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WITHDRAWAL SHEET

Ronald Reagan Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
letter case (087963PD)			M77 12/27/00
1. memo	from Barbara Honegger to Michael Uhlmann and Elizabeth Dole (6 pp)	6/29/82	B5
2. agenda	proposed agenda items for cabinet council on legal policy, Federal Project on Legal Equity for Women, initial meeting (17 pp)	n.d.	B5
3. report	by Douglas Laycock, The Nondiscrimination in Insurance Bill (35 pp)	12/1/81	B5
COLLECTION: WHORM: Subject File			acl
FILE LOCATION: PR001 Administration Appreciation Letters (087963-089999)			3/5/92

RESTRICTION CODES

A. National security classified information.

B. Presidential Records Act

- B1. Release would violate a Federal statute.
- B2. Release would disclose trade secrets or confidential commercial or financial information.
- B3. Release would constitute a clearly unwarranted invasion of personal privacy.
- B4. Relating to appointment to Federal office.
- B5. Release would disclose confidential advice between the President and his advisors, or between such advisors.

B6. Release could disclose internal personnel rules and practices of an agency.

B7. Release would disclose information compiled for law enforcement purposes.

B8. Release would disclose information concerning the regulation of financial institutions.

B9. Release would disclose geological or geophysical information concerning wells.

C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE
WASHINGTON

July 9, 1982

087963 PD
1140
PR 001.
HU 016

Dear Barbara:

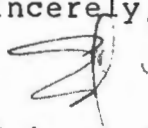
Thank you for your participation as chairperson of the Working Group on Legal Equity for Women. You have completed one of the necessary steps in fulfilling the President's commitment to assuring equality for women. Your dedication to this project and to the goals of this Administration are greatly appreciated.

As you are aware, the Attorney General's Report on Legal Equity for Women has been transmitted to the Cabinet Council on Legal Policy. Pursuant to Executive Order 12336, after review by the Cabinet Council, recommendations for subsequent monitoring and action will be made to the Task Force headed by Assistant Attorney General Carol E. Dinkins.

Your assistance in preparing background material and information for the Report is greatly appreciated. The Report will provide a solid starting point for carrying out the President's commitment to eliminate unjustified sex-based discrimination in federal law. Because the task for which your Working Group was created is now completed, the Working Group as such will no longer continue. I do hope, however, that you will continue on an individual basis to provide further suggestions and advice to the Task Force.

In closing, let me again thank you for your cooperation in this most worthwhile project.

Sincerely,


Edwin L. Harper
Assistant to the President for
Policy Development

X
Ms. Barbara Honegger
Chairperson, Project on Legal
Equity for Women
Department of Justice
Room 832
HOLC Building
Washington, D.C. 20530

THE WHITE HOUSE

WASHINGTON

July 9, 1982

0879637D

PR001

FG 010-02

FG 017

FG 021

FG 026

FG 022

FG 038

FG 024

FG 319

FG 070

Dear Ms. Edmonds:

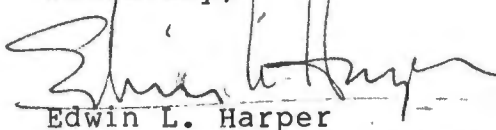
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In closing, let me again thank you for your cooperation in this most worthwhile project.

Sincerely,



Edwin L. Harper
Assistant to the President for
Policy Development

Ms. Lesley Edmonds
Staff Assistant to the Secretary
Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

THE WHITE HOUSE

WASHINGTON

July 9, 1982

Dear Ms. Burton:

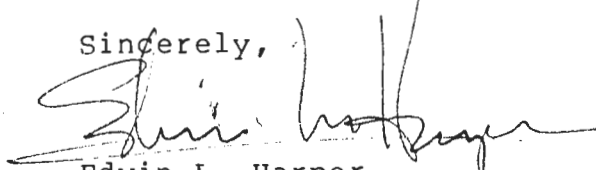
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Sincerely,



Edwin L. Harper
Assistant to the President for
Policy Development

Ms. Susan Burton
Special Assistant to the
Executive Secretariat
Department of Education
400 Maryland Avenue, S.W.
FOB 6, Room 4161
Washington, D.C. 20202

THE WHITE HOUSE

WASHINGTON

July 9, 1982

Dear Ms. Oneglia:

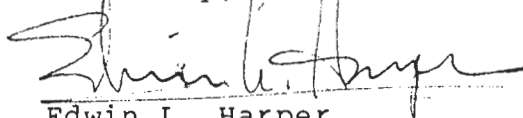
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Sincerely,



Edwin L. Harper
Assistant to the President for
Policy Development

Ms. Stuart Oneglia
Chief, Coordination and
Review Section
Civil Rights Division
Department of Justice
HOLC Building
Washington, D.C. 20530

Double check



THE WHITE HOUSE

WASHINGTON

July 9, 1982

Dear Dr. Koch:

Thank you for your participation as a member of the Working Group on Legal Equity for Women. You have completed one of the necessary steps in fulfilling the President's commitment to assuring equality for women. Your dedication to this project and to the goals of this Administration are greatly appreciated.

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Sincerely,



Edwin L. Harper
Assistant to the President for
Policy Development

Dr. June Koch
Deputy Undersecretary for
Intergovernmental Relations
Room 10140
451 7th Street, S.W.
Washington, D.C. 20410

THE WHITE HOUSE

WASHINGTON

July 9, 1982

Dear Ms. Gasper:

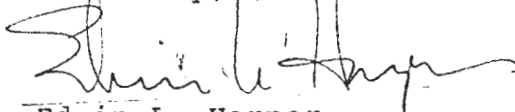
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Sincerely,



Edwin L. Harper
Assistant to the President for
Policy Development

Ms. Joanne Gasper
Deputy Assistant Secretary for
Policy and Evaluation
Department of Health and
Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

THE WHITE HOUSE

WASHINGTON

July 9, 1982

Dear Ms. Hayward:

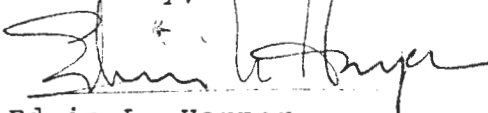
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Sincerely,



Edwin L. Harper
Assistant to the President for
Policy Development

Ms. Barbara Hayward
Office of the Vice President

THE WHITE HOUSE

WASHINGTON

July 9, 1982

Dear Ms. Dillard:

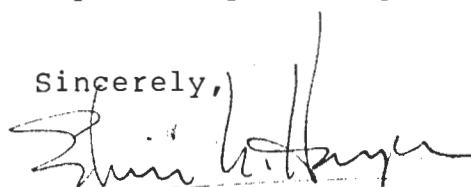
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Sincerely,



Edwin L. Harper
Assistant to the President for
Policy Development

Ms. Lura Dillard
Special Assistant to
the Director
Office of Personnel Management
1900 E Street, N.W.
Washington, D.C. 20415

THE WHITE HOUSE

WASHINGTON

July 9, 1982

Carole
Dear Ms. Foryst:

Thank you for your participation as a member of the Working Group on Legal Equity for Women. You have completed one of the necessary steps in fulfilling the President's commitment to assuring equality for women. Your dedication to this project and to the goals of this Administration are greatly appreciated.

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Sincerely,



Edwin L. Harper
Assistant to the President for
Policy Development

Ms. Carole Foryst
Associate Administrator for
Policy, Budget, and Program
Development
Department of Transportation
Room 9316
400 7th Street, S.W.
Washington, D.C. 20590

4

THE WHITE HOUSE

WASHINGTON

July 9, 1982

Dear Ms. Brown: 

Thank you for your participation as a member of the Working Group on Legal Equity for Women. You have completed one of the necessary steps in fulfilling the President's commitment to assuring equality for women. Your dedication to this project and to the goals of this Administration are greatly appreciated.

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Sincerely,



Edwin L. Harper
Assistant to the President for
Policy Development

Ms. Janet Brown
Special Assistant to the
Administrator for Information
and Regulatory Affairs
Room 246
Old Executive Office Building
Washington, D.C. 20500

Memorandum



OFFICE OF
POLICY DEVELOPMENT

1982 JUL -9 A 12:53

Subject

Members, Working Group on Legal Equity
for Women, Cabinet Council on Legal
Policy

Date

8 July 1982

TWO PAGES

To Trish
Michael Uhlmann's office
OEOB, Rm 235

From Barbara Honegger
724-2240

Per your request, following are the members (with addresses) of the outgoing Working Group on Legal Equity for Women. I understand, through Brad Reynolds and Bob D'Agostino, that the responsibilities of the Working Group are complete with transmittal of members' recommendations based upon the draft quarterly report of the Attorney General, forwarded to your office on 29 June.

We appreciate the opportunity to have served the Cabinet Council.

Barbara Honegger
Project Manager
Project on Legal Equity
for Women
Dept. of Justice
HOLC Building 832
Washington, D.C. 20530

Chairman

Appointed by
Martin Anderson/
Ed Gray

Lesley Edmonds
Staff Asst. to the Secretary
Dept. of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Appointed by
Lloyd Aubry

Susan Burton
Special Asst. to the Executive Secretariat
Dept. of Education
400 Maryland Avenue, S.W.
FOB 6, Rm 4161
Washington, D.C. 20202

Appointed by
Chuck Heatherly

continued

Stuart Oneglia
Chief, Coordination and
Review Section
Civil Rights Division
Dept. of Justice
HOLC Bldg.
Washington, D.C. 20530

Appointed by Brad Reynolds

Dr. June Koch
Deputy Undersecretary for
Intergovernmental Relations
Room 10140
451 7th St, S.W.
Washington, D.C. 20410

Appointed by Steve Savas

Joanne Gasper
Deputy Asst. Secretary for
Policy and Evaluation
Department of Health and
Human Services
(Interdept. Mail)

Appointed by David Swoap

Barbara Hayward
Office of the Vice President
The White House
Washington, D.C. 20500

Appointed by the Vice
President and
Admiral Murphy

Lura Dillard
Special Asst. to the Director
Office of Personnel Management
1900 E Street, N.W.
Washington, D.C. 20415

Appointed by Donald Devine

Carole Foryst
Associate Administrator for
Policy, Budget and Program
Development
Dept. of Transportation
Rm 9316
400 7th Street, S.W.
Washington, D.C. 20590

Appointed by Darrell Trent

Janet Brown
Specist Asst. to the Adminis-
trator for Information and
Regulatory Affairs
OEOB 246

Appointed by Chris Demuth

Insert A

Dear _____:

As you are aware, the Attorney General's Report on Legal Equity for Women has been transmitted to the Cabinet Council on Legal Policy. Pursuant to Executive Order 12336, after review by the Cabinet Council, recommendations for subsequent monitoring and action will be made to the Task Force headed by Assistant Attorney General Carol E. Dinkins.

