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How ERA Will Affect Social Security

Will the Equal Rights Amendment wipe out the right of wives to receive Social Security benefits? This is the great unanswered question that hangs over ratification of ERA as a constitutional amendment. The truthful answer is -- nobody can say for sure one way or the other, because it would be up to the U.S. Supreme Court *after* ERA is ratified and has already gone into effect. By then, it will be too late to reject ERA if we don't like the Supreme Court decision.

Few principles are so deeply ingrained into American law as the obligation of the husband to support his wife in an ongoing marriage. This obligation is basic to the marriage contract, and is recognized and fortified in an endless network of Federal and state statutes and in Federal and state case law.

One of the many manifestations of the husband's obligation is reflected in the Social Security system. A woman whose fulltime career has been as wife and mother -- who has never held any paid employment outside the home (or has been employed for only a few years) -- is nevertheless eligible to receive Social Security benefits *based on her husband's earnings*. This is one of the great preferential benefits that women receive under American laws. These preferential benefits recognize the dignity and worth of the woman who makes her career in the home.

For most of the years that Social Security has been in existence, women in paid jobs also had preferential treatment over men. Their benefits were figured on a different table from that of men -- a table that gave working women larger cash benefits than received by men who had put into the system the same amount of earnings. Also, women could retire three years earlier than men.

These higher Social Security benefits were sustained by the Federal courts. (*Gruenwald v. Gardner*, 390 F. 2d 591 (2d Cir.), cert. denied, 393 U.S. 982, 1968.) According to Professor Paul A. Freund of the Harvard Law School, "presumably the (Equal Rights) Amendment would require a different result." (*Harvard Civil Rights-Civil Liberties Law Review*, March 1971, page 238.) Unfortunately, in the last couple of years, these preferential benefits for working women have been phased out under the drive for a literal equality between the sexes.

But the great preferential treatment of wives still remains intact in Social Security. Wives now collect Social Security benefits based on their husband's earnings,

and this "discrimination" in favor of wives is in turn based on the legally recognized obligation of the husband to support his wife.

We know positively that the Equal Rights Amendment will make unconstitutional all the state laws of the 50 states which impose on husbands the legal duty to support their wives. This has been fully documented in many previous issues of the *Phyllis Schlafly Report*. We have already seen this happen both by court decision and by statute amendment in Colorado, where a *state ERA already* requires a strict rule of sex equality.

Since ERA will wipe out all laws requiring a husband to support his wife while he is living, how can we expect to retain laws that require a husband to provide for his widow after he is dead? There can be no legal or logical basis for such a "discrimination." When we wipe out the principle of law that a husband must support his wife or widow in retirement, then there would be no right of a wife or widow to collect Social Security benefits *based on her husband's earnings*.

ERA proponents confidently claim, as Congresswoman Martha Griffiths has stated: "The Equal Rights Amendment would not permit men and women to be treated differently under Social Security." When men and women are treated the same under Social Security, logic compels us to conclude that wives who have not held paid jobs could no longer receive their preferential Social Security treatment.

When each person is treated equally, regardless of sex, women will be the clear losers. Most wives outlive their husbands, and anything that degrades the right of the wife to be provided for by her husband from his earnings is most painfully hurtful to the wife or widow at a time of life when she is most vulnerable.

If ERA is ever ratified, of course, there will be court cases. As Professor Paul Freund testified before the Judiciary Committee: "If anything about this proposed Amendment is clear, it is that it would transform every provision of law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court of the United States."

Who knows what the Supreme Court will do? The U.S. Supreme Court has rendered all sorts of unpredictable decisions in the areas of crime, education, busing, security risks, pornography, abortion, and states' rights. More and more, we are finding that the attitude of the

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Economics of the Equal Rights Amendment

by Mack A. Moore, Professor of Economics
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By focusing primarily on the legal and social considerations, the controversy over the Equal Rights Amendment has largely overlooked the fact that the economic implications are an integral part of the question. For openers, it would be well if everyone could read an article in the November/December, 1973, issue of *Challenge: The Magazine of Economic Affairs*, entitled "Have Swedish Women Achieved Equality?" The article is not by a male chauvinist but by Nancy S. Barrett, an economics professor at American University. Some pertinent excerpts follow:

"Five years ago . . . Sweden began a purposeful campaign to change the institution of the family and the attitudes that are associated with it.

"It is true that labor unions have been successful in narrowing the gap between male and female wages.

"(But) Changes in the structure of taxes and in income-linked social benefits have in many cases forced women to work when they would have preferred to remain at home. And because equalization of wages in manufacturing has resulted in a relative deterioration of men's take-home pay, many Swedish families now claim that they can no longer afford to live on a single income.

"... The Swedish experience is on the whole, disappointing; despite explicit recognition that equality cannot come without some change in family relationships, traditional attitudes and values remain deeply ingrained."

Since women often have no choice but to continue a miserable marriage, in many cases living under the tyranny of a no-good man, there is something to be said for genuine women's liberation. But we have Federal legislation on employment opportunities, so that the Equal Rights Amendment would be mostly a sort of blue ribbon for the movement. Like civil rights, the labor movement, and in fact education, poverty, and all other crises, the woman's lib movement is struggling to become institutionalized. Once it also becomes a "growth industry" providing careers for more professionals, then survival and expansion will require perpetual and permanent divisiveness.

