaking out against slavery, working for labor rights. These men and women were motivated by dreams of better lives and more just societies.

At the end of the two-day convention, one hundred people, sixty- eight women and thirty-two men, signed the Declaration of Sentiments that you can now read on the wall at Wesleyan Chapel. Among the signers were some of the names we remember today: Elizabeth Cady Stanton and Lucretia Mott, Martha Wright and Frederick Douglass and young Charlotte Woodward. The "Seneca Falls 100," as I like to call them, shared the radical idea that America fell far short of her ideals stated in our founding documents, denying citizenship to women and slaves.

Elizabeth Cady Stanton, who is frequently credited with originating the idea for the Convention, knew that women were not only denied legal citizenship, but that society's cultural values and social structures conspired to assign women only one occupation and role, that of wife and mother. Of course, the reality was always far different. Women have always worked, and worked both in the home and outside the home for as long as history can record. And even though Stanton herself had a comfortable life and valued deeply her husband and seven children, she knew that she and all other women were not truly free if they could not keep wages they earned, divorce an abusive husband, own property, or vote for the political leaders who governed them. Stanton was inspired, along with the others who met, to rewrite our Declaration of Independence, and they boldly asserted, "We hold these truths to be self-evident that all men and women are created equal."

"All men and all women." It was the shout heard around the world, and if we listen, we can still hear its echoes today. We can hear it in the voices of women demanding their full civil and political rights anywhere in the world. I've heard such voices and their echoes from women, around the world, from Belfast to Bosnia to Beijing, as they work to change the conditions for women and girls and improve their lives and the lives of their families. We can even hear those echoes today in Seneca Falls. We come together this time not by carriage, but by car or plane, by train or foot, and yes, in my case, by bus. We come together not to hold a convention, but to celebrate those who met here one hundred and fifty years ago, to commemorate how far we have traveled since then, and to challenge ourselves to persevere on the journey that was begun all those many years ago.

We are, as one can see looking around this great crowd, men and women, old and young, different races, different backgrounds. We come to honor the past and imagine the future. That

is the theme the President and I have chosen for the White House Millennium Council's efforts to remind and inspire Americans as we approach the year 2000. This is my last stop on the Millennium Council's tour to Save America's Treasures--those buildings, monuments, papers and sites--that define who we are as a nation. They include not only famous symbols like the Star Spangled Banner and not only great political leaders like George Washington's revolutionary headquarters, or creative inventors like Thomas Edison's invention factory, but they include also the women of America who wrote our nation's past and must write its future.

Women like the ones we honor here and, in fact, at the end of my tour yesterday, I learned that I was following literally in the footsteps of one of them, Lucretia Mott, who, on her way to Seneca Falls, stopped in Auburn to visit former slaves and went on to the Seneca Nations to meet with clan mothers, as I did.

Last evening, I visited the home of Marianne and Thomas M'Clintock in Waterloo, where the Declaration of Sentiments was drafted, and which the Park Service is planning to restore for visitors if the money needed can be raised. I certainly hope I can return here sometime in the next few years to visit that restoration.

Because we must tell and retell, learn and relearn, these women's stories, and we must make it our personal mission, in our everyday lives, to pass these stories on to our daughters and sons. Because we cannot--we must not--ever forget that the rights and opportunities that we enjoy as women today were not just bestowed upon us by some benevolent ruler. They were fought for, agonized over, marched for, jailed for and even died for by brave and persistent women and men who came before us.

Every time we buy or sell or inherit property in our own name--let us thank the pioneers who agitated to change the laws that made that possible.

Every time, every time we vote, let us thank the women and men of Seneca Falls, Susan B. Anthony and all the others, who tirelessly crossed our nation and withstood ridicule and the rest to bring about the 19th Amendment to the Constitution.

Every time we enter an occupation--a profession of our own choosing and receive a paycheck that reflect earnings equal to a male colleague, let us thank the signers and women like Kate Mullaney, who's house I visited yesterday, in Troy, New York

Every time we elect a woman to office--let us thank ground breaking leaders like Jeanette Rankin and Margaret Chase Smith, Patti Caraway, Louise Slaughter, Bella Abzug, Shirley Chism--all of whom proved that a woman's place is truly in the House, and in the Senate, and one day, in the White House, as well.

And every time we take another step forward for justice in this nation--let us thank extraordinary women like Harriet Tubman, who's home in Auburn I visited yesterday, and who escaped herself from slavery, and, then risked her life, time and again, to bring at least two hundred other slaves to freedom as well.

Harriet Tubman's rule for all of her underground railroad missions was to keep going. Once you started--no matter how scared you got, how dangerous it became--you were not allowed to turn back. That's a pretty good rule for life. It not only describes the women who gathered in Wesleyan Chapel in 1848, but it could serve as our own motto for today. We, too, cannot turn back. We, too, must keep going in our commitment to the dignity of every individual--to women's rights as human rights. We are on that road of the pioneers to Seneca Falls, they started down it 150 years ago. But now, we too, must keep going.

We may not face the criticism and derision they did. They understood that the Declaration of Sentiments would create no small amount of misconception, or misrepresentation and ridicule; they were called mannish women, old maids, fanatics, attacked personally by those who disagreed with them. One paper said, "These rights for women would bring a monstrous injury to all mankind." If it sounds familiar, it's the same thing that's always said when women keep going for true equality and justice.

Those who came here also understood that the convention and the Declaration were only first steps down that road. What matters most is what happens when everyone packs up and goes back to their families and communities. What matters is whether sentiment and resolutions, once made, are fulfilled or forgotten. The Seneca Falls one hundred pledged themselves to petition, and lit the pulpit and used every instrumentality within their power to affect their subjects. And they did. But they also knew they were not acting primarily for themselves. They knew they probably would not even see the changes they advocated in their own lifetime. In fact, only Charlotte Woodward lived long enough to see American women finally win the right to vote.

Those who signed that Declaration were doing it for the girls and women--for us--those of us in the twentieth century.

Elizabeth Cady Stanton wrote a letter to her daughters later in life enclosing a special gift and explaining why. "Dear Maggie and Patti, this is my first speech," she wrote, "it contains all I knew at that time; I give this manuscript to my precious daughters in the hopes that they will finish the work that I have begun." And they have. Her daughter, Harriet Blach, was the chief strategist of the suffrage movement in New York. Harriet's daughter, Nora Barney, was one of the first women to be a civil engineer. Nora's daughter, Rhoda Jenkins, became an architect. Rhoda's daughter, Colleen Jenkins-Salen is an elected official in Greenwich, Connecticut. And her daughter, Elizabeth is a thirteen-year-old, who wrote about the six generations of Stantons in a book called, 33 Things Every Girl Should Know.

So, far into the twentieth century, the work is still being done; the journey goes on. Now, some might say that the only purpose of this celebration is to honor the past, that the work begun here is finished in America, that young women no longer face legal obstacles to whatever education or employment choices they choose to pursue. And I certainly believe and hope all of you agree that we should, everyday, count our blessings as American women.

I know how much change I have seen in my own life. When I was growing up back in the fifties and sixties, there were still barriers that Mrs. Stanton would have recognized--

scholarships I couldn't apply for, schools I couldn't go to, jobs I couldn't have-- just because of my sex. Thanks to federal laws like the Civil Rights Act of 1964 and Title 9, and the Equal Pay Act, legal barriers to equality have fallen.

But if all we do is honor the past, then I believe we will miss the central point of the Declaration of Sentiments, which was, above all, a document about the future. The drafters of the Declaration imagined a different future for women and men, in a society based on equality and mutual respect. It falls to every generation to imagine the future, and it our task to do so now.

We know that, just as the women 150 years ago knew, that what we imagine will be principally for our daughters and sons in the 21st century. Because the work of the Seneca Falls Convention is, just like the work of the nation itself, it's never finished, so long as there remain gaps between our ideals and reality. That is one of the great joys and beauties of the American experiment. We are always striving to build and move toward a more perfect union, that we on every occasion keep faith with our founding ideals, and translate them into reality. So what kind of future can we imagine together.

If we are to finish the work begun here--then no American should ever again face discrimination on the basis of gender, race or sexual orientation anywhere in our country.

If we are to finish the work begun here--then $0.76 in a woman's paycheck for every dollar in a man's is still not enough. Equal pay for equal work can once and for all be achieved.

If we are to finish the work begun here--then families need more help to balance their responsibilities at work and at home. In a letter to Susan B. Anthony, Elizabeth Cady Stanton writes, "Come here and I will do what I can to help you with your address, if you will hold the baby and make the pudding." Even then, women knew we had to have help with child care. All families should have access to safe, affordable, quality child care.

If we are to finish the work begun here--then women and children must be protected against what the Declaration called the "chastisement of women," namely domestic abuse and violence. We must take all steps necessary to end the scourge of violence against women and punish the perpetrator. And our country must join the rest of the world, as so eloquently Secretary Albright called for on Saturday night here in Seneca Falls, "Join the rest of the world and ratify the convention on the elimination of discrimination against women."

If we are to finish the work begun here--we must do more than talk about family values, we must adopt polices that truly value families-- policies like a universal system of health care insurance that guarantees every American's access to affordable, quality health care. Policies like taking all steps necessary to keep guns out of the hands of children and criminals. Policies like doing all that is necessary at all levels of our society to ensure high quality public education for every boy or girl no matter where that child lives.

If we are to finish the work begun here--we must ensure that women and men who work

full-time earn a wage that lifts them out of poverty and all workers who retire have financial security in their later years through guaranteed Social Security and pensions.

If we are to finish the work begun here--we must be vigilant against the messages of a media- driven consumer culture that convinces our sons and daughters that what brand of sneakers they wear or cosmetics they use is more important that what they think, feel, know, or do.

And if we are to finish the work begun here--we must, above all else, take seriously the power of the vote and use it to make our voices heard. What the champions of suffrage understood was that the vote is not just a symbol of our equality, but that it can be, if used, a guarantee of results. It is the way we express our political views. It is the way we hold our leaders and governments accountable. It is the way we bridge the gap between what we want our nation to be and what it is.

But when will the majority of women voters of our country exercise their most fundamental political right? Can you imagine what any of the Declaration signers would say if they learned how many women fail to vote in elections? They would be amazed and outraged. They would agree with a poster I saw in 1996. On it, there is a picture of a woman with a piece of tape covering her mouth and under it, it says, "Most politicians think women should be seen and not heard. In the last election, 54 million women agreed with them."

One hundred and fifty years ago, the women at Seneca Falls were silenced by someone else. Today, women, we silence ourselves. We have a choice. We have a voice. And if we are going to finish the work begun here we must exercise our right to vote in every election we are eligible to vote in.

Much of who women are and what women do today can be traced to the courage, vision, and dedication of the pioneers who came together at Seneca Falls. Now it is our responsibility to finish the work they began. Let's ask ourselves, at the 200th anniversary of Seneca Falls, will they say that today's gathering also was a catalyst for action? Will they say that businesses, labor, religious organizations, the media, foundations, educators, every citizen in our society came to see the unfinished struggle of today as their struggle?

Will they say that we joined across lines of race and class, that we raised up those too often pushed down, and ultimately found strength in each other's differences and resolved in our common cause? Will we, like the champions at Seneca Falls, recognize that men must play a central role in this fight? How can we ever forget the impassioned plea of Frederick Douglass, issued in our defense of the right to vote?

How can we ever forget that young legislator from Tennesee by the name of Harry Burns, who was the deciding vote in ratifying the 19th Amendment. He was planning on voting "no," but then he got a letter from his mother with a simple message. The letter said, "Be a good boy Harry and do the right thing." And he did! Tennessee became the last state to ratify, proving that you can never ever ovestimate the power of one person to alter the course of history, or the

power of a little motherly advice.

Will we look back and see that we have finally joined the rest of the advanced economies by creating systems of education, employment, child care and health care that support and strengthen families and give all women real choices in their lives.

At the 200th anniversary celebration, will they say that women today supported each other in the choices we make? Will we admit once and for all there is no single cookie cutter model for being a successful and fullfilled woman today, that we have so many choices? We can choose full-time motherhood or no family at all or like most of us, seek to strike a balance between our family and our work, always trying to do what is right in our lives. Will we leave our children a world where it is self-evident that all men and women, boys and girls are created equal? These are some of the questions we can ask ourselves.

Help us imagine a future that keeps faith with the sentiments expressed here in 1848. The future, like the past and the present, will not and cannot be perfect. Our daughters and granddaughters will face new challenges which we today cannot even imagine. But each of us can help prepare for that future by doing what we can to speak out for justice and equality for women's rights and human rights, to be on the right side of history, no matter the risk or cost, knowing that eventually the sentiments we expresss and the causes we advocate will succeed because they are rooted in the conviction that all people are entitled by their creator and by the promise of America to the freedom, rights, responsibilities, and opportunity of full citizenship. That is what I imagine for the future. I invite you to imagine with me and then to work together to make that future a reality.

Thank you all very much.

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A B C D E F G H J K L M N O P R S T W Y Z

Bella Abzug (1920 - 1998) civil rights and labor attorney elected to Congress from New York City in 1970.

Abigail Adams (1744 - 1818) influential letter writer who urged her husband, President John Adams to "Remember the Ladies," and permit women to legally own property.

Jane Addams (1860 - 1935) social reformer who created Hull House in Chicago slums, starting an American settlement house movement to help the poor.

Madeleine Korbel Albright (1937 -) First female Secretary of State and the highest ranking woman in the U.S. government.

Louisa May Alcott (1832-1888) author who produced the first literature for the mass market of juvenile girls in the 19th century.

Marian Anderson (1902 - 1993) first black singer to perform with the Metropolitan Opera.

Ethel Percy Andrus (1884 - 1967) founder the American Association of Retired Persons (AARP)

Maya Angelou (1928 -) Poet, author and early Civil Rights advocate.

Susan B. Anthony (1820 - 1906) the women's movement's most powerful organizer whose lifetime of dedication paved the way for women's right to vote.

Virginia Apgar (1909 -1974) physician best

Helen Keller (1880-1968) author and lecturer. An illness at the age of 19 months left her deaf, blind and mute. Through the work of teacher Anne Sullivan, she learned to overcome these daunting handicaps and became a powerful and effective national spokesperson on behalf of others with similar disabilities.

Nannerl O. Keohane (1940-) the first contemporary woman to head both a major women's college (Wellesley) and a research university (Duke).

Billie Jean King (1943-) dominated the world of tennis for more than 20 years, winning 20 Wimbledon titles, 13 U.S. Open titles and more.

Maggie Kuhn (1905-1995) following a forced retirement at age 65, Kuhn began work forming the Gray Panthers, an organization which addressed age discrimination and pension rights.

Susette La Flesche (1854-1903) member of the Omaha Tribe and a tireless campaigner for native American rights.

Anne Morrow Lindbergh (1906-) author of numerous elegant essays, journals and other books.

Belva Lockwood (1830-1917) first woman to practice law and argue a case before the U.S. Supreme Court (1879).

Juliette Gordon Low (1860-1927) founder of

Virginia Apgar (1909 -1974) physician best know for development of the Apgar Score in 1952.

Ella Baker (1903 - 1986) premier behind-the-scenes organizer and co-founder of the Southern Christian leadership Conference (SCLC), headed by Martin Luther King, Jr.

Ann Bancroft (1955 -) first woman to travel across the ice to the North and South Poles.

Clara Barton (1821 - 1912) founder the American Red Cross, Barton ministered to injured soldiers during the Civil War and became known as the "Angel of the Battlefield."

Mary McLeod Bethune (1875 - 1955) Black teacher who began a school to help educate young black women with only $1.50 and developed it into a college.

Antoinette Blackwell (1825 - 1921) first American woman ordained a minister by a recognized denomination (Congregational), despite great opposition to women in the ministry.

Elizabeth Blackwell (1821 - 1910) first American woman awarded an MD.

Emily Blackwell (1826 - 1910) physician who ran the New York Infirmary for Women and children as well as the Women's Medical College, providing excellent training for women in medicine.

Amelia Bloomer (1818-1894) first woman to own, operate and edit a newspaper for women, , *The Lily*, published in 1849 in Seneca Falls New York.

Nellie Bly (1864-1922) trail-blazing journalist considered to be the "best reporter in America" who pioneered investigative journalism.

Margaret Bourke-White (1904-1971) trailblazing photographer, recording the Depression, London in the Blitz, Stalin and the Kremlin, World War II and more as the paramount photographer for Life, Fortune and other publications.

Myra Bradwell (1831-1894) America's first woman lawyer.

Lydia Moss Bradley (1816-1908) Educator, founder of Bradley University and coeducation advocate

Mary Breckinridge (1881-1965) the United States foremost pioneer in the development of midwifery and provision of care to rural areas.

Gwendolyn Brooks (1917-) poet and novelist. Brooks was the first Black woman to win the Pulitzer Prize (1949).

Pearl S. Buck (1892-1973) novelist whose writing evoked two different cultures, American and Asian.

Charlotte Ann Bunch (1944-) founder and director of the Center for Women's Global Leadership at Rutgers University.

St. Frances Xavier Cabrini (1850-1917) first American citizen to be canonized a saint.

Mary Steichen Calderone, M.D. (1904-) pioneering sex educator and acknowledged the Girl Scouts of America in 1915.

Shannon W. Lucid (1943-) astronaut who set the American record for the longest space flight by an American (July 15, 1996).

Mary Lyon (1797-1849) founder of Mt. Holyoke, the first college for women, in 1837.

Mary Mahoney (1845-1926) first black woman to study and work as a professionally trained nurse.

Wilma Mankiller (1945-) first woman elected Principal Chief of the Cherokee Nation.

Maria Goeppert Mayer (1906-1972) first U.S. woman and second woman ever to win the Nobel Prize in Physics.

Katherine Dexter McCormick (1875-1967) Co-founder (with Carrie Chapman Catt) of the League of Women Voters.

Barbara McClintock (1902-1992) geneticist who pioneered work in maize genetics and the complex mechanisms which control and regulate cell development.

Louise McManus (1896-1993) first American nurse to earn a Ph.D.

Margaret Mead (1901-1978) trailblazing anthropologist whose book, *Coming of Age in Samoa* , caused scientific and social rethinking of adolescence.

Maria Mitchell (1818-1889) astronomer who discovered a new comet in 1847 and first woman named to membership in the American Academy of Arts & Sciences.

Constance Baker Motley (1921-) attorney and jurist who, after performing landmark work with the NAACP with Thurgood Marshall and others, became the first black woman elected to the New York State Senate.

Lucretia Mott (1793-1880) Quaker anti-slavery advocate, who, after meeting Elizabeth Cady Stanton, became a leader in the women's right's movement.

Antonia Novello (1944-) first woman and first Hispanic to be named Surgeon General of the United States.

Annie Oakley (1860-1926) markswoman, was probably the nation's finest.

Sandra Day O'Connor (1930-) first woman appointed to the U.S. Supreme Court.

Georgia O'Keeffe (1887-1986) artist and perhaps the best-known American woman painter.

Rosa Parks (1913-) known as "tthe mother of the Civil Rights Movement," when, in 1955, she refused to give up her seat on a public bus to a white man in Montgomery, Alabama.

Alice Paul (1885-1977) social reformer and founder of the women's party.

Frances Perkins (1880-1965) public office and first woman to hold a Presidential Cabinet office and first woman Secretary of Labor.

Esther Peterson (1906-1997) catalyst for

pioneering sex educator and acknowledged "mother of sex education."

Annie Jump Cannon (1863-1941) astronomer who perfected the universal system of stellar classification.

Rachel Carson (1907-1964) zoologist whose concern over the damaging effects of pesticides and other poisons on the environment led to her groundbreaking work, *Silent Spring*.

Mary Ann Shadd Cary (1823-1893) educator and abolitionist. First Black woman to enroll in and graduate from Howard University Law School and first Black woman to vote in a federal election.

Mary Cassatt (1844-1926) American impressionist painter who captured the soul of family life, women, children, interiors and gardens.

Willa Cather (1873-1947) newspaperwoman and editor who became an outstanding novelist with the publication of *O Pioneers* in 1913.

Carrie Chapman Catt (1859-1947) tenacious women's suffrage organizer whose efforts at the helm of the National American Women Suffrage Association put forth the "winning plan" that led to state-by-state enactments of suffrage and the final victory in 1920.

Shirley Chisholm (1924-) first Black woman elected to the U.S. Congress.

Jacqueline Cochran (1906-1980) first woman aviator to break the sound barrier.

Eileen Collins (1956-)first American woman to pilot a spacecraft.

Ruth Colvin (1916-) founder of the Literacy Volunteers of America, a group which she began in her upstate New York home.

Joan Ganz Cooney (1929-) founder of the Children's Television Workshop for Public Television and creator of Sesame Street.

Gerty Theresa Radnitz Cori (1896-1957) first American woman to receive the Nobel Prize in science.

Jane Cunningham Croly (1829-1901) journalist and driving force behind the American Club women's movement which inspired thousands of women into a wide range of social reform activities.

Emily Dickinson (1830-1886) one of the world's greatest poets.

Dorothea Dix (1802-1887) one of the nation's earliest and most effective advocates for better care of the mentally ill.

Elizabeth Hanford Dole (1936-) first woman to hold two cabinet positions as Secretary of Transportation under Ronald Reagan and Secretary of Labor for President George Bush.

Anne Dallas Dudley (1876-1955) was central to the campaign to pass the 19th amendment to the U.S. constitution.

Amelia Earhart (1897-1937) the first woman to fly across the Atlantic Ocean, and the first to fly solo across the Pacific Ocean.

Catherine East (1916-1996) "the midwife of change in the labor, women's and consumer movements and the driving force behind President Kennedy's creation of the first Presidential commission on Women in 1962.

Jeannette Rankin (1880-1973) first woman elected to the U.S. Congress, serving two separate terms.

Ellen Swallow Richards (1842-1911) the nation's first professional woman chemist, an important figure in opening careers in science to woman.

Linda Richards (1841-1930) received the first diploma awarded by the nation's first school of nursing.

Sally Ride (1951-) first American woman astronaut (1983), when she road aboard the Challenger into space.

Rozanne L. Ridgeway (1935-) foreign policy advisor under six consecutive U.S. presidents from Richard Nixon to William Clinton.

Edith Nourse Rogers (1881-1960) Massachusetts Congresswoman who introduced the "G.I. Bill of Rights" Act and Women's Army Auxiliary Corp (WAC) legislation.

Eleanor Roosevelt (1884-1962) trailblazing First Lady and wife of President Franklin Roosevelt.

Ernestine Lousie Potowski Rose (1810-1892) early advocate for women's rights traveling for more than three decades giving eloquent speeches and seeking petition signatures.

Sister Elaine Roulet (1930-) crusader for some of society's most sharply disadvantaged, children of women in prison.

Wilma Rudolph (1940-1994) first American woman ever to win three gold medals in the Olympics.

Josephine St. Pierre Ruffin (1842-1924) black leader from New England, she was a suffragist, fought slavery and founded several organizations for black women, including the Boston branch of the NAACP and the League of Women for Community Service.

Florence Sabin (1871-1953) first woman graduate of the Johns Hopkins School of Medicine and the first woman to teach there.

Margaret Sanger (1879-1966) nurse and social reformer.

Katherine Siva Saubel (1920-) born on a reservation in great poverty, Saubel became determined to preserve her tribe's culture and language, despite overwhelming odds.

Betty Bone Schiess (1923-) religious leader, led the successful effort in 1974 to have women ordained as priests in the Episcopal Church in America.

Patricia Schroeder (1940-) served as the senior woman in Congress, first elected in 1972 from Colorado.

Felice N. Schwartz (1925-1996) founder in 1962 of Catalyst, the premier organization working with corporations to foster women's leadership.

the contemporary women's movement," as described by Betty Friedan.

Mary Baker Eddy (1821-1910) the only American woman to found a lasting American-based religion, the Church of Christ (Scientist).

Marian Wright Edelman (1939-) attorney and civil rights advocate who founded the Children's Defense Fund, the nation's strongest advocacy group for children.

Gertrude Belle Elion (1918-) 1988 Nobel Prize winner who has spent a lifetime creating drugs to combat leukemia, gout malaria, herpes and other auto-immune diseases.

Alice Evans (1881-1975) scientist who found the organism which caused undulant fever, a killer disease.

Geraldine Ferraro (1935-) first woman nominated by a major political party as a candidate for Vice President of the United States.

Ella Fitzgerald (1917-1996) world-renowned jazz singer and the first pop musician awarded the Lincoln Center Medallion.

Betty Friedan (1921-) reshaped American attitudes toward women's lives and rights through decades of social activism, strategic thinking and powerful writing.

Margaret Fuller (1810-1850) literary critic, editor, teacher and author.

Matilda Joslyn Gage (1826-1898) best known as the co-author (with Elizabeth Cady Stanton and Susan B. Anthony) of *The History of Women's Suffrage*.

Lillian Moller Gilbreath (1878-1972) industrial engineer and expert in motion studies, Gilbreath was a pioneer in the relationship between engineering and human relations.

Charlotte Perkins Gilman (1860-1935) philosopher, writer, educator and activist who demanded equal treatment for women as the best means to advance society's progress.

Ella Grasso (1919-1981) first woman elected a state governor in her own right.

Sarah Grimke (1792-1873) ***Angelina Grimke*** (1792-1873) sisters who wrote numerous published papers which championed abolition and women's rights.

Martha Wright Griffiths (1912-) Congresswoman from Michigan 1955-1975, best known for successfully adding sex discrimination as a prohibited act in he 1962 Civil Rights Act.

Mary A. Hallaren (1907-) leader who championed permanent status for women in the military after World War II as director of the Women's Army Corps.

Fannie Lou Hamer (1917-1977) Mississippi sharecropper and organizer of the Mississippi Freedom Party, which challenged the white domination of the Democratic Party.

Alice Hamilton (1869-1970) physician pathologist who specialized in industrial diseases.

leadership.

Florence Seibert (1897-1991) scientist who made it possible to test for tuberculosis and who pioneered safe intravenous therapy.

Elizabeth Bayley Seton (1774-1821) the first native-born American woman to be canonized a saint by the Roman Catholic Church.

Eunice Mary Kennedy Shriver (1921) founder in 1968 of the Special Olympics for the mentally retarded.

Muriel Siebert (1932-) first woman to own a seat on the New York Stock Exchange (1967).

Beverly Sills (1929-) Acclaimed Soprano who became the first woman General Director and then President of the New York City Opera, and later first woman chair of the Lincoln Center for the Performing Arts.

Bessie Smith (1894?-1937) one the nation's great blues singers, Smith earned stardom from her first record 1923's "down Hearted Blues," which sold two million records.

Margaret Chase Smith (1897-1994) beginning her political career by assuming her deceased husband's seat in the U.S. House of Representativesupon his death. She was later elected U.S. Senator from Maine.

Hannah Greenbaum Solomon (1858-1942) club woman and welfare worker on matters relating to child welfare, she organized a nationwide Jewish Women's congress as part of the 1890's World's Fair.

Elizabeth Cady Stanton (1815-1902) suffragist and reformer, convened the first women's Rights Convention in Seneca Falls, NY in 1848.

Gloria Steinem (1934-) feminist leader, writer and social activist, she founded Ms. Magazine.

Helen Stephens (1918-1993) athlete who set a world record and won two track and field gold medals at the 1936 Olympics.

Nettie Stevens (1861-1912) research biologist who determined that the "X" and "Y" chromosomes determined the sex humans, ending scientific debate as to whether sex was determined by heredity or other factors.

Lucy Stone (1818-1893) early suffrage leader who began as an anti-slavery public advocate, followed by a lifetime of work for women's right to vote.

Harriet Beecher Stowe (1811-1896) author and daughter of a minister, Stowe became on of the first women to earn a living by writing, publishing the best-seller *Uncle Tom's Cabin* in 1852.

Helen Brooke Taussig (1896-1986) chief of the heart clinic at Johns Hopkins School of Medicine, she developed a pioneering operation in 1944 which solved the often fatal "blue baby" (children born with an anatomical heart defect) problem, saving countless infants.

Maria Tallchief (1925-) prima ballerina with the New York City Ballet and artistic

diseases.

Helen Hayes (1900-1993) a major actress in all entertainment areas, from live theater to films and radio.

Dorothy Height (1912-) began as a volunteer with the National Council of Negro Women and became its president.

Oveta Culp Hobby (1905-1995) shaped the development of two major government institutions as first Director of the Women's Army Corps and first Secretary of the Department of Health, Education and Welfare.

Wilhelmina Cole Holladay (1922-) founder of the National Museum of Women in the Arts in Washington, D. C.

Grace Murray Hopper (1906-1992) mathematics genius, computer pioneer, inventor and teacher. She was the first woman to attain the rank of Rear Admiral in the U.S. Navy.

Julia Ward Howe (1819-1910) suffragist and author of *Battle Hymn of the Republic*.

Dolores Huerta (1932 -) co-founder (with Cesar Chavez) of the United Farm Workers union, which is dedicated to helping immigrant/migrant people of all ages.

Helen Hunt (1949 -) creative philanthropist who has used her own resources and others to create women's funding institutions.

Lora Neale Hurston (1891-1960) novelist, anthropologist and folklorist who contributed greatly to the preservation of African-American folk traditions and to American literature.

Anne Hutchinson (1591-1643) religious leader who insisted on practicing her religious faith as she chose, including holding religious meetings in her home, the first woman in the new world to do so.

Shirely Ann Jackson (1946-) first woman to chair the United States Nuclear Regulatory Commission and the first African-American woman to serve on the Commission

Mary Jacobi (1842-1906) physician who founded the Association for the Advancement of Medical Education of Women.

Frances Wisebart Jacobs (1843-1892) driving force behind the concept of today's United Way, and founder of what became the National Jewish Hospital for Immunology and Respiratory Medicine.

Mae Jemison (1956-) physician, engineer and astronaut.

