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THE WHITE HOUSE
WASHINGTON

File

MEMORANDUM

DATE: August 29, 1983
TO: JAMES A. BAKER, III JAW
FROM: FAITH RYAN WHITTLESEY
SUBJECT: 50 States Project Status and Plan for Action

Background

President Reagan's 50 States Project "Status of the States" 1982 Year-End Report indicates that forty-two states have undertaken searches. Of these, twenty searched their entire code for both gender-specific terminology and discriminatory effect of laws, while eighteen states identified only gender-based terminology. Four states searched specific issue areas. Eight states have done no official statute searches. Of these eight, Alaska and Colorado have passed a state ERA, although neither state has taken an official search. Twenty six states have already revised their rules and regulations or are in the process of doing so. They are Arizona, California, Connecticut, Delaware, Georgia, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Virginia, Washington, Wisconsin and Wyoming.

Current Activities

We are in the process of communicating with the states to determine the current accurate status of the project in each state. It has become necessary to re-identify Governor's representatives due to new administrations in 1982.

The Project Director has visited Iowa and found their code review complete in identifying three forms of sex discrimination; gender-based language, discriminatory on its face when a surface reading of the language contained in the statute applies differently to persons based on sex or marital status, and disparate impact when code sections appear to be neutral on their face but in actual application the effect of the statute differs depending upon the sex of the person to whom it is applied.

Iowa is a good model for all states because it has had continuity in leadership, commitment from Governor Terry E. Branstad, involvement of its Commission on the Status of Women, public/private sector cooperation, involvement of department heads, comprehensiveness in Code review, and was inexpensive and completed in a relatively brief period of time. .

To highlight Iowa's success, the Project Director has scheduled a press conference on Wednesday, September 28 with Governor Branstad and Iowa's 50 States Committee.

The Project Director visited Louisiana on Thursday, August 25 to meet the 50 States representative. As a result of "the gender gap" issue raised earlier that week, the Project Director spoke before a group of women, assembled by the Louisiana representative, on the project and Reagan record. The Project Director has been requested to revisit Louisiana on September 21 to announce with Governor David Treen at a press conference the formation of a 50 States Commission comprised of his representatives and selected attorneys. The Project Director is scheduled to appear on one television talk show and give three radio interviews on the particulars of the Governor's newly formed 50 States Commission.

Projected Travel Schedule

A meeting with 10-15 women legislators and ALEC officials has been scheduled for September 13 to develop a pamphlet of suggested procedures based upon the activities of exemplary states. This pamphlet will be distributed to each state.

- Illinois, September 1-3
- Indiana, September 8-9
- Colorado, September 14-17
- Louisiana, September 21
- Pennsylvania, September 22-23
- Colorado, October 9
- Kentucky, October 11
- Tennessee, October 14
- Vermont, October 17
- Delaware, October 20
- New Jersey, October 24
- South Dakota, November 2
- North Dakota, November 3
- Missouri, November 9
- Washington, November 17-18
- Oregon, November 21-22
- California, December 19-22

During these trips, the Project Director will determine the status of the statute search, offer procedural assistance in running a computer search, organize 50 States review commissions to examine

page three

Codes and Administrative Rules, foster cooperation among 50 States commissioners and Commissions on the Status of Women, other interested women's groups and the Governors' offices. A dialogue will be initiated with legislators urging enactment of legislation to eliminate sex discrimination in regulations, statutes and rules.

✓BS
THE WHITE HOUSE
WASHINGTON

August 16, 1983

recd. 8/17/83

F. Le.

MEMORANDUM FOR FAITH RYAN WHITTLESEY

FROM: TRUDI MICHELLE MORRISON *Trudi*

SUBJECT: 50 States Project

Dee and I just returned from an on-site review of Iowa's 50 States Project. I am extremely impressed procedurally with the States effort and the support given it by Governor Terry E. Branstad, with whom we also met. Accordingly, I would like the President to announce Iowa as the exemplary model for the project at a luncheon for project representatives in October (see attached schedule proposal).

In Iowa, a process for review and training session were planned by a governor's liaison to the 50 States Project, the Chairperson of Iowa's Commission on the Status of Women, the Executive Director of Iowa's Commission on the Status of Women, and 50 States Project Director. To implement the plan, the Governor's office secured the half time release of nine attorneys employed in state government for a period of six weeks. The Project Director joined the attorneys in each reviewing approximately 400 pages of the Iowa Code.

An orientation and training session was needed for all involved in the project. The agenda included a history of the 50 States Project, an overview of Iowa's progress to date in eliminating sex discrimination, remarks by the Governor affirming his support, and procedures for Code review. Each individual received a notebook which outlined the process to use and contained examples of the different forms of gender discrimination: gender-based language, facia, and impact. Supplementary material included guidelines for reviewing and excerpts from Drake Law Review and The Yale Law Review (I have these if you are interested).

