



N.O.W. NEWS

September 1987

BAY AREA CHAPTER

NATIONAL ORGANIZATION FOR WOMEN

ACTION NEEDED NOW!

Many of us NOW members have sworn that if some important ACTION is needed, we'd be there, taking part, with banners flying.

Perhaps the most important action we can take for this entire year is something that requires little time and a very small output of energy. It can be done in your own home. This action is to WRITE LETTERS to Senators. On September 15 the Senate Judiciary Committee will meet to consider the nomination of Robert Bork to the Supreme Court. If the nomination is approved by this committee the next step would be to attempt to get confirmation by the entire Senate. Let's go to work NOW to squelch this appalling nomination while it is still in the Judiciary Committee.

WRITING THE LETTER

In a personal interview with an aide to Congressman Mike Andrews, the writer was given the following information about writing letters to legislators:

1. Legislators usually receive about 300-400 letters per day from constituents.
2. Legislators customarily read three or four letters (selected by aides) per day.
3. The rest of the letters are tallied according to subject matter and "pro" or "con".
4. Therefore, it is usually not worth while to write a long letter. The essence of the letter should be expressed in the first sentence or two.
5. Yes, letters signed by more than one person (especially by a long list of persons) are duly noted. (Form letters and postcards carry less weight.)

6. Telegrams: each telegram is worth about ten letters.
7. Addresses: This simple address is sufficient.

Senator
U.S. Senate Office Building
Washington, D.C. 20510

The name of the building is not required.

8. Have fun - and keep it short!

NAMES OF SENATORS:

Joseph R. Biden, Jr. - Chairman, Senate Judiciary Committee
Democrats on the Committee - Arlen Specter, Dennis De Concini,
Robert Byrd, Howell Heflin.

You may also want to write to Texas senators:

Lloyd Bentsen and Phil Gramm. Your position may be made clear to Senator Bentsen by telephoning his Houston office - 229-2595. Office personnel will make sure your "pro" or "con" position is tallied just as it would be if you wrote a letter.

ATTENTION...ATTENTION...ALL BAY AREA NOW MEMBERS

The Honorable Patricia Schroeder, D-Co, is considering entering the race for the Presidency of the United States of America. Before she can make that decision she will need \$2 million dollars in her campaign treasury. If every member of the National Organization for Women contributes just \$10.00 she will have \$1.5 million. Help us to elect someone to that honorable office who believes in "equality" for all persons.

Make your checks payable to: "Pat Schroeder For President"

Mail to: Pat Schroeder Campaign
2000 Gaylord St.
Denver, Co. 80205



National Organization for Women, Inc.

1401 New York Avenue, N.W., Suite 800 • Washington, D.C. 20005-2102 • (202) 347-2279

SAVE THE COURT!

"...Robert Bork's America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue police could break down citizens' doors in midnight raids..."

Senator Edward Kennedy

We cannot permit a lame-duck discredited president to amend the Constitution by nominating Robert Bork to be Supreme Court Justice. A right-wing ideologue cannot be allowed to replace Lewis Powell, a swing vote. The confirmation of Bork could signal the end of three decades of progress for civil rights as well as threaten many other rights that we have come to view as fundamental.

WHAT'S AT RISK IF BORK IS CONFIRMED

1. **ABORTION:** "I am convinced, as I think most legal scholars are, that Roe v. Wade is ... an unconstitutional decision, a serious and wholly unjustifiable judicial usurpation of State legislative authority. I also think that Roe v. Wade is by no means the only example of such unconstitutional behavior by the Supreme Court." (from testimony before the U.S. Senate on proposed Human Life Bill, 97th Congress, 1st Session, 1981)
2. **RIGHT TO CONTRACEPTION:** "The privacy notion... [upon which the right to contraception is based] ... has little to do with the intent of the framers [of the Constitution]...." "The Griswold decision has been acclaimed by legal scholars as a major advance in constitutional law, a salutary demonstration of the Court's ability to protect fundamental human values. I regret to have to disagree... The Griswold opinion fails every test of neutrality.... [It] is an unprincipled decision...." (from "Neutral Principles and Some First Amendment Problems," 47 Indiana Law Journal 1, 8-11)
3. **GAY RIGHTS:** "We would find it impossible to conclude that a right to homosexual conduct is 'fundamental' or 'implicit' in the concept of ordered liberty.... We conclude therefore, that we can find no constitutional right to engage in homosexual conduct and that, as judges, we have no warrant to create one." (Dronenburg v. Zech, 741 F.2d 1388, 1396-97 (D.C. Cir. 1984))
4. **AFFIRMATIVE ACTION:** Bork has questioned the legality of affirmative action preferences for minorities: "Justified neither by the theory that the [Fourteenth] amendment is pro-black nor that it is colorblind, [the Bakke decision] must be seen as an uneasy compromise resting upon no constitutional footing of its own." (Wall Street Journal, July 21, 1978, p. 8)
5. **PRAYER IN THE SCHOOLS:** Generally, Bork has upheld legislation if the language of the statute does not specifically violate the Constitution. Bork is believed to favor more government accommodation of religious practices.
6. **SEXUAL HARASSMENT:** In a 1985 dissent Bork said that applying civil rights laws' protection against sexual harassment would mean that "sexual dalliance, however voluntarily engaged in, becomes harassment whenever an employee sees fit, after the fact...." Bork claimed that harassment by bisexuals would be legal because "insistence on sexual favors would apply to male and female employees alike." And "...Perhaps some of the doctrinal difficulty in this area is due to the awkwardness of classifying sexual advances as 'discrimination'. Harassment is reprehensible, but Title VII was passed to outlaw discriminatory behavior and not simply behavior of which we strongly disapprove." (Vinson v. Taylor, 706 F.2d 1330, (1985))