Mary Harris, "Mother" Jones (1860-1930), labor organizer and agitator who was a major figure in the American labor movement.

Barbara Jordan (1936-1996) first black woman elected to Congress from the south and the first Black woman to deliver the keynote address at the convention of a major political party (Democratic Convention, 1976).

director the Lyric Opera Ballet in Chicago.

Sojourner Truth (c.1797-1883) abolitionist born a slave who became a Quaker missionary.

Harriet Tubman (c.1820-1913) abolitionist born a slave who eventually became a "conductor" on the Underground Railroad.

Florence Wald (1916) former dean of the Yale School of Nursing and founder of the Hospice movement in America.

Lillian Wald (1867-1940) nurse who organized the public health nursing service and the Henry Street Settlement in New York City to meet the needs of the urban poor.

Madam C. J. Walker (1867-1919) Sara Breedlove, a Black entrepreneur considered the first Black woman to become a millionaire.

Faye Wattleton (1943-) nurse who was the first woman since founder Margaret Sanger, and first black to become president of the Planned Parenthood Foundation.

Ida B. Wells-Barnett (1862-1931) Black leader, anti-lynching crusader, journalist, lecturer and community; organizer who fought social injustice all her life.

Edith Wharton (1862-1937) American novelist and short story writer of the 20th century, she was the first woman to receive the Pulitzer Prize for fiction.

Oprah Winfrey (1954-) the first Black woman to own her own television production company, she is host of the nation's most successful talk show.

Sarah Winnemucca (c.1842-1891) Native American Leader who dedicated her life to returning land taken by the government back to the tribes, especially the land of her own Paiute Tribe.

Fanny Wright (1795-1852) first American woman to speak out against slavery and for the equality of woman.

Chien-Shiung Wu (1912-1997) nuclear scientist whose pioneering work altered modern physical theory and changed the accepted view of the structure of the universe.

Rosalyn Yalow (1921-) first American woman trained in the U.S. to win the Nobel Prize for Medicine.

Gloria Yerkovich (1942-) founder of CHILDFIND, a nationwide organization which helps locate missing children.

Mildred "Babe Didrikson Zaharias (1914-1956) one of the century's premier athletes, she won track and field gold medals at the 1932 Olympics.

Dr. Mary Walker Army Surgeon 1st Lt.

Nicole R. Rabner

07/15/98 02:41:12 PM

Record Type: Record

To: Katharine Button/WHO/EOP

cc:
Subject:

This is more than you need, and is at: http://www.plannedparenthood.org/

The 1910s

1916
Margaret Sanger and her sister, Ethel Byrne, both nurses, and a third woman, Fania Mindell, open the first birth control clinic in America in the Brownsville community of Brooklyn, New York. All three women are arrested and indicted under New York State's 1873 "Comstock Law," which forbids the dissemination of birth control information.

The Comstock laws, named after Anthony Comstock, a self-appointed anti-vice crusader, had been passed by Congress and by nearly every state in the 1870s. Among other measures, they defined contraceptive information and materials as obscene and forbade their dissemination throughout the U.S. Sanger's arrest in Brooklyn is her second for violating a Comstock law: two years earlier she had been indicted under a federal Comstock statute for sending birth control information through the U.S. mails in her publication, THE WOMAN REBEL. Eventually, that indictment was dropped.

1917
Byrne is found guilty and sentenced to Blackwell's Island, where she holds a hunger and thirst strike and becomes the first woman to be force-fed in an American prison. Mindell is found guilty and fined $50 for distributing copies of a pamphlet written by Sanger, called WHAT EVERY GIRL SHOULD KNOW. Sanger is found guilty and, declining to pay a fine, serves 30 days in the Queens County Penitentiary. She then appeals her conviction. Only Mindell's conviction is later overturned.

1920
The 19th Amendment to the U.S. Constitution is ratified -- women win the right to vote.

1930
Almost 100 national, regional, and local groups in the fields of medicine, education, and religion pass resolutions favoring birth control.

1935
The American Birth Control League holds a mass meeting at Carnegie Hall in New York City, which draws protests from Cardinal Hayes. Thirteen

prominent ministers reply to Hayes in a statement that defends the ethical and moral significance of birth control.

1936
Judge Augustus Hand, writing for a U.S. Circuit Court of Appeals in the case of U.S. v. ONE PACKAGE, rules that the U.S. Tariff Act of 1930, which contains Comstock language, cannot be construed to forbid the importing of contraceptives for use by physicians in saving lives or promoting well-being. Judge Hand bases his decision in part on clinical data outlining the dangers of pregnancy and the usefulness of contraception, saying that if this evidence had been available to Congress earlier, Congress would never have defined birth control as obscene.

As a result of this ruling, the National Committee on Federal Legislation for Birth Control disbands, considering that its objectives have been realized. Sanger retires from the forefront of the family planning movement and moves to Tucson, Arizona.

1937
The American Medical Association officially recognizes birth control as an integral part of medical practice and education.

North Carolina becomes the first state to recognize birth control as a public health measure and to provide contraceptive services to indigent mothers through its public health program.

1939
The American Birth Control League and the Clinical Research Bureau merge to form the Birth Control Federation of America.

The 1940s

1940
The Connecticut Supreme Court of Errors upholds a state Comstock statute that makes the use of contraceptives illegal and denies any exception to allow prescription by physicians.

1942
Planned Parenthood Federation of America, Inc., is adopted as the new, more comprehensive name for the Birth Control Federation of America. Contraceptive services are available in 218 Planned Parenthood clinics across the country.

1944
A U.S. Court of Appeals further liberalizes the Comstock laws by ruling, in CONSUMERS UNION v. FRANK WALKER, that the Consumers Union can mail to members who request it a pamphlet about contraceptives that have been found to be effective.

1945
The Sanger Bureau establishes a fertility service to help childless couples.

1947
Six Protestant physicians are dismissed from the staffs of three Roman

Catholic hospitals in Connecticut for refusing to withdraw from the "Committee of 100," a group of doctors supporting a birth control bill that would overturn the federal Comstock law.

1948
Largely as the result of Margaret Sanger's efforts, representatives from more than 20 nations attend the International Conference on Population and World Resources in Relation to the Family. The conference leads to the formation of the International Planned Parenthood Committee.

Dr. Gregory Pincus, a research biologist and cofounder of the innovative Worcester Foundation for Experimental Biology, is awarded a small grant from Planned Parenthood Federation of America to test the contraceptive value of steroids.

The 1950s

1948
Dr. Gregory Pincus, a research biologist and cofounder of the innovative Worcester Foundation for Experimental Biology, is awarded a small grant from Planned Parenthood Federation of America to test the contraceptive value of steroids.

1951
Showing that injections of the steroid progesterone suppress ovulation in laboratory animals, Dr. Pincus persuades the Searle Company to undertake extensive research aimed at developing a contraceptive injection or pill.

1952
The International Planned Parenthood Federation, the first truly international league representing worldwide advocates of family planning, is launched at a conference in Bombay. Planned Parenthood Federation of America is one of the founding members.

1953
Katharine Dexter McCormick makes the first of many donations to Planned Parenthood, totaling $2,000,000, toward the development of the oral contraceptive.

1959
A presidential commission on foreign aid recommends that family planning assistance be given to foreign governments that request it. Catholic bishops denounce the suggestion, and President Eisenhower turns it down.

The American Law Institute's Model Penal Code recommends that states allow licensed physicians to perform abortions if two physicians certify in writing that pregnancy threatens the woman's physical or mental health, results from rape or incest, or if the fetus is gravely deformed. Opposition to such reform of the anti-abortion laws begins to take shape under the leadership of the Catholic church.

1960
The Food and Drug Administration approves the sale of oral steroid pills for contraception.

1961
Distinguished citizens from 19 countries present a statement urging the United Nations to help develop population limitation programs all over the world.

President Kennedy defines population growth as a "staggering" problem. He formally endorses reproductive research to make new knowledge and methods available worldwide.

1962
The First International Conference on IUDs (intrauterine devices) is held in New York, leading to a major collaborative effort to evaluate the safety and effectiveness of IUDs, under the leadership of Dr. Christopher Tietze.

Hundreds of women in the U.S. and Europe who had taken the drug thalidomide during pregnancy give birth to children missing arms and legs. Sherri Finkbine is refused an abortion in the U.S. even though she, too, had been prescribed thalidomide. She flees to Sweden where an abortion is performed and the fetus found to be gravely deformed. The Finkbine case, and others in which pregnant women had taken thalidomide, convinces much of the public of the need to reform anti-abortion laws.

1963
The U.N. General Assembly approves by a 690 vote a resolution on population growth and economic development.

Congress amends the foreign aid bill to authorize funds for research into problems of population growth.

The U.S. government establishes the National Institute of Child Health and Human Development (NICHD). Part of its mandate is to support and oversee research in reproductive science and contraceptive development.

1964
The Office of Economic Opportunity funds the first project grant for family planning to the city of Corpus Christi, Texas.

A rubella epidemic causes a high incidence of fetal deformity. The epidemic, combined with the thalidomide tragedy, the Finkbine case, a growing public desire for openness about sexuality, and the affirmation of women's rights, helps to persuade the public to recognize the need for legal and safe abortion.

1965
The U.S. Supreme Court in the case of GRISWOLD v. CONNECTICUT rules that Connecticut's law prohibiting the use of birth control by married couples violates a newly defined right of marital privacy. As a result, ten states liberalize their family planning laws and begin to provide family planning services with tax funds.

Congress amends the Social Security Act to authorize special grants for maternal and infant care projects, including family planning.

The amendment to the Social Security Act known as Title XIX establishes the Medicaid program, under which states may treat family planning as a reimbursable service.

The Department of Health, Education, and Welfare begins to fund maternity care projects that enable some states to provide family planning services through their own health departments.

1966
As a central element of his administration's War on Poverty, President Johnson singles out family planning as one of four critical health problems in the nation needing special attention. To carry out his mandate, HEW outlines an expanded program for all requesting birth control.

The National Organization for Women is founded to secure full equality for women by promoting passage of the Equal Rights Amendment and by ending prejudice and discrimination against women in America.

Margaret Sanger dies in Tucson on September 6, eight days short of her 87th birthday.

photo, Martin Luther King, who equated the equal rights & reproductive rights movements

1967
The United Nations Declaration on Population proclaims family planning a basic human right and establishes the United Nations Fund for Population Activities.

Amendments to the Social Security Act require that at least six percent of the annual appropriations for maternal and child health be earmarked for family planning and that family planning services be provided to public assistance recipients who request them.

The Agency for International Development (AID) is authorized to provide contraceptives in its overseas development programs.

Colorado reforms its abortion law to conform to American Law Institute recommendations. Within the next three years, 13 other states also liberalize their anti-abortion laws.

1968
After an exhaustive review, the FDA issues a report stating that it has found "adequate scientific data attesting to the effectiveness and utility of intrauterine contraceptive devices (IUDs)."

Pope Paul VI issues an encyclical affirming the church's traditional prohibitions against "artificial" means of birth control, including the Pill.

Planned Parenthood Federation of America establishes the Center for Family Planning Program Development as its arm for research, policy analysis, and public education. The center is now an independent corporation and special affiliate of Planned Parenthood known as The Alan Guttmacher Institute.

The Planned Parenthood membership approves policies that recognize abortion and sterilization as legitimate medical procedures, the decision for which must rest with the individual and the individual's physician. The membership calls for the abolition of existing criminal laws regarding abortion, and the recognition that information, counseling, and referral with regard to abortion are integral elements of sound medical care.

1969
President Nixon delivers a message on population and family planning that calls for increased federal support for domestic family planning services, biomedical and social research, and foreign aid assistance. He requests the appointment of a Commission on Population Growth and the American Future to report on the U.S. population problem.

The National Association for the Repeal of Abortion Laws, now known as the National Abortion and Reproductive Rights Action League, is founded to develop and sustain a pro-choice political constituency in order to secure and preserve the right to safe, legal abortion for all women.

1970
Congress enacts Title X of the Public Health Services Act, providing support and funding for family planning services and educational programs and for biomedical and behavioral research in reproduction and contraceptive development. Title X also authorizes funding for a Center for Population Research within NICHD. This marks the first time Congress has ever voted for a separate authorization of family planning services.

New York state enacts the most progressive abortion law in the nation, permitting abortion through the 24th week of pregnancy if performed by a licensed physician. Planned Parenthood of Syracuse, New York, becomes the first affiliate to offer abortion services.

1971
Congress repeals most of the provisions of the federal Comstock laws.

Planned Parenthood Federation of America establishes its own international program, Family Planning International Assistance (FPIA). Funded largely by the U.S. Agency for International Development, within 15 years FPIA becomes the largest U.S. non-governmental provider of family planning services to million of women and men in developing countries.

The National Family Planning and Reproductive Health Association (NFPRHA) is founded to serve as an umbrella organization for family planning and reproductive health care providers and consumers.

1972
In EISENSTADT v. BAIRD, the U.S. Supreme Court strikes down a Massachusetts statute that bars the distribution of contraceptives to unmarried people.

The Committee on Population Growth and the American Future releases its final report, stating that "no substantial benefits would result from continued growth of the nation's population" and recommending that the U.S.

"welcome and plan for a stabilized population." It outlines comprehensive recommendations to achieve stabilization.

Over 2.5 million patients are served by U.S. family planning clinics, an increase of 200 percent since 1968.

1973
In ROE v. WADE, the U.S. Supreme Court strikes down the 1859 Texas law that prohibited abortions except to save a woman's life. The court rules that the constitutional right of privacy extends to a woman's decision, in consultation with her doctor, to have an abortion.

On the same grounds, DOE v. BOLTON strikes down a 1968 abortion reform statute in the state of Georgia that had prohibited abortions except in cases of medical necessity, rape, incest, and fetal abnormality, had required all abortions to be performed in hospitals, and had mandated the approval of two doctors and a committee before an abortion could be performed.

The National Right to Life Committee is organized by the U.S. Catholic Conference's Family Life Division, which is administered by the National Conference of Catholic Bishops. The express purpose of the committee is to overturn these U.S. Supreme Court decisions, by constitutional amendment if necessary. The legislation it supports would outlaw the most effective forms of birth control as well as abortion.

Believing that reproductive freedom is intrinsically tied to religious liberty, the Religious Coalition for Abortion Rights and Catholics for a Free Choice, are founded to support the right to family planning and abortion.

1974
The United Nations World Population Conference, the first government-sponsored conference on population, is held in Bucharest. Attendees adopt the World Population Plan of Action, establishing voluntary family planning as a basic human right, pledging to improve the status of women worldwide, giving high priority to contraceptive research, and recognizing that population policies and programs must be part of overall social and economic development plans. Only the Vatican abstains from voting to support the plan.

The Dalkon Shield IUD is found defective and withdrawn from the market.

Federal District Court Judge Gerhard A. Gesell enjoins the U.S. Department of Health, Education, and Welfare (DHEW) from using federal funds for the sterilization of minors and other persons who are legally incompetent to give informed and binding consent to the procedure. Revised regulations issued by DHEW state that individuals are free to refuse sterilization without prejudicing future care and without loss of other project or program benefits.

1975
The results of a national study show that, among U.S. couples who have had all the children they want, 43.1 percent are using sterilization as their method of birth control -- an increase of more than 300 percent in ten years.

1976

In PLANNED PARENTHOOD OF CENTRAL MISSOURI v. DANFORTH, the U.S. Supreme Court strikes down state requirements for parental and spousal consent for abortion and sets aside a state prohibition against saline abortions.

In BELLOTI v. BAIRD, the U.S. Supreme Court returns to the Massachusetts courts a statute that requires a minor seeking an abortion to first obtain the consent of both parents or a judge. The court asks the Massachusetts Supreme Court to define more precisely the grounds on which a judge could approve or deny an abortion to a minor (see entry for 1979).

Congress passes the "Hyde Amendment," which prohibits the use of federal Medicaid funds for the abortions of indigent women while continuing to allow these funds to be used for pregnancy, delivery, and child care costs. The amendment is enjoined by Federal District Court Judge John F. Dooling.

The Alan Guttmacher Institute (AGI) publishes 11 MILLION TEENAGERS, the first nationally distributed document to focus attention on the problem of teen pregnancy and childbearing in the United States.

The Republican Party adopts its first anti-choice platform. The Democratic Party adopts its first pro-choice platform.

1977

In MAHER v. ROE and POELKER v. DOE, the U.S. Supreme Court finds that state and local governments have the right to refuse to fund nontherapeutic Medicaid abortions for the indigent and that localities may refuse to provide "elective" abortions in publicly funded hospitals.

The U.S. Supreme Court vacates Judge Dooling's injunction against the Hyde Amendment.

Congress passes a new version of the Hyde Amendment, and three dozen states move to cut off their state Medicaid reimbursements.

In CAREY v. POPULATION SERVICES INTERNATIONAL, the U.S. Supreme Court rules unconstitutional a New York statute that prohibited the sale or distribution of contraceptives to persons under 16, the display and advertising of contraceptives, and the sale of non-prescription methods outside drugstores.

The National Abortion Federation is founded to ensure quality care in the provision of safe and legal abortion by establishing standards, guidelines, training, and education for providers of abortion services. NAF also provides information that will allow women to obtain quality abortion services.

The Alan Guttmacher Institute is separately incorporated as the first independent agency devoted solely to research, policy analysis, and public education in family planning and population.

Family Planning International Assistance serves hundreds of thousands of contraceptive clients in 23 nations of the developing world.

1978
Congress passes a third version of the Hyde Amendment and adds anti-abortion restrictions to a number of federally funded programs, including the Defense Department and the Peace Corps. Extending Title X funding for three years, Congress expands the program to include community-based sex education and other preventive services for teenagers at risk of pregnancy.

The City of Akron, Ohio, passes a restrictive ordinance, requiring that women seeking abortions undergo a 24-hour waiting period and an elaborate "informed consent" procedure, including viewing of photographs of fetal development and a recital of half-truths about the procedure and the fetus. It also requires that minors obtain the consent of their parents or a judge and that second-trimester abortions be performed in hospitals.

1979
In BELLOTTI v. BAIRD (II), the U.S. Supreme Court finds that the Massachusetts statute restricting minors' access to abortion is unconstitutional as interpreted by the Massachusetts Supreme Court. The U.S. Supreme Court rules that if states require minors to obtain parental consent for an abortion, they must also give minors the alternative of obtaining the consent of a judge, in confidential proceedings and without first notifying their parents.

In COLAUTTI v. FRANKLIN, the U.S. Supreme Court strikes down a Pennsylvania law that requires a physician about to perform an abortion to first determine whether the fetus "is or may be viable" on the grounds that the meaning of "viable" or "may be viable" is unclear. The court holds that the determination of when a fetus is viable must be made by physicians on a case-by-case basis.

The 1980s

1980
Federal reimbursement for medically necessary abortions under Medicaid is reinstated after Judge Dooling rules in HARRIS v. McRAE that the Hyde Amendment unconstitutionally deprives indigent women of their First and Fifth Amendment rights by refusing to pay for medically necessary abortions.

Five months later, the U.S. Supreme Court overturns the Dooling decision, holding that the Hyde Amendment, by encouraging childbirth over abortion except in the most urgent circumstances, is rationally related to the legitimate governmental objective of protecting potential life.

For the first time, a U.S. president with political commitments to the anti-choice movement -- Ronald Reagan -- is elected to office. The Republican party takes control of the Senate.

1981
One of President Reagan's first official actions is to congratulate anti-abortion demonstrators on the occasion of the anniversary of ROE v. WADE.

In H.L. v. MATHESON, the U.S. Supreme Court upholds a Utah statute

requiring a physician to notify the parents of an unemancipated, immature minor before performing an abortion, in the absence of any proof that harm would result to the minor if her parents were notified.

The administration urges folding the national family planning program (Title X) into a block grant. This would allow states not to offer subsidized family planning services but to use the funds for other programs. Congress defeats this proposal and re-authorizes Title X as a categorical grant for three more years.

Hearings are held in the U.S. Senate on the so-called Human Life Bill. This is a bill that would seek to overturn Roe v. Wade by declaring that human life begins at conception and awarding full constitutional rights to fetuses.

The Alan Guttmacher Institute (AGI) publishes TEENAGE PREGNANCY: THE PROBLEM THAT HASN'T GONE AWAY, a definitive analysis of teen sexuality, contraceptive knowledge and use, and pregnancy experience that convincingly documents the need for making confidential contraceptive services accessible to sexually active teens.

Family Planning International Assistance serves 921,582 contraceptive clients in 36 nations of the developing world.

1982
Planned Parenthood Federation of America, the American Civil Liberties Union, the National Abortion Rights Action League, the Religious Coalition for Abortion Rights, and other pro-choice activists orchestrate major victories by successfully lobbying against passage of the Hatch Human Life Federalism Amendment and other proposed "Human Life Bills."

The Reagan administration defies Congress by issuing an administrative regulation that orders the nation's 4,000 Title X-funded clinics to notify parents when teens are issued prescription contraceptives. This regulation becomes known as the "squeal rule."

1983
Challenges by family planning providers and by the state of New York lead to decisions by three different Federal district courts overturning the so-called "squeal rule." These decisions are affirmed by two Circuit Courts of Appeal, and the Reagan administration does not appeal to the Supreme Court.

In CITY OF AKRON v. AKRON CENTER FOR REPRODUCTIVE HEALTH, the U.S. Supreme Court overturns the Akron ordinance (see entry for 1978), reaffirming the basis of Roe v. Wade, establishing the right of women to obtain second-trimester abortions in outpatient facilities, and protecting the confidentiality of minors who seek abortion.

In PLANNED PARENTHOOD OF KANSAS CITY, MISSOURI v. ASHCROFT, the U.S. Supreme Court finds that states cannot require hospitalization for abortions after the first trimester, but that states can require pathology tests after every abortion, parental consent with judicial bypass, and the presence of two doctors during abortions after the first trimester.

In SIMOPOULOS v. VIRGINIA, the U.S. Supreme Court upholds a conviction of a physician under a Virginia statute requiring abortions after the first trimester to be performed in hospitals. Since Virginia law provides for licensing of freestanding ambulatory facilities as "hospitals," the Virginia law is not as restrictive as the law struck down in PLANNED PARENTHOOD OF KANSAS CITY the same year, and is therefore constitutional.

The high court, in BOLGER v. YOUNGS DRUG PRODUCTS CORP., also strikes down as unconstitutional the last vestige of the Comstock laws by allowing unsolicited advertisements for contraceptives to be sent through the U.S. mail.

1984

The Reagan administration announces the "Mexico City policy," which will bar most non-governmental foreign recipients of U.S. government family planning funds from using non-U.S. government funds to support "abortion-related activities."

The Food and Drug Administration approves the distribution of the Copper T380A IUD, but no manufacturers or distributors are willing to make it available to women in the U.S. Violent attacks on family planning and abortion clinics escalate. While four incidents occurred in 1983, in 1984 30 major attacks are reported, including bombings, arson, and attempted bombings and arson.

The death toll from AIDS (acquired immune deficiency syndrome) since 1981 rises to 3,665 Americans. The year ends with a total of 7,699 reported cases.

1985

The Mexico City policy goes into effect; Planned Parenthood Federation of America announces its refusal to comply; International Planned Parenthood Federation and the United Nations Fund for Population Activities are defunded. U.S. funding for international family planning is cut by $40 million.

Anti-abortion riders that would effectively eliminate the Title X program are proposed by administration allies in Congress. They are defeated in a last-minute compromise.

The Alan Guttmacher Institute (AGI) publishes its report on TEEN PREGNANCY IN INDUSTRIALIZED COUNTRIES, demonstrating that the U.S. teen pregnancy rate of 96 per 1,000 is the highest in the developed world. The study found that developed countries with the most accessible contraceptive services, the most effective programs for sexuality education, and the most liberal societal attitudes toward sex, have the lowest rates of pregnancy, abortion, and childbearing among teens.

A two-year study by the National Academy of Sciences concurs with the AGI study and concludes that "prevention of adolescent pregnancy should have the highest priority," and "making contraceptive methods available and accessible to those who are sexually active and encouraging them to diligently use these methods is the surest major strategy for pregnancy prevention."

Anti-family planning zealots launch a "Year of Pain and Fear." Targeted at family planning and abortion clinics, an epidemic of firebombing, vandalism, burglary, death threats, and assault and battery breaks out.

1986
The risk of expensive product liability resulting from litigation leads G.D. Searle to withdraw its Copper 7 and Copper T IUDs from the market.

In THORNBURGH v. AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS and in DIAMOND v. CHARLES, the U.S. Supreme Court reaffirms a woman's constitutional right to abortion and reverses state-imposed barriers to the free exercise of that right by striking down certain informed consent and reporting requirements, as well as constraints regarding "post-viability abortions."

Also, in BABBITT v. PLANNED PARENTHOOD OF CENTRAL AND NORTHERN ARIZONA, the high court affirms a Ninth Circuit Court decision overturning an Arizona law prohibiting grants of state money for family planning to organizations that provide abortion or abortion counseling and referral.

Planned Parenthood affiliate facilities in New York City; Kalamazoo, Michigan; Kansas City, Missouri; and Cambridge and Worcester, Massachusetts, are targets of arson, bombs, and other violent acts.

Planned Parenthood's international program, Family Planning International Assistance, serves four million women and men in 41 developing countries, becoming the largest non-government provider of family planning services to women and men in the developing world.

1987
President Reagan proposes the "gag rule," for Title X-funded clinics, similar to the Mexico City policy, which forbids clinics from counseling a client about abortion -- even if she specifically requests such information, and even if withholding the information would endanger her health.

Planned Parenthood Federation of America and other plaintiffs file a joint lawsuit against the U.S. Agency for International Development (AID) in U.S. District Court for the Southern District of New York to block implementation of the Reagan administration's Mexico City policy.

In an unprecedented coalition effort, Planned Parenthood joins more than 250 civil rights, civil liberties, religious, labor, education, legal, environmental, health, and women's groups to successfully block the appointment of Judge Robert Bork to the U.S. Supreme Court. Judge Bork, nominated by President Reagan, holds restrictive views on freedom of speech and the press and denies the constitutional right to privacy.

Plans for "Operation Rescue," an organization to martial ongoing nationwide barricades against family planning and abortion clinics, are unveiled at the annual convention of the Pro-Life Action Network.

1988

Demographic figures reflect dramatic reductions in maternal and infant deaths and unwanted births since 1965, when contraception was legalized. These health benefits result largely from Americans' shift to more effective contraceptive methods that have become widely available. Since 1965, the percentage of married contraceptors using more effective methods (sterilization, the Pill, and the IUD, which have failure rates of three percent or less) more than doubles, from 37.5 percent to 69 percent.

Between 1965 and 1988, the maternal death rate declines more than 75 percent, from 31.6 to 8.4 per 100,000 live births; deaths of infants under one year of age drop 60 percent, from 24.7 to 9.7 per 1,000 live births; only 12 percent of all births are unwanted, compared to 21 percent in 1965.

Despite President Bush's promise of a kinder, gentler nation, he demonstrates callous disregard for the needs of women, children, and families. On his first working day in office, he declares his solidarity with anti-choice extremists and calls for passage of the Human Life Amendment. He pressures Secretary of Health and Human Services Louis Sullivan into publicly recanting his pro-choice position. At Mr. Bush's urging, the Justice Department aggressively presses the U.S. Supreme Court to overturn ROE v. WADE.

France begins distribution of RU-486, a new drug developed by Dr. Etienne-Emile Baulieu and other researchers of the Roussel-Uclaf corporation as an alternative to early aspiration abortion. U.S. anti-family planning, anti-abortion organizations pledge to keep RU-486 off the world market despite the fact that it could help reduce the number of women who die from illegal abortion worldwide -- 200,000 each year.

Four years after the FDA approved the Copper T380A IUD, developed by the Population Council, the GynoPharma Corporation makes it available to U.S. women.

The Prentiff Cavity Rim cervical cap is approved by the FDA for use and distribution in the U.S.

PPFA and others file suit against the Title X "gag rule," proposed by President Reagan in 1987, claiming it violates the Title X statute, medical ethics, the principle of informed consent, and health care providers' constitutionally protected right to free speech.

PPFA obtains a court order to continue federal funding of its international programs pending resolution of the lawsuit challenging the administration's Mexico City policy.

1989

Hundreds of thousands of pro-choice advocates travel to Washington, D.C. on April 9 to join the March for Women's Equality/Women's Lives.

The U.S. Supreme Court on July 3 rules in WEBSTER v. REPRODUCTIVE HEALTH SERVICES that states may place increased restrictions on women's access to abortion. With the issue of abortion rights thrown back to the states, divisive legislative and electoral battles at the state level quickly ensue.

In November, two million pro-choice advocates participate in "Mobilization for Women's Lives Across the U.S.A. and Washington, D.C.," comprising 1,000 pro-choice events across the country.

One hundred and forty-seven pro-choice leaders in the U.S. House of Representatives and Senate introduce the Freedom of Choice Act to codify the rights enumerated by the U.S. Supreme Court in its 1973 ROE V. WADE ruling.

More than half (90) of Planned Parenthood's 172 affiliates now offer HIV antibody testing and counseling. The year closes with 171,781 cases of AIDS reported to the U.S. Centers for Disease Control.

Strengthening its commitment to advocate reproductive rights, Planned Parenthood Federation of America establishes the Planned Parenthood Action Fund® to meet the need for increased lobbying efforts to preserve the right to reproductive choice. The Action Fund, incorporated under section 501(c)(4) of the Internal Revenue Code, is allowed to lobby without limitation and participate in electoral politics as a secondary activity.

1990
The American Medical Association announces its support for testing and possible use of RU-486 (mifepristone) in the U.S.

The U.S. Supreme Court on June 18 rules in OHIO v. AKRON CENTER FOR REPRODUCTIVE HEALTH and HODGSON v. STATE OF MINNESOTA that states may require notification of one or both parents before a teenager may have an abortion, as long as she has the option of a court bypass.