The session included a "practice review" of an excerpt from the Iowa Code. Individual analyses were compared, followed by large group discussion. A sample of the format for reporting was presented and discussed. In addition, each individual was given a computer print-out of his/her section of the Code containing 230

page two

words to be used as a cross-check. Weekly meetings were held to discuss findings, answer questions, and check progress.

During the time the Code was reviewed, plans were made for review of the Administrative rules. Fifteen attorneys in private practice volunteered to each review 215 pages. An orientation and training session for the group was held using a format similar to that used for the Code. Bi-weekly meetings were held for the attorneys to react to one another's findings for the 50 pages assigned each time. Reports were turned in for these pages at each meeting.

These procedures were apparently effective and resulted in a thorough and accurate review of the Code and Rules for gender discrimination. I am told that the process was both expedient and cost-effective.

I would also like the President to urge the states to address programmatically their need for child support and enforcement.

cc: Jonathan Vipond, III

THE WHITE HOUSE

WASHINGTON

SCHEDULE PROPOSAL

August 16, 1983

TO: FREDERICK J. RYAN, JR., DIRECTOR
PRESIDENTIAL APPOINTMENTS AND SCHEDULING

FROM: FAITH RYAN WHITTLESEY

REQUEST: Reception for 50 States Representatives

PURPOSE: To reiterate the Administration's commitment
with the Governors and their representatives
to help assist in identifying and correcting
state laws which discriminate against women.

PREVIOUS
PARTICIPATION: Luncheon for representatives held October 1981.

DATE: September 7, 1983

DURATION: 15 minutes

LOCATION: East Room

PARTICIPANTS: The President and First Lady
Vice President and Mrs. George Bush
50 States representatives

OUTLINE OF EVENT: The President will greet and make brief remarks.

REMARKS REQUIRED: Talking Points

MEDIA COVERAGE: Full press

RECOMMENDED BY: Faith Ryan Whittlesey

PROJECT OFFICER: Trudi Michelle Morrison

THE WHITE HOUSE

WASHINGTON

August 10, 1983

File

MEMORANDUM FOR BILL SITTMANN

FROM: TRUDI MICHELLE MORRISON *mm*

SUBJECT: Status Report: 50 States Project

Pursuant to your urgent request, the 50 States Project implements President Reagan's campaign commitment to the governors to assist in identifying and correcting state laws which discriminate on the basis of sex.

The goals and objectives of the 50 States Project are to identify discriminatory state laws and guide the governors toward instituting corrective legislation; to collect and make available information on the status of corrective legislation enacted within the 50 states; to assist the governors and legislatures in the development of state specific strategies; and to maintain an information clearinghouse for all states.

The 50 States Project must now also take the lead in showing the states how to improve enforcement of child support laws and to encourage private child care programs by: (1) serving as a clearinghouse for more effective child support enforcement, and (2) identifying state and local restrictions which unduly inhibit private day care programs.

BACKGROUND

The 50 States Project concept was proposed at the 1980 Republican National Convention. Judy Peachee was appointed Director of the Project in May of 1981, at which time the groundwork for the program was laid with a Presidential letter to the governors requesting that they appoint a representative from their office to coordinate efforts with the White House. By September 1981, all the governors had appointed such a representative.

In October 1981, the governors' representatives met at the White House to discuss the 50 States Project, exchange information, and promote cooperation between the states. During this conference, the representatives attended workshops to discuss such issues as "Research and Review of State Statutes", "Legislative Support for Corrective Legislation" and "Creating Positive Perceptions and Community Support". The highlight of the conference was a luncheon hosted by the President and Mrs. Reagan, at which the President reconfirmed his commitment to the 50 States Project.

Due to the resignation of Judy Peachee, responsibility for the Project was transferred in July 1982 to Ms. Thelma Duggin who was appointed Special Assistant to the President and Director of the 50 States Project. The Honorable Catherine Bedell was named as a consultant and Mary Elizabeth Quint as Deputy Special Assistant to the President. Trudi Michelle Morrison was named Director in July 1983.

The Project has been subject to frequent public attacks, has been termed "a sham", and has never received adequate funding or staff resources. The identification of substantive gender discrimination has been labeled "empty" because ERA states generated their own statutory searches independent of this Project.

