

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

January 17, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft "Status of the States"  
1982 Year End Report

Richard Darman, at the behest of Elizabeth Dole, has requested comments by close of business January 18 on proposed distribution of a report on the progress of the Fifty States Project. The report consists of a three-page preface, an inventory of efforts at the state level to address perceived problems of gender discrimination, a table indicating the political control of the various state assemblies, a table summarizing state activity in this area, and a list of gender-based terminology. Dole proposes to mail the report, with cover letters (drafts attached), to governors, governors' representatives to the Fifty States Project, state legislative leaders, and chairmen of state women's commissions. The letters would be signed by Dole, except for letters to newly-elected governors, which would be signed by the President. A fact sheet (draft attached) would also be released.

The material in the state-by-state inventory was supplied by the governors' representatives from each state. While there can be no objection simply to reporting what the individual states have reported to the Fifty States Project, many of the reported proposals and efforts are themselves highly objectionable. The California section of the report, for example, points to passage of a law requiring the order of layoffs to reflect affirmative action programs and not merely seniority (contrast our position in the Boston layoff case), and a staggeringly pernicious law codifying the anti-capitalist notion of "comparable worth" (as opposed to market value) pay scales. To cite another example, the Florida section cites a (presumably unconstitutional) proposal to charge women less tuition at state schools, because they have less earning potential. The passage or proposal of state ERA's is also often cited. I think it is imperative that the report make clear (as it presently does not) that the inventory is just that, an inventory, and that proposals appearing in it are not necessarily supported by the Administration.

I see no other legal objections. The draft letter from Dole to the governors contains an error: The last sentence of the first paragraph states that "[a]ll information in the report was provided by your representative or designee," when it should state that "all information in the report was provided by the various governors' representatives or designees" -- one state's representative did not provide all the information in the report.

I have attached a proposed memorandum to Darman for your signature.

Attachment