The Second Circuit Court of Appeals rules against Planned Parenthood Federation of America in its suit against the government's Mexico City policy, and the U.S. Agency for International Development announces that funding to Family Planning International Assistance will be terminated on October 31. Planned Parenthood prepares to seek Supreme Court review and vows to seek private funding to preserve its international family planning programs.

Thirty states and the District of Columbia mandate AIDS education in schools, but only 12 states and the District of Columbia mandate comprehensive sexuality education in grades K-12.

1991
In hundreds of commemorative events throughout the U.S., PPFA celebrates its 75th anniversary with the theme, "A Tradition of Choice for 75 Years."

The U.S. Supreme Court upholds the Title X gag rule in RUST v. SULLIVAN. In the aftermath, Congress votes overwhelmingly to overturn the gag rule, but an effort to override President Bush's veto fails narrowly.

1992
The Supreme Court upholds new Pennsylvania roadblocks to abortion,

including a mandatory 24-hour waiting period, a parental-consent provision for minors, and the provision of state-authored anti-abortion materials. PLANNED PARENTHOOD OF SOUTHEASTERN PENNSYLVANIA v. CASEY reaffirms the right to abortion but outlines a weaker standard of review, allowing restrictions unless they constitute an "undue burden" to the woman. Four of the nine justices argue that ROE should be overturned outright.

1993
On the 20th anniversary of ROE v. WADE, newly inaugurated President Bill Clinton announces administrative actions that reverse the Title X family planning gag rule; rescind the Mexico City policy; lift the ban on importation of mifepristone (RU-486); permit privately funded abortions in overseas military hospitals; and lift the ban on the use of fetal tissue for medical research.

The Supreme Court rules in BRAY v. ALEXANDRIA WOMEN'S HEALTH CLINIC, an appeal by the militant anti-abortion organization Operation Rescue, that a federal civil rights statute known as the "Ku Klux Klan Act" does not protect women seeking abortions.

Dr. David Gunn, an abortion provider in Pensacola, Florida, is shot and killed by an anti-abortion protester outside the clinic where he worked. In the following year, four more health care center workers -- Dr. John Bayard Britton, James Barrett, Shannon Lowney, and Leanne Nichols -- fall victim to anti-abortion terrorism.

As Congress begins to engage in a protracted debate over health care financing and reform, Planned Parenthood announces a national health care campaign to ensure that universal access to reproductive health care, including abortion, becomes part of any reform efforts at the state and national levels. While in the end Congress fails to create a more equitable and humane national health care system, PPFA successfully ensures that coverage for reproductive health care remains a critical element of the plans under consideration.

1994
Recognizing in the face of the BRAY decision that federal laws are inadequate to deal with growing violence at reproductive health care centers, Congress enacts the Freedom of Access to Clinic Entrances (FACE) Act. FACE makes it a federal crime to use or attempt force, the threat of force, or physical obstruction to injure, intimidate, or interfere with providers of reproductive health care services or their patients.

In NATIONAL ORGANIZATION FOR WOMEN v. SCHEIDLER, the Supreme Court rules unanimously that the Racketeer Influenced and Corrupt Organizations (RICO) Act can be used in the absence of an economic motive, allowing its use against violent anti-abortion protesters who attempt to eliminate access to abortion by using extortion and intimidation to drive the clinics out of business.

In MADSEN v. WOMEN'S HEALTH CENTER, an appeal by anti-abortion protesters in Florida, the Supreme Court holds as constitutional a buffer zone around health care clinics that is intended to protect access to

the clinic.

Dr. John Bayard Britton, an abortion provider, and James Barrett, his volunteer escort, become the second and third victims of anti-abortion assassination outside an abortion clinic in Pensacola, Florida. Throughout the year, violent attacks by abortion opponents include death threats; stalking incidents; assaults and kidnappings; and bombings, arson, invasions, blockades, and butyric-acid attacks at health care facilities.

The United Nations International Conference on Population and Development (ICPD) is convened in Cairo, Egypt. More than 160 official government delegations negotiate a Programme of Action for addressing population over the next two decades. Evidencing a dramatic shift in position since the 1984 population conference, where the Reagan administration announced the "Mexico City policy," the Clinton administration expresses strong leadership in promoting the ICPD's support for reproductive health and family planning services and the empowerment of women.

The year closes on a tragic note as two receptionists at Brookline, Massachusetts, health centers -- Shannon Lowney, at Planned Parenthood League of Massachusetts, and Leanne Nichols, from a Preterm clinic on the same street -- are shot in yet another episode of anti-abortion violence.

1995
U.S. clinical trials are conducted on mifepristone (RU-486), which has already been available to women in France, Sweden, and the United Kingdom. Eight Planned Parenthood affiliates participate in the Population Council-sponsored clinical trials, which will lead to submission of the medical regimen for approval by the FDA.

1996
Following on the heels of the 1994 ICPD in Cairo, the Fourth World Conference on Women is held in Beijing, China. The conference, which is the largest gathering ever to attend a U.N. conference, produces a Platform for Action that reaffirms women's rights as human rights, calls for the decriminalization of women who undergo abortions in countries where it is illegal, affirms the concept of sexual rights, and affirms the right of all women to control their own fertility.

As in other recent years, contraceptive services provided by Planned Parenthood affiliates avert an estimated 500,000 unintended pregnancies, of which 213,000 would have resulted in unintended birth. While Planned Parenthood provides approximately 8 percent of abortions in the U.S., it prevents an estimated 217,000 abortions in 1995 -- more than one-and-a-half times as many procedures as it provides.

Gloria A. Feldt, a longtime executive director of Planned Parenthood's Phoenix affiliate, is named president of Planned Parenthood Federation of America.

Through the services of 152 affiliates operating more than 900 clinics in 49 states and the District of Columbia, Planned Parenthood's more than 400,000 donors and 21,000 volunteers and staff members nationwide continue to meet the family planning needs of more than five million

Americans.

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b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

6 cases:

4 btw '73 + '76 (one decided '77)

US Reports Site:

1. Frontiero v. Richardson
   #411-US-677 (1973) (won)
2. Kahn v. Shevin
   416-US-351 (1974) (lost)
3. Edwards v. Healy
   421-US-772 (1975) | Remedial
4. Weinberger v. Weisenfeld
   420-US-636 (1975) (won)
5. Califano v. Goldfarb
   430-US-199 (1977) (won)
6. Duren v. Missouri
   439-US-357 (1979) (won)

collateral point

www.law.cornell.edu.

Frontiero v. Richardson

411 U.S. 677 (1973)
No. 71-1694

Subject Categories: **Discrimination: Gender, Due Process**

Argued: January 17, 1973
Decided: May 14, 1973

The Facts of the Case

Sharron Frontiero, a lieutenant in the United States Air Force, sought a dependent's allowance for her husband. Federal law provided that the wives of members of the military automatically became dependents; husbands of female members of the military, however, were not accepted as dependents unless they were dependent on their wives for over one-half of their support. Frontiero's request for dependent status for her husband was turned down.

The Constitutional Question

Did a federal law, requiring different qualification criteria for male and female military spousal dependency, unconstitutionally discriminate against women thereby violating the Fifth Amendment's Due Process Clause?

The Conclusion

Yes. The Court held that the statute in question clearly commanded "dissimilar treatment for men and women who are similarly situated," violating the Due Process Clause. Applying a strict standard of review to the sex-based classification, the Court found that the government's interest in administrative convenience could not justify discriminatory practices. The Court held that statutes that drew lines between the sexes on those grounds alone necessarily involved "the 'very kind of arbitrary legislative choice forbidden by the Constitution.'"

Online resources related to this case...

- Oral arguments
- FindLaw Written Opinions of the Court

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Additional support: Academic Technologies Department, Northwestern University Library and Mayer, Brown and Platt.

Frontiero v. Richardson, 411 U.S. 677 (1973) (USSC+)

Syllabus

A married woman Air Force officer (hereafter appellant) sought increased benefits for her husband as a "dependent" under 37 U.S.C. §§ 401, 403, and 10 U.S.C. §§ 1072, 1076. Those statutes provide, solely for administrative convenience, that spouses of male members of the uniformed services are dependents for purposes of obtaining increased quarters allowances and medical and dental benefits, but that spouses of female members are not dependents unless they are in fact, dependent for over one-half of their support. When her application was denied for failure to satisfy the statutory dependency standard, appellant and her husband brought this suit in District Court, contending that the statutes deprived servicewomen of due process. From that Court's adverse ruling, they took a direct appeal.

Held: The judgment is reversed. Pp. 682-691 ; 691-692 .

341 F.Supp. 201, reversed.

Opinions

MR. JUSTICE BRENNAN, joined by MR. JUSTICE DOUGLAS, MR. JUSTICE WHITE, and MR. JUSTICE MARSHALL, concluded that 37 U.S.C. §§ 401, 403 and 10 U.S.C. §§ 1072, 1076, as inherently suspect statutory classifications based on sex, are so unjustifiably discriminatory as to violate the Due Process Clause of the Fifth Amendment. Pp. 682-691 .

MR. JUSTICE STEWART concluded that the challenged statutes work an invidious discrimination in violation of the Constitution. *Reed v. Reed,* 404 U.S. 71 . P. 691 .

MR. JUSTICE POWELL, joined by THE CHIEF JUSTICE and MR. JUSTICE BLACKMUN, while agreeing that the statutes deprive servicewomen of due process, concluded that, in the light of *Reed v. Reed,* 404 U.S. 71 , and the fact that the Equal Rights Amendment has been submitted to the States for ratification, it is inappropriate to decide at this time whether sex is a suspect classification. Pp. 691-692 . [p*678]

BRENNAN, J., announced the Court's judgment and delivered an opinion, in which DOUGLAS, WHITE, and MARSHALL, JJ., joined. STEWART, J., filed a statement concurring in the judgment, *post,* p. 691 . POWELL, J., filed an opinion concurring in the judgment, in which BURGER, C.J., and BLACKMUN, J., joined, *post,* p. 691 . REHNQUIST, J., filed a dissenting statement, *post,* p. 691 .

Case **Name: KAHN** V. **SHEVIN**, 416 U.S. 351

Les 7

KAHN V. **SHEVIN**, ATTORNEY GENERAL OF FLORIDA, ET AL.

APPEAL FROM THE SUPREME COURT OF FLORIDA

NO. 73 - 78. ARGUED FEBRUARY 25 - 26, 1974--DECIDED APRIL 24, 1974; (273 SO. 2D 72, AFFIRMED.)

FLORIDA STATUTE GRANTS WIDOWS AN ANNUAL $500 PROPERTY TAX EXEMPTION. APPELLANT, A WIDOWER, WAS DENIED AN EXEMPTION BECAUSE THE STATUTE OFFERS NO ANALOGOUS BENEFIT FOR WIDOWERS. HE THEN SOUGHT A DECLARATORY JUDGMENT IN COUNTY CIRCUIT COURT, WHICH HELD THE STATUTE VIOLATIVE OF THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT. THE FLORIDA SUPREME COURT REVERSED, FINDING THE CLASSIFICATION "WIDOW" VALID BECAUSE IT HAS A "FAIR AND SUBSTANTIAL RELATION TO THE OBJECT OF THE LEGISLATION" OF REDUCING "THE DISPARITY BETWEEN THE ECONOMIC CAPABILITIES OF A MAN AND A WOMAN." HELD:

1. THE CHALLENGED TAX LAW IS REASONABLY DESIGNED TO FURTHER THE STATE POLICY OF CUSHIONING THE FINANCIAL IMPACT OF SPOUSAL LOSS UPON THE SEX FOR WHOM THAT LOSS IMPOSES A DISPROPORTIONATELY HEAVY BURDEN. FRONTIERO V. RICHARDSON, 411 U.S. 677, DISTINGUISHED. P. 355.

2. A STATE TAX LAW IS NOT ARBITRARY ALTHOUGH IT "DISCRIMINATES) IN FAVOR OF A CERTAIN CLASS . . . IF THE DISCRIMINATION IS FOUNDED UPON A REASONBLE DISTINCTION, OR DIFFERENCE IN STATE POLICY," AND THE STATUTE HERE IS WELL WITHIN THOSE LIMITS. PP. 355 - 356.

DOUGLAS, J., DELIVERED THE OPINION OF THE COURT, IN WHICH BERGER, C.J., AND STEWART, BLACKMUN, POWELL, AND REHNQUIST, JJ., JOINED. BRENNAN, J., FILED A DISSENTING OPINION, IN WHICH MARSHALL, J., JOINED, POST P. 357. WHITE, J., FILED A DISSENTING OPINION, POST, P. 360.

MR. JUSTICE DOUGLAS DELIVERED THE OPINION OF THE COURT.

SINCE AT LEAST 1885, FLORIDA HAS PROVIDED FOR SOME FORM OF PROPERTY TAX EXEMPTION FOR WIDOWS. /1/ THE CURRENT LAW GRANTING ALL WIDOWS AN

TAX EXEMPTION FOR WIDOWS. /1/ THE CURRENT LAW GRANTING ALL WIDOWS AN ANNUAL $500 EXEMPTION, FLA. STAT. 196.202 (SUPP. 1974 - 1975), HAS BEEN ESSENTIALLY UNCHANGED SINCE 1941. /2/ APPELLANT **KAHN** IS A WIDOWER WHO LIVES IN FLORIDA AND APPLIED FOR THE EXEMPTION TO THE DADE COUNTY TAX ASSESSOR'S OFFICE. IT WAS DENIED BECAUSE THE STATUTE OFFERS NO ANALOGOUS BENEFIT FOR WIDOWERS. **KAHN** THEN SOUGHT A DECLARATORY JUDGMENT IN THE CIRCUIT COURT FOR DADE COUNTY, FLORIDA, AND THAT COURT HELD THE STATUTE VIOLATIVE OF THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT BECAUSE THE CLASSIFICATION "WIDOW" WAS BASED UPON GENDER. THE FLORIDA SUPREME COURT REVERSED, FINDING THE CLASSIFICATION VALID BECAUSE IT HAS A "FAIR AND SUBSTANTIAL RELATION TO THE OBJECT OF THE LEGISLATION,'" /3/ THAT OBJECT BEING THE REDUCTION OF "THE DISPARITY BETWEEN THE ECONOMIC CAPABILTIES OF A MAN AND A WOMAN." **KAHN** APPEALED HERE, 28 U.S.C. 1257 (2), AND WE NOTED PROBABLE JURISDICTION, 414 U.S. 973. WE AFFIRM.

THERE CAN BE NO DISPUTE THAT THE FINANCIAL DIFFICULTIES CONFRONTING THE LONE WOMAN IN FLORIDA OR IN ANY OTHER STATE EXCEED THOSE FACING THE MAN. WHETHER FROM OVERT DISCRIMINATION OR FROM THE SOCIALIZATION PROCESS OF A MALEDOMINATED CULTURE, THE JOB MARKET IS INHOSPITABLE TO THE WOMAN SEEKING ANY BUT THE LOWEST PAID JOBS. /4/ THERE ARE, OF COURSE, EFFORTS UNDER WAY TO REMEDY THIS SITUATION. ON THE FEDERAL LEVEL, TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 PROHIBITS COVERED EMPLOYERS AND LABOR UNIONS FROM DISCRIMINATION ON THE BASIS OF SEX, 78 STAT. 253, 42 U.S.C. 2000E - 2 (A), (B), (C), AS DOES THE EQUAL PAY ACT OF 1963, 77 STAT. 56, 29 U.S.C. 206 (D). BUT FIRMLY ENTRENCHED PRACTICES ARE RESISTANT TO SUCH PRESSURES, AND, INDEED, DATA COMPLIED BY THE WOMEN'S BUREAU OF THE UNITED STATES DEPARTMENT OF LABOR SHOW THAT IN 1972 A WOMAN WORKING FULL TIME HAD A MEDIAN INCOME WHICH WAS ONLY 57.9% OF THE MEDIAN FOR MALES--A FIGURE ACTUALLY SIX POINTS LOWER THAN HAD BEEN ACHIEVED IN 1955. /5/ OTHER DATA POINT IN THE SAME DIRECTION. /6/ THE DISPARITY IS LIKELY TO BE EXACERBATED FOR THE WINDOW. WHILE THE WIDOWER CAN USUALLY CONTINUE IN THE OCCUPATION WHICH PRECEDED HIS SPOUSE'S DEATH, IN MANY CASES THE WIDOW WILL FIND HERSELF SUDDENLY FORCED INTO A JOB MARKET WITH WHICH SHE IS UNFAMILIAR, AND IN WHICH, BECAUSE OF HER FORMER ECONOMIC DEPENDENCY, SHE WILL HAVE FEWER SKILLS TO OFFER. /7/ THERE CAN BE NO DOUBT, THEREFORE, THAT FLORIDA'S DIFFERING TREATMENT OF WIDOWS AND WIDOWERS "'RESTS) UPON SOME GROUND OF DIFFERENCE HAVING A FAIR AND SUBSTANTIAL RELATION TO THE OBJECT OF THE LEGISLATION.'" REED V. REED, 404 U.S. 71, 76, QUOTING ROYSTER GUANO CO. V. VIRGINIA, 253 U.S. 412, 415.

THIS IS NOT A CASE LIKE FRONTIERO V. RICHARDSON, 411 U.S. 677, WHERE THE GOVERNMENT DENIED ITS FEMALE EMPLOYEES BOTH SUBSTANTIVE AND PROCEDURAL BENEFITS GRANTED MALES "SOLELY . . . FOR ADMINISTRATIVE CONVENIENCE." ID., AT 690 (EMPHASIS IN ORIGINAL). /8/ WE DEAL HERE WITH A STATE TAX LAW REASONABLY DESIGNED TO FURTHER THE STATE POLICY OF CUSHIONING THE FINANCIAL IMPACT OF SPOUSAL LOSS UPON THE SEX FOR WHICH THAT LOSS IMPOSES A DISPROPORTIONATELY HEAVY BURDEN. WE HAVE LONG HELD THAT "(WHERE TAXATION IS CONCERNED AND NO SPECIFIC FEDERAL RIGHT, APART FROM EQUAL PROTECTION, IS IMPERILED, THE STATES HAVE LARGE LEEWAY IN MAKING CLASSIFICATIONS AND DRAWING LINES WHICH IN THEIR JUDGMENT PRODUCE REASONABLE SYSTEMS OF TAXATION." LEHNHAUSEN V. LAKE SHORE AUTO PARTS CO., 410 U.S. 356, 359. A STATE TAX LAW IS NOT ARBITRARY ALTHOUGH IT "DISCRIMINATES) IN FAVOR OF A CERTAIN CLASS . . . IF THE DISCRIMINATION IS FOUNDED UPON A REASONABLE DISTINCTION, OR DIFFERENCE IN STATE POLICY," NOT IN CONFLICT WITH THE FEDERAL CONSTITUTION. ALLIED STORES V. BOWERS, 358 U.S. 522, 528. THIS PRINCIPLE HAS WEATHERED NEARLY A CENTURY OF SUPREMEM COURT ADJUDICIATION, /9/ AND IT APPLIES HERE AS WELL. THE STATUTE BEFORE US IS WELL WITHIN THOSE LIMITS. /10/

AFFIRMED.

/1/ ARTICLE IX, 9, OF THE 1885 FLORIDA CONSTITUTION PROVIDED THAT: "THERE SHALL BE EXEMPT FROM TAXATION PROPERTY TO THE VALUE OF TWO HUNDRED DOLLARS TO EVERY WIDOW THAT HAS A FAMILY DEPENDENT ON HER FOR

HUNDRED DOLLARS TO EVERY WIDOW THAT HAS A FAMILY DEPENDENT ON HER FOR SUPPORT, AND TO EVERY PERSON THAT HAS LOST A LIMB OR BEEN DISABLED IN WAR OR BY MISFORTUNE."

/2/ IN 1941 FLA. STAT. 192.06 (7) EXEMPTED "(PROPERTY TO THE VALUE OF FIVE HUNDRED DOLLARS TO EVERY WIDOW . . ." THAT PROVISION HAS SURVIVED A VARIETY OF MINOR CHANGES AND RENUMBERING IN SUBSTANTIALLY THE SAME FORM, INCLUDING FLA STAT. 196.191 (7) (1971) UNDER WHICH APPELLANT WAS DENIED THE EXEMPTION. CURRENTLY FLA. STAT. 196.202 PROVIDES: "PROPERTY TO THE VALUE OF FIVE HUNDRED DOLLARS ($500) OF EVERY WIDOW, BLIND PERSON, OR TOTALLY AND PERMANENTLY DISABLED PERSON WHO IS A BONA FIDE RESIDENT OF THIS STATE SHALL BE EXEMPT FROM TAXATION."

/3/ QUOTING REED V. REED, 404 U.S. 71, 76.

/4/ IN 1970 WHILE 40% OF MALES IN THE WORK FORCE EARNED OVER $10,000, AND 70% OVER $7,000, 45% OF WOMEN WORKING FULL TIME EARNED LESS THAN $5,000, AND 73.9% EARNED LESS THAN $7,000. U.S. BUREAU OF THE CENSUS: CURRENT POPULATION REPORTS, SERIES P-60, NO. 80.

/5/ THE WOMEN'S BUREAU PROVIDES THE FOLLOWING DATA: (TABLE OMITTED).

NOTE.--DATA FOR 1962 - 72 ARE NOT STRICTLY COMPARABLE WITH THOSE FOR PRIOR YEARS, WHICH ARE FOR WAGE AND SALARY INCOME ONLY AND DO NOT INCLUDE EARNINGS OF SELF-EMPLOYED PERSONS.

SOURCE: TABLE PREPARED BY WOMEN'S BUREAU, EMPLOYMENT STANDARDS ADMINISTRATION, U.S. DEPARTMENT OF LABOR, FROM DATA PUBLISHED BY BUREAU OF THE CENSUS, U.S. DEPARTMENT OF COMMERCE.

/6/ FOR EXAMPLE, IN 1972 THE MEDIAN INCOME OF WOMEN WITH FOUR YEARS OF COLLEGE WAS $8,736--EXACTLY $100 MORE THAN THE MEDIAN INCOME OF MEN WHO HAD NEVER EVEN COMPLETED ONE YEAR OF HIGH SCHOOL. OF THOSE EMPLOYED AS MANAGERS OF ADMINISTRATORS, THE WOMENHS MEDIAN INCOME WAS ONLY 53.2% OF THE MEN'S, AND IN THE PROFESSIONAL AND TECHNICAL OCCUPATIONS THE FIGURE WAS 67.5%. THUS THE DISPARITY EXTENDS EVEN TO WOMEN OCCUPYING JOBS USUALLY THOUGHT OF AS WELL PAID. TABLES PREPARED BY THE WOMEN'S BUREAU, EMPLOYMENT STANDARDS ADMINISTRATION, U.S. DEPARTMENT OF LABOR.

/7/ IT IS STILL THE CASE THAT IN THE MAJORITY OF FAMILIES WHERE BOTH SPOUSES ARE PRESENT, THE WOMAN IS NOT EMPLOYED. A. FERRISS, INDICATORS OF TRENDS IN THE STATUS OF AMERICAN WOMEN 95 (1971).

/8/ AND IN FRONTIERO THE PLURALITY OPINION ALSO NOTED THAT THE STATUTES THERE WERE "NOT IN ANY SENSE DESIGNED TO RECTIFY THE EFFECTS OF PAST DISCRIMINATION AGAINST WOMEN. ON THE CONTRARY, THESE STATUTES SEIZE UPON A GROUP--WOMEN--WHO HAVE HISTORICALLY SUFFERED DISCRIMINATION IN EMPLOYMENT, AND RELY ON THE EFFECTS OF THIS PAST DISCRIMINATION AS A JUSTIFICATION FOR HEAPING ON ADDITIONAL ECONOMIC DISADVANTAGES." 411 U.S. 677, 689 N.22 (CITATIONS OMITTED).

/9/ SEE BELL'S GAP R. CO. V. PENNSYLVANIA, 134 U.S. 232, 237; MADDEN V. KENTUCKY, 309 U.S. 83, 87 - 88; LAWRENCE V. STATE TAX COMM'N, 286 U.S. 276; ROYSTER GUANO CO. V. CIRGINIA, 253 U.S. 412.

/10/ THE DISSENTS ARGUE THAT THE FLORIDA LEGISLATURE COULD HAVE DRAFTED THE STATUTE DIFFERENTLY, SO THAT ITS PURPOSE WOULD HAVE BEEN ACCOMPLISHED MORE PRECISELY. BUT THE ISSUE, OF COURSE, IS NOT WHETHER THE STATUTE COULD HAVE BEEN DRAFTED MORE WISELY, BUT WHETHER THE LINES CHOSEN BY THE FLORIDA LEGISLATURE ARE WITHIN CONSTITUTIONAL LIMITATIONS. THE DISSENTS WOULD USE THE EQUAL PROTECTION CLAUSE AS A VEHICLE FOR REINSTATING NOTIONS OF SUBSTANTIVE DUE PROCESS THAT HAVE BEEN REPUDIATED. "WE HAVE RETURNED TO THE ORIGINAL CONSTITUTIONAL PROPOSITION THAT COURTS DO NOT SUBSTITUTE THEIR SOCIAL AND ECONOMIC

PROPOSITION THAT COURTS DO NOT SUBSTITUTE THEIR SOCIAL AND ECONOMIC BELIEFS FOR THE JUDGMENT OF LEGISLATIVE BODIES, (WHICH) ARE ELECTED TO PASS LAWS." FERGUSON V. SKRUPA, 372 U.S. 726, 730.

GENDER HAS NEVER BEEN REJECTED AS AN IMPERMISSIBLE CLASSIFICATION IN ALL INSTANCES. CONGRESS HAS NOT SO FAR DRAFTED WOMEN INTO THE ARMED SERVICES, 50 U.S.C. APP. 454. THE FAMOUS BRANDEIS BRIEF IN MULLER V. OREGON, 208 U.S. 412, ON WHICH THE COURT SPECIFICALLY RELIED, ID., AT 419 - 420, EMPHASIZED THAT THE SPECIAL PHYSICAL STRUCTURE OF WOMEN HAS A BEARING ON THE "CONDITIONS UNDER WHICH SHE SHOULD BE PERMITTED TO TOIL." ID., AT 420. THESE INSTNACES ARE PERTINENT TO THE PROBLEM IN THE TAX FIELD WHICH IS PRESENTED BY THIS PRESENT CASE. MR. CHIEF JUSTICE HUGES IN SPEAKING FOR THE COURT SAID: "THE STATES, IN THE EXERCISE OF THEIR TAXING POWER, AS WITH RESPECT TO THE EXERTION OF OTHER POWERS, ARE SUBJECT TO THE REQUIREMENTS OF THE DUE PROCESS AND THE EQUAL PROTECTION CLAUSES OF THE FOURTEENTH AMENDMENT, BUT THAT AMENDMENT IMPOSES NO IRON RULE OF EQUALITY, PROHIBITING THE FLEXIBILITY AND VARIETY THAT ARE APPRORPIATE TO SCHEMES TO TAXATION. . . . IN LEVYING SUCH TAXES, THE STATE IS NOT REQUIRED TO RESORT TO CLOSE DISTINCTIONS OR TO MAINTAIN A PRECISE, SCIENTIFIC UNIFORMITY WITH REFERENCE TO COMPOSITION, USE OR VALUE. TO HOLD OTHERWISE WOULD BE TO SUBJECT THE ESSENTIAL TAXING POWER OF THE STATE TO AN INTOLERABLE SUPERVISION, HOSTILE TO THE BASIC PRINCIPLES OF OUR GOVERNMENT AND WHOLLY BEUOND THE PROTECTION WHICH THE GENERAL CLAUSE OF THE FOURTEENTH AMENDMENT WAS INTENDED TO ASSURE." OHIO OIL. CO. V. CONWAY, 281 U.S. 146, 159.

MR. JUSTICE BRENNAN, WITH WHOM MR. JUSTICE MARSHALL JOINS, DISSENTING.

THE COURT REJECTS WIDOWER **KAHN**'S CLAIM OF DENIAL OF EQUAL PROTECTION ON THE GROUND THAT THE LIMITATION IN FLA. STAT. 196.191 (7) (1971), WHICH PROVIDES AN ANNUAL $500 PROPERTY TAX EXEMPTION TO WIDOWS, IS A LEGISLATIVE CLASSIFICATION THAT BEARS A FAIR AND SUBSTANTIAL RELATION TO "THE STATE POLICY OF CUSHIONING THE FINANCIAL IMPACT OF SPOUSAL LOSS UPON THE SEX FOR WHICH THAT LOSS IMPOSES A DISPROPORTIONATELY HEAVY BURDEN." ANTE, AT 355. IN MY VIEW, HOWEVER, A LEGISLATIVE CLASSIFICATION THAT DISTINGUISHES POTENTIAL BENEFICIARIES SOLELY BY REFERENCE TO THEIR GENDER-BASED STATUS AS WIDOWS OR WIDOWERS, LIKE CLASSIFICATIONS BASED UPON RACE, /1/ ALIENAGE, /2/ AND NATIONAL ORIGIN, /3/ MUST BE SUBJECTED TO CLOSE JUDICIAL SCRUTINY, BECAUSE IT FOCUSES UPON GENERALLY IMMUTABLE CHARAVTERISTICS OVER WHICH INDIVIDUALS HAVE LITTLE OR NO CONTROL, AND ALSO BECAUSE GENDER-BASED CLASSIFICATIONS TOO OFTEN HAVE BEEN INEXCUSABLY UTILIZED TO STEREOTYPE AND STIGMATIZE POLITICALLY POWERLESS SEGMENTS OF SOCIETY. SEE FRONTIERO V. RICHARDSON, 411 U.S. 677 (1973). THE COURT IS NOT, THEREFORE, FREE TO SUSTAIN THE STATUTE ON THE GROUND THAT IT RATIONALLY PROMOTES LEGITIMATE GOVERNMENTAL INTERESTS; RATHER, SUCH SUSPECT CLASSIFICATIONS CAN BE SUSTAINED ONLY WHEN THE STATE BEARS THE BURDEN OF DEMONSTRATING THAT THE CHALLENGED LEGISLATION SERVES OVERRIDING OR COMPELLING INTERESTS THAT CANNOT BE ACHIEVED EITHER BY A MORE CAREFULLY TAILORED LEGISLATIVE CLASSIFICATION OR BY THE USE OF FEASIBLE, LESS DRASTIC MEANS. WHILE, IN MY VIEW, THE STATUTE SERVES A COMPELLING GOVERNMENTAL INTEREST BY "CUSHIONING THE FINANCIAL IMPACT OF SPOUSAL LOSS UPON THE SEX FOR WHICH THAT LOSS IMPOSES A DISPROPORTIONATELY HEAVY BURDEN," I THINK THAT THE STATUTE IS INVALID BECAUSE THE STATE'S INTEREST CAN BE SERVED EQUALLY WELL BY A MORE NARROWLY DRAFTED STATUTE.

