



# The Phyllis Schlafly Report



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## *Will E.R.A. Make Child-Care The State's Job?*

Will the Equal Rights Amendment, if ratified, compel the state to set up child-care centers? The 1975 *Ohio Task Force Report for the Implementation of the Equal Rights Amendment* has made this potentially the most dangerous, and probably the most controversial, of all the effects of the Equal Rights Amendment.

The Ohio Report demonstrates clearly the endless mischief that will spring from ERA -- and from the fertile imaginations of the proponents determined to use ERA to restructure society and the family unit. The Ohio Task Force was made up exclusively of ERA proponents. So, the matter of child-care centers is no wild charge made by opponents of ERA, but is a calculated objective bluntly revealed by ERA supporters.

How, you may ask, could a constitutional amendment which simply says that "equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex" possibly require the state to set up child-care centers for all children regardless of financial need? Logically it is a *non sequitur*; but here is the radical rationale:

(1) Women must be given full equality and freedom to pursue their "personal goals." (2) One of the oppressive aspects of their present "inequality" is the "sex-stereotyped" attitude of society that expects mothers to care for their babies. (3) Therefore, under ERA, the states will be obligated to set up taxpayer-financed universally-available child-care services for "all families . . . irrespective of their income level."

A study of the effect of ERA on marriage as an economic and social institution in America was made at Drake University Law School in 1973. After extensive research, Professor Arthur E. Ryman, Jr., concluded that, if ERA is ratified, "many states will adopt a wildly permissive approach" which will "degrade the homemaker role and support economic development requiring women to seek careers." The Ohio Report which says that ERA will require government-financed child-care centers provides abundant proof of Professor Ryman's vision.

The *Ohio Task Force Report for the Implementation of the Equal Rights Amendment* was appointed as an official state body by the Governor of Ohio. It labored for at least a year, with legal staff and services provided by the Ohio Attorney General. The final report, published in July 1975, is an impressive, beautifully-printed 67-page booklet. The acknowledgements in the front include several Federal agencies such as the Commission on the Status of Women, several state

agencies such as the Ohio Civil Rights Commission, several universities including Cleveland State University, and NOW.

The section of the Ohio Task Force Report pertaining to child-care centers (pages 17-20) is reproduced on pages 2 and 3 of this newsletter.

### Other Ohio Recommendations

The section on child-care centers is certainly the most sensational part of the Ohio Report, but it also makes clear that ERA will mandate the following other mischief:

1. The establishment of a 50 percent female quota for "all agencies, commissions, boards, etc., appointed by an officer or arm of government."
2. The establishment of a permanent "lobby for women" with "adequate funding" from state tax funds.
3. The abolition of "the husband's primary duty to support his family" and the placing of "liability for household and family expenses on both spouses equally."
4. Changing the child-support law to make the mother equally obligated with the father for the financial support of their children.
5. Eliminating the law that the husband establishes the family domicile, and recognizing the wife's right "to determine her own domicile apart from" her husband.
6. Eliminating any requirement that a child take its father's name or that a wife take her husband's name.
7. Reducing the age at which boys can marry with parental consent from 18 to 16 (so they will be equal with girls).
8. Making women workers subject to compulsory overtime just like men.
9. Making coed the juvenile delinquent correction facilities which use "a cottage system of living."
10. Legalizing prostitution.

### Minority Report

One member of the Ohio Task Force wrote an eloquent Minority Report which is also printed in the official booklet. He did a brilliant job in a few words of getting to the core of the problem and exposing how the ERA proponents are planning on using ERA to carry out a radical and destructive assault on the family, on marriage, on parenthood, on the private enterprise system, and on Western civilization. His Minority Report is reproduced on page 4 of this newsletter.

# Verbatim Excerpts from Ohio Report

## V. CHILD CARE

### A. Inadequacy of Services Problem

The lack of adequate child care services in the State of Ohio raises ERA problems because the State's failure to recognize a need for insuring adequate child care is founded on sex-stereotyped attitudes about both the "proper" roles of men and women and the "innate" abilities of mothers and fathers. Mothers have traditionally been considered the most qualified persons to raise children; as a result, mothers have been given the responsibility of full-time child care, while fathers have been assigned the role of sole breadwinner. However, these traditional notions ignore the realities of today's world.<sup>24</sup> Before the recent economic decline, it was estimated that almost five out of ten mothers with children under age eighteen were in the labor market. The axiom that "motherhood is the life work of women" no longer holds true for a large number of Ohio's mothers.<sup>25</sup>

Many women are presently unable to assume the role of full time child caretaker for three major reasons. First, it is economically imperative for many mothers to work to support themselves and their families. With the rising divorce rate, the number of female-headed households is on the increase.<sup>26</sup> In addition, many married mothers are forced to work because their husband's income alone is insufficient to meet the family's needs.<sup>27</sup> Second, many mothers have personal or professional aspirations in addition to those of motherhood and desire to combine the rewards of child rearing with the challenge of participating in the adult world. Third, some mothers are emotionally, physically or mentally unable to cope with the responsibilities of full time child rearing.