Day Care/Kindergarten Lobby

The Day Care/Kindergarten lobby is part of the same campaign to get more women to work, regardless of whether they really need jobs or whether the economy needs their services. The more people working, the more money there is available for spending, including taxes to finance the "solutions" to the various crises. One must bear in mind that if a woman cares for her own children at home, no money changes hands and hence no taxes are paid. It is possible that a woman could wind up caring for her own children as a paid employee of a public day care center (or two neighbors caring for each other's children, in which case both would pay taxes).

In my opinion, this churning of the national money crock is clearly the objective of the professional reformists in Sweden and in the U.S., in order to drain the

"foam" away and hence provide funds to support the problem solvers. Quoting again from the article cited:

"Despite the benefits of sexual equality, the effects of urging women into the labor force are at best uncertain if they are accompanied by a deterioration in the quality of family life. Pamphlets distributed by the women's committee of the Swedish Labor Market Board disconcertingly suggest that working women should avoid 'complicated cooking' and that 'there are nowadays so many prepared things to buy, for instance frozen food, ready-made dishes and canned nutriment.' In addition, institutionalized child care has mixed -- and largely unknown -- effects on children."

The Drive To Increase Taxes

Again, it must be noted that when a woman "hires" her cooking done in the form of frozen food and ready-made dishes, more taxes are paid. It also means that money is available for union dues, charitable contributions, and for other causes which create careers for the professional reformists. In addition, the various delinquencies, and the divorce rate resulting from more working women, provide the clientele for the reformists.

Also, in my opinion, the tax question explains why some reformists (including Columnist Sylvia Porter a few months ago) have proposed that husbands be required to pay Social Security taxes on their wives, for "services rendered" as housewives. As government spending for day care and myriad other "supportive services" causes more inflation (which it would), and as higher taxes reduce family incomes, there would be more demand for government to create make-work jobs. This proposal is advanced under the cliché of the government as the "employer of last resort" (also suggested by Sylvia Porter and a host of other self-styled experts). This will mean even more inflation, and so on in a never-ending circle leading to more and more economic and social controls.

Admittedly, just as some parents mistreat each other, some mistreat their children, brutally so in some cases. Here again, however, we have separate laws already, so that the ultimate question is whether America wants the state or the parents to rear children. In some quarters of the Day Care/Kindergarten lobby, age 3 has already been proposed as the beginning age. Any success toward achieving that goal will mean a progressive lowering of the age even further, so that children eventually may be moved from the maternity ward directly to public day care centers.

Housewives are the last frontier for expanding the labor force (and hence the number of taxpayers), which is the essence of Woman's Lib. But Professor Barrett, recalling her research tour of Sweden, notes that:

"Talking with Swedish women, one gets the impression that they are less concerned with job satisfaction than they are disturbed at being forced to work."

This form of "forced labor" is due to taxes and inflation, as noted earlier. The fact that so many people are addicted to public spending on the various crises for a

livelihood explains why our society is in a state of permanent emergency.

Who Profits by "Liberation"?

Like other parasites capitalizing on the public crises industry, the legal profession has a large economic stake in the "liberation" of women. An ad in the *Atlanta Constitution* of February 12, 1974 announces "Divorce in 24 hours. Learn all about liberalized divorce laws in the Dominican Republic. . . . Fast, low-cost, discreet legal proceedings -- the same used by thousands of Americans already." Legalized abortion is likewise becoming a growth industry. Commercial billboards all around Atlanta urge: "Pregnant? For confidential help, call Georgia Family Planning Service." Here again it must be noted that no taxes are paid on illegal abortions. By making them legal, the state can perhaps collect enough additional taxes to support the abortion service, and maybe net enough "profit" to meet the "rising demand" for other public services.

Surely the biggest hoax in history lies in this latter shibboleth. For in fact the rising demand is not from people who would *consume* the services but from those who propose to *supply* them. In short, the alleged rising demand for public *services* is really a rising demand for public *spending*. Any relationship between the two is coincidental and is as likely to be negative (such as expenditures for the destruction of houses in order to make room for highways).

In fact, government's primary function has become that of providing a sheltered market place for suppliers of economic resources (including labor). With political forces being used to insulate suppliers from the discipline of consumer choice, there is an open conspiracy between political and economic powers. Rather than government by, of, and for the people, we have government against the people, as the myriad special private interests sponsor political candidates as hired mercenaries to exploit the common interest.

Polinomics and Make-Work Crises

The above argument, which I refer to as *polinomics*, explains the make-work wars and all other public crises, since politicians can stay in power only by providing a continuously *expanding* market. Political sponsors are really investors in this neo-corporate state and expect regular dividends in the form of phantom markets and artificial prices. It also explains why the big cities are crying for "new sources of revenue" in order to meet the increasing demands of the blackmailers. It explains why we have posh public buildings growing like weeds while private citizens are forced into public housing and mobile homes. In short, we have private poverty amidst public extravagance, which is just opposite the theme which John Kenneth Galbraith parlayed into a fortune with his book, *The Affluent Society*.