GENDER-BASED CLASSIFICATIONS CANNOT BE SUSTAINED MERELY BECAUSE THEY PROMOTE LEGITIMATE GOVERNMENTAL INTEREST, SUCH AS EFFICACIOUS ADMINISTRATION OF GOVERNMENT. FRONTIERO V. RICHARDSON, SUPRA; REED V. REED, 404 U.S. 71 (1971). FOR "WHEN WE ENTER THE REALM OF 'STRICT JUDICIAL SCRUTINY,' THERE CAN BE NO DOUBT THAT 'ADMINISTRATIVE CONVENIENCE' IS NOT A SHIBBOLETH, THE MERE RECITATION OF WHICH DICATES CONSTITUTIONALTY. SEE SHAPIRO V. THOMPSON, 394 U.S. 618 (1969); CARRINGTON V. RASH, 380 U.S. 89 (1965). ON THE CONTRARY, ANY STATUTORY

CARRINGTON V. RASH, 380 U.S. 89 (1965). ON THE CONTRARY, ANY STATUTORY SCHEME WHICH DRAWS A SHARP LINE BETWEEN THE SEXES, SOLELY FOR THE PURPOSE OF ACHIEVING ADMINISTRATIVE CONVENIENCE, NECESSARILY COMMANDS 'DISSIMILAR TREATMENT FOR MEN WOMEN WHO ARE . . . SIMILARLY SITUATED,' AND THEREFORE INVOLVES THE 'VERY KIND OF ARBITRARY LEGISLATIVE CHOICE FORBIDDEN BY THE (CONSTITUTION) . . . .' REED V. REED, 404 U.S., AT 77, 76." FRONTIERO V. RICHARDSON, SUPRA, AT 690. BUT FLORIDA'S JUSTIFICATION OF 196.191 (7) IS NOT THAT IT SERVES ADMINISTRATIVE CONVENIENCE OR HELPS TO PRESERVE THE PUBLIC FISC. RATHER, THE ASSERTED JUSTIFICATION IS THAT 196.191 (7) IS AN AFFIRMATIVE STEP TOWARD ALLEVIATING THE EFFECTS OF PAST ECONOMIC DISCRIMINATION AGAINST WOMEN. /4/

I AGREE THAT, IN PROVIDING SPECIAL BENEFITS FOR A NEEDY SEGMENT OF SOCIETY LONG THE VICTIM OF PURPOSEFUL DISCRIMINATION AND NEGLECT, THE STATUTE SERVES THE COMPELLING STATE INTEREST OF ACHIEVING EQUALITY FOR SUCH GROUPS. /5/ NO ONE FAMILAR WITH THIS COUNTRY'S HISTORY OF PERVASIVE SEX DISCRIMINATION AGAINST WOMEN /6/ CAN DOUBT THE NEED FOR REMEDIAL MEASURES TO CORRECT THE RESULTING ECONOMIC IMBALANCES. INDEED, THE EXTENT OF THE ECONOMIC DISPARITY BETWEEN MEN AND WOMEN IS DRAMATIZED BY THE DATA CITED BY THE COURT, ANTE, AT 353 - 354. BY PROVIDING A PROPERTY TAX EXEMPTION FOR WIDOWS, 196.191 (7) ASSISTS IN REDUCING THAT ECONOMIC DISPARITY FOR A CLASS OF WOMEN PARTICIULARLY DISADVANTAGED BY THE LEGACY OF ECONOMICI DISCRIMIANTION. /7/ IN THAT CIRCUMSTANCE, THE PURPOSE AND EFFECT OF THE SUSPECT CLASSIFICATION ARE AMELIORATIVE; THE STATUTE NEITHER STIGMATIZES NOR DENIGRATES WIDOWERS NOT ALSO BENEFITED BY THE LEGISLATION. MOREOVER, INCLSUION OF NEEDY WIDOWERS WITHIN THE CLASS OF BENEFICIARIES WOULD NOT FURTHER THE STATE'S OVERRIDING INTEREST IN REMEDYING THE ECONOMIC EFFECTS OF PAST SEX DISCRIMINATION FOR NEEDY VICTIMS OF THAT DISCRIMINATION. WHILE DOUBTLESS SOME WIDOWERS ARE IN FINANCIAL NEED, NO ONE SUGGESTS THAT SUCH NEED RESULTS FROM SEX DISCRIMINATION AS IN THE CASE OF WIDOWS. THE STATUTE NEVERTHELESS FAILS TO SATISFY THE REQUIREMENTS OF EQUAL PROTECTION, SINCE THE STATE HAS NOT BORNE ITS BURDEN OF PROVING THAT ITS COMPELLING INTEREST COULD NOT BE ACHIEVED BY A MORE PRECISELY TAILORED STATUTE OR BY USE OF FEASIBLE, LESS FRASTIC MEANS. SECTION 196.191 (7) IS PALINLY OVERINCLUSIVE, FOR THE $500 PROPERTY TAX EXEMPTION MAY BE OBTAINED BY A FINANCIALLY INDEPENDENT HEIRESS AS WELL AS BY AN UNEMPLOYED WIDOW WITH DEPENDENT CHILDREN. THE STATE HAS OFFERED NOTING TO EXPLAIN WHY INCLUSION OF WIDOWS OF SUBSTANTIAL ECONOMIC MEANS WAS NECESSARY TO ADVANCE THE STATE'S INTEREST IN AMELIOATING THE EFFECTS OF PAST ECONOMIC DISCRIMINATION AGAINST WOMEN.

MOREOVER, ALTERNATIVE MEANS OF CLASSIFICATION, NARROWING THE CLASS OF WIDOW BENEFICIARIES, APPEAR READILY AVAILABLE. THE EXEMPTION IS GRANTED ONLY TO WIDOWS WHO COMPLETE AND FILE WITH THE TAX ASSESSOR A FORM APPLICATION ESTABLISHING THEIR STATUTE AS WIDOWS. BY MERELY REDRAFTING THAT FORM TO EXCLUDE WIDOWS WHO EARN ANNUAL INCOMES, OR POSSESS ASSETS, IN EXCESS OF SPECIFIED AMOUNTS, THE STATE COULD READILY NARROW THE CLASS OF BENEFICIARIES TO THOSE WIDOWS FOR WHOM THE EFFECTS OF PAST ECONOMIC DISCRIMINATION AGAINST WOMEN HAVE BEEN A PRACTICAL REALITY.

/1/ SEE LOVING V. VIRGINIA, 388 U.S. 1, 11 (1967); MCLAUGHLIN V. FLORIDA, 379 U.S. 184, 191 - 192 (1964); BOLLING V. SHARPE, 347 U.S. 497, 499 (1954).

/2/ SEE GRAHAM V. RICHARDSON, 403 U.S. 365, 372 (1971).

/3/ SEE OYAMA V. CALIFORNIA, 332 U.S. 633, 644 - 646 (1948); KOREMATSU V. UNITED STATES, 323 U.S. 214, 216 (1944); HIRABAYASHI V. UNITED STATES, 320 U.S. 81, 100 (1943).

/4/ BRIEF FOR APPELLEES 24 - 25; TR. OF ORAL ARG. 29 - 31. THE STATE'S ARGUMENT IS SUPPORTED BY THE FLORIDA SUPREME COURT WHICH HELD THAT THE OBJECT OF 196.191 (7) WAS TO HELP "'REDUCE THE DISPARITY BETWEEN THE ECONOMIC . . . CAPABILITIES OF A MAN AND A WOMAN. . .'"

BETWEEN THE ECONOMIC . . . CAPABILITIES OF A MAN AND A WOMAN. . .'" 273 SO. 2D 72, 73 (1973).

/5/ SIGNIFICANTLY, THE FLORIDA STATUTE DOES NOT COMPEL THE BENEFICIARIES TO ACCEPT THE STATE'S AID. THE TAXPAYER MUST FILE FOR THE TAX EXEMPTION. THIS CASE, THEREFORE, DOES NOT REQUIRE RESOLUTION OF THE MORE DIFFICULT QUESTIONS RAISED BY REMEDIAL LEGISLATION WHICH MAKES SPECIAL TREATMENT MANDATORY. SEE NOTE, DEVELOPMENTS IN THE LAW-EQUAL PROTECTION, 82 HARV. L. REV. 1065, 1113 - 1117 (1969).

/6/ SEE FRONTIERO V. RICHARDSON, 411 U.S. 677 (1973); SAIL'ER INN, INC. V. KIRBY, 5 CAL 2D 1, 485 P.2D 529 (1971). SEE GENERALLY THE PRESIDENT'S TASK FORCE ON WOMEN'S RIGHTS AND RESPONSIBILITIES, A MATTER OF SIMPLE JUSTICE (1970); L. KANOWITZ, WOMEN AND THE LAW: THE UNFINISHED REVOLUTION (1969).

/7/ AS NOTED BY THE COURT, ANTE, AT 353 - 354. "(DATA COMPLIED BY THE WOMEN'S BUREAU OF THE UNITED STATES DEPARTMENT OF LABOR SHOW THAT IN 1972 A WOMAN WORKING FULL TIME HAD A MEDIAN INCOME WHICH WAS ONLY 57.9% OF THE MEDIAN FOR MALES--A FIGURE ACTUALLY SIX POINTS LOWER THAN HAD BEEN ACHIEVED IN 1955 . . . . THE DISPARITY IS LIKELY TO BE EXACERBATED FOR THE WIDOW. WHILE THE WIDOWER CAN USUALLY CONTINUE IN THE OCCUPATION WHICH PRECEDED HIS SPOUSE'S DEATH, IN MANY CASES THE WIDOW WILL FIND HERSELF SUDDENLY FORCED INTO A JOB MARKET WITH WHICH SHE IS UNFAMILIAR, AND IN WHICH, BECAUSE OF HER FORMER ECONOMIC DEPENDENCY, SHE WILL HAVE FEWER SHILLS TO OFFER." (FOOTNOTES OMITTED.)

MR. JUSTICE WHITE, DISSENTING.

THE FLORIDA TAX EXEMPTION AT ISSUE HERE IS AVAILABLE TO ALL WIDOWS BUT NOT TO WIDOWERS. THE PRESUMPTION IS THAT ALL WIDOWS ARE FINANCIALLY MORE NEEDY AND LESS TRAINED OR LESS READY FOR THE JOB MARKET THAN MEN. IT MAY BE THAT MOST WIDOWS HAVE BEEN OCCUPIED AS HOUSEWIFE, MOTHER, AND HOMEMAKER AND ARE NOT IMMEDIATELY PREPARED FOR EMPLOYMENT. BUT THERE ARE MANY RICH WIDOWS WHO NEED NO LARGESS FROM THE STATE; MANY OTHERS ARE HIGHLY TRAINED AND HAVE HELD LUCRATIVE POSITIONS LONG BEFORE THE DEATH OF THEIR HUSBANDS. AT THE SAME TIME, THERE ARE MANY WIDOWERS WHO ARE NEEDY AND WHO ARE IN MORE DESPERATE FINANCIAL STRAITS AND HAVE LESS ACCESS TO THE JOB MARKET THAN MANY WIDOWS. YET NONE OF THEM QUALIFIES FOR THE EXEMPTION.

I FIND THE DISCRIMINATION INVIDIOUS AND VIOLATIVE OF THE EQUAL PROTECTION CLAUSE. THERE IS MERIT IN GIVING POOR WIDOWS A TAX BREAK, BUT GENDER-BASED CLASSIFICATIONS ARE SUSPECT AND REQUIRE MORE JUSTIFICATION THAN THE STATE HAS OFFERED.

I PERCEIVE NO PURPOSE SERVED BY THE EXEMPTION OTHER THAN TO ALLEVIATE CURRENT ECONOMIC NECESSITY, BUT THE STATE EXTENDS THE EXEMPTION TO WIDOWS WHO DO NOT NEED THE HELP AND DENIES IT TO WIDOWERS WHO DO. IT MAY BE ADMINISTRATIVELY INCONVENIENT TO MAKE INDIVIDUAL DETERMIANTIONS OF ENTITLEMENT AND TO EXTEND THE EXEMPTION TO NEEDY MEN AS WELL AS NEEDY WOMEN, BUT ADMINISTRATIVE EFFICIENCY IS NOT AN ADEQUATE JUSTIFICATION FOR DISCRIMINATIONS BASED PURELY ON SEX. FRONTIERO V. RICHARDSON, 411 U.S. 677 (1973); REED V. REED, 404 U.S. 71 (1971).

IT MAY BE SUGGESTED THAT THE STATE IS ENTITELD TO PREFER WIDOWS OVER WIDOWERS BECAUSE THEIR ASSUMED NEED IS ROOTED IN PAST AND PRESENT ECONOMIC DISCRIMINATION AGAINST WOMEN. BUT THIS IS NOT A CREDIBLE EXPLANATION OF FLORIDA'S TAX EXEMPTION; FOR IF THE STATE'S PURPOSE WAS TO COMPENSATE FOR PAST DISCRIMIANTION AGAINST FEMALES, SURELY IT WOULD NOT HAVE LIMITED THE EXEMPTION TO WOMEN WHO ARE WIDOWS. MOREOVER, EVEN IF PAST DISCRIMINATION IS CONSIDERED TO BE THE CRITERION FOR CURRENT TAX EXEMPTION, THE STATE NEVERTHELESS IGNORES ALL THOSE WIDOWERS WHO HAVE FELT THE EFFECTS OF ECONOMIC DISCRIMINATION, WHETHER AS A MEMBER OF A RACIAL GROUP OR AS ONE OF THE MANY WHO CANNOT ESCAPE THE CYCLE OF

POVERTY. IT SEEMS TO ME THAT THE STATE IN THIS CASE IS MERELY CONFERRING AN ECONOMIC BENEFIT IN THE FORM OF A TAX EXEMPTION AND HAS NOT ADEQUATELY EXPLAINED WHY WOMEN SHOULD BE TREATED DIFFERENTLY FROM MEN.

I DISSENT.

RUTH BADER GINSBURG ARGUED THE CAUSE FOR APPELLANT. WITH HER ON THE BRIEFS WAS MELVIN L. WULF.

SYDNEY H. MCKENZIE III, ASSISTANT ATTORNEY GENERAL OF FLORIDA, ARGUED THE CAUSE FOR APPELLEES. WITH HIM ON THE BRIEF WAS ROBERT L. **SHEVIN**, ATTORNEY GENERAL, PRO SE.
..END :

Case **Name: EDWARDS** V. **HEALY**, 421 U.S. 772

EDWARDS, GOVERNOR OF LOUISIANA, ET AL. V. **HEALY** ET AL.

Remanded

APPEAL FROM THE UNITED DISTRICT COURT FOR THE EASTERN

DISTRICT OF LOUISIANA

NO. 73 - 759. ARGUED OCTOBER 16, 1974--DECIDED JUNE 9,

1975; 363 F. SUPP. 1110, VACATED AND REMANDED.

CHANGES IN STATE CONSTITUTIONAL, STATUTORY, AND OTHER APPLICABLE RULES, RAISE QUESTION AS TO WHETHER THIS CASE HAS BECOME MOOT.

PER CURIAM.

THE JUDGMENT OF THE DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA IS VACATED AND THE CASE IS REMANDED TO THAT COURT TO CONSIDER WHETHER IN THE LIGHT OF RECENT CHANGES IN THE STATE CONSTITUTIONAL, STATUTORY, AND OTHER RULES APPLICABLE TO THIS CASE THE CAUSE HAD BECOME MOOT.

MR. JUSTICE DOUGLAS TOOK NO PART IN THE DECISION OF THIS CASE.

KENDALL L. VICK, ASSISTANT ATTORNEY GENERAL OF LOUISIANA, ARGUED THE CAUSE FOR APPELLANTS. ON THE BRIEF WERE WILLIAM J. GUSTE, JR., ATTORNEY GENERAL, AND WARREN E. MOULEDOUX, FIRST ASSISTANT ATTORNEY GENERAL.

RUTH BADER GINSBURG ARGUED THE CAUSE FOR APPELLEES. WITH HER ON THE BRIEF WAS MELVIN L. WULF.

BRIEFS OF AMICI CURIAE URGING AFFIRMANCE WERE FILED BY CHESTERFIELD SMITH AND MARGUERITE REWALT FOR THE AMERICAN BAR ASSN., AND BY NANCY STEARNS FOR THE CENTER FOR CONSTITUTIONAL RIGHTS.
..END :

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EDWARDS V. HEALY, 421 U.S. 772

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WEINBERGER V. WIENSENFELD, 420 U.S. 636

WCN

WEINBERGER, SECRETARY OF HEALTH, EDUCATION, AND WELFARE V. WIENSENFELD

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

NO. 73 - 1892. ARGUED JANUARY 20, 1975--DECIDED MARCH 19, 1975; 367 F.SUPP. 981, AFFIRMED.

THE GENDER-BASED DISTINCTION MANDATED BY THE PROVISIONS OF THE SOCIAL SECURITY ACT, 42 U.S.C. SEC. 402 (G), THAT GRANT SURVIVORS' BENEFITS BASED ON THE EARNINGS OF A DECEASED HUSBAND AND FATHER COVERED BY THE ACT BOTH TO HIS WIDOW AND TO THE COUPLE'S MINOR CHILDREN IN HER CARE, BUT THAT GRANT BENEFITS BASED ON THE EARNINGS OF A COVERED DECEASED WIFE AND MOTHER ONLY TO THE MINOR CHILDREN IN HER CARE, BUT THAT GRANT BENEFITS BASED ON THE EARNINGS OF A COVERED DECEASED WIFE AND MOTHER ONLY TO THE MINOR CHILDREN AND NOT TO THE WIDOWER, VIOLATES THE RIGHT TO EQUAL PROTECTION SECURED BY THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT, SINCE IT UNJUSTIFIABLY DISCRIMINATES AGAINST FEMALE WAGE EARNERS REQUIRED TO PAY SOCIAL SECURITY TAXES BY AFFORDING THEM LESS PROTECTION FOR THEIR SURVIVORS THAN IS PROVIDED FOR MALE WAGE EARNERS. PP. 642 - 653.

(A) THE DISTINCTION IS BASED ON AN "ARCHAIC AND OVERBROAD" GENERALIZATION NOT TOLERATED UNDER THE CONSTITUTION, NAMELY, THAT MALE WORKERS' EARNINGS ARE VITAL TO THEIR FAMILIES' SUPPORT, WHILE FEMALE WORKERS' EARNINGS DO NOT SIGNIFICANTLY CONTRIBUTE TO FAMILIES' SUPPORT. FRONTIERO V. RICHARDSON, 411 U.S. 677. PP. 642 - 643.

(B) THAT SOCIAL SECURITY BENEFITS ARE "NONCONTRACTUAL" AND DO NOT COMPENSATE FOR WORK PERFORMED OR NECESSARILY CORRELATE WITH

CONTRIBUTIONS TO THE PROGRAM, CANNOT SANCTION THE SOLELY GENDER-BASED DIFFERENTIAL PROTECTION FOR COVERED EMPLOYEES. SINCE THE BENEFITS DEPEND SIGNIFICANTLY UPON A COVERED EMPLOYEE'S PARTICIPATION IN THE WORK FORCE, AND SINCE ONLY COVERED EMPLOYEES AND NOT OTHERS ARE REQUIRED TO PAY TAXES TOWARD THE SYSTEM, BENEFITS MUST BE DISTRIBUTED ACCORDING TO CLASSIFICATIONS THAT DO NOT DIFFERENTIATE AMONG COVERED EMPLOYEES SOLELY ON THE BASIS OF SEX. PP. 646 - 647.

(C) SINCE, AS IS APPARENT FROM THE STATUTORY SCHEME ITSELF AND FROM SEC. 402 (G)'S LEGISLATIVE HISTORY, SEC. 402 (G)'S PURPOSE IN PROVIDING BENEFITS TO YOUNG WIDOWS WITH CHILDREN WAS NOT, AS THE GOVERNMENT CONTENDS, TO PROVIDE AN INCOME TO WOMEN WHO, BECAUSE OF ECONOMIC DISCRIMINATION, WERE UNABLE TO PROVIDE FOR THEMSELVES, BUT TO PERMIT WOMEN TO ELECT NOT TO WORK AND TO DEVOTE THEMSELVES TO CARE OF CHILDREN (AND THUS WAS NOT PREMISED UPON ANY SPECIAL DISADVANTAGE OF WOMEN), IT CANNOT SERVE TO JUSTIFY A GENDER-BASED DISTINCTION DIMINISHING THE PROTECTION AFFORDED WOMEN WHO DO WORK. PP. 648 - 652.

BRENNAN, J., DELIVERED THE OPINION OF THE COURT, IN WHICH BURGER, C.J., AND STEWART, WHITE, MARSHALL, BLACKMUN, AND POWELL, JJ., JOINED. POWELL, J., FILED A CONCURRING OPINION IN WHICH BURGER, C.J., JOINED, POST, P. 654. REHNQUIST, J., FILED AN OPINION CONCURRING IN THE RESULT, POST, P. 655. DOUGLAS, J., TOOK NO PART IN THE CONSIDERATION OR DECISION OF THE CASE.

MR. JUSTICE BRENNAN DELIVERED THE OPINION OF THE COURT.

SOCIAL SECURITY ACT BENEFITS BASED ON THE EARNINGS OF A DECEASED HUSBAND AND FATHER COVERED BY THE ACT ARE PAYABLE, WITH SOME LIMITATIONS, BOTH TO THE WIDOW AND TO THE COUPLE'S MINOR CHILDREN IN HER CARE. SEC. 202 (G) OF THE SOCIAL SECURITY ACT, AS AMENDED, 42 U.S.C. SEC. 402 (G). /1/ SUCH BENEFITS ARE PAYABLE ON THE BASIS OF THE EARNINGS OF A DECEASED WIFE AND MOTHER COVERED BY THE ACT, HOWEVER, ONLY TO THE MINOR CHILDREN AND NOT TO THE WIDOWER. THE QUESTION IN THIS CASE IS WHETHER THIS GENDER-BASED DISTINCTION VIOLATES THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT. /2/

A THREE-JUDGE DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY HELD THAT THE DIFFERENT TREATMENT OF MEN AND WOMEN MANDATED BY SEC. 402 (G) UNJUSTIFIABLY DISCRIMINATED AGAINST FEMALE WAGE EARNERS BY AFFORDING THEM LESS PROTECTION FOR THEIR SURVIVORS THAN IS PROVIDED TO MALE

EMPLOYEES. 367 F. SUPP. 981, 991 (1973). WE NOTED PROBABLE JURISDICTION, 419 U.S. 822 (1974). WE AFFIRM.

I

APPELLEE STEPHEN C. WIENSENFELD AND PAULA POLATSCHEK WERE MARRIED ON NOVEMBER 15, 1970. PAULA, WHO WORKED AS A TEACHER FOR FIVE YEARS BEFORE HER MARRIAGE, CONTINUED TEACHING AFTER HER MARRIAGE. EACH YEAR SHE WORKED, MAXIMUM SOCIAL SECURITY CONTRIBUTIONS WERE DEDUCTED FROM HER SALARY. /3/ PAULA'S EARNINGS WERE THE COUPLE'S PRINCIPAL SOURCE OF SUPPORT DURING THE MARRIAGE, BEING SUBSTANTIALLY LARGER THAN THOSE OF APPELLEE. /4/

ON JUNE 5, 1972, PAULA DIED IN CHILDBIRTH. APPELLEE WAS LEFT WITH THE SOLE RESPONSIBILITY FOR THE CARE OF THEIR INFANT SON, JANSON PAUL. SHORTLY AFTER HIS WIFE'S DEATH, STEPHEN WIESENFELD APPLIED AT THE SOCIAL SECURITY OFFICE IN NEW BRUNSWICK, NEW JERSEY, FOR SOCIAL SECURITY SURVIVORS' BENEFITS FOR HIMSELF AND HIS SON. HE DID OBTAIN BENEFITS FOR HIS SON UNDER 42 U.S.C. SEC. 402 (D) (1970 ED. AND SUPP. III), /5/ AND RECEIVED FOR JASON $206.90 PER MONTH UNTIL SEPTEMBER 1972, AND $248.30 PER MONTH THEREAFTER. HOWEVER, APPELLEE WAS TOLD THAT HE WAS NOT ELIGIBLE FOR BENEFITS FOR HIMSELF, BECAUSE SEC. 402 (G) BENEFITS WERE AVAILABLE ONLY TO WOMEN. /6/ IF HE HAD BEEN A WOMAN, HE WOULD HAVE RECEIVED THE SAME AMOUNT AS HIS SON AS LONG AS HE WAS NOT WORKING, SEE 42 U.S.C. SEC. 402 (D)(2), 402 (G) (2), AND, IF WORKING, THAT AMOUNT REDUCED BY $1 FOR EVERY $2 EARNED ANNUALLY ABOVE $2,400. 42 U.S.C. SEC. 403 (B) AND (F). /7/

APPELLEE FILED THIS SUIT IN FEBRUARY 1973, /8/ CLAIMING JURISDICTION UNDER 28 U.S.C. SEC. 1331, ON BEHALF OF HIMSELF AND OF ALL WIDOWERS SIMILARLY SITUATED. /9/ HE SOUGHT A DECLARATION THAT SEC. 402 (G) IS UNCONSTITUTIONAL TO THE EXTENT THAT MEN AND WOMEN ARE TREATED DIFFERENTLY, AN INJUNCTION RESTRAINING APPELLANT FROM DENYING BENEFITS UNDER SEC. 402 (G) SOLELY ON THE BASIS OF SEX, AND PAYMENT OF PAST BENEFITS COMMENCING WITH JUNE 1972, THE MONTH OF THE ORIGINAL APPLICATION. CROSS MOTIONS FOR SUMMARY JUDGMENT WERE FILED. AFTER THE THREE-JUDGE COURT DETERMINED THAT IT HAD JURISDICITON, /10/ IT GRANTED SUMMARY JUDGMENT IN FAVOR OF APPELLEE, AND ISSUED AN ORDER GIVING APPELLEE THE RELIEF HE SOUGHT.

II

THE GENDER-BASED DISTINCTION MADE BY SEC. 402 (G) IS INDISTINGUISHABLE FROM THAT INVALIDATED IN FRONTIERO V. RICHARDSON, 411 U.S. 677 (1973). FRONTIERO INVOLVED STATUTES WHICH PROVIDED THE WIFE OF A MALE SERVICEMAN WITH DEPENDENTS' BENEFITS BUT NOT THE HUSBAND OF A SERVICEWOMAN UNLESS SHE PROVED THAT SHE SUPPLIED MORE THAN ONE-HALF OF HER HUSBAND'S SUPPORT. THE COURT HELD THAT THE STATUTORY SCHEME VIOLATED THE RIGHT TO EQUAL PROTECTION SECURED BY THE FIFTH AMENDMENT. SCHLESINGER V. BALLARD, 419 U.S. 498 (1975), EXPLAINED: " IN... FRONTIERO THE CHALLENGED (CLASSIFICATION) BASED ON SEX (WAS) PREMISED ON OVERBROAD GENERALIZATIONS THAT COULD NOT BE TOLERATED UNDER THE CONSTITUTION.... (THE ASSUMPTION...WAS THAT FEMALE SPOUSES OF SERVICEMEN WOULD NORMALLY BE DEPENDENT UPON THEIR HUSBANDS, WHILE MALE SPOUSES OF SERVICEWOMEN WOULD NOT." ID., AT 507. A VIRTUALLY IDENTICAL "ARCHAIC AND OVERBROAD" GENERALIZATION, ID., AT 508, "NOT...TOLERATED UNDER THE CONSTITUTION" UNDERLIES THE DISTINCTION DRAWN BY SEC. 402 (G), NAMELY, THAT MALE WORKERS' EARNINGS ARE VITAL TO THE SUPPORT OF THEIR FAMILIES, WHILE THE EARNINGS OF FEMALE WAGE EARNERS DO NOT SIGNIFICANTLY CONTRIBUTE TO THEIR FAMILIES' SUPPORT. /11/

OF A LARGE NUMBER OF AMENDMENTS DESIGNED TO "AFFORD MORE ADEQUATE PROTECTION TO THE FAMILY AS A UNIT." H.R. REP. NO. 728, 76TH CONG., 1ST SESS., 7 (1939). MONTHLY BENEFITS WERE PROVIDED TO WIVES,

CHILDREN, WIDOWS, ORPHANS, AND SURVIVING DEPENDENT PARENTS OF COVERED WORKERS. IBID. HOWEVER, CHILDREN OF COVERED FEMALE WORKERS WERE ELIGIBLE FOR SURVIVORS' BENEFITS ONLY IN LIMITED CIRCUMSTANCES, SEE N. 5, SUPRA, AND NO BENEFITS WHATEVER WERE MADE AVAILABLE TO HUSBANDS OR WIDOWERS ON THE BASIS OF THEIR WIVES' COVERED EMPLOYMENT. /12/

UNDERLYING THE 1939 SCHEME WAS THE PRINCIPLE THAT "(UNDER A SOCIAL INSURANCE PLAN THE PRIMARY PURPOSE IS TO PAY BENEFITS IN ACCORDANCE WITH THE PROBABLE NEEDS OF THE BENEFICIARIES RATHER THAN TO MAKE PAYMENTS TO THE ESTATE OF A DECEASED PERSON REGARDLESS OF WHETHER OR NOT HE LEAVES DEPENDENTS." H.R REP. NO. 728, SUPRA, AT 7. (EMPHASIS SUPPLIED.) IT WAS FELT THAT "(THE PAYMENT OF THESE SURVIVORSHIP BENEFITS AND SUPPLEMENTS FOR THE WIFE OF AN ANNUITANT ARE...IN KEEPING WITH THE PRINCIPLE OF SOCIAL INSURANCE...." IBID. THUS, THE FRAMERS OF THE ACT LEGISLATED ON THE "THEN GENERALLY ACCEPTED PRESUMPTION THAT A MAN IS RESPONSIBLE FOR THE SUPPORT OF HIS WIFE AND CHILDREN." D. HOSKINS & L. BIXBY, WOMEN AND SOCIAL SECURITY: LAW AND POLICY IN FIVE CUONTRIES, SOCIAL SECURITY ADMINISTRATION RESEARCH REPORT NO. 42, P. 77 (1973). /13/

OBVIOUSLY, THE NOTION THAT MEN ARE MORE LIKELY THAN WOMEN TO BE THE PRIMARY SUPPORTERS OF THEIR SPOUSES AND CHILDREN IS NOT ENTIRELY WITHOUT EMPIRICAL SUPPORT. SEE KAHN V. SHEVIN, 416 U.S. 351, 354 N. 7 (1974). BUT SUCH A GENDER-BASED GENERALIZATION CANNOT SUFFICE TO JUSTIFY THE DENIGRATION OF THE EFFORTS OF WOMEN WHO DO WORK AND WHOSE EARNINGS CONTRIBUTE SIGNIFICANTLY TO THEIR FAMILIES' SUPPORT.