Existing child care services are inadequate in terms of quantity, quality and cost. There are only approximately 60,000 slots in licensed day care facilities throughout the state;<sup>28</sup> yet, there are approximately 250,000 children under age six whose mothers work.<sup>29</sup>

The cost of quality child care to lower and middle income families is generally prohibitive. The cost of average quality day care both in Cuyahoga<sup>30</sup> and Franklin<sup>31</sup> Counties is said to be \$25-\$30 per child per week; for high quality service based on an assessment of the individual child's needs, the cost may be as high as \$50 per week.

### Recommendation

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

### Rationale

The equality principle embodied in the ERA requires consideration of a new public policy on the issue of child care.<sup>32</sup> Women who are mothers need to enjoy the same freedoms and opportunities as men who are fathers. Mothers who desire to engage in activities outside the home, either on a full or part time basis, must have access to child care services so that they can fulfill these professional, educational or personal goals. The thousands of mothers who are presently working to earn a living have a right to know that their children are being properly cared for while they are at work.

There are additional benefits to be gained by an improved system of child care. Child care services can help detect early childhood development problems at a time when corrective steps can be taken. In families where a parent or child has emotional, mental or physical problems, outside child care assistance can be extremely helpful. Most importantly, children who are presently receiving inadequate or nonexistent care while their parents work would benefit from the security and structure of a child care program. In the long run, the establishment of quality child care will help deter juvenile delinquency and emotional and mental health problems, as well as help strengthen the family.

In implementing the proposed recommendation, the following factors should be considered:

**HIGH QUALITY**—In order for child care to be of high quality, it must meet the particular needs of the individual child. It is therefore necessary that any child care plan provide a variety of programs. "Child care" need not connote a central facility housing dozens of children; there are a number of child care schemes which should be considered. For example, quality child care can be established on a neighborhood basis, in the homes of persons deemed qualified as child care workers. In addition, parents should be permitted to take a determinative role in choosing the type of child care setting best suited for their child. Parents should also be given the opportunity to actively participate in the operation, over-

all direction and evaluation of child care services.

**UNIVERSALLY AVAILABLE** — Quality child care must be available to all families who need such services, irrespective of their income level. The cost of child care should be shared by the state and the families, according to their ability to pay.<sup>33</sup>

Access to child care should not be limited to families in which the parents are absent from the home on a full time basis. Many mothers need to and/or prefer to work only part time. Furthermore, child care should not be limited to those families in which the parent(s) are gainfully employed. Many mothers and fathers need to be free during portions of the day to pursue educational or personal goals and civic responsibilities.

An important factor in any child care plan is flexibility. Child care should be available to parents who work night or weekend shifts, and in cases of family emergencies.

## **B. Program Development**

### **Problem**

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

### **Recommendation**

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

### **Rationale**

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

## **MINORITY REPORT OF SIMON LAZARUS, JR.**

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

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

For example, in the section on Child Care, a reader would be led to believe that parents can abdicate their responsibilities for their children even when not financially necessary. In the section on illegitimacy, a reader would be led to believe that the constructs of marriage are not important for the welfare of children.

2. The recommendations on Child Care and Aid to Families with Dependent Children (AFDC) are beyond the scope of the responsibilities of the Task Force. The recommendations attempt to bootstrap the important social issues of child care and AFDC into a gender-discrimination matter. The attempt, in my view, is unsuccessful. These are matters for other studies and not this Task Force.

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

A. In the section on illegitimacy, the Report fails to take into account recent court decisions holding on constitutional grounds that illegitimate children should be treated the same as legitimate children. For example, the recent case of *Green v. Woodard*, decided in May of 1974, by the Court of Appeals of Cuyahoga County, held that illegitimate children inherit the same as legitimate children (40 O. App. 2d 101).

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

4. The Report on Children seems to advocate relieving parents of the responsibility to care for their own children, if the parent or parents so desire.

I concur in the need for high quality child care. This is the responsibility of the parents. Where both parents work, child care must be provided by part-time help, babysitters, neighbors, relatives and/or by day care centers. The financing of child care is the responsibility of parents. Where the economics of the family require financial assistance, government-subsidized day care centers should be structured as are government subsidies in the fields of food and housing. The report fails to make such an analysis.

# Ohio Task Force Minority Report

MINORITY REPORT  
OF SIMON LAZARUS, JR.

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

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

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

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

3. I believe:

The family is basic to a civilized society;  
The family is a unity that must be preserved;  
Marriage is a necessary and viable institution;  
The state has an interest in the preservation of the family and the institution of marriage;

Parents have a responsibility to impart love and security to their children, and to prepare them to make a better society for themselves and their own children;

Civilized society has an obligation to pass on these ideals to the next generation;

Our society is based upon a system of private

enterprise and its work incentives and rewards;

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

A civilized society such as ours cannot endure in an existential, individualistic existence.

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

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

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

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

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

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