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In closing, let me again thank you for your cooperation in this most worthwhile project.

Sincerely,

OFFICE OF
POLICY DEVELOPMENT
1982 JUN 31 P 6:26

Bill -
Per our
conversation.
Emily.

Insert A

Dear Task Force Member:

Thank you for your participation as a member of the Working Group on Legal Equity for Women. You have completed one of the necessary steps in fulfilling the President's commitment to assuring equality for women. Your dedication to this project and to the goals of this Administration are greatly appreciated.

THE WHITE HOUSE
WASHINGTON

BA-711
Susanah
sending
draft

6.30.82

EP

Ed Harper

More mischief from
La. Honnegger. Cicconis has
been given a copy, and
we'll compare notes later
today.

In the meantime, if you
haven't already sent the
"thank-you" letter to members
of the working group, per the
draft I provided a couple of
weeks ago, I think this might
be a good time to do it.

Mike



Washington, D.C. 20530

29 June 1982

MEMORANDUM FOR: MICHAEL UHLMANN, ELIZABETH DOLE

FROM: BARBARA HONEGGER
Chair, Working Group on Legal Equity
for Women, Cabinet Council on
Legal Policy

SUBJECT: WORKING GROUP PARTIAL RECOMMENDATIONS
BASED ON DRAFT QUARTERLY REPORT OF
THE ATTORNEY GENERAL UNDER EXECUTIVE
ORDER 12336, with ADDITIONAL SUGGESTIONS

I understand that the final of the Attorney General's first quarterly report under Executive Order 12336 was forwarded to the White House yesterday. Awaiting the final, I received authorization from Bob D'Agostino to obtain recommendations from Working Group members on the draft of this report, which follow in part. Assuming minor changes from the draft to the final, and depending on how fast you intend to move with the final report to the Cabinet Council, the following recommendations may be of assistance in deciding what to emphasize.

Department of Labor

Member: Lesley Edmonds, Assistant to the Secretary

Recommendations cleared through Asst. Secretary for Policy, Evaluation and Research, Cogan:

- 1) Regulatory and policy changes pursuant to completed negotiations with the Civil Rights Division and provisions of the Equal Credit Opportunity Act should be incorporated into each State Supplement of the Farmer's Home Administration. (pp. 34-35 of draft quarterly report).
- 2) Support, in principle, the earnings sharing concept for Social Security reform (pp. 48-75 of the draft quarterly report).

Department of Education

Member: Susan Burton, Special Assistant to the Executive Secretariat

- 1) Under the General Services Administration section:
3 U.S.C. 102, which presumes that all U.S. Presidents will be male in that it refers to pensions for widows but not also widowers of Presidents, should be changed to read "widows or widowers" or "surviving spouses."
(p. 25 of draft report).

Department of Education (continued)

- 2) 18 U.S.C. 3056, which likewise presumes all U.S. Presidents will be male in that it provides for secret service protection for the wife or widow of a President but not a husband or widower, should be changed to read "spouse or surviving spouse." (p. 21 of Appendix B of quarterly report draft).
- 3) 28 U.S.C. 375, 604, which assumes that U.S. Court justices will always be male in that it provides for annuities for widows but not widowers of U.S. Court Justices, should be changed to read "surviving spouses." (p. 21 of Appendix B of draft quarterly report).
- 4) 31 U.S.C. 43, which assumes all Comptrollers General will be male in that it provides for survivorship benefits for widows and children of Comptrollers General, should be changed to read "surviving spouses and children." (p. 38 of Appendix B of draft quarterly report).
- 5) Education recommends not to submit section on Social Security earnings sharing reform plan to the Cabinet Council.

Department of Transportation

Member: Carole Foryst, Associate Administrator for Policy, Budget and Program Development

- 1) 10 U.S.C. 9651, which provides for equipment for males only in certain educational institutions, should be changed to read "males and females." (p. 17 of Appendix B of draft quarterly report).
- 2) Same recommendation as 3) under Dept. of Education above.
- 3) Remaining discrimination in Social Security section (pp. 24-31 of Appendix B) should be forwarded to National Commission on Social Security Reform in list form.
- 4) 42 U.S.C. 602(a)(19)(A) bias against father or other male caretaker should be removed (p. 31 of Appendix B).

continued

Department of Transportation (Continued)

- 5) 42 U.S.C. 602(a)(19)(G)(iv) bias in favor of mother should be removed (p. 31 of Appendix B).
- 6) 42 U.S.C. 633 bias in favor of unemployed fathers over mothers should be corrected (p. 31-32 of Appendix B).
- 7) 7 U.S.C. 1923, which provides preference for married or dependent families in certain agricultural loan programs conflicts with the Equal Credit Opportunity Act should be changed to remove this bias. (p. 32 of Appendix B).
- 8) The use of sex-based actuarial tables in regulations of the Pension Benefit Guarantee Corporation (p. 31 of quarterly draft report) and 42 U.S.C. 1395mm(a)(3)(A)(iv) use of sex as an actuarial factor in determining payments to health maintenance organizations should be eliminated. (p. 39 of Appendix B).
- 9) Same as 4) under Dept. of Education above.
- 10) Same as 1), 2), and 3) of Dept. of Education above.
- 11) 41 U.S.C. 35 and 36 should equalize age (at 16) for both males and females to enter into contracts with federal executive departments, etc. (p. 39 of Appendix B).

Office of Personnel Management

Member: Lura Dillard, Special Assistant to the Deputy Director

- 1) Emphasis should be placed on eliminating gender bias in all federal programs dealing with women in business.
- 2) Same as 8) under Dept. of Transportation above.
- 3) Same as 1) under Dept. of Labor above.

Department of Housing and Urban Development

Member: Dr. June Koch, Deputy Undersecretary for Intergovernmental Relations

continued

Department of Housing and Urban Development (continued)

- 1) Same as 1) under Dept. of Labor above.
- 2) All departments and agencies should be tasked to review their regulations, policies and practices for compliance with the Equal Credit Opportunity Act. The Interstate Commerce Commission needs a regulation and enforcement program consistent with the ECOA (p. 29 of draft quarterly report). See also 7) under Dept. of Transportation above.

Department of Health and Human Services

Member: Joanne Gaspar, Deputy Assistant Secretary
for Policy and Evaluation

- 1) 8 U.S.C. 1557 (p. 21 of Appendix B of draft quarterly report): Extend prohibition of transportation of women and girls for purposes of prostitution and debauchery to men and boys.
- 2) Do not raise combat exclusion issue under military codes.
- 3) Leave 8 U.S.C. 1101(b)(1)(D) as it stands (i.e. do not change to add "natural father". (p. 22 of Appendix B).
- 4) Leave 8 U.S.C. 1182(e) and 8 U.S.C. 1253 (h)(1) as they stand (pp. 22-23 of Appendix B).

Under the Social Security Section:

- 5) In general, leave this entire area to the National Commission on Social Security Reform. Cabinet Council on Legal Policy should not forward earnings sharing portion of quarterly report or Social Security section under Appendix B. At most, Cabinet Council could be asked if it wishes to forward a simple memorandum to the Chairman of the National Commission on Social Security Reform stressing the importance of sensitivity to issues of gender bias in its deliberations and recommendations.

continued

Department of Health and Human Services (continued)

- 6) Specific comments on Subsections of 42 U.S.C. 402: which establish eligibility requirements for various Social Security benefits:
 - a) Subsection 402(b) bias now a nonissue, as the courts have ruled and HHS has a corrective regulation (pp. 24-25 of Appendix B).
 - b) Subsections 402(e) and (f). Again, the courts have ruled, so old bias in these subsections are a nonissue. HHS is in process of updating their regulations to reflect these court decisions. as housekeeping changes in their regular regulatory review cycle.
 - c) Subsection 402(d) bias being challenged in the Courts. Joanne Gaspar is checking on status. (pp. 26-27 of Appendix B).
 - d) Subsection 403(g). Again, a nonissue, as the Courts have ruled. (p. 27 of Appendix B).
- 7) 42 U.S.C. 411(a)(15) a nonissue, as the Courts have ruled bias unconstitutional (p. 28 of Appendix B).
- 8) 42 U.S.C. 413(a) should be deferred to the National Commission on Social Security Reform. If anything, the recommendation should be that retirement age should be raised from 62 to 65 for women as well as for men (now at 65).
- 9) 42 U.S.C. 416. Defer to National Commission on Social Security Reform. Changes would be administratively unworkable. (pp. 28-29 of Appendix B).
- 10) 42 U.S.C. 417 should be deferred to the National Commission on Social Security Reform. (p. 29-30 of Appendix B).
- 11) 42 U.S.C. 422, 425 and 426 are nonissues, as the Courts have ruled. (p. 30 of Appendix B).
- 12) 42 U.S.C. 427. Bias now eliminated. Now extended to husbands and widowers. (p. 30 of Appendix B).
- 13) 42 U.S.C. 428 should be deferred to the National Commission on Social Security Reform (p. 30-31 of Appendix B).

continued

Dept. of Health and Human Services (cont'd)

Under Welfare Section:

- 14) 42 U.S.C. 602 is a nonissue, as the Courts have ruled (p. 31 of Appendix B).
- 15) 42 U.S.C. 602 (a)(19)(A) should be left as stands (p. 31 of Appendix B).
- 16) 42 U.S.C. 602 (a)(19)(G)(iv) is a nonissue, now that the proposed child welfare block grants are sex neutral. (p. 31 of Appendix B).
- 17) 42 U.S.C. 633 should be left as stands, as this Administration supports priority in work incentives to unemployed fathers over mothers, (pp. 31-32 of Appendix B).

NOTE: Contrast with recommendation 6) from Dept. of Transportation above.

- 18) 42 U.S.C. 622(a)(1)(C)(iii) and 42 U.S.C. 625 are nonissues, as bias has been amended out by law, and HHS's proposed Child Welfare block grants are sex-neutral and contain anti-sex-bias provisions.

OMB

Member: Janet Brown, Spec. Asst. to the Administrator for Information and Regulatory Affairs
Has been on vacation. I will forward OMB's recommendations when they come in.

Office of the Vice President

Member: Barbara Hayward

Has no response at the request of an unidentified caller from the White House

Dept. of Justice

Members: Barbara Honegger, Project Manager, Task Force on Legal Equity for Women; and
Stu Oneglia, Chief, Coordination and Review Section, Civil Rights Division

NOTE: My draft recommendations are attached at A. Stu Oneglia has been out of the office today, and I will inform you of any additions or changes she has to add.

Proposed Agenda Items for Cabinet Council on Legal Policy
Federal Project on Legal Equity for Women
Initial Meeting

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1. Action to facilitate the staffing of Executive Order 12336

Issue: Should the identification of potential discriminatory effects of proposed and existing major federal rules and regulations be made part of the routine federal regulatory review cycle under Executive Order 12291?