OUR JUDGMENT IN FRONTIERO, TO DEPRIVE WOMEN OF PROTECITON FOR FAMILES WHICH MEN RECEIVE AS A RESULT OF THEIR EMPLOYMENT. INDEED, THE CLASSIFICATION HERE IS IN SOME WAYS MORE PERNICIOUS. FIRST, IT WAS OPEN TO THE SERVICEWOMAN UNDER THE STATUTES INVALIDATED IN FRONTIERO TO PROVE THAT HER HUSBAND WAS IN FACT DEPENDENT UPON HER. HERE, STEPHEN WIENSENFELD WAS NOT GIVEN THE OPPORTUNITY TO SHOW, AS MAY WELL HAVE BEEN THE CASE, THAT HE WAS DEPENDENT UPON HIS WIFE FOR HIS SUPPORT, OR THAT, HAD HIS WIFE LIVED, SHE WOULD HAVE REMAINED AT WORK WHILE HE TOOK OVER THE CARE OF THE CHILD. SECOND, IN THIS CASE SOCIAL SECURITY TAXES WERE DEDUCTED FROM PAULA'S SALARY DURING THE YEARS IN WHICH SHE WORKED. THUS, SHE NOT ONLY FAILED TO RECEIVE FOR HER FAMILY THE SAME PROTECTION WHICH A SIMILARLY SITUATED MALE WORKER WOULD HAVE RECEIVED, BUT SHE ALSO WAS DEPRIVED OF A PORTION OF HER OWN EARNINGS IN ORDER TO CONTRIBUTE TO THE FUND OUT OF WHICH BENEFITS WOULD BE PAID TO OTHERS. SINCE THE CONSTITUTION FORBIDS THE GENDER-BASED DIFFERENTIATION PREMISED UPON ASSUMPTIONS AS TO DEPENDENCY MADE IN THE STATUTES BEFORE US IN FRONTIERO, THE CONSTITUTION ALSO FORBIDS THE GENDER-BASED DIFFERENTIATION THAT RESULTS IN THE EFFORTS OF FEMALE WORKERS REQUIRED TO PAY SOCIAL SECURITY TAXES PRODUCING LESS PROTECTION FOR THEIR FAMILIES THAN IS PRODUCED BY THE EFFORTS OF MEN.

III

THE GOVERNMENT SEEKS TO AVOID THIS CONCLUSION WITH TWO RELATED ARGUMENTS. FIRST, IT CLAIMS THAT BECAUSE SOCIAL SECURITY BENEFITS ARE NOT COMPENSATION FOR WORK DONE, CONGRESS IS NOT OBLIGED TO PROVIDE A COVERED FEMALE EMPLOYEE WITH THE SAME BENEGITS AS IT PROVIDES TO A MALE. SECOND, IT CONTENDST HAT SEC. 402 (G) WAS "REASONABLY DESIGNED TO OFFSET THE ADVERSE ECONOMIC SITUATION OF WOMEN BY PROVIDING A WIDOW WITH FINANCIAL ASSISTANCE TO SUPPLEMENT OR SUBSTITUTE FOR HER OWN EFFORTS IN THE MARKETPLACE," BRIEF FOR APPELLANT 14, AND THEREFORE DOES NOT CONTRAVENE THE EQUAL PROTECTION GUARANTEE.

A

APPELLANT RELIED FOR THE FIRST PROPOSITION PRIMARILY ON FLEMMING V. NESTOR, 363 U.S. 603 (1960). WE HELD IN FLEMMING THAT THE INTEREST OF A COVERED EMPLOYEE IN FUTURE SOCIAL SECURITY BENEFITS IS

"NONCONTRACTUAL," BECAUSE "EACH WORKER'S BENEFITS, THOUGH FLOWING FROM THE CONTRIBUTIONS HE MADE TO THE NATIONAL ECONOMY WHILE ACTIVELY EMPLOYED, ARE NOT DEPENDENT ON THE DEGREE TO WHICH HE WAS CALLED UPON TO SUPPORT THE SYSTEM BY TAXATION." ID., AT 609 - 610. THE GOVERNMENT APPARENTLY CONTENDS THAT SINCE BENEFITS DERIVED FROM THE SOCIAL SECURITY PROGRAM DO NOT CORRELATE NECESSARILY WITH CONTRIBUTIONS MADE TO THE PROGRAM, A COVERED EMPLOYEE HAS NO RIGHT WHATEVER TO BE TREATED EQUALLY WITH OTHER EMPLOYEES AS REGARDS THE BENEFITS WHICH FLOW FROM HIS OR HER EMPLOYMENT.

WE DO NOT SEE HOW THE FACT THAT SOCIALSECURITY BENEFITS ARE "NONCONTRACUTAL" CAN SANCTION DIFFERENTIAL PROTECTION FOR COVERED EMPLOYEES WHICH IS SOLELY GENDER BASED. FROM THE OUTSET, SOCIAL SECURITY OLD AGE, DISABILITY, AND SURVIVORS' (OASDI) BENEFITS HAVE BEEN "AFFORDED AS A MATTER OF RIGHT, RELATED TO PAST PARTICIPATION IN THE PRODUCTIVE PROCESSES OF THE COUNTRY." FINAL REPORT OF THE ADVISORY COUNCIL ON SOCIAL SECURITY 17 1938). IT IS TRUE THAT SOCIAL SECURITY BENEFITS ARE NOT NECESSARILY RELATED DIRECTLY TO TAX CONTRIBUTIONS, SINCE THE OASDI SYSTEM IS STRUCTURED TO PROVIDE BENEFITS IN PART ACCORDING TO PRESUMED NEED. /14/ FOR THIS REASON, FLEMMING HELD THAT THE POSITION OF A COVERED EMPLOYEE "CANNOT BE SOUNDLY ANALOGIZED TO THAT OF THE HOLDER OF AN ANNUITY, WHOSE RIGHT TO BENEFITS IS BOTTOMED ON HIS CONTRACTUAL PREMINUM PAYMENTS." 363 U.S., AT 610. BUT THE FACT REMAINS TAHT THE STATUTORY RIGHT TO BENEFITS IS DIRECTLY RELATED TO YEARS WORKED AND AMOUNT EARNED BY A COVERED EMPLOYEE, /15/ AND NOT TO THE NEED OF THE BENEFICIARIES DIRECTLY. SINCE OASDI BENEFITS DO DEPEND SIGNIFICANTLY UPON THE PARTICIPATION IN THE WORK FORCE OF A COVERED EMPLOYEE, AND SINCE ONLY COVERED EMPLOYEES AND NOT OTHERS ARE REQUIRED TO PAY TAXES TOWARD THE SYSTEM, BENEFITS MUST BE DISTRIBUTED ACCORDING TO CLASSIFICAITONS WHICH DO NOT WITHOUT SUFFICIENT JUSTIFICATION DIFFERENTIATE AMONG COVERED EMPLOYEES SOLELY ON THE BASIS OF SEX.

THE GOVERNMENT SEEKS TO CHARACTERIZE THE CLASSIFICATION HERE AS ONE REASONABLY DESIGNED TO COMPENSATE WOMEN BENEFICIARIES AS A GROUP FOR THE ECONOMIC DIFFICULTIES WHICH STILL CONFRONT WOMEN WHO SEEK TO SUPPORT THEMSELVES AND THEIR FAMILIES. THE COURT HELD IN KAHN V. SHEVIN, 416 U.S., AT 355, THAT A STATUTE "REASONABLY DESIGNED TO FURTHER THE STATE POLICY OF CUSHIONING THE FINANCIAL IMPACT OF SPOUSAL LOSS UPON THE SEX FOR WHICH THAT LOSS IMPOSES A DISPROPORTIONATELY HEAVY BURDEN" CAN SURVIVE AN EQUAL PROTECTION ATTACK. SEE ALSO SCHLESINGER V. BALLARD, 419 U.S. 498 (1975). BUT THE MERE RECITATION OF A BENIGN, COMPENSATORY PURPOSE IS NOT AN AUTOMATIC SHIELD WHICH PROTECTS AGAINST ANY INQUIRY INTO THE ACTUAL PURPOSES UNDERLYING A STATUTORY SCHEME. /16/ HERE, IT IS APPARENT BOTH FROM THE STATUTORY SCHEME ITSELF AND FROM THE LEGISLATIVE HISTORY OF SEC. 402 (G) THAT CONGRESS' PURPOSE IN PROVIDING BENEFITS TO YOUNG WIDOWS WITH CHILDREN WAS NOT TO PROVIDE AN INCOME TO WOMEN WHO WERE, BECAUSE OF ECONOMIC DISCRIMINATION, UNABLE TO PROVIDE FOR THEMSELVES. RATHER, SEC. 402 (G), LINKED AS IT IS DIRECTLY TO RESPONSIBILITY FOR MINOR CHILDREN, WAS INTENDED TO PERMIT WOMEN TO ELECT NOT TO WORK AND TO DEVOTE THEMSELVES TO THE CARE OF CHILDREN. SINCE THIS PURPOSE IN NO WAY IS PREMISED UPON ANY SPECIAL DISADVANTAGES OF WOMEN, IT CANNOT SERVE TO JUSTIFY A GENDER BASED DISTINCTION WHICH DIMINISHES THE PROTECTION AFFORDED TO WOMEN WHO DO WORK.

THAT THE PURPOSE BEHIND SEC. 402 (G) IS TO PROVIDE CHILDREN DEPRIVED OF ONE PARENT WITH THE OPPORTUNITY FOR THE PERSONAL ATTENTION OF THE OTHER COULD NOT BE MORE CLEAR IN THE LEGISLATIVE HISTORY. THE ADVISORY COUNCIL ON SOCIAL SECURITY, WHICH DEVELOPED THE 1939 AMENDEMENTS, SAID EXPLICITLY THAT "(SUCH PAYMENTS (UNDER SEC. 402 (G)) ARE INTENDED AS SUPPLEMENTS TO THE ORPHANS' BENEFITS WITH THE PURPOSE OF ENABLING THE WIDOW TO REMAIN AT HOME AND CARE FOR THE CHILDREN." FINAL REPORT OF THE ADVISORY COUNCIL ON SOCIAL SECURITY 31 (1938). (EMPHASIS SUPPLIED.) IN 1971, A NEW ADVISORY COUNCIL, CONSIDERING AMENDMENTS TO ELIMINATE THE VARIOUS GENDER-BASED DISTINCTIONS IN THE OASDI STRUCTURE,

REITERATED THIS UNDERSTANDING: " PRESENT LAW PROVIDES BENEFITS FOR THE MOTHER OF YOUNG ... CHILDREN ... IF SHE CHOOSES TO STAY HOME AND CARE FOR THE CHILDREN INSTEAD OF WORKING. IN THE COUNCIL'S JUDGMENT, IT IS DESIRABLE TO ALLOW A WOMAN WHO IS LEFT WITH THE CARE OF THE CHILDREN THE CHOICE OF WHETHER TO STAY AT HOME TO CARE FOR THE CHILDREN OR TO WORK." 1971 ADVISORY COUNCIL ON SOCIAL SECURITY, REPORTS ON THE OLD AGE, SURVIVORS, AND DISABILITY INSURANCE AND MEDICARE PROGRAMS 30 (HEREINAFTER 1971 REPORTS). (EMPHASIS SUPPLIED.) INDEED, CONSIDERATION WAS GIVEN IN 1939 TO EXTENDING BENEFITS TO ALL WIDOWS REGARDLESS OF WHETHER OR NOT THERE WERE CHILDREN. THE PROPOSAL WAS REJECTED, APPARENTLY BECAUSE IT WAS FELT THAT YOUNG WIDOWS WITHOUT CHILDREN CAN BE EXPECTED TO WORK, WHILE MIDDLE-AGED WIDOWS "ARE LIKELY TO HAVE MORE SAVINGS THAN YOUNGER WIDOWS AND MANY OF THEM HAVE CHILDREN WHO ARE GROWN AND ABLE TO HELP THEM." REPORT OF THE SOCIAL SECURITY BOARD, H.R. DOC. NO. 110, 76TH CONG., 1ST SESS., 7 - 8 (1939). SEE ALSO FINAL REPORT OF THE ADVISORY COUNCIL ON SOCIAL SECURITY 31 (1938); HEARINGS ON THE SOCIAL SECURITY ACT AMENDMENTS OF 1939 BEFORE THE HOUSE COMMITTEE ON WAYS AND MEANS, 76TH CONG., 1ST SESS., 61, 1217, 2169 - 2170; H.R. REP. NO. 728, 76TH CONG., 1ST SESS., 36 - 37 (1939). THUS, CONGRESS DECIDED NOT TO PROVIDE BENEFITS TO ALL WIDOWS EVEN THOUGH IT WAS RECOGNIZED THAT SOME OF THEM WOULD HAVE SERIOUS PROBLEMS IN THE JOB MARKET. INSTEAD, IT PROVIDED BENEFITS ONLY TO THOSE WOMEN WHO HAD RESPONSIBILITY FOR MINOR CHILDREN, BECAUSE IT BELIEVED THAT THEY SHOULD NOT BE REQUIRED TO WORK.

THE WHOLE STRUCTURE OF SURVIVORS' BENEFITS CONFORMS TO THIS ARTICULATED PURPOSE. WIDOWS WITHOUT CHILDREN OBTAIN NO BENEFITS ON THE BASIS OF THEIR HUSBAND'S EARNINGS UNTIL THEY REACH AGE 60 OR, IN CERTAIN INSTANCES OF DISABILITY, AGE 50. 42 U.S.C. SEC. 402 (E)(1) AND (5). FURTHER, BENEFITS UNDER SEC. 402 (G) CEASE WHEN ALL CHILDREN OF A BENFICARY ARE NO LONGER ELIGIBLE FOR CHILDREN'S BENEFITS. /17/ IF CONGRESS WERE CONCERNED WITH PROVIDING WOMEN WITH BENEFITS BECAUSE OF ECONOMIC DISCRIMINATION, IT WOULD BE ENTIRELY IRRATIONAL TO EXCEPT THOSE WOMEN WHO HAD SPENT MANY YEARS AT HOME REARING CHILDREN, SINCE THOSE WOMEN ARE MOST LIKELY TO BE WITHOUT THE SKILLS REQUIRED TO SUCCEED IN THE JOB MARKET. SEE WALKER, SEX DISCRIMINATION IN GOVERNMENT BENEFIT PROGRAMS, 23 HASTINGS L.J. 277, 278 - 279 (1971); HEARINGS, SUPRA, AT 61 (REMARKS OF DR. ALTEMEYER, CHAIRMAN, SOCIAL SECURITY BOARD); REPORT OF THE COMMITTEE ON SOCIAL INSURANCE AND TAXES, THE PRESIDENT'S COMMISSION ON THE STATUS OF WOMEN 31 - 32 (1963). SIMILARLY, THE ACT NOW PROVIDES BENEFITS TO A SURVIVING DIVORCED WIFE WHO IS THE PARENT OF A COVERED EMPLOYEE'S CHILD, REGARDLESS OF HOW LONG SHE WAS MARRIED TO THE DECEASED OR OF WHETHER SHE OR THE CHILD WA SDEPENDENT UPON THE EMPLOYEE FOR SUPPORT. SEC. 402 (G), 416 (D)(3). YET, A DIVORCED WIFE WHO IS NOT THE MOTHER OF A CHILD ENTITLED TO CHILDREN'S BENEFITS IS ELIGIBLE FOR BENEFITS ONLY IF SHE MEETS OTHER ELIGIBILITY REQUIREMENTS AND WAS MARRIED TO THE COVERED EMPLOYEE FOR 20 YEARS. SEC. 402 (B) AND (E), 416 (D). /18/ ONCE AGAIN, THIS DISTINCTION AMONG WOMEN IS EXPLICABLE ONLY BECAUSE CONGRESS WAS NOT CONCERNED IN SEC. 402 (G) WITH THE EMPLOYMENT PROBLEMS OF WOMEN GENERALLY BUT WITH THE PRINCIPLE THAT CHILDREN OF COVERED EMPLOYEES ARE ENTITLED TO THE PERSONAL ATTENTION OF THE SURVIVING PARENT IF THAT PARENT CHOOSES NOT TO WORK.

GIVEN THE PURPOSE OF ENABLING THE SURVIVING PARENT TO REMAIN AT HOME TO CARE FOR A CHILD, THE GENDER-BASED DISTINCTION OF SEC. 402 (G) IS ENTIRELY IRRATIONAL. THE CLASSIFICATION DISCRIMINATES AMONG SURVIVING CHILDREN SOLELY ON THE BASIS OF THE SEX OF THE SURVIVING PARENT. EVEN IN THE TYPICAL FAMILY HYPOTHESIZED BY THE ACT, IN WHICH THE HUSBAND IS SUPPORTING THE FAMILY AND THE MOTHER IS CARING FOR THE CHILDREN, THIS RESULT MAKES NO SENSE. THE FACT THAT A MAN IS WORKING WHILE THERE IS A WIFE AT HOME DOES NOT MEAN THAT HE WOULD, OR SHOULD BE REQUIRED TO, CONTINUE TO WORK IF HIS WIFE DIES. IT IS NO LESS IMPORTANT FOR A CHILD TO BE CARED FOR BY ITS SOLE SURVIVING PARENT WHEN THAT PARENT IS MALE RATHER THAN FEMALE. AND A FATHER, NO LESS THAN A MOTHER, HAS A

CONSTITUTIONALLY PROTECTED RIGHT TO THE "COMPANIONSHIP, CARE, CUSTODY, AND MANAGEMENT" OF "THE CHILDREN HE HAS SIRED AND RAISED, (WHICH) UNDENIABLY WARRANTS DEFERENCE AND, ABSENT A POWERFUL COUNTERVAILING INTEREST, PROTECTION." STANLEY V. ILLINOIS, 405 U.S. 645, 651 (1972). FURTHER, TO THE EXTENT THAT WOMEN WHO WORK WHEN THEY HAVE SOLE RESPONSIBILITY FOR CHILDREN ENCOUNTER SPECIAL PROBLEMS, IT WOULD SEEM THAT MEN WITH SOLE RESPONSIBILITY FOR CHILDREN WILL ENCOUNTER THE SAME CHILD-CARE RELATED PROBLEMS. /19/ STEPHEN WIENSENFELD, FOR EXAMPLE, FOUND THAT PROVIDING ADEQUATE CARE FOR HIS INFANT SON IMPEDED HIS ABILITY TO WORK, SEE N. 7, SUPRA.

FINALLY, TO THE EXTENT THAT CONGRESS LEGISLATED ON THE PRESUMPTION THAT WOMEN AS A GROUP WOULD CHOOSE TO FORGO WORK TO CARE FOR CHILDREN WHILE MEN WOULD NOT, /20/ THE STATUTORY STRUCTURE, INDEPENDENT OF THE GENDER-BASED CLASSIFICATION, WOULD DENY OR REDUCE BENEFITS TO THOSE MEN WHO CONFORM TO THE PRESUMED NORM AND ARE NOT HAMPERED BY THEIR CHILD CARE RESPONSIBILITIES. BENEFITS UNDER SEC. 402 (G) DECREASE WITH INCREASED EARNINGS, SEE, SUPRA, AT 641. ACCORDING TO THE GOVERNMENT, "THE BULK OF MALE WORKERS WOULD RECEIVE NO BENEFITS IN ANY EVENT," BRIEF FOR APPELLANT 17 N. 11, BECAUSE THEY EARN TOO MUCH. THUS, THE GENDER-BASED DISTINCTION IS GRATUITOUS; WITHOUT IT, THE STATUTORY SCHEME WOULD ONLY PROVIDE BENEFITS TO THOSE MEN WHO ARE IN FACT SIMILARLY SITUATED TO THE WOMEN THE STATUTE AIDS.

SINCE THE GENDER-BASED CLASSIFICATION OF SEC. 402 (G) CANNOT BE EXPLAINED AS AN ATTEMPT TO PROVIDE FOR THE SPECIAL PROBLEMS OF WOMEN, IT IS INDISTINGUISHABLE FROM THE CLASSIFICATION HELD INVALID IN FRONTIERO. LIKE THE STATUTES THERE, "(BY PROVIDING DISSIMILAR TREATMENT FOR MEN AND WOMEN WHO ARE ... SIMILARLY SITUATED, THE CHALLENGED SECTION VIOLATES THE (DUE PROCESS) CLAUSE." REED V. REED, 404 U.S. 71, 77 (1971).

AFFIRMED.

/1/ SECTION 402 (G) IS HEADED " MOTHER'S INSURANCE BENEFITS." IT PROVIDES IN PERTINENT PART:

"(1) THE WIDOW AND EVERY SURVIVING DIVORCED MOTHER (AS DEFINED IN CURRENTLY INSURED INDIVIDUAL, IF SUCH WIDOW OR SURVIVING DIVORCED MOTHER--,

"(A) IS NOT MARRIED,

"(B) IS NOT ENTITLED TO A WIDOW'S INSURANCE BENEFIT,

"(C) IS NOT ENTITLED TO OLD-AGE INSURANCE BENEFITS, OR IS ENTITLED TO OLD-AGE INSURANCE BENEFITS EACH OF WHICH IS LESS THAN THREE-FOURTHS OF THE PRIMARY INSURANCE AMOUNT OF SUCH INDIVIDUAL,

"(D) HAS FILED APPLICATION FOR MOTHER'S INSURANCE BENEFITS, OR WAS ENTITLED TO WIFE'S INSURANCE BENEFITS ON THE BASIS OF THE WAGES AND SELF-EMPLOYMENT INCOME OF SUCH INDIVIDUAL FOR THE MONTH PRECEDING THE MONTH IN WHICH HE DIED,

"(E) AT THE TIME OF FILING SUCH APPLICATION HAS IN HER CARE A CHILD OF SUCH INDIVIDUAL ENTITLED TO A CHILD'S INSURANCE BENEFIT . . .,

* * * * * SHALL . . . BE ENTITLED TO A MOTHER'S INSURANCE BENEFIT FOR EACH MONTH, BEGINNING WITH THE FIRST MONTH AFTER AUGUST 1950 IN WHICH SHE BECOMES SO ENTITLED TO SUCH INSURANCE BENEFTIS AND ENDING WITH THE MONTH PRECEDING THE FIRST MONTH IN WHICH ANY OF THE FOLLOWING OCCURS: NO CHILD OF SUCH DECEASED INDIVIDUAL IS ENTITLED TO A CHILD'S INSURANCE BENEFIT, SUCH WIDOW OR SURVIVING DIVORCED MOTHER BECOMES ENTITLED TO AN OLD-AGE INSURANCE BENEFIT EQUAL TO OR EXCEEDING THREE-FOURTHS OF THE PRIMARY INSURANCE AMOUNT OF SUCH DECEASED

INDIVIDUAL, SHE BECOMES ENTITLED TO A WIDOW'S INSURANCE BENEFIT, SHE REMARRIES, OR SHE DIES. . . ."

THE TERMS "FULLY" AND "CURRENTLY" INSURED ARE DEFINED IN 42 U.S.C. SEC. 414. SEE N. 3, INFRA.

/2/ (WHILE THE FIFTH AMENDMENT CONTAINS NO EQUAL PROTECTION CLAUSE, IT DOES FORBID DISCRIMINATION THAT IS 'SO UNJUSTIFIABLE AS TO BE VIOLATIVE OF DUE PROCESS.'" SCHNEIDER V. RUSK, 377 U.S. 163, 168 (1964); SEE ALSO BOLLING V. SHARPE, 347 U.S. 497, 499 (1954). THIS COURT'S APPROACH TO FIFTH AMENDMENT EQUAL PROTECTION CLAIMS HAS ALWAYS BEEN PRECISELY THE SAME AS TO EQUAL PROTECTION CLAIMS UNDER THE FOURTEENTH AMENDMENT. SEE, E.G., SCHLESINGER V. BALLARD, 419 U.S. 498 (1975); JIMENEZ V. WEINBERGER, 417 U.S. 628, 637 (1974); FRONTIERO V. RICHARDSON, 411 U.S. 677 (1973).

/3/ THUS, PAULA WIESENFELD WAS "CURRENTLY INSURED" WHEN SHE DIED, SEE N. 1, SUPRA, BECUASE SHE HAD "NOT LESS THAN SIX QUARTERS OF COVERAGE DURING THE THIRTEEN-QUARTER PERIOD ENDING WITH (1) THE QUARTER IN WHICH (SHE) DIED." 42 U.S.C. SEC. 414 (B).

/4/ IN 1970, PAULA EARNED $9,808, AND STEPHEN EARNED $3,100 AS A SELF-EMPLOYED CONSULTANT; IN 1971, PAULA EARNED $10,686 AND STEPHEN $2,188; IN 1972, PUALA EARNED $6,836.35 BEFORE SHE DIED, AND STEPHEN $2,475 FOR THE ENTIRE YEAR. STEPHEN COMPLETED HIS EDUCATION BEFORE THE MARRIAGE.

/5/ SECTION 402 (D) IS HEADED " CHILD'S INSURANCE BENEFITS" AND PROVIDES IN PERTINENT PART AS FOLLOWS:

" EVERY CHILD . . . OF AN INDIVIDUAL WHO DIES A FULLY OR CURRENTLY INSURED INDIVIDUAL, IF SUCH CHILD--,

"(A) HAS FILED APPLICATION FOR CHILD'S INSURANCE BENEFITS,

"(B) AT THE TIME SUCH APPLICATION WAS FILED WAS UNMARRIED AND (I) EITHER HAD NOT ATTAINED THE AGE OF 18 OR WAS A FULL-TIME STUDENT AND HAD NOT ATTAINED THE AGE OF 22, OR (II) IS UNDER A DISABILITY (AS DEFINED IN SECTION 423 (D) OF THIS TITLE) WHICH BEGAN BEFORE HE ATTAINED THE AGE OF 22, AND

"(C) WAS DEPENDENT UPON SUCH INDIVIDUAL--,

* * * * *

"(II) IF SUCH INDIVIDUAL HAS DIED, AT THE TIME OF SUCH DEATH . . .,

* * * * * SHALL BE ENTITLED TO A CHILD'S INSURANCE BENEFIT FOR EACH MONTH, BEGINNING WITH THE FIRST MONTH AFTER AUGUST 1950 IN WHICH SUCH CHILD BECOMES SO ENTITLED TO SUCH INSURANCE BENEFITS AND ENDING WITH THE MONTH PRECEDING WHICHEVER OF THE FOLLOWING FIRST OCCURS -,

"(D) THE MONTH IN WHICH SUCH CHILD DIES OR MARRIES,

"(E) THE MONTH IN WHICH SUCH CHILD ATTAINS THE AGE OF 18, BUT ONLY IF HE (I) IS NOT UNDER A DISABILITY (AS SO DEFINED) AT THE TIME HE ATTAINS SUCH AGE, AND (II) IS NOT A FULL-TIME STUDENT DURING ANY PART OF SUCH MONTH."

THUS, CHILD'S INSURANCE BENEFITS ARE NOW AVAILABLE WITHOUT REGARD TO WHETHER THE WORKER UPON WHOSE EARNINGS BENEFITS ARE BASED IS THE MOTHER OR FATHER. THIS WAS NOT ALWAYS THE CASE. ORIGINALLY, A CHILD COULD RECEIVE BENEFITS BASED ON HIS MOTHER'S EARNINGS ONLY IF HE HAD NOT BEEN LIVING WITH HIS FATHER AND WAS BEING SUPPORTED SOLELY BY HIS MOTHER.