7. EQUAL RIGHTS AMENDMENT: "The amendment didn't say that Congress shall have the power to provide for sexual equality in all cases.... What it said was 'Judges shall have power to decide what sexual equality is in all cases.'" (USA Today, July 2, 1987, p. A2)

8. MARCHES AND DEMONSTRATIONS: Bork has upheld limitations on the right to demonstrate in front of foreign embassies. This decision was "... based not on the need to protect the embassy's security but on the more amorphous need to prevent affronts to the 'dignity' of the embassy..." (Dissenting opinion of Wald in Finzer v. Barry 798 F.2 & 1450 (D.C. Cir. 1986)).

9. FIRST AMENDMENT PROTECTION OF SPEECH: "Constitutional protection should be accorded only to speech that is explicitly political. There is no basis for judicial intervention to protect any other form of expression, be it scientific, literary or [other]. (47 Indiana Law Journal, 1 at 20)

10. A SURE VOTE FOR BIG BUSINESS: "In modern times the Supreme Court ... without adequate explanation has inhibited or destroyed a broad spectrum of useful business structures and practices. Growth by merger with rivals is practically impossible." (Bork, The Antitrust Paradox: A Policy at War with Itself, New York: Basic Books, 1978)

HOW BORK COULD AFFECT SOME CASES IN THE NEXT SUPREME COURT TERM

A. Hartigan v. Zbarez: The specific issue in this case is legislation concerning a minor's access to abortion and the need for parental consent prior to an abortion; however it is highly possible that the Court will take this opportunity to reconsider the entire abortion question. When Powell was absent in 1985, the Court deadlocked 4-4 on abortion. Bork views Roe v. Wade as unconstitutional, and so, could provide the vote that will overturn the decision and deny women the right to an abortion.

B. Brown v. Kendrick: A federal law designed to discourage adolescent sexual activity provided for grants to Catholic and other charities for the purpose of teaching the virtue of chastity. The law was invalidated by a lower court but the Reagan administration has indicated it will appeal. Bork will most likely uphold this federal program if he believes that the language of the statute does not specifically violate the Constitution.

C. Karcher v. May. At issue is a New Jersey law requiring schools to permit a moment of silent prayer. Bork is believed to hold that this is constitutional.

D. Webster v. Doe. Can the CIA dismiss an employee solely because he is homosexual? In 1984, Bork held that the Navy had the right to dismiss for homosexuality.

IT IS CRUCIAL that the Senate be flooded with mail opposing the Bork nomination! Th address to write to is: Senator _____/United States Senate /Washington, DC 20510.

SAMPLE LETTERS TO THE EDITOR - Please use one of these letters - or write your own -- the public needs to be aware of the Bork nomination and the threat to privacy if he is confirmed.

President Reagan's nomination of Judge Robert Bork to the Supreme Court deserves to be soundly rejected. Judge Bork is not only a conservative, but an extremist. Justice Powell was a conservative, but he judged cases before him on a case by case basis.

Judge Bork does not believe that the "right to privacy" exists in the Constitution, as interpreted by the Supreme Court's decision in Roe v. Wade, Griswold v. Connecticut, or other cases. This alone should warn people to the very real danger their civil rights would be in, should Judge Bork be confirmed. Like most people today, what with the problems of our economy and just day to day living, it would be very easy for me to ignore this threat. But this issue is too critical to ignore. It will affect our lives for the next 25 to 30 years. I feel very strongly that every person who feels this way should take the time to write Senators Bentsen and Gramm and express their opposition to Judge Bork's nomination. This is not the time to rely on "someone else" writing the letters, or the attitude that one letter won't make any difference. This is the only time we have a chance for our voices to be heard, regarding the Supreme Court. Once a justice is confirmed, it is for life, or their decision to retire.

As a member of the majority of people in the U.S. who are pro-choice, I am extremely concerned regarding President Reagan's nomination of Robert Bork as U.S. Supreme Court Justice.

He has gone on record as being opposed to the Court's finding in Roe v. Wade. Furthermore, he does not believe that the "right to privacy" exists in the Constitution, as interpreted by the Court in Roe v. Wade and other cases. This view threatens more than our right to safe, legal abortion. It threatens most of our most basic civil rights we take for granted now. But as far as Roe v. Wade is concerned, I am not only concerned about an outright reversal. Even if this did not happen, the intent of Roe could be eroded by restrictions as to leave it meaningless.

