

Eagle Forum Report

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Women and Children Hardest Hit

BABY-SITTING IS NOT A JOB OF GOVERNMENT

by Anne Schlafly Cori, Chairman, Eagle Forum

What happened to conservatives who used to be both socially conservative and fiscally conservative? They seem to have lost their way on the empty promise of “paid family leave.” America should not and cannot afford to burden future generations with a new massive spending program and an expansion of government at the expense of families.

President Bill Clinton signed the “Family and Medical Leave Act” in 1993, which promised twelve weeks of *unpaid* leave to employees who work at a company with more than fifty employees. Now both Democrats and Republicans are trying to extend that law by making taxpayers foot the bill. Both fiscal and social conservatives ought to unite and oppose this new entitlement program, which will have many unintended consequences.

Each child already enters this nation with about \$60,000 debt on his head. Growing government more will increase the likelihood of a monetary collapse like other countries with unsustainable socialist entitlement programs. Who ultimately pays? Children and families!

Bad for Children

The concept of taxpayer-paid family leave for newborn children is

a misplaced understanding of who is responsible for the care of children. Children want and need their parents, not a nanny state, to look after them.

Government welfare programs encourage the disintegration of the family because mothers look to government-money rather than father-money for the support of their children. Throwing more money at babies will not stabilize families. Paid family leave can undermine the family unit by diminishing the role of the provider in the home.

The shocking out-of-wedlock birth rate in America is nearly 50 percent and children without two parents in the home are always at a distinct disadvantage. Only a few children will be able reach their potential if they are deprived of parental care in their first years.

After the twelve weeks of leave, then what happens? The new mother is supposed to go back to work. In California, which has paid family leave, job retention among new moth-

ers has increased. Who loses? The children lose because they are no longer nurtured by their fulltime mother. Someone else, who does not have the maternal emotional bond with the child, will be raising her child.

All Americans should ask if it is good government policy to encourage

women to leave their babies. Should our national policy prioritize paid jobs outside the home and deem them more

important than parents nurturing their own babies?

Would offering taxpayer-paid family leave stop any abortions? No data exist that supports that argument. The states (California, New Jersey, and Rhode Island) with state-paid family leave have *not* seen a decrease in their abortion rates. Low-income workers are actually less likely to apply for paid family leave than high-income workers.

Plus, the proposal would pay working parents to stay at home with their new children, but not equally



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pay stay-at-home parents who already do the same thing. Americans should not be forced to place a higher value on working parents' time with their children than that of stay-at-home parents.

Bad for Employees

Under FMLA, an employee is guaranteed that her job will be kept for her while she is on leave. But who picks up the slack and does the work, which must still be done? The employer is not allowed to hire a replacement to do the work of the mother on leave, so even though there is a vacant job, new applicants cannot apply for that job. So either the work is not done or the co-workers are forced to cover for the missing employee. Although some jobs can be covered by hiring temporary workers, then those temp workers are dismissed when the employee returns.

What most mothers desire in paid work is to work out of their home or work a flexible schedule that allows them to prioritize their family. Instead, FMLA is a government mandate of one-size-fits-all, so larger businesses do not have the option of offering different types of family leave to valuable employees. The FMLA is a protected, special category that forces both employers and employees into one choice. In other words, the job must remain static during that twelve-week period; the employer cannot even change the job description if economic circumstances change.

Women of reproductive age are likely to be penalized by the family leave. If an employer can avoid having to deal with family leave, then the employer will hire a different candidate.

In the 26 years since FMLA went into law, technology has changed the nature of work. Remote and flexible

jobs have become the norm and employees can choose work that accommodates their family's needs. Government should not be involved in making family decisions.

Bad for Employers

Currently the threshold for requiring family leave is fifty employees. Businesses under fifty staff are thus encouraged not to grow and hire new employees since they would be required to provide leave.

"Unpaid" is a fallacy of the current law. Just because the employee is not being personally paid her salary does not mean that the employer does not have costs. The employer must still pay the health insurance for the absent employee.