SOCIAL SECURITY AMENDMENTS OF AUG. 10, 1939, SEC. 202 (C), 53 STAT. 1364. THIS PROVISION WAS AMENDED IN 1950 TO PROVIDE AUTOMATIC ENTITLEMENT TO OTHERWISE ELIGIBLE CHILDREN OF WOMEN WORKERS WHO WERE CURRENTLY INSURED, SEE NN. 1 AND 3, SUPRA, WHEN THEY DIED, BUT RETAINING DEPENDENCY QUALIFICATIONS IF THE MOTHER'S COVERED EMPLOYMENT WAS NOT RECENT. SOCIAL SECURITY AMENDMENTS OF AUG. 28, 1950, SEC. 101 (A), AMENDING SEC. 202 (D), 64 STAT. 483. EIN 1967, CHILDREN OF WOMEN WORKERS WERE MADE ELIGIBLE FOR CHILDREN'S BENEFITS ON EXACTLY THE SAME CRITERIA APPLIED TO CHILDREN OF MALE WORKERS. SOCIAL SECURITY AMENDMENTS OF 1967, PUB. L. 90 - 248, SEC. 151, 81 STAT. 860.

/6/ APPELLEE SAID IN AN AFFIDAVIT THAT HE WAS TOLD ORALLY AT THE SOCIAL SECURITY OFFICE THAT HE COULD NOT FILE AN APPLICATION FOR BENEFITS ON HIS OWN BEHALF. THE GOVERNMENT DOES NOT DISPUTE THAT THE REQUEST FOR BENEFITS WAS ORALLY MADE AND ORALLY DENIED. TR. OF ORAL ARG. BEFORE DISTRICT COURT, JUNE 20, 1973, P. 45; 367 F. SUPP. 981, 985 N. 5.

/7/ STEPHEN WIENSENFELD WAS EMPLOYED UNTIL OCTOBER 1972. HOWEVER, SINCE HE EARNED $2,475 FOR THE ENTIRE YEAR 1972, N. 4, SUPRA, HE APPARENTLY WOULD HAVE BEEN ELIGIBLE FOR BENEFITS, WERE HE A WOMAN, FROM JUNE 1972 UNTIL HE OBTAINED EMPLOYMENT AGAIN ON FEBRUARY 5, 1973, AT A SALARY OF $1,500 PER MONTH. THIS LAWSUIT WAS FILED ON FEBRUARY 24, 1973. ON SEPTEMBER 14, 1973, APPELLEE WAS DISMISSED FROM HIS POSITION, SO THAT HE WAS UNEMPLOYED AND AGAIN ELIGIBLE FOR BENEFITS, BUT FOR THE GENDR-BASED DISTINCTION, WHEN THE LOWER COURT OPINION ISSUED ON DECEMBER 11, 1973. APPELLEE, IN AN AFFIDAVIT FILED IN SEPTEMBER 1973, ASCRIBED HIS EMPLOYMENT DIFFICULTIES IN LARGE PART TO THE DIFFICULTIES OF CHILDCARE. IN PARTICULAR, HE NOTED THAT HE HAD "ENCOUNTERED SEVERE DIFFICULTY IN OBTAINING THE SERVICES OF A SUITABLE HOUSEKEEPER, TO WHOM I COULD CONSCIENTIOUSLY ENTRUST JASON'S CARE. I HAVE EMPLOYED FOUR HOUSEKEEPERS IN THE PAST YEAR . . . ."

/8/ APPELLEE DID NOT SEEK ADMINISTRATIVE REVIEW OF THE DENIAL UNDER 42 U.S.C. SEC. 405 (B). HOWEVER, THE GOVERNMENT STIPULATED THAT ANY ADMINISTRATIVE APPEAL WOULD HAVE BEEN FUTILE, SINCE SEC. 402 (G) ON ITS FACE PRECLUDES GRANTING BENEFITS TO MEN. TR. OF ORAL ARG. BEFORE DISTRICT COURT, JUNE 20, 1973, PP. 16 - 17. NOR DOES THE GOVERNMENT NOW CLAIM THAT SEC. 405 (H), WHICH PROVIDES THAT "(NO FINDINGS OF FACT OR DECISION OF THE SECRETARY SHALL BE REVIEWED . . . EXCEPT AS HEREIN PROVIDED" (SEE SEC. 405 (G)), IS A BAR TO THIS ACTION. SEE PUBLIC UTILITIES COMM'N OF CALIFORNIA V. UNITED STATES, 355 U.S. 534, 539 - 540 (1958); RICHARDSON V. MORRIS, 40. U.S. 464 (1973) (PER CURIAM); GRIFFIN V. RICHARDSON, 346 F. SUPP. 1226 (MD.), AFF'D, 409 U.S. 1069 (1972).

/9/ THE THREE-JUDGE COURT DECLINED TO PERMIT THE ACTION TO AS A CLASS ACTION. 367 F. SUPP., AT 986 - 987. NO APPEAL HAS BEEN TAKEN FROM THIS RULING.

/10/ THE COURT RECOGNIZED THAT THE JURISDICITONAL AMOUNT OF $10,000 UNDER 28 U.S.C. SEC. 1331 IS ESTABLISHED AS LONG AS IT DOES NOT "APPEAR TO A LEGAL CERTAINTY" THAT THE MATTER IN CONTROVERSY DOES NOT TOTAL $10,000, ST. PAUL MERCURY INDEMNITY CO. V. RED CAB CO., 303 U.S. 283, 289 (1938), AND THEREFORE THAT WHERE AN INJUNCTION COMMANDING FUTURE PAYMENTS IS SOUGHT, THERE IS NO NEED TO AWAIT ACCRUAL OF $10,000 IN BACK BENEFITS TO BRING SUIT. HOWEVER, IT WAS TROUBLED BY THE FACT THAT APPELLEE WAS EMPLOYED ON THE DAY SUIT WAS FILED, SEE N. 7, SUPRA, AND THUS WOULD NOT HAVE BEEN ENTITLED TO BENEFITS ON THAT DAY. IT HELD THAT THERE WAS NONETHELESS JURISDICTION BECAUSE OF THE FUTILITY OF DISMISSING THE SUIT WHEN THE PLAINTIFF COULD REFILE IMMEDIATELY AND ESTABLISH JURISDICTION, SINCE HE WAS UNEMPLOYED BY THE TIME OF DECISION. WE BELIEVE THAT THERE WAS JURISDICTION IN ANY EVENT ON THE DAY THE SUIT WAS FILED. BENEFITS UNDER SEC. 402 (G) COULD BE AVAILABLE TO APPELLEE, IF HE PREVAILED, UNTIL HIS INFANT CHILD BECAME 18, SEE

SEC. 402 (D), 402 (G), 402 (S)(1). AT THE THEN-PREVAILING BENEFIT RATES, APPELLEE WOULD REACH $10,000 IN BENEFITS IF HE COLLECTED FULL BENEFITS FOR A LITTLE MORE THAN THREE YEARS, SEE SUPRA, AT 640 - 641. SOCIAL SECURITY BENEFITS ARE TO SOME DEGREE IN THE NATURE OF INSURANCE, PROVIDING PRESENT SECURITY AND PEACE OF MIND FROM FEAR OF FUTURE LACK OF EARNINGS. ALSO, UNLIKE DISABILITY BENEFITS, SEE 42 U.S.C. SEC. 423, THESE SURVIVORS' BENEFITS DO NOT DEPEND UPON ABILITY TO EARN, BUT ONLY UPON ACTUAL EARNINGS. THUS, THEY GIVE A POTENTIAL RECIPIENT A CHOICE BETWEEN STAYING HOME TO CARE FOR THE CHILD AND WORKING. THIS OPPORTUNITY FOR CHOICE, AND THE POTENTIAL RIGHT TO AS MUCH AS $53,640 WORTH OF BENEFITS ($2,980 PER YEAR TIMES 18 YEARS), CERTAINLY HAS A PRESENT VALUE OF $10,000, WHETHER OR NOT THE CLAIMANT WAS ELIGIBLE FOR BENEFITS ON THE DAY HE FILED SUIT.

/11/ SEE THE OBSERVATIONS IN FRONTIERO, 411 U.S. 677, 689 N. 23, THAT IN VIEW OF THE LARGE PERCENTAGE OF MARRIED WOMEN WORKING (41.5% IN 1971), THE PRESUMPTION OF COMPLETE DEPENDENCY OF WIVES UPON HUSBANDS HAS LITTLE RELATIONSHIP TO PRESENT REALITY. IN THE SAME VEIN, TAYLOR V. LOUISIANA, 419 U.S. 522 (1975), OBSERVED THAT CURRENT STATISTICS BELIE "THE PRESUMED ROLE IN THE HOME" OF CONTEMPORARY WOMEN. ID., AT 535 N. 17.

/12/ CHANGES HAVE BEEN MADE IN THESE PROVISIONS. FOR EXAMPLE, BENEFITS ARE NOW AVAILABLE TO HUSBANDS AND AGED WIDOWERS OF COVERED WORKERS IF THEY CAN SHOW THAT MORE THAN ONE-HALF OF THEIR SUPPORT HAS BEEN PROVIDED BY THEIR WIVES. 42 U.S.C. SEC. 402 (C), 402 (F). SEE ALSO N. 5, SUPRA. SEE GENERALLY NOTE, SEX CLASSIFICATIONS IN THE SOCIAL SECURITY BENEFIT STRUCTURE, 49 IND. L. J. 181 (1973).

/13/ SEE, E.G., H.R. REP. NO. 728, 76TH CONG., 1ST SESS., 36 (1959): "(A) CHILD IS NOT USUALLY FINANCIALLY DEPENDENT UPON HIS MOTHER"; 84 CONG. REC. 6896 (1939) (REMARKS OF REP. COOPER): "(WE NOW HAVE UNDER THE PROVISIONS OF THIS BILL A PROGRAM ON A FAMILY BASIS, AND WE WILL TAKE CARE OF THESE PEOPLE WHO WILL NEED THIS ASSISTANCE BECAUSE OF THE LOSS OF THE FATHER OR THE HUSBAND AND THE LOSS OF THE PAY AND WAGES THAT HE HAS BEEN BRINGING INTO THE FAMILY." (EMPHASIS SUPPLIED.) SEE ALSO REPORT OF THE COMMITTEE ON SOCIAL INSURANCE AND TAXES, THE PRESIDENTHS COMMISSION ON THE STATUS OF WOMEN 2. (1963): " IT WAS DECIDED AT THAT TIME THAT IF THE DETERMINATION OF DEPENDENCY WERE BASED ON GENERALLY VALID PRESUMPTIONS, THERE WOULD BE NO BEEDN IN MOST SITUATIONS FOR DETATILED INVESTIGATIONS OF FAMILY FINANCIAL RELATIONSHIPS. SINCE THE HUSBAND TRADITIONALLY WAS THE WAGE EARNER IN THE FAMILY AND THE WIFE WAS THE HOMEMAKER, BENEFITS WERE PROVIDED FOR WIVES, WIDOWS, AND CHILDREN ON THE BASIS OF PRESUMED DEPENDENCY ON THE HUSBAND . . . ."

/14/ SEE SUPRA, AT 644. THERE HAS BEEN A CONTINUING TENSION IN THE OASDI SYSTEM BETWEEN TWO GOALS: INDIVIDUAL EQUITY, WHICH ACCORDS BENEFITS COMMENSURATE WITH THE CONTRIBUTIONS MADE TO THE SYSTEM, AND SOCIAL ADEQUACY, WHICH ASSURES TO ALL CONTRIBUTORS AND THEIR FAMILIES A TOLERABLE STANDARD OF LIVING. SEE J. PECHMAN, H. AARON & M. TAUSSIG, SOCIAL SECURITY: PERSPECTIVES FOR REFORM 33 - 34 (1968); REPORT OF THE SOCIAL SECURITY BOARD, H.R. DOC. NO. 110, 76TH CONG., 1ST SESS., 5 (1939). RATHER THAN ABANDONING EITHER GOAL, CONGRESS HAS TRIED TO MEET BOTH, BY ASSURING THAT THE PROTECTION AFFORDED EACH CONTRIBUTOR IS AT LEAST THAT WHICH HIS CONTRIBUTIONS COULD PURCHASE ON THE PRIVATE MARKET. SEE H.R. REP. NO. 728, 76TH CONG., 1ST SESS., 13 - 14 (1939); H.R. REP. NO. 1300, 81ST CONG., 1ST SESS., 2 (1949).

/15/ SEE 42 U.S.C. SEC. 414, 415 FOR THE CORRELATION BETWEEN YEARS WORKED, AMOUNT EARNED, AND THE "PRIMARY INSURANCE AMOUNT," WHICH IS THE AMOUNT RECEIVED BY FULLY INSURED EMPLOYEES UPON REACHING RETIREMENT AGE. BENEFITS UNDER SEC. 402 (G) ARE 75% OF THE PRIMARY INSURANCE AMOUNT OF THE COVERED EMPLOYEE.

/16/ THIS COURT NEED NOT IN EQUAL PROTECTION CASES ACCEPT AT FACE VALUE ASSERTIONS OF LEGISLATIVE PURPOSES, WHEN AN EXAMINATION OF THE LEGISLATIVE SCHEME AND ITS HISTORY DEMONSTRATES THAT THE ASSERTED PURPOSE COULD NOT HAVE BEEN A GOAL OF THE LEGISLATION. SEE EISENSTADT V. BAIRD, 405 U.S. 438 (1972); JIMENEZ V. WEINBERGER, 417 U.S., AT 634; U.S. DEPT. OF AGRICULTURE V. MORENO, 413 U.S. 528, 536 - 537 (1973).

/17/ IN CERTAIN CASES, MOTHER'S BENEFITS UNDER SEC. 402 (G) CEASE SOME CHILDREN ARE STILL ELIGIBLE FOR CHILDRENHS BENEFITS UNDER SEC. 402 (D). IN PARTICULAR, CHILDREN CONTINUE TO BE ELIGIBLE FOR BENEFITS WHILE FULLTIME STUDENTS UNTIL AGE 22 AND, IN SOME INSTANCES, FOR A FEW MONTHS THEREAFTER. SEC. 402 (D)(1)(F) AND (D)(7). YET, BENEFITS TO THE MOTHER UNDER SEC. 402 (G) CEASE IF ALL CHILDREN HAVE REACHED 18 AND ARE NOT DISABLED. SEC. 402 (S)(1). THIS DISTINCTION ALSO SUSTAINS OUR CONCLUSION THAT SEC. 402 (G) WAS INTENDED ONLY TO PROVIDE AN OPPORTUNITY FOR CHILDREN TO RECEIVE THE PERSONAL ATTENTION OF ONE PARENT, SINCE MOTHER'S BENEFITS ARE LINKED TO CHILDREN'S BENEFITS ONLY SO LONG AS IT IS REALISTIC TO THINK THAT THE CHILDREN MIGHT NEED THEIR PARENT AT HOME.

/18/ ORIGIANLLY, NO DIVORCED WIVES WERE ENTITLED TO BENEFITS ON THE BASIS OF THEIR FORMER HUSBANDS' EARNINGS. THE PROVISION FOR SURVIVING DIVORCED WIVES WHO ARE THE MOTHERS OF CHILDREN ENTITLED TO SURVIVORS' BENEFITS WAS ADDED IN 1950. SOCIAL SECURITY AMENDMENTS OF 1950, SEC. 101 (A), 64 STAT. 483. IT WAS NOT UNTIL 1965 THAT BENEFITS WERE PROVIDED FOR AGED DIVORCED WIVES AND WIDOWS, PREMISED UPON A 20-YEAR MARRIAGE. SOCIAL SECURITY AMENDMENTS OF 1965, PUB. L. 89 - 97, SEC. 308, 79 STAT. 375. BOTH THESE GROUPS OF WOMEN WERE REQUIRED TO PROVE DEPENDENCY UPON THE FORMER HUSBAND. THE PROOOF-OF-DEPENDENCY REQUIREMENTS WERE ELIMINATED IN 1972. SOCIAL SECURITY AMENDMENTS OF 1972, PUB. L. 92 - 603, SEC. 114, 86 STAT. 1348. THIS SEPARATE DEVELOPMENT OF BENEFITS FRO DIVORCED WOMEN WITH CHILDREN AND THOSE WITHOUT REINFORCES THE CONCLUSION THAT THE PRESENCE OF CHILDREN IS THE RAISON D'ETRE OF SEC. 402 (G).

/19/ THE COMMISSION ON RAILROAD RETIREMENT, COMMENTING UPON A SIMILAR PROVISION OF THE RAILROAD RETIREMENT SYSTEM, SIGNIFICANTLY STATED: " STATISTICALLY SPEAKING, THERE ARE, OF COURSE, SIGNIFICANT DIFFERENCES BY SEX IN THE ROLES PLAYED IN OUR SOCIETY. FOR EXAMPLE, FAR MORE WOMEN THAN MEN ARE PRIMARILY INVOLVED IN RAISING MINOR CHILDREN. BUT IF THE SOCIETY'S AIM IS TO FURTHER A SOCIALLY DESIRABLE PURPOSE, E.G., BETTER CARE FOR GROWING CHILDREN, IT SHOULD TAILOR ANY SUBSIDY DIRECTLY TO THE END DESIRED, NOT INDIRECTLY AND UNEQUALLY BY HELPING WIDOWS WITH DEPENDENT CHILDREN AND IGNORING WIDOWERS IN THE SAME PLIGHT. IN THIS EXAMPLE, IT IS THE ECONOMIC AND FUNCITONAL CAPABILITY OF THE SURVIVING BREADWINNER TO CARE FOR CHILDREN WHICH COUNTS; THE SEX OF THE SURVIVING PARENT IS INCIDENTAL." REPORT OF THE COMMISSION ON RAILROAD RETIREMENT, RAILROAD RETIREMENT SYSTEM--, ITS COMING CRISIS, H.R. DOC. NO. 92 - 350, P. 378 (1972). (EMPHASIS SUPPLIED.)

/20/ PRECISELY THIS VIEW WAS EXPRESSED BY THE 1971 ADVISORY COUNCIL ON SOCIAL SECURITY, WHOSE RECOMMENDATIONS UPON WHICH GENDER-BASED DISTINCITONS IN THE OASDI SYSTEM TO RETAIN AND WHICH TO DISCARD WERE FOLLOWED IN THE 1972 SOCIAL SECURITY AMENDEMNTS: " THE COUNCIL BELIEVES THAT IT IS UNNECESSARY TO OFFER THE SAME CHOICE (WHETHER TO WORK OR CARE FOR SURVIVING CHILDREN) TO A MAN. EVEN THOUGH MANY MORE MARRIED WOMEN WORK TODAY THAN IN THE PAST, SO THAT THEY ARE BOTH WORKERS AND HOMEMAKERS, VERY FEW MEN ADOPT SUCH A DUAL ROLE; THE CUSTOMARY AND PREDOMINANT ROLE OF THE FATHER IS NOT THAT OF A HOMEMAKER BUT RATHER THAT OF THE FAMILY BREADWINNER. A MAN GENERALLY CONTINUES TO WORK TO SUPPORT HIMSELF AND HIS CHILDREN AFTER THE DEATH OR DISABILITY OF HIS WIFE. THE COUNCIL THEREFORE DOES NOT RECOMMEND THAT BENEFITS BE PROVIDED FOR A YOUNG FATHER WHO HAS CHILDREN IN HIS CARE." 1971 REPORTS 30.

MR. JUSTICE DOUGLAS TOOK NO PART IN THE CONSIDERATION OR DECISION OF THIS CASE.

MR. JUSTICE POWELL, WITH WHOM THE CHIEF JUSTICE JOINS, CONCURRING.

I CONCUR IN THE JUDGMENT AND GENERALLY IN THE OPINION OF THE COURT. BUT I WOULD IDENTIFY THE IMPERMISSIBLE DISCRIMINATION EFFECTED BY SEC. 402 (G) SOMEWHAT MORE NARROWLY THAN THE COURT DOES. SOCIAL SECURITY IS DESIGNED, CERTAINLY IN THIS CONTEXT, FOR THE PROTECTION OF THE FAMILY. ALTHOUGH IT LACKS THE CONTRACTUAL ATTRIBUTES OF INSURANCE OR AN ANNUITY, FLEMMING V. NESTOR, 363 U.S. 603 (1960), IT IS A CONTRIBUTORY SYSTEM AND MILLIONS OF WAGE EARNERS DEPEND ON IT TO PROVIDE BASIC PROTECTION FOR THEIR FAMILIES IN THE EVENT OF DEATH OR DISABILITY.

MANY WOMEN ARE THE PRINCIPAL WAGE EARNERS FOR THEIR FAMILIES, AND THEY PARTICIPATE IN THE SOCIAL SECURITY SYSTEM ON EXACTLY THE SAME BASIS AS MEN. WHEN THE MOTHER IS A PRINCIPAL WAGE EARNER, THE FAMILY MAY SUFFER AS GREAT AN ECONOMIC DEPRIVATION UPON HER DEATH AS WOULD OCCUR UPON THE DEATH OF A FATHER WAGE EARNER. IT IS IMMATERIAL WHETHER THE SURVIVING PARENT ELECTS TO ASSUME PRIMARY CHILD CARE RESPONSIBILITY RATHER THAN WORK, OR WHETHER OTHER ARRANGEMENTS ARE MADE FOR CHILD CARE. THE STATUTORY SCHEME PROVIDES BENEFITS BOTH TO A SURVIVING MOTHER WHO REMAINS AT HOME AND TO ONE WHO WORKS AT LOW WAGES. A SURVIVING FATHER MAY HAVE THE SAME NEED FOR BENEFITS AS A SURVIVING MOTHER. /1/ THE STATUTORY SCHEME THEREFORE IMPERMISSIBLY DISCRIMINATES AGAINST A FEMALE WAGE EARNER BECAUSE IT PROVIDES HER FAMILY LESS PROTECTION THAN IT PROVIDES THAT OF A MALE WAGE EARNER, EVEN THOUGH THE FAMILY NEEDS MAY BE IDENTICAL. I FIND NO LEGITIMATE GOVERNMENTAL INTEREST THAT SUPPORTS THIS GENDER CLASSIFICATION.

/1/ I ATTACH LESS SIGNIFICANCE TO THE VIEW EMPHASIZED BY THE COURT THAT A PURPOSE OF THE STATUTE IS TO ENABLE THE SURVIVING PARENT TO REMAIN AT HOME TO CARE FOR A CHILD. IN LIGHT OF THE LONG EXPERIENCE TO THE CONTRARY, ONE MAY DOUBT THAT FATHERS GENERALLY WILL FORGO WORK AND REMAIN AT HOME TO CARE FOR CHILDREN TO THE SAME EXTENT THAT MOTHERS MAY MAKE THIS CHOICE. UNDER THE CURRENT STATUTORY PROGRAM, HOWEVER, THE PAYMENT OF BENEFITS IS NOT CONDITIONED ON THE SURVIVING PARENT'S DECISION TO REMAIN AT HOME.

MR. JUSTICE REHNQUIST, CONCURRING IN THE RESULT.

PART III B OF THE COURT'S OPINION CONTAINS A THOROUGH EXAMINATION OF THE LEGISLATIVE HISTORY AND STATUTORY CONTEXT WHICH DEFINE THE ROLE AND PURPOSE OF SEC. 402 (G). I BELIEVE THE COURT'S EXAMINATION CONVINCINGLY DEMONSTRATES THAT THE ONLY PURPOSE OF SEC. 402 (G) IS TO MAKE IT POSSIBLE FOR CHILDREN OF DECEASED CONTRIBUTING WORKERS TO HAVE THE PERSONAL CARE AND ATTENTION OF A SURVIVING PARENT, SHOULD THAT PARENT DESIRE TO REMAIN IN THE HOME WITH THE CHILD. MOREOVER, THE COURT'S OPINION ESTABLISES THAT THE GOVERNMENT'S PROFFERED LEGISLATIVE PURPOSE IS SO TOTALLY AT ODDS WITH THE CONTEXT AND HISTORY OF SEC. 402 (G) THAT IT CANNOT SERVE AS A BASIS FOR JUDGING WHETHER THE STATUTORY DISTINCTION BETWEEN MEN AND WOMEN RATIONALLY SERVES A VALID LEGISLATIVE OBJECTIVE.

THIS BEING THE CASE, I SEE NO NECESSITY FOR REACHING THE ISSUE OF WHETHER THE STATUTE'S PURPORTED DISCRIMINATION AGAINST FEMALE WORKERS VIOLATES THE FIFTH AMENDMENT AS APPLIED IN FRONTIERO V. RICHARDSON, 411 U.S. 677 (1973). I WOULD SIMPLY CONCLUDE, AS DOES THE COURT IN PART II B OF ITS OPINION, THAT THE ESTRICTION OF SEC. 402 (G) BENEFITS TO SURVIVING MOTHERS DOES NOT RATIONALLY SERVE ANY VALID LEGISLATIVE PURPOSE, INCLUDING THAT FOR WHICH SEC. 402 (G) WAS OBVIOUSLY DESINGED. THIS IS SO BECAUSE IT SI IRRATIONAL TO DISTINGUISH BETWEEN MOTHERS AND FATHER WHEN THE SOLE QUESTION IS WHETHER A CHILD OF A DECEASED CONTRIBUTING WORKER SHOULD HAVE THE OPPORTUNITY TO RECEIVE THE FULLTIME

ATTENTION OF THE ONLY PARENT REMAINING TO IT. TO MY MIND, THAT SHOULD BE THE END OF THE MATTER. I THEREFORE CONCUR IN THE RESULT.

KEITH A. JONES ARGUED THE CAUSE FOR APPELLANT. ON THE BRIEF WERE SOLICITOR GENERAL BORK, ASSISTANT ATTORNEY GENERAL HILLS, AND DANNY J. BOGGS.

RUTH BADER GINSBURG ARGUED THE CAUSE FOR APPELLEE. WITH HER ON THE BRIEF WAS MELVIN L. WULF.

NANCY STERNS FILED A BRIEF FOR THE CENTER FOR CONSTITUTIONAL RIGHTS AS AMICUS CURIAE URGING AFFIRMANCE.

Califano v. Goldfarb, 430 U.S. 199 (1977) (USSC+)

Syllabus

Under the Social Security Act survivors' benefits based on the earnings of a deceased husband covered by the Act are payable to his widow regardless of dependency, but under 42 U.S.C. § 402(f)(1)(D), such benefits on the basis of the earnings of a deceased wife covered by the Act are payable to her widower only if he was receiving at least half of his support from her. In a suit challenging these provisions, a three-judge District Court held that the different treatment of men and women mandated by § 402 (f)(1)(D) constituted invidious discrimination against female wage earners by affording them less protection for their surviving spouses than is provided to male employees.

Held: The judgment is affirmed. Pp. 204-217 ; 217-224 .

396 F.Supp. 308, affirmed.

MR. JUSTICE BRENNAN, joined by MR. JUSTICE WHITE, MR JUSTICE MARSHALL, and MR. JUSTICE POWELL, concluded that the gender-based distinction created by § 402(f)(1)(D) violates the Due Process Clause of the Fifth Amendment. *Weinberger v. Wiesenfeld,* 420 U.S. 636; *Frontiero v. Richardson,* 411 U.S. 677 . Pp. 204-217 .

(a) Such distinction, which results in the efforts of female workers required to pay social security taxes producing less protection for their spouses than is produced by the efforts of male workers, is constitutionally forbidden, at least when supported by no more substantial justification than "archaic and overbroad" generalizations or "old notions," such as "assumptions as to dependency," that are more consistent with "the role-typing society has long imposed" than with contemporary reality. Pp. 204-207 .

(b) Equal protection analysis here cannot center solely on the distinction drawn between widowers and widows, but must be focused as well on the gender-based discrimination against covered female wage earners. Pp. 207-209 .

(c) The fact that a covered employee's interest in future social security benefits is "noncontractual" does not preclude any claim of [p*200] equal protection denial, but benefits

directly related to years worked and amount earned by a covered employee, and not to the needs of the beneficiaries directly . . . , must be distributed according to classifications which do not without sufficient justification differentiate among covered employees solely on the basis of sex,

Wiesenfeld, supra at 647. Pp. 210-212 .

(d) It appears from § 402(f)(1)(D)'s phrasing and legislative history, as well as from the general scheme of the Old-Age, Survivors, and Disability Insurance benefits program, that the differential treatment of nondependent widows and widowers results not from a deliberate congressional intention to remedy the arguably greater needs of the former, but rather from an intention to aid the dependent spouses of deceased wage earners, coupled with a presumption that wives are usually dependent. The only justification for a classification based on this latter presumption is the unverified assumption that it would save the Government time, money, and effort simply to pay benefits to all widows, rather than to require proof of dependency of both sexes, and such an assumption does not suffice to justify a gender-based discrimination in the distribution of employment-related benefits. Pp. 212-217 .

MR. JUSTICE STEVENS concluded that the relevant discrimination is against surviving male spouses, rather than against deceased female wage earners, that such discrimination is merely the accidental byproduct of a traditional way of thinking about females, and that something more than accident is necessary to justify, under the Fifth Amendment, the disparate treatment of persons who have

as strong a claim to equal treatment as do similarly situated surviving spouses. Pp. 217-224 .

BRENNAN, J., announced the Court's judgment and delivered an opinion, in which WHITE, MARSHALL, and POWELL, JJ., joined. STEVENS, J., filed an opinion concurring in the judgment, *post,* p. 217 . REHNQUIST, J., filed a dissenting opinion, in which BURGER, C.J., and STEWART and BLACKMUN, JJ., joined, *post,* p. 224 . [p*201]

Opinions



JANET MURGUIA
07/13/98 09:35:57 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Elisa Millsap/WHO/EOP, Mindy E. Myers/WHO/EOP
Subject: MLK(H.J.Res 113) & Underground RR(H.R. 1635) Bill Signings

I've contacted both Sarbanes' office and Portman's office regarding these respective bills per our meeting earlier today. Sarbanes' COS is going to get back to me tomorrow after he has passed on our plan to the Senator to have the VPOTUS potentially announce the MLK bill's enactment at the NAACP convention in Atlanta on Thursday. And Portman's office is seeking to get the Underground RR bill sent to us tomorrow so that we might be able to get the POTUS to sign on the same day that the FLOTUS will be at the Harriet Tubbman home in NY. I'll keep you posted.