We, the majority, can no longer afford to remain silent. For too long the anti-abortion fanatics have been heard, because even though they represent the minority, they are loud and not afraid to speak up. Reasonable citizens, who value their privacy, should be appalled at the possibility of Mr. Bork on their Supreme Court.

Robert Bork, President Reagan's nominee to replace Justice Powell on the U.S. Supreme Court, is touted by many as a brilliant legal scholar. This may be the case, but a brilliant legal mind does not automatically translate into qualification for the Supreme Court.

A neutral judicial posture involves make an honest effort to uphold the original concepts - such as civic equality, access to the judicial system, and personal liberty -- that inspired the drafters of the Constitution. Justice Powell, while certainly a conservative, made this effort.

In sharp contrast, instead of striving to remain faithful to these ideals, and to understand how they should be brought to life in contemporary society, Mr. Bork asserts that power should be constrained only as it would have been in the 18th century. When he urges that judicial understanding of human relationship must be grounded in "original intent," Bork intends to bind 20th century courts with 18th century assumptions about gender roles, race, and the prerogatives of the wealthy.

EDIT RE-WRITE Some papers restrict to 200 word letters.

(Courtesy of Rema Lou Brown. Prepared by American Association of University Women.)

**A Message to Pope John Paul II
and the U.S. Conference of Catholic Bishops
From
We The Women of the United States**

I.

We hold these truths to be self-evident, that all men and women are created equal, and that neither law, custom nor religious tenet invented for the convenience of man has the moral authority to deny equal rights and equal opportunities to women anywhere on this planet.

II.

Women's Rights are Human Rights, and we are claiming our power as women. We are the key to the liberation of the Church from the sinful bonds of sexism. We hold the keys to the kingdom. Women must and will be ordained in all Churches, all Faiths.

III.

As the world embarks on Safe Motherhood Campaigns, women will take whatever steps are necessary to protect the lives, the health, and the economic well-being of themselves and their children. Essential to this task is access to safe, legal abortion and to effective contraception. No laws devised by men in government or in the church have ever quelled successfully the pursuit of these life-saving services. For the Church to continue its dangerous opposition to birth control and abortion is to promote poverty and death for millions of women and children around the world.

IV.

The Church's current crusade to control lives, to limit choices and to divide the community of women from each other cannot succeed in a nation founded on the right of the individual to pursue happiness as she defines it, nurtured by a culture rich in diversity and pluralism. The Church's efforts to enforce compulsory heterosexuality and compulsory parenthood on everyone but its own clergy are doomed to failure in the long run, and destined to cause only pain in the short run. To condemn lesbian and gay sexuality as "intrinsically evil" and "objectively disordered" is to retreat to the Dark Ages of human history. Women will stand united against such bigotry and ignorance.

V.

We the Women of the United States are obligated by our history and our traditions to resist tyranny in all its disguises. The words of Elizabeth Cady Stanton are as true today as they were in the last century: "The whole tone of Church teaching in regard to women is, to the last degree, contemptuous and degrading." We are, in fact, bound in spirit and in experience to the maxim espoused by our foremothers, "Resistance to tyranny is obedience to God."

MYTH:

"WOMEN HAVE MADE GREAT STRIDES IN ACHIEVING PENSION EQUITY WITH THEIR MALE COUNTERPARTS."

Fact

In 1983, only 11.5% of the 15.5 million women 65 or older were receiving income from private pensions or annuities, compared with nearly 30% of the 10.8 million elderly men.

Fact

The average pension for women was \$2,634 a year. For men the figure was \$4,491 a year.

Fact

4 out of 5 women today do not have any private pension plan.

Our Bay Area NOW support group continues to meet on the first and third Thursdays every month at Rusty Richard's home. The meetings have evolved into more of a "discussion" group, lively and energizing. And very informal. And, yes, of course, supportive of each other. For more information, call Rusty at 488-5546.

HAVE YOU PAID YOUR DUES FOR THIS YEAR? Many have not. Sorry we do not have the resources to mail a notice to each member when dues have expired. Any volunteers for the job?



National Organization for Women

Mail to:
Phyllis Tucker
243 Empress
Houston, Texas 77034

WHO CARES ABOUT WOMEN? NOW CARES! WHAT ARE YOU WAITING FOR? Join NOW, now.

_____ I want to be a member of Bay Area NOW, Texas NOW and National NOW. (\$35.00)

_____ I want to be a member of Bay Area NOW, Texas NOW and National NOW and can afford dues of \$_____. (Dues for NOW are on a sliding scale from \$15.00 - \$35.00)

_____ I am already a member of National NOW and want to join the Bay Area Chapter. (\$8.00)

_____ I am not a NOW member but want to receive the newsletter for one year. (~~\$10.00~~ per year)

\$5.00 _____ I am making a contribution of \$_____ to NOW.

_____ I authorize my name and address to be printed on the NOW roster for members.

NAME _____

HOME ADDRESS _____

TOWN, STATE, ZIP _____

PRECINCT NUMBER _____ (From Voter Registration Card)

HOME PHONE _____ WORK PHONE _____

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