Background: Despite the broad and visible mandate of Executive Order 12336 that the Attorney General or his designee review all federal laws, regulations, policies and practices for gender-discriminatory language or effect and report the findings of this search to the President and Cabinet Council on Legal Policy on a quarterly basis, the realities of fiscal restraint have placed severe limitations on the staffing of this function. At present there is one federal appointee dedicated to this function (Honegger), with additional professional staff in the Office of Civil Rights, Department of Justice assigned to the task when called for short periods of time.

Even if the mandated function were more fully staffed, it still requires the cooperation of every federal department and agency to identify and report gender-discriminatory provisions of its regulations, policies and practices to the Department of Justice. To date, this cooperation has been uneven, with some departments and agencies reporting fully and others not.

What is needed to make the identification function efficient is the identification of staff in each department and agency for whom the identification function could be easily and logically assimilated into their normal duties.

OPTION 1. Make the identification of gender-discriminatory provisions in proposed new federal rules and regulations, and in proposed changes to existing federal rules and regulations, part of the routine regulatory review process established under Executive Order 12291. Regulatory review officers would then report potential gender inequities to OMB with copies to the Attorney General and his designee charged with overseeing the identification process under Executive Order 12336.

This can be accomplished in one of two ways:

OPTION 1A. Amend Executive Order 12291, Section 3d(2) regarding Regulatory Impact Analyses and Reviews as follows:

"Each preliminary and final Regulatory Impact Analysis shall contain the following information:

...(2) A description of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms, including potential discriminatory effects of the rule, and the identification of those likely to bear the costs." (proposed addition underlined).

This addition would then also apply to Section 3(i), which already charges agencies to perform Regulatory Impact Analyses on currently effective major rules.

OR

OPTION 1B. As Section 3d(2) of Executive Order 12291 without the addition can already be interpreted to entail the identification of potential gender-discriminatory effects of existing and proposed federal rules and changes in rules, the President, alternatively, could request the Director of the Office of Management and Budget to notify the heads of each federal department and agency in writing that Regulatory Impact Analyses and Reviews, under Executive Order 12291, shall include the identification of such discriminatory effects or potential effects. The Director of OMB would then be charged to report same to the Attorney General and his designee who oversees the identification process under Executive Order 12336.

Advantages

- Both options (1A and 1B) are consistent with the broad mandate of Executive Order 12336.
- The action is cost effective. Even with budgetary cutbacks, the regular regulatory review cycle will continue as a basic function of the federal government.
- The regulatory review officers in each department and agency are ideally situated to assist the Attorney General in this function.
- Their input is, in any case, necessary to the implementation of Executive Order 12336.
- The action is consistent with Executive Order 12291, which already holds that "regulatory action shall not be undertaken unless the potential benefits to society from the regulation outweigh the potential costs to society," gender discrimination being a significant cost to society. The action, further, adds no monetary cost to the federal government.
- The action adds no additional regulatory burdens for taxpayers.

2. Social Security: Gender Inequities

Issue: Shall the Cabinet Council on Legal Policy recommend that the President forward the recommended reform of the Social Security system proposed in the Attorney General's first quarterly report under Executive Order 12336 to the National Commission on Social Security Reform? And shall the Cabinet Council recommend endorsement of the proposed changes as consistent with Administration policy?

Background: Economic realities have made it necessary for an increasing number of families to have two incomes. Yet, due to unintended effects of the Social Security benefit formulas, secondary wage earners, who are usually wives, receive little additional protection from the Social Security taxes they pay. Therefore, single-earner families in general receive higher benefits than similarly situated two-earner families, to the detriment of the family unit and the productivity of the nation, as additional work is discouraged.

The report of the Attorney General recommends an earnings sharing plan to overcome the considerable gender inequities present in the current Social Security system. This plan would distribute social security credits within the family unit between spouses, whether one or both worked outside the home. The plan is consistent with the Economic Recovery Tax Act of 1981 which finally recognized surviving spouses as owners of jointly-held property regardless of their financial contribution to its acquisition. Both the Economic Recovery Tax Act and the proposed changes in the Social Security system formally recognize marriage as an economic partnership in which traditional homemaking is valued as highly as wage-earning outside the home. Social Security benefits would be recognized as part of the assets accumulated during marriage, to be shared equally by the spouses regardless of how they choose to allocate home-making and breadwinning responsibilities.

Advantages

The plan encourages traditional family choices, as the mother who chooses to stay home is assured of reasonable protection. And for those women who do choose to also work, the plan guarantees them a fair amount of additional protection from the Social Security taxes they must pay.

OPTION 2A. The President should forward the full text of the Attorney General's recommended reform in the Social Security system to the National Commission on Social Security Reform with endorsement.

OPTION 2B. The President should forward the full text of the Attorney General's recommended reform in the Social Security system to the National Commission on Social Security Reform with assurance that the proposed changes are consistent with Administration policy.

OPTION 2C. The President should forward the full text of the Attorney General's recommended reform in the Social Security system to the National Commission on Social Security Reform with a simple letter of transmittal.

NOTE: Alan Greenspan, Chairman of the Commission, is expecting identified gender inequities identified under Executive Order 12336 and proposed corrections, for review by the Commission.

APPENDIX A, the proposed submission, is the complete text of the recommended reform of the Social Security system from the Attorney General's first quarterly report under Executive Order 12336, together with additional specific gender inequities in the present system identified in the same report.

(See pp. 48-75 of draft quarterly report).

3. Correcting the Assumption in Law that the President of the United States will not be Female

Issue: Should the Cabinet Council on Legal Policy recommend that the President propose simple changes in federal statutes which assume that the President of the United States will always be male?

Background: Despite the fact that the Constitution makes explicit that the qualifications for the Presidency are gender-neutral, and despite the fact that the American people understand that the Presidency is open to women as well as to men, some federal statutes still contain reference to the assumption that the President will always be male. Specifically, 18 U.S.C. 3056 provides for the secret service protection of the wife or widow

(but not husband or widower) of a U.S. President; and 3 U.S.C. 102 provides for pensions for widows (but not widowers) of U.S. Presidents.

OPTION 3: The Cabinet Council on Legal Policy should recommend that the President propose legislation amending 18 U.S.C. 3056 to refer also to husband or widower, and amending 3 U.S.C. 102 to refer also to widowers.

Advantages

- One of the most visible and popular actions by the President has been the selection of a highly qualified female candidate to fill one of the highest offices in the nation-- Supreme Court Justice. As women have already established themselves independently in the legislative branch of the federal government, this simple action would be symbolic of the President's firm commitment to the full equality of men and women in America.

Disadvantages

- Certain groups might criticize the action as being merely symbolic (which it is not; the proposed statutory change is substantive). It should be noted, however, that even groups and individuals not likely to support the President on other issues enthusiastically endorsed an action similar in spirit--the appointment of Justice O'Connor.

4. Correcting the Assumption in Law that United States Court Justices will not be Female

Issue: Should the Cabinet Council on Legal Policy recommend that the President propose a simple change in a federal statute which assumes that U.S. Court Justices will always be male?

Background: 28 U.S.C. 375, 604 provides for annuities to widows (but not widowers) of U.S. Court Justices. Particularly with the appointment of Justice O'Connor, but also with the increasing service of female U.S. justices, this asymmetry in the law requires correction.

OPTION 4: The Cabinet Council on Legal Policy should recommend that the President propose legislation amending 28 U.S.C. 375, 604 to refer also to widowers.

5. Completion of gender reference symmetry in the law

Issue: Should the Cabinet Council on Legal Policy recommend that the President propose amending 1 U.S.C. 1 to generally equalize the treatment of the sexes in federal statutes except where the context of a statute indicates that only one gender was intended for coverage by the law?

Background: Congress has enacted several statutes which go far toward equalizing treatment of the sexes by providing that U.S. Code statutes which refer to one sex only shall be interpreted to include the other sex. Despite this action, the remedy has not been comprehensive because 1 U.S.C. 1 included the feminine within the masculine, but not visa versa. Thus, widowers are not presumed to be extended the same treatment in Code provisions as widows, depriving women in federal employment the same benefits for their spouses and families as similarly situated men.

OPTION 5: The Cabinet Council on Legal Policy should recommend that the President propose amending 1 U.S.C. 1 to include the masculine within the feminine as well as the feminine within the masculine.

Advantages

- The action would in no way threaten laws intended to confer coverage on one sex only. Thus, 1 U.S.C. 1 provides that "in determining the meaning of an Act of Congress, unless the context indicates otherwise...words importing the masculine gender include the feminine as well." OPTION 5 would simply add: "and words importing the feminine gender include the masculine as well."
- The action would efficiently eliminate all unintended sex bias in federal statutes and would counter a commonly heard critique of the President's statute-by-statute correction program that it cannot possibly reach the large number of discriminatory statutes remaining.
- Though there may be some cost associated with the change, it would be minimal compared to the benefits of a significant increase in equity and the political capital acquired by demonstrating the broad applicability of the President's statute-by-statute program. This is particularly valuable at a time when the Equal Rights Amendment, which the President does not support, is likely to be reintroduced in the Congress and the President's alternative program therefore becomes the focus of media attention.

6. Gender Equity for Women Business Owners Doing Business with the Federal Government

Issue: Should the Cabinet Council on Legal Policy recommend that the President propose amending 41 U.S.C. 35 and 36, which favor young men over young women for federal contracting?

Background: 41 U.S.C. 35 and 36 establish different minimum ages for male and female persons (16 for males, and 18 for females) who wish to do business with executive departments, independent establishments and other instrumentalities. Such age differences have been eliminated in almost every other aspect of the law. The Department of Labor has already amended its regulations to equalize the treatment of the sexes by requiring a minimum age of 16 for both.

OPTION 6: The Cabinet Council on Legal Policy should recommend that the President propose amending 41 U.S.C. 35 and 36 to equalize the minimum age for both males and females wishing to enter into contracts at 16.

7. Equal Opportunity for Women Small Business Owners Wishing to Do Business with the Federal Government

Issue: Should the Cabinet Council on Legal Policy recommend that the President request the Administrator of the Small Business Administration to eliminate unfair regulatory discrimination against women business owners by declaring women business owners presumed to experience cultural bias for purposes of eligibility for the 8(a) program?

Background: The SBA's 8(a) program makes it possible for certain independently-qualified small businesses to overcome the Catch-22 of "No experience, no contract; no contract, no experience," with regard to federal contracts. With regard to eligibility for the program, Congress has specified, under Public Law 95-507, that the program is designed for small business owners who experience at least one of the following: 1) racial discrimination; 2) ethnic discrimination; or 3) cultural bias.

Not only is it self-evident that cultural bias includes sex discrimination; Congress further made its intent explicit, in the House Committee on Small Business report on the proposed law in March of 1978 (H.R. 95-949), that: "When implementing the eligibility criteria (for the 8(a) program), the Committee intends that the SBA give most serious consideration to, among others, women business owners."