Message Sent To:

Minyon Moore/WHO/EOP
Ann F. Lewis/WHO/EOP
Laura K. Capps/WHO/EOP
Jennifer M. Palmieri/WHO/EOP
Judith A. Winston/PIR/EOP
Eli G. Attie/OVP @ OVP
Kay Casstevens/OVP @ OVP
Katharine Button/WHO/EOP
Roberta W. Greene/WHO/EOP

Call
Janet

Seneca Falls Celebration
Seneca Falls, NY
Opening Ceremony
July 16, 1998

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Howes, Sarah		
Irvine, Barbara Advisory Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
Jarboe, Stacy Member, National Woman's Party	Sewall-Belmont House 144 Constitution Avenue, NE Washington, DC 20002	202-546-1
Jasculca, Lauren		
Jasculca, Rick		
Jefferson-Jenkins, Dr. Carolyn President, League of Women Voters	1730 M Street, NW Washington, DC 20036	202-429-1
Johnson, Gloria T. President, Coalition of Labor Union Women		
Jones, Stephanie		
Kavars, Linda Great Dames Production	56	
Kim, Elaine H. Professor of Asian American Studies, Uni. Of California, Berkeley		
Kincaid, Missy Special Assistant to the First Lady, Office of the First Lady	OEOB 100 Washington, DC 20502	202-456-7

Klein, Ellie Brookings Legislative Fellow, Office of Congresswoman Clayton		202-267-9
Leeds, Robin Agency Representative, White House Office for Women's Initiatives and Outreach	OEOB 15 Washington, DC 20502	202-456-7
Lewis, Ann White House Director of Communications, Office of Communications		
Linzer, (Deborah's daughter)	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
Linzer, Deborah Advisory Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
Lovell, Ellen Deputy Assistant to the President and Advisor to the First Lady for the Millenium Program, Office of the Chief of Staff	708 Jackson Place Washington, DC 20502	202-395-7
Mason, Trudy Advisory Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
Mayo, Edith Advisory Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
McCann, Lisa		
Meacham, Joan Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
Murphy, Camille President, National Association of Commissions for Women		202-628-5
Myers, Dr. JoAnne Director, Women's Studies at Marist College	North Road, Poughkeepsie, NY 12601	914-575-3 ext. 2234
Newburger, Beth Associate Administrator for Public Affairs, General Services Administration		
Ochoa, Ellen Mission Specialist Astronaut, NASA Johnson Space Center		

O'Mary, Michael		
Phillips, Dr. Lois Principal Partner, Strategic Change Associates	2005 El Camino de la Luz, Santa Barbara, CA 93109	805-962-8
Preston, Frances W. President and CEO, Broadc Music, Inc (BMI)		
Procter, Jan Advisory Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
Rodgers, Kathryn J. Executive Director, NOW Legal Defense and Education Fund	99 Hudson Street, New York, NY 10013	212-925-6
Roosevelt, Anna Eleanor Director, The Mayor's Office of Program Development for the City of Chicago		
Ruthsdotter, Mary Projects Director, Nat'l Women's History Project	7738 Bell Road, Windsor, CA 95492	707-838-6
Schiller, Laura Special Assistant to the President and Senior Speechwriter, Office of Communications	OEOB 171 Washington, DC 20502	202-456-2
Seba, Sondra Agency Representative, White House Office for Women's Initiatives and Outreach	OEOB 15 Washington, DC 20502	202-456-7
Shah, Smita N. Assistant Vice Pres., Globetrotters International	300 S. Wacker Drive, Suite 200, Chicago, IL 60606	312-922-6
Shamir, Ruby Staff Assistant to the Director, Office of Communications	White House GFL/WW Washington, DC 20502	202-456-5
Smeal, Eleanor President, Feminist Majority	1600 Wilson Boulevard, Suite 801 Arlington, VA 22209	703-522-2
Spillar, Katherine National Coordinator, Feminist Majority Foundation	1600 Wilson Boulevard, Suite 801 Arlington, VA 22209	703-522-2
Staser, Karen Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0

Stone, Ann Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
TC Benson		
Verveer, Melanne Assistant to the President and Chief of Staff to the First Lady	OEOB 100 Washington, DC 20502	202-456-6
Wages, Joan Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
Weinstein, Marsha National Advisor, National Council of Jewish Women, Jr. Council.	5608 Wolf Pen Trace Prospect, KY 40059	502-228-1
Yorkin, Peg Chair of the Board, Feminist Majority Foundation	1600 Wilson Boulevard, Suite 801 Arlington, VA 22209	703-522-2
Zawaiza, Theda Special Assistant for Equity, Department of Education		202-401-1

Seneca Falls Celebration
Seneca Falls, NY
Opening Ceremony
July 16, 1998

WHITE HOUSE RESERVED SEATS

NAME/TITLE/ORGANIZATION	ADDRESS	WORK PH
Arens, Jeanne		
Beals, Kathleen		
Benson, T.C.		
Berry, Marsha Deputy Assistant to the President and Director of Communications to the First Lady, Office of the First Lady	OEOB 100 Washington, DC 20502	202-456-2
Bianchi-Sand, Susan Executive Director, Nat'l Committee on Pay Equity	1126 16th St., NW, Suite 411 Washington, DC 20036	202-331-7
Burk, Dr. Martha President, Center for Advancement of Public Policy	1735 S Street, NW Washington, DC 20009	202-797-0
Button, Fred		
Carswell, Argene Interim Executive Director, American Nurses Association	600 Maryland Avenue, SW, Suite 100W Washington, DC 20024	202-651-7
Cash-Smith, Kay Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
Castro, Ida L. Acting Director, Women's Bureau, US Dept. Of Labor	200 Constitution Avenue, NW Washington, DC 20210	202-219-6
Cohen, Dr. Susan Associate Professor of Medecine, University of Rochester Medical Center	601 Elmwood Avenue Box 689 Rochester, NY 14642	716-275-2
Cole, Dr. Johnnetta B. President Emerita, Spelman College		
Craighead, Kelly Special Assistant to the President and Director of Advance for the First Lady, Office of Advance	OEOB 184 Washington, DC 20502	202-456-2

Davis, Martha Assistant to Beth Newburger		
Denny, Linda Advisory Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
Denny, (Linda's daughter)	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
Diamond, Dolores		
Diamond, Dr. Robert		
Dituri, Bobbi		
Dunn, Mary		
DuPlain, Jan Advisory Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
Evans, Marsha Johnson National Executive Director, Girl Scouts USA	450 5th Avenue New York, NY 10018-2798	212-852-8
Farmer, Sharon Photographer, Photography Office	West Wing GFL/WW Washington, DC 20502	202-395-4
Fassett, Thomas White Wolf General Secretary, United Methodist Church		
Feldt, Gloria President, Planned Parenthood Federation of America	810 7th Avenue, New York, NY 10019-5882	212-261-4
Ferdon, Elinor J. National President, Girl Scouts USA	450 5th Avenue New York, NY 10018-2798	212-852-8
Ferguson, Anita Perez President, Nat'l Women's Political Caucus	1211 Connecticut Ave., NW, Suite 425, Washington, DC 20036	202-785-1
Ferrell, Dorothy Ruth President, National Woman's Party	Sewall-Belmont House 144 Constitution Avenue, NE Washington, DC 20002	202-546-1
Folberg, Debra Attorney, National Association of Commissions for Women		202-628-5
Frankel, Sandra Supervisor, Town of Brighton	134 Monterey Road Rochester, NY 14614	716-232-2
Ghiglino, Patricia Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0

Giefe, Ann American Legian Auxillary	16 Maple Street Seneca Falls, NY	315-568-5
Glasse, Lou President Emerita, Older Women's League	2100 South Shore Road, Hadley, NY 12835	518-863-6
Glasse, John Husband of Lou Glasse	2100 South Shore Road, Hadley, NY 12835	518-863-6
Glickman, Rhoda Deputy Chief of Staff, Housing and Urban Development		
Goldsmith, Barbara Author		
Greene, Bobbie Deputy Assistant to the President and Deputy Chief of Staff to the First Lady, Office of the First Lady	OEOB 100 Washington, DC 20502	202-456-6
Hadar, Alyn Levin Policy Analyst, Department of Defense		703-696-9
Hamlin, Nancy Mother of John Harris (Washington Post Reporter)		
Harris, LaDonna President, Americans for Indian Opportunity		
Hartmann, Heidi L. Director and President, Institute for Women's Policy Research	1400 20th Street, NW, Suite 104 Washington, DC 20036	202-785-5
Herrera, Dr. Clarita E. Incoming President, American Medical Women's Association	801 North Fairfax Street, Suite 400 Alexandria, VA 22314	703-838-0
Holden, Courteney Staff Director, National Woman's Party	Sewall-Belmont House 144 Constitution Avenue, NE Washington, DC 20002	202-546-1
Hope, Judith Chair, New York State Democratic Party	60 Madison, Suite 1201 New York, NY 10010	516-329-2
Howes, Sarah		
Irvine, Barbara Advisory Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0

Jarboe, Stacy Member, National Woman's Party	Sewall-Belmont House 144 Constitution Avenue, NE Washington, DC 20002	202-546-1
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Klein, Dr. John Associate Professor of Medecine, University of Rochester Medical Center	601 Elmwood Avenue Box 690 Rochester, NY 14642	716-275-0
Kling, Ruth		
Leeds, Robin Agency Representative, White House Office for Women's Initiatives and Outreach	OEOB 15 Washington, DC 20502	202-456-7
Lewis, Ann White House Director of Communications, Office of Communications		
Lifton, Barbara Assemblyman Luster	106 East Court Rochester, NY 14850	607-227-8
Linzer, Deborah Advisory Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
Linzer, (Deborah's daughter)	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
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McCann, Lisa		
Meacham, Joan Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
Miller, Melissa		
Murphy, Camille President, National Association of Commissions for Women		202-628-5
Myers, Dr. JoAnne Director, Women's Studies at Marist College	North Road, Poughkeepsie, NY 12601	914-575-3 ext. 2234
Newburger, Beth Associate Administrator for Public Affairs, General Services Administration		
Ochoa, Ellen Mission Specialist Astronaut, NASA Johnson Space Center		
O'Mary, Michael		
Phillips, Dr. Lois Principal Partner, Strategic Change Associates	2005 El Camino de la Luz, Santa Barbara, CA 93109	805-962-8
Preston, Frances W. President and CEO, Broadc Music, Inc (BMI)		
Procter, Jan Advisory Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
Rafferty, Mary		
Rodgers, Kathryn J. Executive Director, NOW Legal Defense and Education Fund	99 Hudson Street, New York, NY 10013	212-925-6
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Ruthsdotter, Mary Projects Director, Nat'l Women's History Project	7738 Bell Road, Windsor, CA 95492	707-838-6

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Stone, Ann Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
Thomas, Gary		
Thomas, Penny		
Verveer, Melanne Assistant to the President and Chief of Staff to the First Lady	OEOB 100 Washington, DC 20502	202-456-6
Wages, Joan Board Member, National Museum of Women's History	303 West Glendale Avenue Alexandria, VA 22301	703-299-0
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Yorkin, Peg Chair of the Board, Feminist Majority Foundation	1600 Wilson Boulevard, Suite 801 Arlington, VA 22209	703-522-2
Zawaiza, Theda Special Assistant for Equity, Department of Education		202-401-1



Ruby Shamir

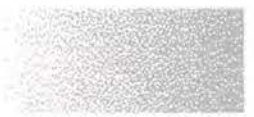
07/14/98 03:10:05 PM

Record Type: Record

To: Katharine Button/WHO/EOP

cc:
Subject: Commission on the Celebration of Women in American History

---------- Forwarded by Ruby Shamir/WHO/EOP on 07/14/98 03:12 PM ----------



Ruby Shamir

07/14/98 02:26:48 PM

Record Type: Record

To: Margaret L. Buford/WHO/EOP

cc:
Subject: Commission on the Celebration of Women in American History

Ann Lewis
Beth Newburger
Johnetta Cole
Barbara Goldsmith
LaDonna Harris
Ellen Ochoa
Frances Preston
Anna Eleanor Roosevelt
Ruby Shamir
Martha Davis

for the reception after the speech. thanks!!

Notional Schedule for the Milliennium Council's "Save America's Treasures" Tour Monday, July 13 - Wednesday, July 15, 1998 Draft #2

Monday, July 13, 1998

8:30 am- 10:00 am	**THOMAS A. EDISON INVENTION FACTORY EVENT**
	Format: -tour -event with children and some interactive futuristic component
10:00 am	**DEPART** via Bus en route Newburgh, NY [drive time: 1 hour 10 minutes]
11:15 am	**ARRIVE** Newburgh, NY
11:30 am- 12:15 pm	**WALKING TOUR** Newburgh, NY
12:15 pm- 1:15 pm	**LUNCH** w/Experts and Scholars George Washington's Revolutionary War Headquarters
1:15 pm- 1:45 pm	**REMARKS TO THE COMMUNITY** Dutch Reform Church
2:00 pm	**DEPART** via Bus en route Austerlitz, NY [drive time: 1 hour, 40 minutes]
3:40 pm	**ARRIVE** Austerlitz, NY
3:45 pm- 4:30 pm	**TOUR** Steepletop, Edna St. Vincent Millay's Home
4:30 pm	**DEPART** via Bus en route Lenox, MA [drive time: 30 minutes]
5:00 pm	**ARRIVE** Ron location, Lenox, MA
5:15 pm- 7:25 pm	**DOWN TIME**

7:30 pm **DINNER** w/Millennium Committee, press, experts, etc.
9:30 pm location tbd

Tuesday, July 14, 1998

8:30 am- **THE MOUNT - EDITH WHARTON EVENT**
10:00 am Edith Wharton Home

Format:
-tour
-Watch Edith Wharton One Act performed by Shakespeare Company

10:00 am **DEPART** via bus en route Hotel

10:15 am- **DOWN TIME**
11:00 am

Note: The President will join The First Lady at the hotel.

11:05 am **DEPART** via Bus en route Pittsfield, MA
[drive time: 10 minutes]

11:15 am **ARRIVE** Pittsfield, MA

11:15 am- **COLONIAL THEATER EVENT** [w/POTUS]
1:00 pm

Format:
-tour
-short performance in theater
-remarks to community on the street

1:15 pm **LUNCH** w/Millennium Comm., locals and POTUS[t]
2:15 pm diner tbd

Albany - another team?

2:30 pm **DEPART** Pittsfield via train en route Auburn, NY
[travel time: tbd]

5:30 pm **ARRIVE** Auburn, NY

6:00 pm- **RECEPTION**
7:00 pm Seward House

RON Auburn, NY

Wednesday, July 15, 1998

10:00 am- 11:30 am	**HARRIET TUBMAN EVENT** **Format:** -tour Harriet Tubman Home for the Aged -tour Harriet Tubman Home -tour AME Zion Church -visit Harriet Tubman Gravesite
11:30 am	**DEPART** via Bus en route Victor, NY [drive time: 1 hour]
12:30 am- 2:30 pm	**IROQUOIS PARK EVENT** **Format:** -lunch with clan mothers -cultural performance -dedication of park
2:45 pm	**DEPART** via Bus en route Seneca Falls, NY [drive time: 40 minutes]
3:25 pm-	**ARRIVE** Seneca Falls, NY
3:30 pm 4:15 pm	**McCLINTOCK HOUSE EVENT** **Format:** -tour -Girl Scout Badge announcement [t]
4:20 pm	**DEPART** via Bus en route Auburn, NY [drive time: 20 minutes]
4:40 pm	**ARRIVE** RON Hotel
4:45 pm- 5:45 pm	**DOWN TIME** RON Hotel
5:45 pm	**DEPART** via motorcade en route Seneca Falls, NY [drive time: 15 minutes]
6:00 pm 6:45 pm	**RECEPTION** w/ Millennium Committee, Experts, etc.
6:45 pm	**DEPART** via foot Park Visitors Center [travel time: 5 minutes]

6:50 pm- **DROP-BY** Reception for Women's Rights Conference Descendants
7:05 pm Park Visitors Center

RON Auburn, NY

Thursday, July 16, 1998

9:45 am **DEPART** via motorcade en route Seneca Falls

10:20 am **REMARKS** to Women's Rights Conference
11:30 am Mynderse Academy High School Football Field

11:30 am **DEPART** via motorcade en route location tbd

Cheryl

- Bus paid for by Millenium (10 wt seats out of 40)
- Mill. Council will host events
- Trip Dir. okay
- WH would have to pay for bus if POTUS goes
  - send full advance team (needs to look the same)
- Pre-advance → WH has to pay (official, not discretionary)
- Get host letter sample



cmbeach @ email.msn.com
05/12/98 11:02:00 AM

Record Type: Record

To: Katharine Button, Pamela Cicetti, Jennifer L. Klein

cc:
Subject: Column Meeting

I would like to meet tomorrow (Wed) to talk about next week's column. In her response to my memo last week, HRC indicated an interest in writing about something from the trip, either the women leaders of the UN, or the Human Rights Roundtable, or the NASA partnership with a French School. Laura gets back early so won't be writing this one and we'll be on a very tight timeframe next week. If there is another topic that makes sense for next week (either looking at her schedule or thinking about evergreen-types) lets try to think of it, so that I can go ahead and have it ready for her when she returns. Then, if she wants to go with another topic from the trip, that will be OK too. Thanks. 10 am OK?

Treasure Tour Bus Estimate as of 5/8

Presidential Coaches have a fleet of 12 executive style buses ranging in capacities from 22 passengers (the armored, most fancy type) to 30 passengers (least fancy). All the executive style buses have banner capability, external/internal PA, nice bathrooms, refrigerators, etc....

The way prices work....1st executive style bus: $1800
2nd executive style bus: $1600
3rd executive style bus: $1400

Plus... Around $200 a day for a driver
$2/mile for mileage

If we use at least two executive style buses...Presidential Coaches seems willing to rent us a regular, 40 seat passenger bus for 'less than 1000' a day. They will have a more specific accurate in a couple of days.

SAVE AMERICA'S TREASURES TOUR

Who: The First Lady, Members of the Millennium Committee to Save Americas Treasures, Press, & staff

When: July 13 - July 16

How: By bus

Format:
We will have a well equipped bus that seats around 40 people. The seats will be divided up among press, staff, Committee members and other educators, scholars, etc. that will be invited. HRC's time while riding on the bus will be divided between press interviews and conversations/lectures/information sessions with the guests aboard the bus.

At each stop:
Tour
Speaking program
Meet & Greet

Funding Issues:
The Millennium Council can pay for event costs at each stop and one advance person at each stop. This person would be the site advance for the millennium site. Ellen Lovell's travel costs will be covered by the Millennium Council.

per cheryl

The cost for the bus can be split between press, special guests i.e. committee members and HRC travel budget. If we were to do some political activities, they could also share the cost of the bus.

Sites to look at further:

USS Constellation, Baltimore, NY

Gettysburg, PA

Philadelphia area

Thomas Edison National Historic Site, West Orange, NJ

Foster Memorial AME Zion Church, Tarrytown, NY

George Washington Headquarters, Newburgh, NY

Home of Edith Wharton, Lennox, MA

Harriet Tubman Home for the Aged, Auburn, NY

Approximate Distances and Drive Times:

Washington, DC to Baltimore, MD	38.1 miles	38 minutes
Baltimore, MD to Gettysburg, PA	61.7 miles	1 hour
Gettysburg, PA to Philadelphia, PA	130.7 miles	2 hours 10 minutes
Philadelphia, PA to West Orange, NJ	87.3 miles	1 hour 27 minutes
Gettysburg, PA to West Orange, NJ	200.4 miles	2 hours 20 minutes
West Orange, NJ to Newburgh, NY	60.3 miles	1 hour
West Orange, NJ to Tarrytown, NY	30 miles	30 minutes
Tarrytown, NY to Newburgh, NY	35 miles	35 minutes
Newburgh, NY to Lenox, MA	95.4 miles	1 hour 35 minutes
Lenox, MA to Auburn, NY	219.8 miles	3 hours 40 minutes
Auburn, NY to Seneca Falls, NY	15.8 miles	15 minutes
Lenox, MA to Seneca Falls, NY	234.1 miles	3 hours 54 minutes

Treasure Trail
July 13 -July 16

Possible sites

- **Baltimore: Original Manuscript of Star Spangled Banner** is housed at the Maryland State Historical Society. The manuscript is currently encased in 1970's era technology but needs to be re-encased with more up-to-date methods and because case is leaking. Rodney unsure of exact cost estimate but guesses it's fairly low around $20-25,000. 201 Monument St., Baltimore, MD, 2120. Source: Rodney Little, SHPO, 410-514-7601.
  NOTE: Maryland has a State Millennium Commission

- **Baltimore: USS Constellation** is normally berthed in Baltimore's Inner harbor, but is currently in dry dock #5 at Ft. McHenry Limited Partnership with an airplane hanger over it. Launched in 1854 and possibly incorporating elements of a frigate built in 1797, this National Historic Landmark vessel served the United States for nearly 100 years, never losing a battle. The *Constellation* pursued slave-trade ships off the African coast in 1859, made the frist official naval capture of the Civil War in 1861, transported food to Ireland during a famine in 1880 and served as a flagship during World War II. The full restoration includes work on structural and watertight integrity as well as standing and running rigging, interior cabins, guns, and interpretation. The constellation foundation has raised $6.1 million to date toward the restoration and is still fundraising. Cost estimate: $12 million.

- **Gettysburg, Cyclorama and Outdoor Sculpture: Gettysburg, Pennsylvania.** The cyclorama is a colossal panoramic painting of "Picketts Charge" measuring 356 by 26 feet and is one of the few existing cycloramas in the world. It was commissioned by Chicago businesman Charles Willoughby and completed by French painter Paul Philippoteaux in 1884. The painting came to Gettysburg in 1913. A cheaply constructed, unheated building would be its home for the next 47 years. In 1962, the Cyclorama Center in which it now hangs was built and subsequently climate controlled, but the painting reveals years of neglect and needs to be cleaned, conserved, and rehung.

  The park holds over 1300 monuments and memorials over an 18 mile area. Of those, 400 are considered to be major works by the most renowned 19th and 20th century sculptors, including Randolph Rogers and Henry Kirke Bush-Brown. Structural and material-related defects, erosion, and vandalism have resulted in urgent conservation needs. The Soldiers National Monument at the center of the cemetery, which was included in the original plan and was begun just three months after the close of the war, is in need of refurbishment estimated at $85,000. Source: Kate Lawhon, Gettysburg National Military Park, 717 334-1124 National Parks

- **Camden, NJ (Philadelphia area): Walt Whitman House** This row house in an area between downtown Camden and the culturally significant Camden Waterfront was home to Walt Whitman from 1884 until his death there in 1892. The "death bed " edition of *Leaves of Grass* was completed here and it was here that the friendship with Thomas Aiken which resulted in the portrait of Whitman that hangs in the Pennsylvania Academy of Fine Art began. Currently closed for renovation, it is slated to to reopen in November 1998. The structural renovation cost about $750,000 and will bring the house itself into good condition and provide climate control for future maintenance of interior furnishings and artifacts. However, no funds have been allocated to bring the collections themselves into repair. Original furnishings, photographs, an extensive collection of manuscripts, autographed copies and first editions of Whitman's works, and artifacts such as Whitman's hat and knapsack and the notice of his death that was posted on the door, are in an acute state of decay and in need of conservation.

  In addition, there is a need for an interpretive visitors center so that the public can reap the full benifit of the experience. There is an empty, state owned row house adjacent to the Whitman House, but no funds to establish it as a visitors center.

- **West Orange, NJ: The Thomas Alva Edison National Historic Site** This site houses over 300,000 artifacts and 5 million pages of paper, including Edison's letters and lab notes, and the first structure built for motion picture filming. It was at this site that the motion picture, light bulb, and storage battery were invented. Edison's prototypes, valuable notes,and photographs are decomposing because they lack proper storage and climate control, and many are close to being lost before being catalogued. The home is located on a 15 acre estate in Llewellyn Park, the country's first private residential community. Built in 1880, the 29 room mansion contains the original furnishings and family items used by Thomas and Mina Edison. The estate grounds include gardens, greenhouse and barn, and the poured concrete garage containing the family's automobiles. Thomas and Mina Edison are buried on the grounds of the estate. Preliminary estimated cost estimate: $30 million. Marianne Gerbauckas, Supt, 973-736-5196

- **Tarrytown, NY: Foster Memorial AME Zion Church** Founded in 1860, members of the church helped provide food and shelter to fugitive slaves escaping to Canada, and also assistance to those who decided to settle in Tarrytown. Foster Memorial Church is an Historic Landmark and is still in use as a place of worship. Preservation needs include installing storm windows over the stained glass windows and repairing decorative woodwork that lines the outside of the building. They are trying to raise money to match funds with an Historical Society who has proposed that they together contribute $30,000 needed to make the repairs. Reverand James G. Flowers, 914-686-6392. (GC spoke to RF 4/29/98)

- **Newburgh, NY: Washington's Headquarters** Oldest designated state historic site in the country will celebrate its 150th anniversary in 2000 (the city of Newburgh will be 200 and the oldest part of the house will be 250). Not only is the site the first ever state (of any state) historic site but it is the first ever historic site at any level of government and The Encyclopedia Britannica calls it the the first historic house museum in the world (#2 is Mt. Vernon). The grounds include the house, a monument built as a centenniel celebration in the 1880's and a museum building.

  Significant things about the site:
  1) This is the HQ Washington used the longest (16 1/2 months) in between the last battle at Yorktown and the signing of the Peace Treaty in Paris. There were 125 HQ's total. Since the British still had a large military presense, he made sure to keep an army and a presense near them which helped keep the war from restarting.
  2) Washington initiated the Badge of Military Merit at this site. The badge died out but was revived in 1932 as the Purple Heart which bears Washington's profile and crest.
  3) Washington wrote the circular letters here. This was a letter written in June 1783 to the 13 states setting out what he thought the federal government should be. This influenced the eventual constitution because when they were writing the constitution and participants were under a gag order, Washington's letter was reprinted.
  4) Newburgh Addresses. An anonymous letter was written by a soldier complaining of lack of back pay and unclear commitment from government about pensions. A meeting was set to discuss it but when Washington learned of it, he postponed the meeting several days to write a speech for the meeting. When he got to the meeting and stood up to make his speech, he said, "Gentlemen, you will permit me to put on my spectacles, for I have not only grown gray but blind in the service of my country." This diffused the tension, melting the hearts of the complainers, and is a renowned episode showing his great ability to lead by his own character and example. The Washington biographer my source called the most knowledgable is Thomas Flexner, 91 years old, living in NYC.

  Preservation/building needs/goals:
  They have two proposed projects but he felt that a preservation/rebuilding need was for a new roof for the monument on the grounds whose roof was blown off in a hurricane in 1950 (another 50!). The monument is called the Tower of Victory and was a centennial project in the 1880's commemorating the achievements there of the 1780's. As an aside, it had the same architect as Grant's Tomb. It was originally conceived to be a four sided obelisk but when they went to Congress for funding, Congress was already funding the Washington monument, a four-sided obelisk, so didn't want to fund it. Hence, they changed the design (don't know if they then got congressional funding). It has arches on all four sides with an inner circular staircase up to the deck (which needs a roof) which has a beautiful view.

  The proposed building projects which have organized committees etc. are additional

museum space and a National Purple Heart Hall of Honor, part of which would be at a site six miles away. Colin Powell is supporting this effort -I don't have more specifics about his involvement. Tom Hughes (914-562-1195). NY deputy SHPO, J. Winthrop Aldrich, is especially involved.