Employees have abused the system. When a generous family leave is dangled, of course parents will bite and take advantage of the program. Mothers have taken the twelve weeks, come back to work for one single day, and then promptly quit. Thus after three months of reserving the job and paying the associated costs, the employer must now scramble to hire and train a new employee.

Absent workers always cause problems for customers. The resulting decline in customer satisfaction is terrible for any kind of business.

Bad for Taxpayers

If government takes over offering taxpayer-paid leave, then businesses will stop offering family leave as a benefit and let the taxpayers shoulder the burden. The several states that offer paid family leave programs would also defer their costs to the federal program. The cost to taxpayers will balloon under this proposed new entitlement. Expansion of govern-

ment should be opposed by all fiscally-minded taxpayers, and expansion of government into our private world of how children are raised is especially troubling.

The government subsidies for childcare will have at least one very predictable result: child care costs will rise. Just as government-subsidized higher education caused college tuition to escalate dramatically, we can expect the same result in child care. Government is unable to contain costs whenever it throws taxpayer money as the solution.

This program might start as a mere six or twelve weeks of leave, but most assuredly the timeframe will be ex-



panded.

The overwhelming data on the importance of the mother-child bond in the first year of life would push the lawmakers to extend the taxpayer-paid family leave.

One Congressional proposal on paid family leave is to let workers have early access to Social Security money. We should not add new spending to the fiscal problems of Social Security but instead reform it, because Social Security is a Ponzi scheme of new workers who pay the costs for retired workers. Taking more money early out of Social Security will further destabilize the program and push the costs to subsequent generations to foot the ballooning bill. Does anyone expect that the sob story of the retired worker who used her Social Security money decades earlier will be ignored? She will surely get to double-dip to ease her retirement.

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Already, the data show that high-income workers are more likely to take advantage of PFL. Should taxpayers be asked to fund families who can afford to pay for their own childcare?

What Can You Do?

Our “conservative” lawmakers need to keep to their conservative principles. At Eagle Forum, we believe in public and private virtue

— that means that taxpayer money is not wantonly spent and that families should be in charge of their own households.

If Congress truly wanted to help families, then they should increase the amount of the dependent deduction on our income taxes. That money savings would directly help families without using an employer as a required intermediary.

Unfortunately, some of our friends

in Congress have signed on to a taxpayer-paid family leave for six weeks that is promoted by the Trump Administration in the mistaken notion that Americans actually want the federal government to baby-sit their children. Right now, there is a rosy picture being painted of benefits that government can pay to new mothers, but when Americans find out the true costs of taxpayer-paid family leave, they oppose such a huge expansion of government. 

Reviving ERA CHEATS OUR CONSTITUTION

by Anne Schlafly Cori, Chairman, Eagle Forum

I have a ticket to the 1979 World Series; can I use it for this year's World Series? That is essentially the ridiculous argument being used today to try to shoehorn the Equal Rights Amendment into our U.S. Constitution.

Amending our U.S. Constitution is a big deal and should not be done lightly. The amending process requires a super-majority — not a simple majority — of both houses of Congress, plus a super-majority of the individual states to agree on the same language. Amending is a multi-stage process with multiple votes so that the American people can be fully engaged in the process. Any change to our Constitution should have a contemporaneous consensus of Americans.

The amending process is designed as a contract between the states and the federal government. As in any contract, one side cannot change the rules without consent from the other side. To monkey with the amending process undermines the rule of law. The consent of the governed is crucial to our system of government.

In 1972, Congress passed the Equal Rights Amendment with a su-

per-majority and the resolution included a preamble with a time limit of seven years for the states to ratify. Many of the states that did ratify ERA included that same seven-year time limit in their ratification documents. Congress cannot unilaterally change that contract. For 24 of the states, their votes to ratify ERA explicitly expired on March 22, 1979.