To understand the present discrimination against women business owners in this program, it is necessary to understand that to become 8(a)-certified, a company must pass financial, managerial, ownership and control tests. To even get to these more substantive tests, however, the candidate small business must first pass the initial eligibility test that its owner(s) have experienced at least one of the three listed forms of discrimination.

Congress made it easier for members of certain groups to make it past this first eligibility test than others. That is, it named as presumed to experience either racial discrimination or ethnic discrimination all applying members of the following groups: Black Americans, Hispanic Americans, and Native Americans. Though women Americans were not named as presumed to experience their equivalent--cultural bias--Congress took great care to make sure that the SBA did not discriminate unduly against women business owners relative to the named groups simply because women had to individually show that they had experienced cultural bias. Thus, Congress provided that the SBA should carefully collect information on how many women business owners applied for and were accepted into the 8(a) program, and report that information every 6 months to the Congress.

Not only did the SBA, under the Carter Administration, not report this required data to the Congress; under the previous administration Public Law 95-507 was unfairly interpreted so as to effectively exclude women business owners as women from the 8(a) program and thereby create an almost completely minority program, accepting almost exclusively women business owners if they were also members of one of the named minority groups. Thus, women business owners who got past the first "bias" test did so almost exclusively because of their race or ethnic status, not because they were women. Even without the mandated figures on the number of women business owners who applied for and were rejected by the SBA because they did not make it through the first "bias" test, which Congress needed to test to see whether women business owners also needed to be named as presumed eligible to receive fair treatment, the figures on the number of women business owners actually accepted into the 8(a) program speak for themselves. As of the end of August 1981, the SBA's own figures show that of the 2,264 small businesses which had received 8(a) certification, only 96 of these were women-owned. But of these 96, almost all (82) are owned by minority women who got through the first hurdle automatically. Only seven non-minority women business owners were 8(a)-certified, and, of these, a number had to sue the agency to obtain fair treatment. Of those who sued, furthermore, all were admitted.

Clearly, this record does not fulfill the intent of Congress to give serious consideration to women business owners as women (as opposed to as minorities); or, put differently, to give serious attention and consideration to business owners who experience cultural bias as opposed to racial and/or ethnic discrimination.

Under the Carter Administration, the SBA even went so far as to declare that it did not consider sex discrimination a form of

cultural bias (see APPENDIX B) in order to keep the numbers of non-minority women business owners artificially low in the 8(a) program.

Through administrative inertia, and without clear guidance from the White House, the SBA has continued this discriminatory policy which has resulted in women business owners as women (as opposed to as minorities) receiving unequal equal opportunity from a program specifically designed to assist them.

As this level of discrimination was perpetuated under the current requirement that women business owners, unlike the members of the named groups, must individually prove that they are a member of a class which has experienced cultural bias as well as that they have individually experienced that bias, it is reasonable to assume that more equitable treatment will be extended women business owners if they are also included as a named group. There is more than sufficient evidence to justify this action. The U.S. Civil Rights Commission, an independent fact-finding body, has determined that women experience similar bias in the business world as members of minority groups, and standing Executive Order 12138 recognizes the many obstacles facing women entrepreneurs as a class.

Since Public Law 95-507 was enacted, furthermore, Congress has acted to specify that the Administrator of the SBA has the authority to administratively determine and declare additional groups presumed to experience prejudice or bias in the business world in order to get past the first hurdle.

OPTION 7 A: The Cabinet Council on Legal Policy should recommend to the President that he request the Administrator of the SBA to include women business owners as a group presumed to experience cultural bias for purposes of individual women business owners reaching the more substantive economic, ownership and control tests of eligibility for the 8(a) program.

Advantages

- Differential treatment of women business owners as women for 8(a) eligibility is a striking example of the nonproductive and discriminatory policies of the Carter Administration. Action on this item in an election year would draw needed attention to the truth about the previous Administration.
- This action is a natural fulfillment of two of the President's most visible and key promises--to do everything possible to strengthen the economy and to ensure equal opportunity for women.
- By encouraging women in business, the action sends a signal to half the productive-aged population of America that we do need their energy and ideas and will help them. As women business owners are a larger percentage of all U.S. business owners than all minority business owners, male and female, combined, this action will spur the creation of new

- Such encouragement also addresses another major national problem--the increase in the numbers of women in the ranks of the elderly poor. This is because the average age of the over 700,000 women business owners as of the 1977 Special Census is over 50.
- The action also sends a strong positive signal to a key target constituency for the 1982 and 1984 elections--non-minority women under 40 who comprise 20% of the voting population. 75% of these women are in the business world, and are the business owners of tomorrow.

Disadvantages:

- There has been, and will be, powerful minority opposition to this action, particularly by members of the groups already named in Public Law 95-507. (Asian-Pacific Americans have since been administratively added to Black Americans, Hispanic Americans, and Native Americans).

It is important to remember, however, that these groups also fiercely objected to the graduation requirements imposed on the 8(a) program by this Administration. But those requirements were fair, and were adopted.

- The expected opposition will argue that including women business owners as a named group will open a "floodgate" into the program and jeopardize the position of minorities already in the program. In response, it should be noted that the Director of the Office of Women's Business Enterprise at the SBA herself estimates that at present there are at most 200-250 women-owned firms who would be eligible for 8(a) certification were women business owners to become a named group. This is hardly a floodgate, compared to the over 2,200 minority-owned firms already in the program. And it is to be remembered that the new graduation requirements will soon open new "slots" in the program for all qualified firms.
- Some women may object to being labeled "socially disadvantaged" in order that women business owners become a named group. A more accurate characterization of the situation, were that to happen, would be that women business owners were presumed to experience cultural bias in the business world for purposes of fairness and convenience in administering the 8(a) program. Further, a careful polling will reveal that the affected group, women business owners, are not only a minority (7% of all U.S. business owners as of 1977), but have no objection to being so labelled if that is what it takes to receive fair treatment in a program in part intended for them. Thus, the National Association of Women Federal Contractors--the only national organization of women business owners whose membership criteria is identical to the ownership and control criteria for 8(a) eligibility--formally endorses presumptive eligibility for women business owners. It is minority business owners, including many

minority women business owners, who often do not favor including women business owners as a named group and object to being labelled as "disadvantaged" for purposes of eligibility. These are specious objections, as such women, being minorities, are already so labelled and thereby have an advantage they would like to keep over equally qualified non-minority women business owners.

OPTION 7B: The Cabinet Council on Legal Policy should recommend that the President request the appropriate Congressional committee(s) to reassess the inclusion of women business owners as a named group under Public Law 95-507, given the unreasonably low level of their admission into the program since its inception despite Congressional intent that they be seriously considered.

Advantage

- This Option would relieve some of the political pressure from minority groups.

Disadvantages

- The political objection of minority groups to this Option could easily be as strong as to Option 8A, which provides more immediate equity and more political capital amongst a larger voting block--non-minority women.
- Since enacting P.L. 95-507, Congress has delegated authority to make the proposed determination to the Administrator of the SBA. Option 2 would therefore be administratively circuitous and unnecessarily costly.

8. Enforcement of the Equal Credit Opportunity Act

Issue: Should the Cabinet Council on Legal Policy recommend that the Commerce Department representative to the Task Force on Legal Equity for Women coordinate with the Interstate Commerce Commission to ensure that it carries out its responsibilities under the Equal Credit Opportunity Act?

Background: The Equal Credit Opportunity Act (15 U.S.C. 1691, Section 704(a)(4)) establishes the Interstate Commerce Commission as an enforcement agency for common carriers. The Department of Justice's Task Force on Sex Discrimination has that the ICC is without regulations or an enforcement program to carry out its obligations under this Act.

Advantages:

- The development of regulations and an enforcement program is mandated by law. In an election year, the Administration can point out to advantage that the ICC is undertaking its statutory obligations under a Republican administration.

9. Elimination of gender discrimination in federal programs and activities due to the use of sex-based actuarial tables.

Issue: Should the Cabinet Council on Legal Policy recommend that the President request the IRS and the Pension Benefit Guaranty Corporation to replace currently-used sex-based actuarial tables with tables pooled over the sexes?

Background: The use of sex-based actuarial tables, because of their inevitable discriminatory effect, have been eliminated from nearly all federal programs. The Social Security system, civil service retirement, foreign service retirement and military retirement systems all do not differentiate on the basis of sex (or race, religion or national origin) in determining either the amount of contributions or benefits. The use of sex-based tables amounts to a preference for sexual quotas, which the Administration rejects, over the treatment of men and women as individuals independent of their gender through gender-pooled tables. Sex-segregated

tables divide premiums, benefits, and loss experience into two pools, one for men and one for women. By attempting to assure that men as a group and women as a group receive the same proportion of benefit payments as they pay in premiums, a quota system based on sex results, precisely analogous to attempting to ensure that men and women receive the same proportion of jobs in a firm as they are applicants for placement, despite individual qualifications. All women, even women with life-shortening illnesses, are paid smaller annuities because some women (about 15%) live longer than some men. And all men, even cautious ones with perfect driving records, are charged more for automobile insurance because some males are careless.

Though sex-based actuarial tables have been eliminated from most federal programs, they are still used by the Pension Benefit Guaranty Corporation to determine the valuation of assets of terminated pension plans for all those subject to ERISA, and by the Internal Revenue Service in determining the value of future gifts for purposes of income and estate taxation, where they result in unfair discrimination against individuals just because they happen to be a member of a gender group. The use of such tables consistently results in smaller periodic annuities and smaller allowable deductions for the same charitable future gift for women than for men, purely on the justification that some women live longer than some men.

The sex-segregated tables used by the PBGC and the IRS are incorporated in regulations for the two agencies. Specifically, these sections are:

For the IRS

- 26 Code of Federal Regulations (CFR), Section 1.642(c)-1 regarding deductions for charitable purposes, through Section 1.642(c)-6 regarding the valuation of remainder interest. Tables begin on pg. 32 of 26 CFR, Section 1.642(c)-6(d)(3), ending on pg. 43.
- 26 CFR, Section 1.664-1, dealing with present valuation of charitable remainder annuity trusts, with tables beginning at Section 1.664-4(b)(4).
- 26 CFR, Section 1.72, dealing with sex distinctions in determining the value of gift property in the future, with tables beginning at Section 1.72-9, to determine excludable ratios for annuity payments subject to income taxation.
- 26 CFR, Section 20.2031-10, with tables beginning at paragraph (f), establishing the value of annuities, life estates, terms for years and reversions for persons dying after 12/31/70 in connection with estate taxation.

and, for the Pension Benefit Guaranty Corporation:

29 CFR, Part 2610, with tables beginning at 2610.10 used to determine the valuation on plan benefits.

OPTION 9: The Cabinet Council on Legal Policy should recommend that the President instruct the IRS and the Pension Benefit Guaranty Corporation to substitute sex-integrated actuarial tables for the sex-segregated tables now in use.