In order to provide this perpetually expanding market, government must have an increasing amount of taxes. The way to obtain such increase is to develop synthetic taxpayers. Under the banner of "human resource utilization," the exploiters cannot afford for women to waste their time in such unproductive activities as raising children unless monetary transactions are involved, as explained earlier. They must be kept busy producing taxes in order to finance the rising demand for public spending by the political sponsors. The

same applies to the private sector, where women are needed to produce purchasing power.

Thus, even taking time out to *bear* children may become a luxury which the system cannot afford, which will mean stepped-up efforts to manufacture babies in laboratories.

Changing the Family

Meanwhile, disregarding the very real possibility that Huxley's *Brave New World* (in 1930) may turn out to be the work of a prophet, it can no longer be considered extremism to conclude that the goal in the U.S., as in Sweden, is to "change the institution of the family." And without intending to raise the "communist" question in the usual sense, it is a historical fact that Frances Wright was one of the earliest pioneers of the "lib" movement. In their book *Organized Labor*, Millis and Montgomery refer to Miss Wright as the "friend and fellow reformer" of Robert Owen during his experiments with communal living in the 1820s. They "evolved a plan whereby state boarding schools would be established at which all children would receive the same general and industrial education, and equal food and clothing," with the state as "the guardian of all her children."

One method for gaining acceptance of state guardianship is that of promoting divisiveness *within* the family. A recent book "advocates the overthrow of parental authority." Indeed, divide and conquer is the hallmark of statism. Childhating is reportedly becoming widespread and even gaining an aura of respectability.

Thus by promoting divorce, abortions, and childless marriages, and by creating artificial jobs, the reformists may, to be sure, liberate women from men and from the boredom of caring for their own children. But in the process, all three groups may be transformed into quasi-serfs watched over by an all-seeing but unseen eye.

How ERA Will Affect Social Security

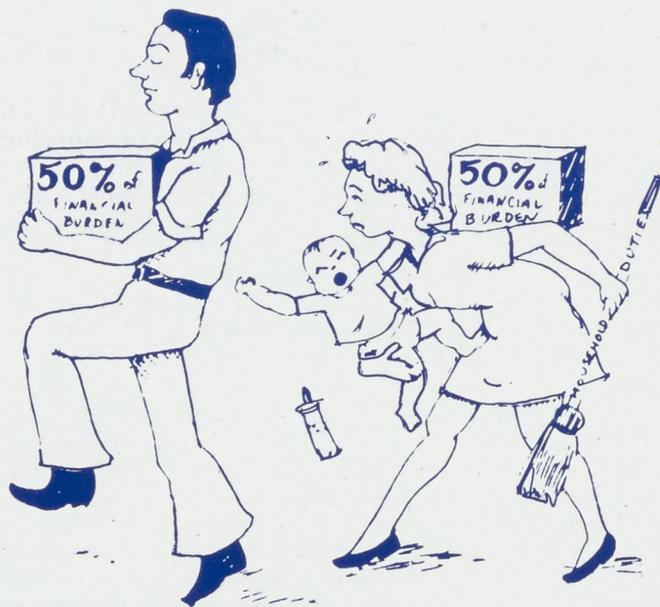
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courts is: "Lady, you asked for equality; now we'll give it to you."

Senator Sam Ervin, Jr., summed up the problem very well when he told the U.S. Senate on March 22, 1972: "I believe that the Supreme Court will reach the conclusion that the ERA annuls every existing Federal and state law making any distinction between men and women, however reasonable such distinction might be in particular cases, and forever rob the Congress and the legislatures of the 50 states of the constitutional power to enact any such laws at any time in the future."

Why take a chance on losing your Social Security benefits? By the time ERA gets to the U.S. Supreme Court, it will be too late to do anything. Ask your state legislators to reject ERA *now!*

ERA WILL INVALIDATE ALL STATE LAWS WHICH REQUIRE A HUSBAND TO FINANCIALLY SUPPORT HIS WIFE. ERA WILL MAKE A WIFE SHARE EQUAL RESPONSIBILITY WITH HER HUSBAND TO SUPPORT HER FAMILY



"EAT UP, SONNY! YOU'LL LOVE THIS E.R.A.--IT'LL MAKE YOU BIG AND STRONG!"



"MOM, TELL ME AGAIN HOW YOU FOUGHT SO HARD FOR THE EQUAL RIGHTS AMENDMENT."



ERA WILL ELIMINATE THE ABILITY OF A WIFE TO GET CREDIT UNLESS SHE HAS A PAYING JOB.



Phyllis Schlafly is the co-author of three books on nuclear strategy, *The Gravediggers* (1964), *Strike From Space* (1965), and *The Betrayers* (1968), and has testified on national security before the Senate Foreign Relations and Armed Services Committees. She is now a commentator on *Spectrum* for CBS radio and television. Her 1972 series of interviews with military and nuclear experts was aired on 70 television and 50 radio stations. Her first book was *A Choice Not An Echo* (1964), and her latest book is a biography entitled *Mindszenty the Man*.

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