PLAN

- out of town*
- A. The Director establishes a "Suggested Legislation Committee" to review data already obtained from the states. Ten legislative areas, i.e., family support laws, banking and insurance laws, education laws, etc., will be examined and provide the framework for a booklet of proposed legislation which will be given to each legislator during the November 9 event discussed below. The committee will consist of 10-15 legislators who will come to Washington on September 13 for a morning working session and luncheon.
- out of town*
- B. The President and Mrs. Reagan, and the Vice President and Mrs. Bush will host a luncheon for 300 women legislators on November 9, 1983. The luncheon will follow a morning briefing on the 50 States Project and will urge the legislators to enact legislation to eliminate gender based terminology in their states' regulations and statutes.
- out of town*
- C. The President and Vice President will host a reception for the National Association of Attorneys General on November 10, 1983. The reception will follow a one hour briefing update on the 50 States Project where they will be urged to assist in formulating appropriate corrective legislation.
- ✓ letters similar that have already gone out*
- D. The President formally reiterates the importance of the Project to the 50 governors and their representatives. In a letter he inquires as to the progress of legislative reform in each state and offers assistance to State Legislatures. Draft legislation could be offered to each state using its own statute search.
- E. The White House Senior Staff approves the funding and staff resources for the Director of the Project to travel to key (defined as the Sunbelt and the West as equated to needed electoral votes) states to demonstrate the viability of the Project.

- F. The Director of the Project attends national and regional conferences sponsored by organizations with a heavy multiplier effect; e.g., National Conference of State Legislators, American Legislative Exchange, National Governors' Association, Federation of Republican Women, etc., and urges the enactment of legislation to nullify identified gender discriminatory statutes.
- G. The Department of Justice runs a comprehensive key-word search on requested state statutes and regulations on a priority basis to aid states with actual legislation.

Bill, a formal memo from Faith Ryan Whittlesey to Michael Deaver will follow this outline. Also, please note that the attached schedule proposals are my first very rough drafts. The language has yet to be cleaned up and they have not been seen by Jonathan, Faith or anyone else on the Public Liaison staff.

cc: Jonathan Vipond, III
Nancy Risque

THE WHITE HOUSE

WASHINGTON

June 23, 1983

MEMORANDUM FOR WILLIAM F. SITTMAN

RE: 50 States Project "Status of the States"
1982 Year-End Report

This document is an inventory of actions taken by states to eliminate discrimination on the basis of sex.

The 50 States Project has five goals for itself:

1. "Collect and make available various information on the nature and status of specific corrective legislation in the 50 states.
2. "Assist the states in the development of strategies designed to meet their individual needs.
3. "Maintain an information clearinghouse.
4. "Provide regular information releases on activities in the states.
5. "Initiate briefings and meetings designed to keep an open line of communication between the parties involved in efforts to remove sex discrimination in state laws."

Of these five goals, the 1982 Year-End Report realizes only partially the first goal. The stated purpose of the 1982 Year-End Report is extremely minimal:

1. "Determine the legislative schedule of each state.
2. "Obtain specific information on the status of activity and legislation in each state.
3. "Obtain research information on past activities on sex discrimination."

The information used in this Report appears to be whatever was made available to the 50 States Project by each governor's designated liaison. The result of this uncoordinated and decentralized approach is the hodge-podge of information included in this Report. There is great diversity in the quantity and quality of data. For example, the section on Oregon's efforts includes 15 pages of charts analyzing discriminatory laws, while the majority of states provided just a few paragraphs of generalized description of their activities. The cut and paste quality of this report makes detailed comparisons between states nearly impossible.

The Report shows weak editorial control. Basic terms are left undefined and are used interchangeably. There is no footnoting of sources for key sections. There is no adequate discussion of the methodologies used by states to root out discriminatory language. The Report is unnecessarily long. The key results of the survey can be found on eight pages--11 to 19--of this 140-page book.

The Report does not offer any indication of what the Administration supports or opposes. In fact the Report includes a disclaimer that it in fact has no opinion as to the merits of any state's effort. There is no focus, no conclusion, no translation of the data into any sort of action plan or agenda. There is not even an executive summary. We should ask ourselves how much attention we want to draw to such a modest achievement.

This document would be useful as a history of the states' efforts to eliminate sex discrimination. But since only one state--Tennessee--acknowledges that the 50 States Project inspired any action, its value as a catalyst for action will be open to question; at least until the Project produces something more substantive. A minimum of eight states have taken no or almost no action whatsoever, according to the Report. The Report could be used to prod those states into action, though no mention is made of this possibility.

This Report should be presented as a first step, an inventory, with more rigorous analysis and recommendations still to come. The Report could embarrass the Administration because it is so haphazard and because it is clear we are not yet ready, after two-and-one-half years, to actually provide guidance or assistance to states with discriminatory laws or regulations.

Below are some action items:

- The liaisons to the 50 States Project from each state could meet with the President.
- We could pursue Governor Jim Thompson's idea--cited in the Report--of convening a 50-state conference to exchange ideas and information. A more ambitious agenda would include coordinated studies on methodology and model laws and a specific action agenda. The President could address such a conference.

- ° The President could kick off "Phase Two" of the 50 States Project action plan by dedicating the facilities for the planned information clearinghouse, attending a briefing, etc.
- ° An obvious idea that must be studied carefully is to award some special honor to a "winner," i.e. the state which has made the greatest effort to reform its laws. The drawback to this is that the likely winner would be a state that passed its own ERA a decade ago, e.g. Colorado.