10. Elimination of use of sex-based actuarial data in determining payments to health maintenance organizations.

Issue: Should the Cabinet Council on Legal Policy, consistent with Issue 10 above, recommend that the President propose amending 42 U.S.C., Section 1395mm(a)(3)(A)(iv) to disallow the use of sex-based actuarial data in determining payments to health maintenance organizations, and to substitute sex-integrated actuarial data?

The same arguments apply for this issue as for Issue 10. A more comprehensive action which the President could take which would accomplish this result as a special case would be to endorse H.R. 100, a bill to prohibit discrimination in insurance on the basis of sex (as well as race, color, religion, or national origin). The bill (at APPENDIX C) would provide equal opportunity for individuals as opposed to the present system of quota equality by group.

OPTION 10A: The Cabinet Council on Legal Policy should recommend that the President propose legislation amending 42 U.S.C., Section 1395mm(a)(3)(A)(iv) to substitute sex-integrated for sex-segregated actuarial data.

OPTION 10B: The Cabinet Council on Legal Policy should recommend that the President endorse H.R. 100 (at APPENDIX C).

A paper detailing why H.R. 100 is consistent with the Administration's anti-quota policy is also at APPENDIX C.

11. Elimination of sex discrimination in Farmer's Home Administration State supplements consistent with effected reforms in FmHA rules and regulations.

Issue: Should the Cabinet Council on Legal Policy recommend that the President request the FmHA to update its State Supplements to reflect the elimination of sex bias already significantly eliminated in its major rules and regulations?

Background: The Department of Justice's Task Force on Sex Discrimination identified numerous substantial examples of sex bias in the FmHA's regulations and policies, many of which the Administration has rewritten.

To be effective in the field, however, these regulations and policies still need to be reflected in the Administration's State Supplements which are the operating procedures governing individual loan processing in each State. The Department of Justice has determined that most State Supplements still need rewriting, and that many still contain substantive sex discrimination in violation of the Equal Credit Opportunity Act and contrary to the Administration's own rewritten regulations.

Executive Order 12336 explicitly mandates the identification and correction of such gender-discriminatory practices, and the representative to the Task Force on Legal Equity for Women from the Department of Agriculture could be charged to coordinate the review and revision of the State Supplements.

OPTION 11: The Cabinet Council should recommend that the President request the FmHA rewrite its State Supplements to reflect the elimination of sex discrimination in its rules and regulations; and the Department of Agriculture representative to the Task Force on Legal Equity for Women should be designated to coordinate this revision process.

12. Elimination of gender inequities in U.S. Code relating to the Immigration and Naturalization Service

Issue: Should the Cabinet Council on Legal Policy recommend that the President forward the identified U.S. Code provisions which discriminate on the basis of sex relating to immigration and naturalization to the Immigration and Naturalization Service, with the request that the INS draft the simplest and most comprehensive legislation which would correct these 12 remaining inequities consistent with Administration policy?

The twelve statutes which discriminate on the basis of sex relating to the Immigration and Naturalization Service are at APPENDIX D.

(See pp. 21-24 of Appendix B of draft quarterly report).

The Nondiscrimination in Insurance Bill

Douglas Laycock

DEC. 1, 1981

The Reagan administration is said to be looking for ways to show its sympathy and good faith towards women and minorities, even as the Vice President announces that affirmative action and sexual harassment guidelines will be reviewed with an eye to reducing the level of regulation, and the Justice Department announces that it will no longer seek employment quotas in discrimination cases.

There is one important step the administration could take. It is a step that would be fully consistent with the administration's opposition to quotas and that would have no significant effect on the budget. It would not cause the civil rights movement to forget its grievances against the administration, but it would partially offset those grievances by granting an important item on the civil rights agenda. Most important, it would demonstrate that the administration's opposition to quotas is part of a principled commitment to

nondiscrimination and not merely a convenient cloak for hostility to civil rights. The step I suggest is to support the proposed Nondiscrimination in Insurance Act or some variation of it.

I. The Bill and the Controversy

The bill would ban the use of race, sex, religion, or national origin as bases for denying or limiting insurance coverage or determining the cost of insurance. Most of the bill is relatively uncontroversial, ^{most of} but the insurance industry fiercely opposes any restriction on the use of sex to determine insurance rates. Insurers frequently charge women less than men for life and auto insurance, but more than men for health insurance and annuities. These differences are defended on the ground that women have lower age-specific rates of death and auto accidents, and higher rates of illness, than men.

Critics emphasize that these rates are based on group averages that do not even purport to describe individual cases. All women get smaller annuity payments than men, on the theory that women will make up the difference by collecting more payments in the long run, but the fact is that some men and some women die at every age. Women who die young get smaller annuities even though the insurance industry's generalization does not apply to them; long-lived men collect larger monthly payments and collect them for more months. Similarly,

Careful male drivers pay higher auto insurance rates based on the male average, while careless female drivers benefit from insurers' experience with other women. To the civil rights movement, charging all men more for auto insurance because of average male loss experience is like paying all blacks less because of some average black test score.

This controversy over rates is most easily referred to in terms of the actuarial tables that underlie the rates. Segregated actuarial tables reflect average differences between the sexes by calculating the loss experience of all women separately from the loss experience of all men; the result is separate and unequal insurance rates by sex. Integrated tables pool the data for both sexes and show combined loss experience. When integrated tables are used, the cost of insurance is equal for both sexes.

Civil rights activists, who have generally supported affirmative action quotas have also advocated integrated insurance tables; opponents of quotas have generally urged segregated insurance tables. This alignment is anomalous, because the customary segregated insurance table is a form of quota, indistinguishable in principle from an affirmative action quota. To understand what is at stake, it is necessary to place the issue in the context of the two competing theories that have dominated the civil rights debates of the last

decade. I will illustrate these theories with examples from employment discrimination law, because the theories are most fully developed in that context.

II. Disparate Treatment, Disparate Impact, and Segregated Tables

A. Individuals v. Groups. Proponents of both integrated and segregated tables claim to offer sexual equality; the disagreement is over whether the unit of analysis should be the individual or the group. Consider an annuity plan with two thousand participants, half male and half female, each of whom made equal contributions to the plan and retired at the same age. Proponents of segregated tables attempt to assure that the sum of all benefits paid to the thousand men will equal the sum paid to the thousand women -- that sexual groups will be treated equally. But the result is sexual inequality for individuals: every man will receive a larger periodic benefit than any woman, and a man and a woman of equal longevity will receive unequal total benefits. Integrated tables take the opposite approach, achieving equality at the individual level while risking an unequal distribution of total benefits to the two groups.

The question, therefore, is whether in this context civil rights policy ought to require equality for individuals or equality for groups. There was a time when that question could be answered unhesitatingly. The main civil rights tradition has analyzed rights in terms of individuals. Its most fundamental principle has been that no individual shall be considered simply as part of a racial, sexual, religious, or ethnic group, or treated differently because of his membership in such a group. Under this disparate-treatment theory, it is plainly wrong to pay a black worker less than a similarly situated white worker, or a female annuitant less than a similarly situated male annuitant.

But the issue has been complicated by the introduction into civil rights law of analyses based on equality for groups. The first such innovation was the disparate-impact theory -- that facially neutral employment practices with unequal effects on racial or sexual groups are unlawful if not justified by "business necessity." The leading disparate-impact case is Griggs v. Duke Power Co., in which an employer required a high school diploma and a passing test score as conditions of employment for certain positions. Although the requirements did not explicitly differentiate between blacks and whites, they had unequal impact on racial groups, because a smaller percentage of blacks had diplomas and passed the test. The Supreme Court held that such requirements violate Title VII

of the Civil Rights Act of 1964, unless the employer can show that its requirement is actually related to job performance.

Subsequent developments moved further towards group theories of equality. United Steelworkers v. Weber authorized "voluntary" quotas to achieve proportionate representation of racial groups in traditionally segregated occupations. Affirmative action rules for government contractors have emphasized proportionate representation in all occupations. Courts have ordered quotas as "remedies" for past discrimination. These developments have blurred the traditional emphasis on individuals in civil rights law. But the prohibition of disparate treatment of individuals remains dominant in legal theory, and certainly in the civil rights thought of the Reagan administration.

A choice between group and individual equality is posed when criteria such as race, which cannot be used by an employer, are statistically associated with other criteria in which employers are legitimately interested, such as test scores. When such an association exists, employers intent on pursuing the legitimate criterion inevitably run afoul of either disparate-impact or disparate-treatment theory. If they distinguish on the basis of the forbidden criterion, as a way of predicting the legitimate one, they are guilty of disparate treatment. That is, they cannot refuse to hire

blacks on the ground that blacks as a group have lower test scores. If they use the legitimate criterion directly -- for example, hiring those with the highest test scores -- they will cause disparate impact, because of the association between that criterion and the forbidden one. In such cases, employers must show a business necessity for using the legitimate criterion.

Which theory applies in the event of litigation thus depends on how an employer formulates his requirement. The classic illustrations are cases in which employers refused to hire women for certain jobs because employees in those jobs had to lift heavy weights. The exclusion of women was disparate treatment, and illegal. The fact that many women were unable to lift the weights was irrelevant to the case of a woman who could; sex could not be used to predict her weight-lifting ability. However, the employers were permitted to require applicants for these jobs to pass a weight-lifting test. This policy would have disparate impact on women, but the company could justify it by showing business necessity -- in this case, that lifting the weights was necessary to operation of the business.

Note that in the disparate-impact case, individuals of equal weight-lifting ability were treated alike, regardless of their sex; in the disparate-treatment case, individuals

of equal weight-lifting ability but different sex were treated differently. In short, the test of disparate treatment is whether any difference in treatment remains after controlling for all variables other than sex.

The associations between sex and mortality, sex and morbidity, and sex and auto accidents, are no different from any other association between forbidden and legitimate criteria. American women as a group currently live longer than American men as a group, just as they are able to lift less weight as a group. But some women will die earlier than some men, just as some will be able to lift more weight. An employer who pays annuities on the basis of integrated tables in effect distinguishes among his employees on the permissible basis of longevity, for those individuals who live the longest will collect the most periodic payments and thus the largest total sum. Of course, the employer's practice may have disparate impact on men, for as a group they may not live to collect as many periodic payments as women. But if he tries to avoid this disparate impact by using segregated tables -- making larger periodic payments to all men -- he distinguishes on the basis of sex. This would be disparate treatment, for individual men and women of equal longevity would be treated differently: both periodic benefits and total benefits will be greater for a man than for a woman of equal longevity.