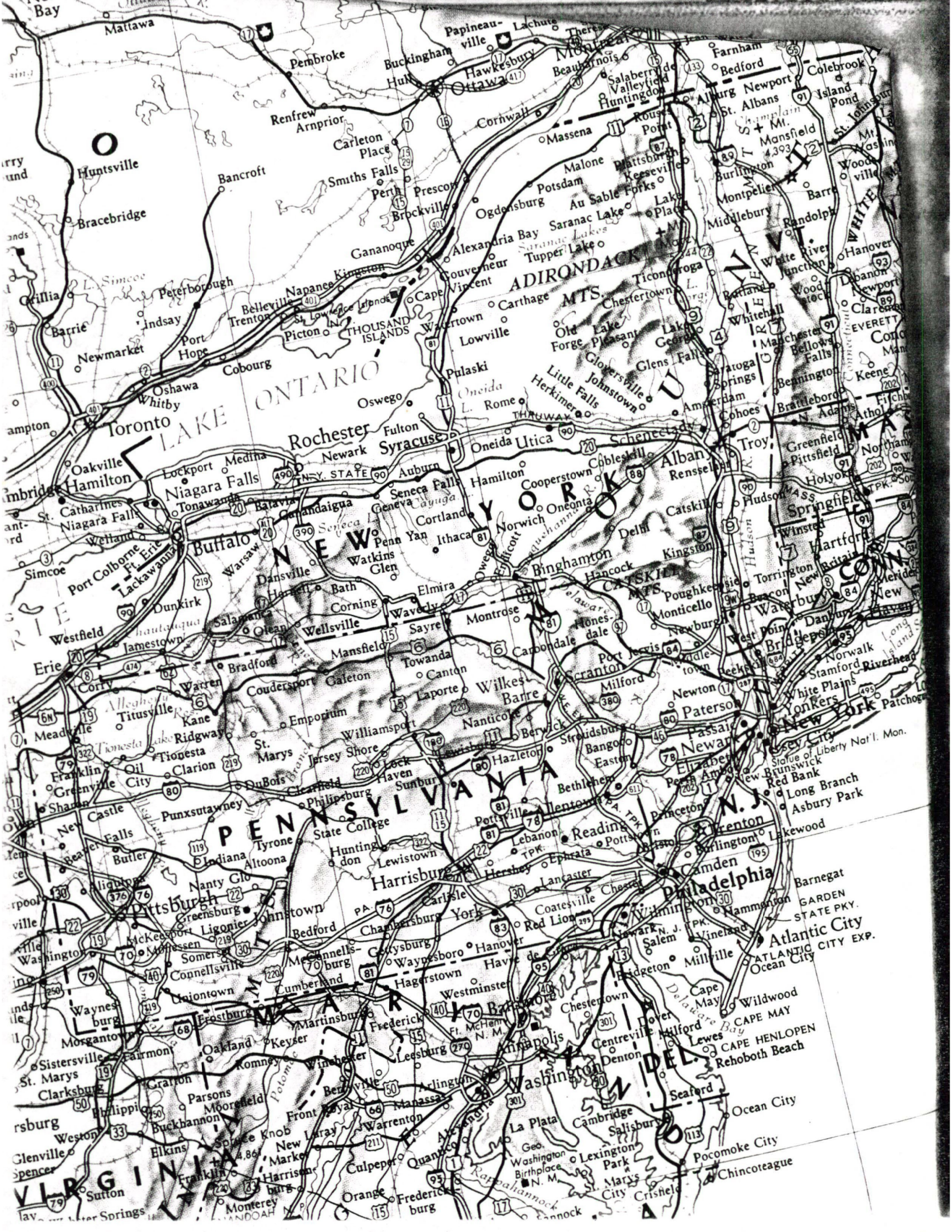
- **Lenox, MA: The Mount, Home of Edith Wharton** The house and gardens, both designed by Edith Wharton, need preservation and repair. Wharton's first published book was The Decoration of Houses and was a big hit. It was written in reaction to the heaviness of the Victorian style and the excessive gilded age. It is still considered a guide to good taste. She advocated balance, symmetry, and suitability. It was built in 1902 and, though kept up well until 1970, has never been restored. The Trust acquired it in 1980 to save it from being developed. They're just initiating a $15 million campaign. Grounds include house, stables, gatehouse. Wharton was also an authority on gardens and built the Italian "walled garden" from profits from The House of Mirth. Her niece Beatrix Ferund (sp?) designed the kitchen garden and later designed Dumbarton Oaks and was the first female landscape architect. Wharton (1862-1937) was the author of *The Age of Innocence, Ethan Frome,* and *The House of Mirth* as well as works on architecture, gardens and interior design. She was the first woman to be awarded the Pulitzer Prize for Fiction, the first woman to receive an honorary degree from Yale University, and one of the few civilians during World War I to receive the Chevalier of the Legion of Honor for her extensive humanitiarian war work. Stephanie Copeland, Ex Dir, Scott Marshall, Dpty Dir, 413-637-1899 (SH spoke to SC 4/28/98)

- **Auburn, NY: Harriet Tubman Home for the Aged** Harriet Tubman, renowned leader in the Underground Railroad movement, established the Home for the Aged in 1908 with the AME Zion Church after purchasing the property 50 years before from then Governor William H. Seward. She spent the last few years of her life at this house and died there in 1913 at the age of 93. The Home has been on the National Register since 1975 and is now an historic museum open for weekend tours. The home has been owned by the AME Zion Church for 40 years and is in need of structural repair (i.e.: roof repair) and some interior renovations. The entire preservation need includes a complete renovation of the house Harriet Tubman owned and lived in, (which is across a field from the Home for the Aged); a complete renovation of a small church nearby (not active anymore), both of these to their historical conditions; funding for the Harriet Tubman Memorial Library and the Harriet Tubman Multipurpose Center. The total estimate is around $1,400,000. This year they will celebrate the 85th anniversary of her death. The Home for the Aged received roughly 5,000 visitors per year. They have faced some opposition from neo-nazi groups as recently as 1994. Reverand Paul Carter, 315-252-2081. (GC spoke to RC 4/29/98)

- **Seneca Falls, NY: Women's Rights National Historical Park** This site includes the McClintock House where the Declaration of Rights and Sentiments was written,

marking an important first step toward legal, political, and educational rights for women in America. Also on the site is the house where Elizabeth Cady Stanton lived form 1847 to 1862 and the Wesleyan Chapel whch housed the first Women's rights convention 150 years ago. The McClintock house has undergone external renovations, but is, literally torn apart inside. The Stanton House has undergone partial renovations. The park has a $500,000 grant from HUD to build a visitors contact station and is working in partnership with the village of Seneca Falls and Seneca County to connect it by boat with the actual historic site. Fundraisng is being done by the National Park Foundation to complete the interior renovations. There is also a shortfall in funding for the visitors center.




Bay
Mattawa
Pembroke
Renfrew
Arnprior
Carleton Place
Smiths Falls
Perth
Brockville
Prescott
Huntsville
Bracebridge
Bancroft
Gananoque
Kingston
Napanee
Belleville
Trenton
Picton
THOUSAND ISLANDS
Cape Vincent
Watertown
Lowville
Pulaski
Oswego
Oneida L.
Rome
Utica
Syracuse
Fulton
Oneida
Newark
Rochester
Medina
Lockport
Niagara Falls
Tonawanda
Batavia
Auburn
Seneca Falls
Geneva
Cortland
Ithaca
Penn Yan
Watkins Glen
Hamilton
Cooperstown
Oneonta
Norwich
Delhi
Binghamton
Elmira
Corning
Bath
Hornell
Wellsville
Olean
Salamanca
Jamestown
Dunkirk
Westfield
Erie
Buffalo
Warsaw
Darsville
Sayre
Montrose
Towanda
Canton
Laporte
Wilkes-Barre
Nanticoke
Williamsport
Jersey Shore
Lock Haven
Sunbury
Hazleton
Berwick
Stroudsburg
Bangor
Easton
Bethlehem
Allentown
Reading
Pottsville
Lebanon
Hershey
Ephrata
Lancaster
Harrisburg
Carlisle
York
Chambersburg
Gettysburg
Hanover
Waynesboro
Hagerstown
Westminster
Frederick
Ft. McHenry N. M.
Baltimore
Annapolis
Washington
Alexandria
Arlington
Manassas
Fredericksburg
Quantico
Culpeper
Warrenton
Leesburg
Front Royal
Winchester
Martinsburg
Romney
Keyser
Oakland
Frostburg
Cumberland
Connellsville
Uniontown
Somerset
McKeesport
Greensburg
Pittsburgh
Johnstown
Bedford
Altoona
Tyrone
State College
Punxsutawney
DuBois
Clearfield
Philipsburg
Oil City
Franklin
Titusville
Meadville
Kane
Ridgway
Tionesta
Clarion
Sharon
New Castle
Beaver Falls
Butler
Indiana
Ligonier
Nanty Glo
Aliquippa
Washington
Wheeling
Morgantown
Fairmont
Clarksburg
Sistersville
St. Marys
Parsons
Philippi
Buckhannon
Weston
Elkins
Glenville
Spencer
Sutton
Gauley Bridge
Beckley
Princeton
Bluefield
Welch
Williamson
Logan
Charleston
Point Pleasant
Huntington
Ashland
Ironton
Portsmouth
Gallipolis
Parkersburg
Marietta
Zanesville
Cambridge
Coshocton
Wooster
Mansfield
Akron
Canton
Youngstown
Warren
Ravenna
Kent
Cleveland
Lorain
Sandusky
Toledo
Fremont
Bowling Green
Findlay
Lima
Wapakoneta
Piqua
Troy
Dayton
Springfield
Xenia
Columbus
Newark
Lancaster
Chillicothe
Athens
Pomeroy
Middleport
Ripley
Ravenswood
Ashland
Grayson
Maysville
Vanceburg
Portsmouth
Ironton
Gallipolis
Point Pleasant
Huntington
Ashland
Grayson
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Ripley
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Middleport
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Bowling Green
Fremont
Sandusky
Lorain
Cleveland
Kent
Ravenna
Warren
Youngstown
Canton
Akron
Mansfield
Wooster
Coshocton
Cambridge
Zanesville
Marietta
Parkersburg
Gallipolis
Portsmouth
Ironton

3 days
2 stops each

PROPOSED SITES OF INTEREST FOR UPCOMING VISIT TO THE MID-ATLANTIC/NORTHEAST REGIONS BY FIRST LADY, HILLARY RODHAM CLINTON
Date: July, 1998

VIRGINIA
MONTPELIER
Orange County, VA
Contact: Kathleen Mullins, Executive Director, Montpelier
(540) 672-2728

Montpelier, home to James Madison, fourth president of the United States and "Father of the Constitution," is nestled in 2,700 acres of rolling pasture land in the shadow of Virginia's Blue Ridge Mountains. Formal gardens and a National Landmark Forest surround this Greek Revival house, residence to James and Dolley Madison for nearly 85 years and the Dupont family for almost 60 years. Opened to the public in 1987, Montpelier is owned and operated by the National Trust for Historic Preservation, which is seeking to preserve the site for public education about the life of James Madison.

Rehabilitation is necessary to allow visitors into more than four rooms of the house. The Madison core, the first and second floors and the basement level are funding priorities as are installation of professional exhibits detailing the lives and times of James and Dolley Madison.

Listed on the National Trust's Eleven Most Endangered List in 1992 and 1993, Montpelier received a $1 million pledge from President George Bush toward the historic property's restoration. Cost estimate: $25 million

MARYLAND
U.S.S. CONSTELLATION
Pier 1 (301 E. Pratt St.)
Baltimore, Maryland
Contact: Lou Linden, Executive Director, Constellation Foundation
(410) 539-1797

Launched in 1854 and possibly incorporating elements of a frigate built in 1797, this National Historic Landmark vessel served the United States faithfully for nearly 100 years, never losing a battle. The *Constellation* pursued slave-trade ships off the African coast in 1859, made the first official naval capture of the Civil War in 1861, transported food to Ireland during a famine in 1880 and served as a flagship during World War II. Normally berthed in Baltimore's Inner Harbor, the *Constellation* is now in dry dock to repair her rotting hull, structural elements, and decks.

The full restoration includes work on structural and watertight integrity as well as standing and running rigging, interior cabins, guns, and interpretation. The Constellation Foundation has raised $6.1 million to date toward the restoration and is still fundraising. Cost estimate: $12 million

PENNSYLVANIA

LEWIS AND CLARK HERBARIUM

Academy of Natural Sciences
Philadelphia, Pennsylvania
Contact: Dr. Alfred E. Schuyler, Acting Chairman, Botany Department
(215) 299-1193

Thomas Jefferson's mandate to Meriweather Lewis and William Clark to thoroughly document their search for a water route between the Mississippi River and Pacific Ocean produced one of the nation's greatest treasures, The Lewis and Clark Herbarium (1804 - 1806). Two hundred and twenty-six herbarium sheets with plant specimens from the trip survive. Approximately $100,000 is needed to fireproof and upgrade climate controlled housing, repair the specimens from years of research use, and produce a computerized database available through the Internet with photographs and bibliographic images. Cost estimate: $100,000.

MADONNA OF THE TRAIL

Washington, Pennsylvania
Contact:

Commissioned by the Daughters of the American Revolution, *Madonna of the Trail* (1920) was placed in 12 cities along the National Old Trails Road of Westward expansion crossing twelve states and combines five old trails. The *Madonna* sculptures in Ohio and Pennsylvania are located on the Cumberland or National Road, the only highway ever built directly by the federal government. These are two of those most in need of attention. Cost estimate: $40,000 (each one).

NEW JERSEY

THOMAS EDISON NATIONAL HISTORIC SITE, INVENTION FACTORY

West Orange, New Jersey
Contact: Marianne Gerbauckas, Superintendent
(973) 736-5196

Thomas Edison's laboratory complex, in which Edison created more than half of his 1,093 patented inventions, consists of more than a dozen structures and houses, an amazing collection of 390,000 objects, and more than 5 million documents, including Edison's letters and lab notes. Many of the buildings on this National Historic Site

remain in need of structural maintenance. Edison's prototypes, valuable notes, and photographs are decomposing because they lack proper storage and climate control. Proper archival storage facilities, documentation and curation of artifacts and restoration of structures are estimated to total $30 million.

NEW YORK

ELLIS ISLAND (SOUTH SIDE)
New York, New York
Contact: Michael Adlerstein, Chief of Urban Projects, National Park Service
(212) 825-6882

The buildings on the south side of Ellis Island, vacant and deteriorating, are architecturally and culturally significant as living testament to the immigrant experience and the treatment of communicable diseases during the first half of the 20th century. Efforts to foster the private-sector redevelopment of the south side have failed, and in 1996 the National Park Service responded to the listing of the south side on the 1996 World Monuments Fund most endangered sites list by launching an effort to determine the best means of preserving the south side buildings. Stabilization cost of the building is estimated at $3.5 million.

[While in New York, the First Lady might want to also visit the Tenement Museum]
LOWER EAST SIDE TENEMENT MUSEUM
New York, New York
Contact: Ruth Abram, President
(212) 431-0233

MASSACHUSETTS

LONGFELLOW NATIONAL HISTORIC SITE (1759)
Cambridge, Massachusetts
Contact: Ms. C. Sue Rigney, National Park Service
(617) 876-4491

This house was the home of Henry Wadsworth Longfellow from 1837 to 1882. George Washington used the house as his headquarters during the siege of Boston. At his desk in the study, Longfellow wrote the "Midnight Ride of Paul Revere" and corresponded with Charles Dickens and Thomas Carlyle. He also entertained friends like Ralph Waldo Emerson, Oliver Wendell Holmes and Charles Summer in the front rooms of the house.

The site is also home to extremely valuable documents and archives that are waiting, in non-climate-controlled conditions, to be identified, documented and stored. All of its artifacts are original and the collection is complete to the time of Longfellow's residency. Examples of the collection range from a lottery ticket that once belonged to George

Washington and a Civil War Union uniform with a bullet hole to furnishings, decorative art pieces, and hundreds and thousands of letters, journals and photographs including documents from George Washington, Thomas Jefferson, Ralph Waldo Emerson, Charles Dickens, and Abraham Lincoln.

Although the house is part of the National Park System, it lacks $730,000 for critical collections and landscape preservation needs.

THE MOUNT, HOME OF EDITH WHARTON

Lenox, Massachusetts

Contact: Stephanie Copeland, Executive Director
Scott Marshall, Deputy Director
(413) 637-1899

Edith Wharton (1862-1937), author of *The Age of Innocence, Ethan Frome,* and *The House of Mirth,* wrote over 40 books, including authoritative works on architecture, gardens, and interior design. She was the first woman to be awarded the Pulitzer Prize for Fiction, the first woman to receive an honorary degree from Yale University, and one of the few civilians during World War I to receive the Chevalier of the Legion of Honor for her extensive humanitarian war work. Besides being a prodigious writer, she was a master house builder and gardener, and an inexhaustible traveler – all this without ever having attended a school or college. The Mount, built in 1901-02, is Edith Wharton's first full expression of her architectural interests. Like Jefferson's Monticello, The Mount is an autobiographical house definitively embodying its creator's spirit. One of the few (less than 5%) National Historic Landmarks dedicated to a woman, it survives as a testament to her extraordinary achievements.

Draft

Millennium Evening and Treasure Trail

July 13 - July 16

July 9 Montpelier, Dolley Madison

Highlight treasures of national significance between Washington D.C. and Seneca Falls, NY (between Syracuse and Rochester area).

Possible sites

- **Washington: Clara Barton Apartments**
  General Services Administration working to help preserve these historic structures and found papers of Clara Barton in attic and determined that these had been Clara's offices.

- **Washington: Anderson Cottage (Lincoln's Summer White House)**
  National Historic Landmark which served as the summer white House to numerous President's, the most notable being Abraham Lincoln. It is located on the grounds of the US Soldier's and Airmen's Home and is in need of a comprehensive resource study to gather the historical documentation and develop the restoration plan.

- **Baltimore: Original Manuscript of Star Spangled Banner** is currently encased but needs to be re-encased with more up-to-date technology.

- **Philadelphia: Lewis and Clark Herbarium** Thomas Jefferson's mandate to Meriwether Lewis and William Clark to thoroughly document their journey between the Mississippi River and the Pacific Ocean, produced the specimens for this herbarium at the Academy of Natural Sciences, Philadelphia, PA. Funds are needed to fireproof and upgrade climate controlled housing, treat conservation needs of the specimens and produce a computerized database, available through the Internet. Cost estimate: $100,000.

- **Philadelphia:** The National Constitution Center being built in historic downtown area to have constitution presented and understood.

- **Madonna of the trail: Washington, Pennsylvania.** Commisioned by the daughters of the American Revolution, Madonna of the trail was placed in twelve cities along the National old trails road of westward expansion crossing twelve states and combining five

trails. The two in Ohio and Pennsylvania are in the most need of attention.

- **Gettysburg, Cyclorama: Gettysburg, Pennsylvania.** This colossal panoramic painting of "Picketts Charge" measures 356 by 26 feet and is one of the few existing cycloramas in the world. The painting needs to be cleaned, conserved, and rehung.

- **West Orange, NJ: The Thomas Alva Edison National Historic Site:** This site houses over 300,000 artifacts and 5 million pages of paper, including Edison's letters and lab notes, and the first structure built for motion picture filming. It was at this site that the motion picture, light bulb, and storage battery were invented. Edison's prototypes, valuable notes,and photographs are decomposing because they lack proper storage and climate control, and many are close to being lost before being catalogued. Preliminary estimated cost estimate: $30 million.

- **Ellis Island, NYC** South side buildings are vacant and deteriorating. They are architecturally and culturally significant testimony to the immigrant experience.
- Governor's Island
- **Newburgh, NY** (hour north of NYC). Oldest designated state historic site in the country will celebrate its 150th anniversary in 2000. Site of George Washington's headquarters for part of Revolutionary War. Could combine with noting deterioration of other Washington/Revolutionary War objects.

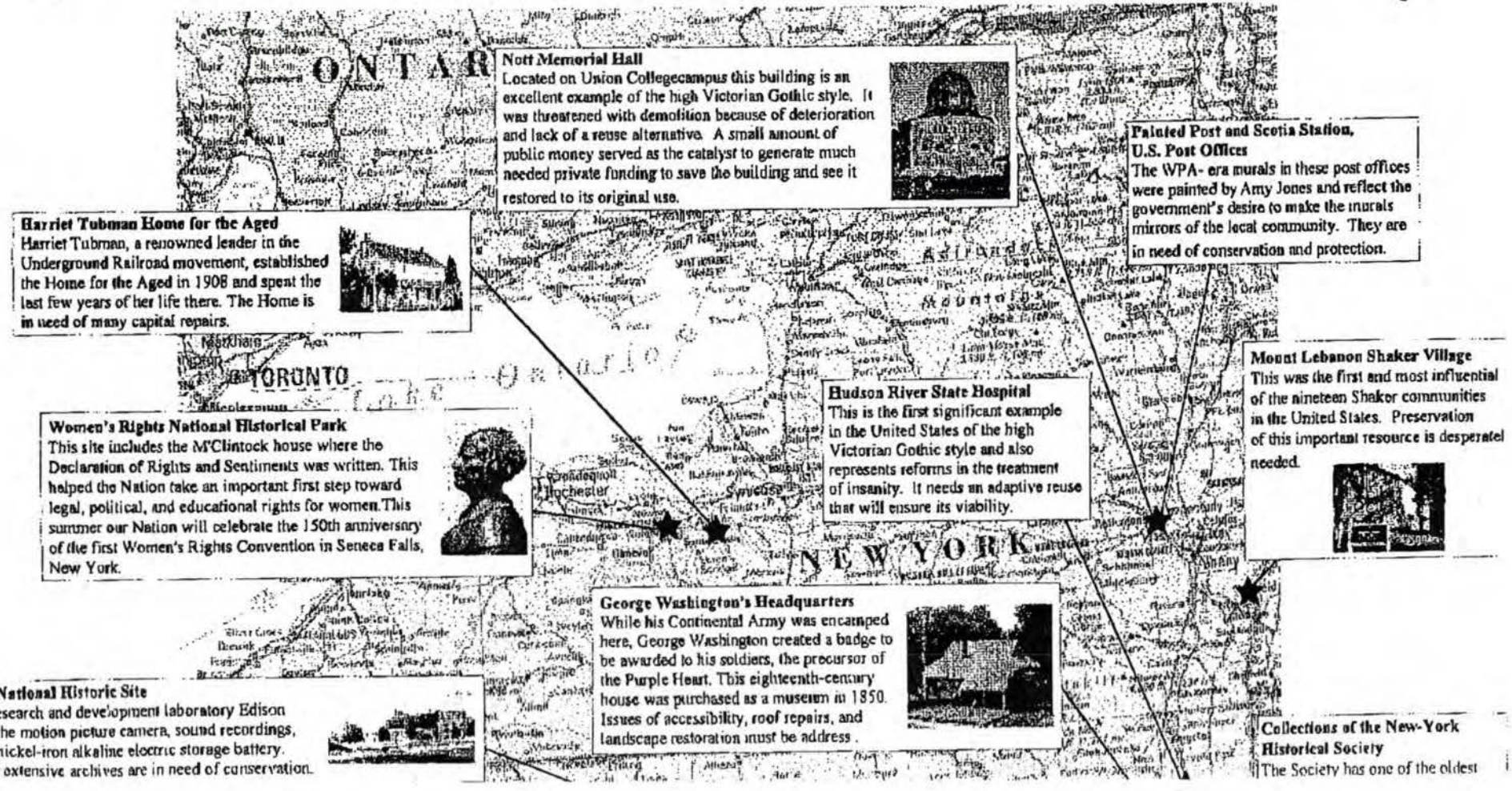
- **Longfellow Historic Site, Cambridge, Mass** Home of Henry Wadsworth Longfellow from 1837 to 1882. George Washington made his headquarters here during the siege of Boston. Longfellow wrote the "Midnight Ride of Paul Revere" in the house. The home has extremely valuable documents and archives that are waiting to be documented and stored.

- **Vermont** State constitution was first to prohibit slavery and is deteriorating.

008
04/27/98 MON 18:42 FAX 202 395 7234 MILLENNIUM COUNCIL
04/24/98 FRI 18:12 FAX

The First Lady's Millenium Grants Bus Tour

DRAFT



04/27/98 MON 18:43 FAX 202 395 7234
04/24/98 FRI 18:14 FAX
MILLENNIUM COUNCIL
009

Foster Memorial AME Zion Church
Founded in 1860,members of the church helped provide food and shelter to fugitive slaves escaping to Canada, and also assistance to those who decided to settle in Tarrytown. Foster Memorial Church is in need of extensive capital repairs.



and historical libraries in the country Conservation and accessibility need to be addressed .

Outdoor Sculpture
This is a world class collection of works by the most renowned 19th- and 20th-century sculptors. Structural and material defects, erosion, and vandalism have resulted in urgent conservation needs.



Eastern State Penitentiary
It was a model of penal reform when constructed in the 1820s and is in desperate need of stabilization so that it can be preserved and interpreted.



South Side of Ellis Island
Ellis Island is one of the Nation's most poignant landmarks and contains a large collectiof historio resources. Structures on the south side of the island are in need of extensive repair.



Fallingwater
This is one of Frank Lloyd Wright's most famous designs and was constructed in 1937 for the Kauffman family. The elements and heavy visitation require on-going restoration to protect this significant resource.



Brandywine Battlefield
This was the decisive battle of the British Campaign to capture Philadelphia during the Revolutionary War. Encroaching residential development and impending subdivision of traditional family farmlands threaten the site.

Walt Whitman House
Located in a house in a distressed urban area, the collections at the house include original furnishings, an extensive collection of manuscripts and autographed copies and first editions of Whitman's works. These fragile materials are in an acute state of decay and in need of conservation.



Antietam National Battlefield
On September 17, 1862, Union and Confederate forces clashed in the bloodiest single day of the Civil War. A severely threatened resource ten years ago, successful partnerships between private organizations and public agencies saved the battlefield from encroaching development.

Fort Delaware
It is a mid-19th century masonry fort which, during the Civil War, housed Confederate prisoners of war. The site and structures are in need of conservation and restoration.



Madonna of the Trail
It is one of a series of 12 monuments across the country erected to honor the tireless efforts of pioneer women and their heroic efforts as they crossed the country. They were made of a stone aggregate and are in need of consolidation and conservation.



Maryland Historical Society
The Star Spangled Banner manuscript is a significant early document. It is in need of conservation to insure its continued availability to the public.

Terrell House
This was the residence of Mary Church, the civil rights leader who became the first president of the National Association of Colored Women. Weakened by adjacent demolition, it urgently needs to be stabilized to ensure its preservation.

Mount Zion Cemetery
It is one of the few remaining physical reminders of the significant contributions of African-Americans to the development of Georgetown. Lacking a perpetual endowment, it suffers from deferred maintenance and is in need of stabilization and repair. be addressed in order to protect these mater

Washington, DC

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Bethesda, Maryland

Madonna of the Trail
It is one of a series of 12 monuments across the country erected to honor the tireless efforts of pioneer women and their heroic efforts as they crossed the country. They were made of a stone aggregate and are in need of consolidation and conservation.

Baltimore, Maryland

Maryland Historical Society
The Star Spangled Banner manuscript and the Calvert Papers are significant early documents that tell the history of Maryland and the Nation. They are in need of conservation to insure their continued availability to the public.

Sharpsburg, Maryland

Antietam National Battlefield
On September 17, 1862, Union and Confederate forces clashed in the bloodiest single day of the Civil War, with combined casualties of 23,110. A severely threatened resource ten years ago, successful partnerships between private sector organizations and public agencies at the federal, state, and local level, saved the

battlefield from encroaching residential development.

Bear Run, Pennsylvania

Fallingwater
This is one of Frank Lloyd Wright's most famous designs and was constructed in 1937 for the Kauffman family. The elements and heavy visitation require on-going restoration to protect this significant resource.

Gettysburg, Pennsylvania

Outdoor Sculpture
This is a world class collection of works by the most renowned 19th- and 20th-century sculptors. Structural and material defects, erosion, and vandalism have resulted in urgent conservation needs.

Brandywine, Pennsylvania

Brandywine Battlefield
The decisive battle of the British Campaign to capture Philadelphia during the Revolutionary War, this victory enabled British forces to take the capital city of the Continental Congress. Encroaching residential development and impending subdivision of traditional family farmlands threaten the site.

Pea Patch Island, Delaware

Fort Delaware
It is a mid-19th century masonry fort which, during the Civil War, housed Confederate prisoners of war. The site and structures are in need of conservation and restoration.

Philadelphia, Pennsylvania

Eastern State Penitentiary
It was a model of penal reform when constructed in the 1820s and is in desperate need of stabilization so that it can be preserved and interpreted.

Camden, New Jersey

Walt Whitman House
The collections at the house include original furnishings, an extensive collection of manuscripts and autographed copies and first editions of Whitman's works. These fragile materials are in an acute state of decay and in need of conservation.

West Orange, New Jersey

Edison National Historic Site
In this research and development laboratory, Thomas Alvin Edison created the motion picture camera, improved photographs, sound recordings, silent and sound movies, and the nickel-iron alkaline electric storage battery. Funds are needed to catalog and conserve Edison's extensive archives containing letters, research documents, photographs, and recordings.

New York, New York

South Side of Ellis Island
Ellis Island is one of the nations most recognizable and poignant landmarks and contains a large collection of historic resources. Structures on the south side of the island are in need of extensive repair.

Collections of the New-York Historical Society
The Society has one of the oldest continuously operating museums and historical libraries in the country. Conservation and accessibility need to be addressed in order to protect these materials.

Tarrytown, New York

Foster Memorial AME Zion Church
Founded in 1860,members of the church helped provide food and shelter to fugitive slaves escaping to Canada, and also assistance to those who decided to settle in Tarrytown. Foster Memorial Church is in need of extensive capital repairs.

Newburgh, New York

George Washington's Headquarters
While his Continental Army was encamped here, George Washington created a badge to be awarded to his soldiers for unusual acts of bravery, the precursor of the Purple Heart. This eighteenth-century house was purchased my New York as a museum in 1850. The museum must address issues of accessibility, roof repairs, and landscape restoration.

New Lebanon, New York

Mount Lebanon Shaker Village
This was the first and most influential of the nineteen Shaker communities in the United States. Preservation of this important resource is desperately needed

Poughkeepsie, New York

Hudson River State Hospital
This is the first significant example in the United States of the high Victorian Gothic style and represents also reforms in the treatment of insanity. It needs an adaptive reuse that will ensure its viability.

Schenectady, New York

Nott Memorial Hall
This structure at Union College is representative of the high Victorian Gothic style made popular in the 1860s and 70s and is essentially a stone cylinder supporting a cast-iron drum and dome. It was threatened with demolition because of its deteriorated condition and lack of a reuse alternative. A small amount of public money served as the catalyst to generate much needed private funding to save the building and see it restored to its original use.

Painted Post and Scotia Station, U.S. Post Offices
The WPA- era murals in these post offices were painted by Amy Jones and reflect the government's desire to make the murals mirrors of the local community. They are in need of conservation and protection.

Auburn, New York

Harriet Tubman Home for the Aged
Harriet Tubman, a renowned leader in the Underground Railroad movement, established the Home for the Aged in 1908 and spent the last few years of her life there. The Home is in need of many capital repairs.

Seneca Falls, New York

Women's Rights National Historical Park
At this site, visionaries such as Lucretia Mott, Elizabeth Cady Stanton, and Frederick Douglass helped our Nation take an important first step toward legal, political, and educational rights for American women. This summer, our Nation will celebrate the 150th anniversary of the first Women's Rights Convention in Seneca Falls, New York.