The Supreme Court has ruled unanimously, in *Dillon v. Gloss* (1921), that Congress has the power to choose a reasonable time frame for the states to consider amendments because amendments should have a “contemporaneous consensus”. Other amendments

have been proposed by Congress but never garnered the required number of states to be adopted. The Supreme Court ruled in *NOW v. Idaho* (1982) that ERA had failed ratification.

Most of our Constitutional amendments were ratified by the states very quickly, in one or two

years. Only one amendment took longer than four years to ratify: the “Madison Amendment”, which requires an election before a Congressional pay raise can go into effect. That forgotten amendment took 202 years to achieve ratification, but that time frame has never been adjudicated because the Madison Amendment is not controversial. The same cannot be said of ERA.

To amend the Constitution, two-thirds of both the U.S. House and U.S. Senate must pass the amendment and then three-quarters (38) of the state legislatures must ratify the same language.

In 1978, Congress attempted to extend the ERA deadline, but the extension

was only passed by a simple majority and not the necessary two-thirds vote required by Article V. Now Congress is trying to pass similar legislation in order to revive ERA. In the U.S. House, H.J.Res. 38, with 205 co-sponsors, seeks to eliminate the



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1979 deadline. The same action in the Senate is S.J.Res. 6.

If Congress really wants ERA in the Constitution, then the proponents should start from the beginning.

Anytime we amend our Constitution, it should be done legally and not under a cloud. To shoehorn ERA into the Constitution at this time would guarantee litigation on two fronts: the amendment process and the plain language of the amendment.

Constitutional amendments are not for an emotional feeling. They have a bigger force than statutes and a new amendment will supersede all previous Constitutional language. Does anyone know what the effect of ERA will be on our First Amend-

act, including sexual orientation and gender identity. Facebook is constantly expanding their number of gender options, thus redefining what “gender” means.

The world has moved on from this vague language in ERA. Amendments to the Constitution should be in clear language that is easily understood — not in language that both sides anticipate will be litigated. Even the ERA proponents expect that the Supreme Court will have to determine if the language in ERA includes abortion and reproductive rights. Why would Americans willingly adopt confusing and vague language into our Constitution?



Equal Rights Amendment text:

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.

ment rights of religion, speech, and assembly if “sex” must be equal? “On the basis of sex” will mean new rights for the transgenders and homosexuals.

Of the states that ratified ERA, 35 did between 1972 and 1977. Can we hang new ratifications on votes that were made 47 years ago? The general understanding of the words in the document has dramatically changed in those 47 years. ERA does not define “sex”. In the 1970s, Americans understood the definition of “sex” to be the biological determination at birth of a male or a female. But today “sex” has a host of new “definitions” beyond even a physical

Why should we give away so much power to the courts by putting language into the Constitution that only the courts can parse?

American voters through their elected representatives should decide the meaning of legislation, not nine justices.

ERA has lots of implications on lots of issues that have been legislated and adjudicated at the state and local level. Under ERA, all of these family laws will be decided by the federal government — either Congress or the Supreme Court. Proponents of ERA openly advocate for the expansion of power to the federal government; all conservatives should oppose such a

power grab. Under ERA, the states would dramatically lose power and influence.

If ERA is so popular and so desired, then the 35 states should want to reaffirm their support. Instead, ERA is just as controversial and debated today as it was in the 1970s. These 35 states are being used by proponents because the supporters know that there is not deep support for this controversial amendment.

Does ERA have anything to do with women? Women are not mentioned in ERA. Some troubling developments indicate that ERA would harm women, not help women. Because ERA sees no distinction on the basis of “sex”, then ERA would actually force us into a completely sex-neutral society.

Some of the many areas that would be sex-neutral under ERA include school athletics, prisons, women’s shelters and transitional housing, sororities, WIC nutrition programs, financial incentives for women in education and business, and workplace accommodations for pregnant and breast-feeding women. Plus, the U.S. military will be required to be sex neutral in all areas, including combat and selective service.

Women — and all Americans — would lose if the misnamed “equal rights” amendment were put into our Constitution. 

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