On the basis of this analysis, the Supreme Court has held that segregated tables in employer-sponsored insurance plans violate Title VII. The nondiscrimination in insurance bill would subject other insurance plans to the same rules.

B. The Expectancy Argument. One common response to this analysis is to argue that one should not compare actual cash benefits received, either periodic or total, but rather, the expected values of the annuities as of the date of retirement. Because women as a group live longer than men as a group, the argument runs, each woman has a greater life expectancy than each man. It would follow that under a properly constructed segregated annuity table that provides larger periodic benefits to men, the expected value of future payments would be identical. Actual payments would be irrelevant, for their expectations would be identical at the beginning.

This expectancy argument begs the question in a fundamental way. The ultimate issue is precisely whether mortality data should be classified by sex for the purpose of paying annuities -- that is, whether sex may be used to predict longevity. No expectancy can be calculated until that question has been answered. The statement that some particular person is expected to live some certain number of years is dependent on a prior decision about how to classify that person. It is circular to use the expectancies generated

by a predictor to justify using that predictor. This may be illustrated by a simple example.

Consider the life expectancy of a newborn black male in South Carolina. Prediction of his life expectancy may or may not take into account his sex, race, and residence. If he is classified as a nonwhite male South Carolinian, his life expectancy is 58.33 years. If he is classified simply as a resident of the United States, his life expectancy is 70.75 years. The other possibilities range in between; he may be a nonwhite South Carolinian, a male South Carolinian, a nonwhite male American, a male American, a nonwhite American, or a South Carolinian. He has eight different life expectancies -- and just on the basis of the three predictors introduced so far. The number of expectancies increases exponentially as we add more predictors, such as urban or rural residence, socioeconomic status, and family medical history.

No one of these expectancies is any more statistically valid than the others. Our hypothetical infant is a member of all eight groups; all eight expectancies are his expectancies. A newborn black female in South Carolina has a greater life expectancy only if one has already decided to use sex as a predictor; if sex is not used, the two infants have identical expectancies. Thus, an "equal expected value" test is futile: it can be satisfied by either integrated or segregated tables.

Even so, one might intuitively consider a prediction "truer" if it takes more information into account. If this is the criterion, our hypothetical infant must be treated as a black male South Carolinian-- and, the prediction must be made more detailed if possible. But no insurance company would so classify him; he would be treated as a male American, or just an American. Adding more predictors does not necessarily make the prediction more accurate; relying on an unstable or spurious association may make the prediction less accurate. This supposed criterion of "maximum predictive power" is also frequently overridden because the expectancies generated may be too expensive to apply or socially unacceptable. For example, social unacceptability and resulting legislation caused the insurance industry to abandon racial rate categories many years ago. The important point is that no "true" expectancy can be generated by purely mathematical methods; considerations of social policy and administrative convenience are always called into play.

The relationship between data classification and expectancy is obscured by talking in terms of the "average man" and the "average woman," for that language presupposes that data will be classified by sex. The terminology does, however, highlight what insurers are doing when they classify data by sex: they are treating every woman as though she were at the mean of the distribution for women, and every man as though

he were at the mean of the distribution for men. "Individual" expected values are merely applications of group averages to individuals. That is quintessential disparate treatment, exactly analogous to hiring men because of their greater weight-lifting ability or whites because of their higher average test scores. The claim that segregated tables equalize the expected value of benefits to be paid is simply a reformulation of the claim that segregated tables provide equal benefits to the two sexes considered as groups.

C. Segregated Tables as Quotas. By now it should be clear why segregated insurance rates are a form of quota. A racial hiring quota attempts to assure that blacks as a group get their proportionate share of jobs. To the proponents of such quotas, it matters not whether their earlier failure to get a proportionate share resulted from discrimination by the employer or from a disproportionate distribution of skills. Even assuming past discrimination, it matters not that the individual beneficiaries of the quota may not have been victims of the discrimination, or that the individual victims of the quota almost certainly were not beneficiaries of the discrimination. All that matters is to distribute the jobs proportionately among racial groups.

Similarly, segregated insurance tables attempt to assure that men as a group get their proportionate share of annuity benefits, that women get their proportionate share of auto insurance payouts, and so on. It is never the case that sexual differences in loss experience result from past discrimination by the insurer. Most such differences result from individual behavior patterns, such as smoking and reckless driving, that differ far more from person to person within each sex than between the sexes. The beneficiaries of the quota include reckless women drivers who get cheap auto insurance because other women are careful, and men who live to be one hundred and collect larger annuity payments because other men die young. The victims include sickly women -- even terminally ill women -- who get smaller annuities because other women live longer, and careful male drivers whose auto insurance is expensive because other men are careless. In every case, segregated tables distribute benefits and burdens on the basis of sex, at the expense of individual merit or desert, just as employment quotas distribute jobs on the basis of race or sex at the expense of individual merit.

Hiring quotas are offensive because individual applicants must be discriminated against in order to implement them; similarly, segregated tables -- insurance rate quotas -- are offensive because individual policy holders must be discriminated against in order to implement them. If the administration's opposition to quotas results from a principled

commitment to individual nondiscrimination, then it should support the principle of the nondiscrimination in insurance bill. If it does not, then the civil rights movement may be justified in its inference that the administration's opposition to quotas is really opposition to civil rights.

III. The Arguments for Exempting Insurance from Civil Rights Policy

A. The Central Argument. Proponents of segregated tables have often tried to obscure the foregoing analysis, usually by ignoring the distinction between individual and group equality. Those who understand the distinction argue that it cannot be applied to insurance, that insurers simply must use group classifications. The essence of the argument is that civil rights policy cannot sensibly be applied to insurance, because losses must be predicted in advance, unlike employment qualifications, which can be measured directly before offering employment. Thus, the argument goes, every applicant for employment can be tested individually for reading ability or weight-lifting ability, but no applicant for insurance can be tested to determine how long he will live or how much damage he will do with his automobile. Thus, there is no legitimate reason for using race to predict reading ability or sex to predict weight-lifting ability, but there is a legitimate reason, the insurance industry claims, to use sex

to predict losses.

There are multiple flaws in this argument. Most obviously, it proves far more than the insurance industry is willing to defend. If civil rights policy simply does not apply to insurance, then tables could be segregated by race, religion, and ethnicity as well as by sex. Indeed, a few die-hards take exactly that position; they consider it a great mistake to have abandoned racial rate discrimination. But even this tiny group seem to make only an academic argument; no one seriously proposes that the industry begin charging blacks more than similarly situated whites for life, health, auto, and property insurance.

Defenders of sex-segregated tables are driven to awkward expedients in explaining why race-segregated tables are different. It has been suggested that racial differences are so much smaller or less stable than sexual differences that the two cases are not comparable, and even that it is too difficult for insurers to figure out who is black and who is white. None of these distinctions is supported by the data, and none of them is the real reason why race-segregated tables have been abandoned. The real reason is consensus that race-segregated tables would be morally offensive. That consensus is based on the perception that civil rights policy does indeed apply to insurance, and that treating every black as though he were the average black is discrimination. It is equally

discriminatory, even for an insurer, to treat every woman as though she were the average woman.

The second obvious defect in the argument for exempting insurance from civil rights policy is that its conclusion is a non sequitur. The argument concludes: "Insurers must predict losses; therefore, they must use sex as a predictor." But of course there are many other ways to predict losses. As we have seen, an insured's expected loss is based on the average loss experience of some group of which he is a member, and he is a member of many groups. Losses can be predicted by considering all humans as a single group, or by using a wide variety of unforbidden criteria to classify the loss data. Thus, weight, build, physical condition, personal and family history, occupation, habits, aviation, military service, residence, hobbies, smoking, and exercise patterns have all been used to predict mortality in the sale of individual life insurance. Life expectancy also varies widely by marital status, socioeconomic status, and state of residence -- in each case, more widely than it varies by sex. Similarly, automobile insureds can be grouped by factors such as past traffic offenses, past accidents, past claims, kind of automobile driven, how often the car is used, driving experience, education, and age. Some of these predictors have their own problems, but there are many such predictors to

choose from. It is simply not true that losses cannot be predicted without classifying data by sex.

Sex does have one advantage over some of the alternate predictors. It is very easy to determine a person's sex, and it almost never changes thereafter, so it is somewhat less expensive to classify insureds by sex than to use other predictors. The same thing is true of race and ethnicity; convenience has always been one of the attractions of discriminating on the basis of ascriptive characteristics. But civil rights policy has never allowed expense as a justification for disparate treatment. It is more expensive to identify poor readers and weight lifters than to identify blacks and women, but not even apologists for the insurance industry argue that employers should be allowed to hire only white males to save the expense of testing. This is not a trivial point; some economists suggest that avoiding the expense of individual testing is the motive for most disparate treatment today, but that motive does not legitimate disparate treatment on the basis of race or sex.

In any event, the expense argument is largely irrelevant to the nondiscrimination in insurance bill. The expense argument is most significant with respect to group insurance, where some insurers classify only by sex, or sex and age, and ignore all other predictors entirely. But group

insurance is nearly always employer sponsored, and thus subject to Title VII; sex is already forbidden in those plans. The pending bill would extend this rule to insurance not sponsored by employers; these are mainly individual policies. And in individual policies, insurers commonly make much more individualized predictions, with a larger number of predictors. Thus, the expense of using these predictors is already being incurred; any further expense from abandoning sex discrimination would be quite marginal. It would also be unnecessary for group plans not already covered by Title VII to add more expensive predictors. These plans could classify by age alone, or not classify at all, as most employer-sponsored plans did even before Title VII.

There is a third error in the argument for exempting insurance from civil rights policy. That is in the original assertion that job qualifications are directly measurable in a way that insurance risks are not. The point sounds plausible with respect to test scores and weight lifting ability. But many job skills cannot be measured directly or predicted reliably, especially for new entrants to the labor force. Indeed, much of the work of industrial psychology is devoted to predicting and evaluating job qualifications, and for complex jobs the problems of evaluating even incumbents are enormously difficult. No hiring officer can consistently predict absenteeism, turnover, persistence, reliability,

creative genius, courage, or judgment with much accuracy in individual cases, and employers may frequently be able to adduce some evidence that these traits have statistical associations with sex or race. If permitted, such defenses would be easy to assert and difficult to litigate. Most important, such defenses would violate the fundamental principle of civil rights policy, by permitting employers to penalize, solely because of their sex, individuals for whom the prediction is inaccurate.

Thus, courts have refused to allow the use of sex to predict immeasurable intangibles. In Diaz v. Pan American World Airways, Inc., for example, the court found that sex was the best single predictor of ability to satisfy passengers' emotional needs on airplane flights, and that there was no way to measure this ability directly. Despite these somewhat implausible findings of fact, Pan Am's policy of hiring only women was held to be illegal disparate treatment. That is, Title VII forbids the use of sex as a predictor even when the court believes it to be the best predictor. No qualified man can be rejected because of sex alone, no matter how few men are qualified or how hard it is to identify them. There is no better reason to use sex as a predictor in insurance than employment.

There is a variation of the argument that segregated insurance tables are a necessity. The argument is that if sex differences are ignored, one sex will subsidize the other, the subsidizing sex will quit buying insurance, and insurance pools will be destabilized. If that were true, we would have encountered the same problems with respect to all the other groups for which the insurance industry does not compute separate actuarial tables. No company still has separate tables by race. Whites live longer than blacks, and thus, by the industry's logic, whites subsidize blacks in life insurance. But whites have not quit buying life insurance. Rich people live longer than poor people, but rich people still buy life insurance. The difference in life expectancy between highly and poorly educated women is greater than the difference between the sexes, but educated women still buy life insurance. The difference in life expectancy between married and single men is greater than the difference between the sexes, but married men still buy life insurance. Hawaiians live more than ten years longer on average than residents of the District of Columbia, a difference greater than any sex difference anywhere in the world. I know of no nationwide company that has different life insurance rates for Hawaiians, but Hawaiians still buy life insurance.

Differences in group averages of this magnitude do not cause many members of the lower risk group to go uninsured, and no unmanageable problems result. Indeed, the Department of Labor found in 1974 that most employer-sponsored insurance plans do not distinguish on the basis of sex. For young people, sex differences in auto insurance are somewhat greater than in life insurance, but it is not clear that the differences would be great enough to destabilize insurance pools even if no other predictors were used. Any destabilizing effect can be greatly reduced by pricing insurance on the basis of actual driving records.

B. The Slippery Slope Argument. Some defenders of segregated tables take a different position, which can only be described as a slippery slope argument. Conceding that sex discrimination is not essential to insurance, these defenders argue that a ban on sex discrimination is just the beginning of a general attack on all rating classifications. The fear is that the same demands for individual treatment that justify prohibiting sexual rate categories could also be made with respect to many other rate categories.

The slippery slope argument is not a plausible criticism of the nondiscrimination in insurance bill, because it is carefully limited to the core factors that have been included in every modern civil rights act: race, color, sex,

religion and national origin. But it is true that many groups have tried to bring themselves within the ambit of civil rights policy by analogy to these original five criteria. Congress has sometimes responded with nondiscrimination legislation, as in the Age Discrimination in Employment Act and the Rehabilitation Act, which protect workers age forty to seventy and the handicapped. This legislation has not been carefully thought through, and borrows the language of Title VII in part, but none of it goes as far as Title VII; Congress has always understood that discrimination on the basis of these characteristics is more likely to be justified, and less morally offensive, than discrimination on the basis of race, color, sex, religion or national origin. For example, age was excluded from Title VII for fear that group insurance plans would be disrupted, and insurance was expressly excluded from the Age Discrimination in Employment Act.

The intuitive Congressional judgment has been sound. It is possible to specify the characteristics of race, color, sex, religion and national origin that make discrimination on these bases so peculiarly offensive. First, they are immutable, at least at any cost society is willing to coerce. People do change their religion on occasion, but they have a constitutional right not to do so; it is no answer to tell people they may escape discrimination by undergoing a forced conversion.

Second, these characteristics are always irrelevant to any consideration of merit or desert. By irrelevant, I mean that they are never of legitimate interest for their own sake. At most they are statistically associated with some other characteristic that is relevant -- say knowledge of nuclear physics, or longevity. It is easy to tell which characteristic actually matters by considering two persons identical except for sex and two others identical except for knowledge of nuclear physics. There is no basis to distinguish the two who differ only by sex, but if one is hiring nuclear physicists, there is strong reason to distinguish the two who differ by knowledge of nuclear physics. Similarly, insurers are really interested in mortality, morbidity, or automobile accidents; sex itself is irrelevant to their concerns.

It is the immutability of race, color, sex, religion, and national origin that justifies the ban on their use as predictors. If the government accepts or requires a degree in nuclear physics as evidence of knowledge in the field, those few persons who learned nuclear physics outside a degree program can earn the degree if they care enough. Because the predictor characteristic is mutable, individuals can accommodate themselves to it. But if the government licenses only male nuclear physicists, no woman can ever earn a license, no matter how great her abilities or effort. Similarly, with segregated

actuarial tables, no woman can ever get the male rate for health insurance, no matter how well she cares for herself, how healthy she is, or how few claims she has filed in the past. Sex is therefore an unacceptable predictor, no matter how few female nuclear physicists there are. If anything, sex is even less acceptable as a predictor in insurance, because there are many healthy women, many short-lived women, and many careful male drivers. More generally, statistical associations are not enough to justify the use of immutable predictors; such predictors can be used only when they are relevant in distinguishing otherwise identical individuals.

Third, race, color, sex, religion, and national origin classifications have been widely misused throughout history. The historic abuse of race, religion, and national origin includes slavery, domination of one group by the other, physical violence, apparently ineradicable hostility, discrimination (civil, political, and economic), stereotyping, and frequent use of these characteristics as predictors despite their inappropriateness under the immutability and irrelevance criteria.

The pattern of historic abuse with respect to sex is a bit different. Organized group conflict and hostility between the sexes has not been nearly as intense or violent as that between racial, ethnic, and religious groups, and there obviously has been a high incidence of close and friendly

relations between men and women. But all the other elements of historic abuse have appeared: domination; physical violence; civil, political, and economic discrimination; stereotyping; and frequent use of sex as a predictor or classifier. Those inclined to doubt the frequency of physical violence between the sexes should consider this estimate by trainers at the New York City Police Academy: 40% of all calls to police involve disputes between husbands and wives. And much of the friendliness between the sexes has been conditional on acceptance of male domination. Sex is virtually as suspect as race, and Congress and the state legislatures have properly included both at the core of civil rights policy.

Historic abuse distinguishes race, color, sex, religion, and national origin from a characteristic like high blood pressure. High blood pressure is largely immutable and is sometimes used as a predictor of consequences with which it is only statistically associated. For example, health insurers might refuse coverage, or charge a higher rate, to persons with high blood pressure, even though some might have few medical expenses. But because there is no long history of conflict or domination between blood pressure groups, surcharging insureds with high blood pressure is far less suspect than surcharging black insureds or female insureds. Surcharging those with high blood pressure is less likely to have been

motivated by hostility, less likely to add to the cumulative disadvantage and frustration of a group already victimized in many other ways, and less likely to revive or intensify old prejudices.

There can be degrees of immutability, irrelevance, and historic abuse. But no other possible predictor so fully shares all three of these characteristics as race, color, sex, religion, and national origin. There are sound reasons why these five criteria are at the very core of civil rights policy. In employment, they simply cannot be used as predictors, even for insurance purposes. That rule can be extended to all insurance without jeopardizing the principle of rate classifications, because race, color, sex, religion, and national origin are peculiarly offensive classifications.

C. The Genetic Difference Argument. A final argument sometimes offered to justify segregated annuity and life insurance tables is that sex differences are genetic. It is usually offered to distinguish sex-segregated tables from race-segregated tables. The argument has obviously had a certain emotional appeal, but it is both untrue and irrelevant, and more recent defenses of segregated tables do not rely on it.

Sex differences in mortality have been extensively investigated by biologists and demographers. The causes of such

differences are complex and not yet fully understood, but all major investigators now believe that social, cultural, environmental, and behavioral factors are more important than genetic or biological factors. The plainest evidence for environmental ~~explanations~~ of sex mortality differences is their great variability over time and space. In much of the third world, including countries with nearly a quarter of the world's population, men live as long or longer than women. In the developed countries, women now tend to live longer than men, but the differences are not uniform. The difference is less than four years in Hawaii but nine years in Wyoming, five years in East Germany but ten years in the Soviet Union.

Sex mortality differences of this magnitude are a phenomenon of the last generation. So far as we know, they are unprecedented in all of human history. In 1920, women in the United States lived an average of only one year longer than men. Today, that average has increased to more than seven years. Such a sudden change requires investigation. It almost certainly is not genetic, for evolutionary changes do not occur so fast.

The most important cause of current sex mortality ~~differences~~ is self-destructive behavior among men, which is why American adult men have a lower life expectancy than men in several less developed countries. Smoking alone accounts for three-fourths of the increase in sex mortality differences

between 1910 and 1962. Alcohol, recklessness, and the coronary-prone personality also contribute. Women who engage in such behavior shorten their lives just as men do. It is both unfair and erroneous to treat all men as if they engage in such behavior, and all women as if they do not.

There is another important implication of the dramatic changes in sex mortality differences. Because the relationship between sex and mortality is so changeable, sex is not a good predictor. All through the nineteenth century, the insurance industry alternately charged women more and then less for life insurance, as the relationship between sex and mortality among the insured population fluctuated. In 1920, men and women bought life insurance on the basis of tables predicting that women would live one year longer than the men. Some of those men and women are still alive today, when, on average, the women are living seven years longer than the men. The prediction was worthless. Today's young people are buying insurance on the basis of the present seven-year difference. But the sex mortality difference for their generation will not be known until the middle of the next century, when most of them will have died. By then, the relationship between sex and mortality might have changed again, perhaps as dramatically as in the last generation.

Indeed, there are already signs of a possible decline in sex mortality differences. Nationwide, the female advantage quit increasing about 1970 and has fluctuated narrowly since.

In Hawaii, it has declined sharply; it has also begun to decline in some European countries. Male death rates are declining more rapidly than female death rates, and the effects of this should begin showing up in life tables soon. The very recent improvement for males is greatest among those ages and causes of death that have contributed most to sex mortality differences -- ages over fifty and deaths from cardiovascular disease. No one can predict how long these trends will continue, but there is an excellent chance that sex mortality differences will decline sharply in the next generation. Sex roles are changing; men and women are behaving more similarly. One illustration is smoking. We are now paying the cost of its having become socially acceptable for women to smoke; lung cancer rates are approaching equality. We do not know what the future will bring, but we do know that the relationship between sex and mortality is volatile, and that there is no reason to believe the current seven-year female advantage will endure.

Segregated tables in health and auto insurance have not commonly been defended on the ground that they reflect genetic differences between the sexes. Less is known about these differences, but it is quite unlikely that they can be adequately explained by genetics. Many studies of the relationships between sex and illness, disability, and use of medical care suggest social and behavioral explanations. There is

some evidence that male aggressiveness and reckless driving are related to male sex hormones, but socialization also seems to play an important role.

Even if some of the sex differences relevant to insurance are genetic, that would not justify sex-segregated actuarial tables. Whatever their cause, these differences at most establish a tendency, and a rather weak tendency at that. Millions of individuals do not fit the insurance industry's sex stereotypes. We all know men who lived to be a hundred and women who died young; men who are sickly and women who never miss a day's work; ~~men who are sickly and women who never miss a day's work,~~ men who are careful drivers and women who are not. These people are entitled to be treated as individuals, regardless of whether a contrary group tendency among their sex is social, biological, or both.

Indeed, no one has ever offered a plausible reason why the cause of sex differences matters to this issue. It has been suggested that if sex mortality differences are genetic, sex itself is actually a predictor of mortality and not just a surrogate for the true factors, and that sex can therefore be used as a predictor under such circumstances without indulging a sexual stereotype. But this is demonstrably not true.

One known genetic difference between the sexes, related to mortality, is that males are far more likely than females to

be hemophiliacs. But only a few males are at risk, only some of those actually have the disease, and these individuals can be identified. Thus, sex is not the "true factor" in shortened life from hemophilia, and to treat all males as hemophiliacs would be a "sexual stereotype," even though hemophilia is a sex-linked genetic trait. To claim that sex itself is a predictor of mortality, and not merely a surrogate, proponents of segregated tables must explore each genetic difference and show that it affects all members of a sex and is not merely associated with sex. Even if some genetic factor were shown to affect every member of a sex, it would do so only marginally; sex still would not predict longevity for individuals, and would still predict weakly for groups.

IV. Transitional Issues

Legislation requiring sex-integrated insurance tables faces two important transitional issues. The first is whether new nondiscriminatory insurance rates are to be set at the level now charged the better treated sex, or at some intermediate level. The second is whether nondiscriminatory rates must be implemented immediately, phased in gradually, or implemented all at once but only after a delay. The pending bill resolves both issues in a way most favorable to insureds. That is, it requires that with respect to each kind of insurance, the sex now discriminated against immediately be

treated as well as the sex now advantaged. The result is to create substantial unfunded liabilities, particularly in annuities and apparently in life insurance as well. This provision of the bill has been legitimately criticized by the insurance industry.

However, the insurance industry's approach to transitional issues is also unacceptable. It argues that no non-discrimination legislation should be applied to existing policies -- in effect, that present insureds have a vested right to the fruits of discrimination. In the case of life insurance and annuities, this approach would delay full implementation of the bill until well into the next century.

Unlike the basic principle of integrated tables, these issues are the sort that can be compromised. If the conservatives are serious about their commitment to civil rights, they will not use the transition provisions as a pretext to oppose the bill; they will propose a better transition. If the liberals are serious about showing a new sensitivity to cost without abandoning their commitment to reform, they will not jeopardize the bill by insisting on the present transition provisions; they too will propose a better transition.

Both the insurance industry and the supporters of the pending bill seek to protect the reliance interests of persons

presently insured. This is a legitimate goal, but in searching for compromise, it is important to distinguish those aspects of policies on which insureds have genuinely relied from those on which reliance is only theoretical. Only when a specific dollar amount of premiums or benefits is contractually guaranteed is it plausible to believe that insureds have actually relied on it.

Thus, in whole life insurance, the premium and the face amount of the policy are fixed, and insureds are very much aware of those two numbers. Reliance may be assumed. On the other hand, dividends on participating policies are not fixed; they are set in light of experience and at the discretion of the company. No insured can plausibly claim to have relied on a particular level of dividends; at most, a woman can say that she expected to benefit from continued discrimination. That is not a claim of reliance that Congress need honor. Similarly in annuities, the contractually guaranteed future payment is often set very conservatively, with the actual benefits to be determined in light of experience. In that situation, no insured can claim to have relied on any particular level of future benefits, and there can be no legitimate objection if future benefits are set in a nondiscriminatory way at a level lower than the segregated male level but higher than the segregated female level.

This more realistic approach to reliance interests reduces the transition problem but does not eliminate it. The remaining problems arise because the insurance industry promised one sex unfairly high benefits and the other sex unfairly low benefits. The gap between the two levels of benefits becomes a transitional cost, which must be paid either by the advantaged sex (by forgoing what it was promised), the disadvantaged sex (by forgoing any remedy on existing policies), or the insurance industry and future insureds (by raising all benefits to the level promised the advantaged sex). It is classically the sort of problem that can be compromised by having all three possible cost bearers contribute part of the cost.

It is important to understand that these cost problems are purely transitional. They will not arise with respect to policies issued after the bill is enacted, because these policies will make the same promises to both sexes. The cost of any level of benefits will be somewhere between the present male and female rates. The bill will not increase the average cost of insurance at all, but it will redistribute the cost by eliminating the present sex discrimination.

V. Conclusion

The nondiscrimination in insurance bill is squarely in the accepted mainstream of the American civil rights tradition. It would provide equal opportunity for every individual, and end a system of sexual quotas in insurance. The sex differences in loss experience offered to justify existing discrimination are mere statistical associations; they are no justification for discriminating against individuals who do not fit the sexual stereotype. With appropriate amendments to the transitional provisions, the bill is one that both liberals and conservatives should be able to support. There is no reason why it could not be an important part of the Reagan administration's contribution to civil rights law.

copies
"

NAME	DATE
Glenn T. ...	7/29/81
Mike Uhlmann	7/29/82

981
July 22, 1982

RG

089577 (29)
4710
4620
PR001
PR014-04

Dear Mr. Anderson:

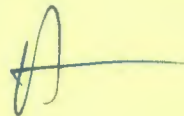
I am happy to take a moment to thank
you for the entertainment and joy you
provided my staff and their families
last November 25. From "Cookie Monster"
to "Big Bird" and all of the other mem-
bers of Sesame Street LIVE, you shared
your talents with a most appreciative
audience.

Nancy joins me in sending our apprecia-
tion for a welcome, memorable afternoon
of imaginative fun and happiness at the
White House. It was a wonderful way to
begin the celebration of everyone's
Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN



X
X Mr. Tonkins Anderson
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

820722

July 22, 1982

Dear Mr. Berry:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Mr. Matt Berry
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Mr. Butters:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Mr. Tom Butters
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Mr. Cameron:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Mr. John Cameron
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Mr. Campbell:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

FRANKED HEADLINE

Mr. Le'Von Campbell
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Mr. Crabb:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

Howard Stern

Mr. Bobby Crabb
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Mr. Daab:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

DONALD REAGAN

Mr. Jim Daab
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Mr. DeMartini:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Mr. Michael DeMartini
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Mr. Egan:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN A

Mr. Vince Egan
President
Vee Corporation
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

820722

July 22, 1982

Dear Mr. Frank:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Mr. Larry Frank
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Miss Harding:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Miss Judith Harding
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Miss Hayes:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Miss JoAnna Hayes
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Miss LaBranche:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Miss Shelby LaBranche
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Miss Lauve:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

DONALD REAGAN

Miss Mary Lauve
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Miss Lilygren:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Miss Mary Lilygren
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Miss Lofton:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Miss Jocelyn Lofton
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Miss Miller:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Miss Diane Miller
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Mr. Nanni:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Mr. Dan Nanni
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Mr. Peed:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Mr. Bil Peed
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Mr. Peterson:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Mr. Jim Peterson
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Miss Pew:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Miss Karen Pew
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Miss Risinger:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Miss Gretchen Risinger
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Mr. Sanford:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Mr. Tom Sanford
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Miss Sumara:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

Miss Natalie Sumara
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Mr. Taylor:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

W. J. PEARSON

Mr. Keith Taylor
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Miss Thompson:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Miss Audreyann Thompson
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Miss Thoms:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD PERCIVAL

Miss Carole Thoms
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

July 22, 1982

Dear Miss Tillman:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN

Miss Deborah Tillman
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

089577

July 22, 1982

Dear Miss Tweed:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

RONALD REAGAN A

Miss Lois Tweed
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

820722

(all)

July 22, 1982

Dear Miss Wilson:

I am happy to take a moment to thank you for the entertainment and joy you provided my staff and their families last November 25. From "Cookie Monster" to "Big Bird" and all of the other members of Sesame Street LIVE, you shared your talents with a most appreciative audience.

Nancy joins me in sending our appreciation for a welcome, memorable afternoon of imaginative fun and happiness at the White House. It was a wonderful way to begin the celebration of everyone's Thanksgiving 1981!

With all best wishes for the future,

Sincerely,

ROBERT WILSON

Miss Tina Wilson
Sesame Street LIVE
10 South Fifth Street
Minneapolis, Minnesota 55401

RR:AVH:PAG:KCS:RCH:mdh/cbs--
(basic)

Correspondence:

This group performed at the White House in November. The event was handled by the social office although the first contact was with Carol McCain. They called her because they knew her but she passed their offer up to Ms Brandon. Obviously Social Office doesn't care to respond. Do you have a suitable reply?

Visitors Office

THE WHITE HOUSE
WASHINGTON

DATE: June 17, 1982

TO: Carol McCain

I thought you might like to
handle this.

*She can handle
the correspondence*

Muffie Brandon
Social Secretary to
the White House
X7064



VEE CORPORATION

SUITE 810 • LUMBER EXCHANGE BUILDING
TEN SOUTH FIFTH STREET, MINNEAPOLIS, MINNESOTA 55401 • (612) 375-9670

Pat
Muffie
Should Carol McCain
handle?

May 7, 1982

President Ronald Reagan
The White House
Washington, D.C.

Dear Mr. President:

Members of 'Sesame St. LIVE' had the honor of performing in the East room of the White House on November 25, 1981 for members and their families of The White House staff.

We were all very sorry that you and Mrs. Reagan could not have been in attendance. However, we understand that circumstances often do not permit you to be in Washington.

As company manager, I wanted to express to you how hard all of our personnel worked to present the performance.

I know each and everyone would be very proud to have some sort of letter to attest to the fact that they did appear at The White House.

I realize that these days your schedule is extremely hectic. I will list all those who were associated with the performance. We would greatly appreciate if something could be sent.

Thank you very much for your time.

Sesame St. LIVE

X Vince Egan, President VEE CORPORATION

X Mr. Tonkins Anderson
X " Tom Butters
X " John Cameron
X " Le'Von Campbell
X " Bobby Crabb
X Miss Natalie Sumara
X " Judith Harding
X Mr. Michael DeMartini
X " Deborah Tillman
X Mr. Larry Frank

X Miss JoAnna Hayes
X " Shelby LaBranche
X " Mary Lilygren
X " Jocelyn Lofton
X Mr. Jim Daab
X Miss Diane Miller
X Mr. Dan Nanni
X Mr. Keith Taylor
X Miss Tina Wilson
X Mr. Matt Berry

X Mr. Bil Peed
X " Jim Peterson
X Miss Mary Lauve
X " Carole Thoms
X " Gretchen Risinger
X Mr. Tom Sanford
X Miss Karen Pew
X " Audreyann Thompson
X " Lois Tweed

Sincerely,

Jim Peterson
Company Manager

Name	
Loeje	11/1/84

Copy of Summary to L. Edwards
7-30344