

FAWL CHRONICLES



MARCHING IN MIAMI
Representative Gwen Cherry
(far left, foreground) and
Roxcy Bolton (at Rep.
Cherry's right) march in
Miami in support of ERA.

FAWL MAKES HISTORY SUPPORTING EQUAL PAY AND EQUAL RIGHTS:

A History of FAWL's Legislative Efforts in Support of the Equal Pay for Equal Work Bill and the Basic Rights Amendment



by WENDY S. LOQUASTO
Assistant FAWL Historian

Dogged determination, resoluteness, firmness of purpose, stalwart support, and "true grit" are all words that describe the Florida Association for Women Lawyers in its pursuit of equality in the law. From its inception, FAWL has been an organization dedicated to improving laws as they relate to women. FAWL's founders memorialized this goal in the 1952 FAWL Constitution, which provided, among other things, that the objects of the organization shall be to "promote reform in the law," and "facilitate the administration of justice." Over its fifty-year history, FAWL has demonstrated it has what it takes to get the job done, particularly as to equal pay and equal rights legislation, and that its involvement in the legislative process continues to be important and necessary for the women of Florida.

EQUAL PAY FOR EQUAL WORK

FAWL's goals were almost immediately put into action in 1953, when FAWL, under the leadership of President **Mary L. Esarey** (1952-53), became involved in the "Equal Pay for Equal Work" bill. Past President **Anna Brenner Meyers** (1951-52), who was then Chair of the Legislative Committee of the Florida Federation of Business and Professional Women's Clubs, reported that her committee had prepared an "Equal Pay for Equal Work" bill, which would be presented to the Florida Legislature in the 1953 session. Ms. Meyers explained that 87 clubs in the Federation of Business and Professional Women's Clubs had surveyed the wages and salaries paid to men and women doing similar work, which showed unfair discrimination against women in the payment of wages. **Edna Pierce**, House Representative from Highlands County, and **Wayne Ripley**, Senator from Duval County, introduced the bill. Despite the efforts of FAWL

members, the bill failed.

In June 1953, FAWL formed an Equal Pay Committee, chaired by Anna Brenner Meyers, to consider redrafting the bill. FAWL continued its pursuit of equal pay legislation during the terms of Presidents **Esther A. Poppell** (1953-54) and **Rebecca Bowles Hawkins** (1954-55), with members identifying the legislators in their regions who were likely to support the bill. Success at the state level remained illusive, however, but victory was later obtained at the federal level with the enactment of the Equal Pay Act of 1963 (29 U.S.C. § 206).

Success at the state level came at the end of the 1960s, when FAWL President **Adele T. Weaver** (1967-68) spearheaded an intense drive for the passage of the "Equal Pay for Equal Work" bill during the April 1969 legislative session. Like her predecessor, President Weaver was also Legislative Chair for the Florida Federation of Business and Professional Women's Clubs, and she lobbied on

With this issue, FAWL Assistant Historian Wendy Loquasto begins a regular feature, titled "FAWL Chronicles," in which she will spotlight aspects of FAWL's history.

behalf of that group in the Florida Legislature. She was acknowledged by prominent members of the legislature to have been the driving force behind the enactment of the bill. Thus, an idea born in 1952 and pursued by FAWL's founding members, supported by FAWL members over a period spanning nearly two decades, found ultimate success in the enactment of section 448.07, Florida Statutes (1969), which prohibited wage rate discrimination based on sex.

The dogged determination of our foremothers continues today in that FAWL has recognized that despite federal and state laws banning pay discrimination, wage differentials persist between women and men, as well as between minorities and nonminorities in the same and/or similar jobs. Although women's wages have increased since 1979, when they earned only 63 percent of what men earned, an August 2001 report from the U.S. Department of Labor shows that women continue to earn less than men: 76 percent of men's wages. The report also shows that white workers of either gender earn more than their black or Hispanic counterparts. Thus, during the 2002 legislative session, FAWL, under the leadership of President **Susan Fox**, has actively supported the "Equal Pay Commission Act," (Senate Bill 310/House Bill 895), which would establish a nine-member commission consisting of two members each from business, labor, and organizations dedicated to eliminating pay disparities and three individuals from higher education. The commission is to make a full and complete study of the (1) extent of wage disparities, in both private and public sectors, between men and women and between minorities and nonminorities; (2) factors that cause or tend to cause disparities, including segregation of the sexes and minorities across and within occupations, payment of lower wages for work in female-dominated occupations, child-rearing responsibilities, and education and training; (3) consequences of such disparities; and (4) actions, including proposed legislation, which is likely to lead to elimination and prevention of such disparities. Unfortunately, these bills died in committees at the end of the regular 2002 legislative session, but FAWL will continue its support and it urges all members to contact their legislators to support these bills in the next legislative session.

EQUAL RIGHTS

FAWL has shown a similar steadfast commitment to the Equal Rights Amendment. Past President Adele Weaver was once again in the forefront on this issue. While she was President of the National Association of Women Lawyers in 1970-71, she testified before a Congressional Committee on the legal effects of the proposed Equal Rights Amendment to the United States Constitution, and she actively lobbied for its passage. During the term of President **Winifred J. Sharp** (1971-72), FAWL endorsed the ERA. Letters were written to Florida Senator **Edward Gurney** to express FAWL's appreciation for his support of ERA, and to Florida Senator **Lawton Chiles** advising him of FAWL's position endorsing the ERA without crippling amendments.

Ratification of the ERA was one of the major concerns of FAWL during President **Claire Cates Lutens**' term (1972-74). Many of FAWL's prominent members actively pursued passage of the ERA, including Past Presidents **Mattie Belle Davis** (1957-58) and **Phyllis Shampanier** (1965-66) and future President **Elizabeth Athanasakos**. Past President Weaver reported on activities in the Miami area, including participation in television programs and public hearings and appearances before various groups to speak in favor of the ERA. Past President Winifred Sharp presented the FAWL resolution in favor of ratification of the ERA to The Florida Bar Board of Governors, and she asked for its support, which was received. A resolution of appreciation was sent to all legislators who supported the ERA. In January 1974, it was agreed that ratification of the ERA would be FAWL's major emphasis, which resulted in some other projects being discontinued to allow the association's time and energy to be focused on the ERA. A contribution of \$300 was voted for expenses of ERA-74, a coalition of women's organizations in which the Florida League of Women Voters was playing a leading role.

President Elizabeth Athanasakos urged all FAWL members to work for ratification of the ERA during her term (1976-78). Active support continued during President **Irene Redstone**'s term (1978-80), when, following the extension of time to have the ERA ratified, another resolution was adopted reasserting FAWL's support for the ERA, which was mailed to the Florida

Senate. A political action committee, FAWL/PAC, was established to provide monetary support for pro-ERA candidates in future elections. A delegation of FAWL members traveled to Tallahassee to urge legislators to support the ERA during the December 1978 special session. After writing to Governor **Reubin Askew** and learning that there were not enough votes to bring the matter before a special session, President Redstone urged all FAWL members to contact legislators and present legal arguments on behalf of the amendment. The December 25, 1978, edition of *The Florida Bar News* reported FAWL's activities in an article titled "Women Lawyers to Promote ERA." **Patricia Ireland**, as FAWL's ERA Committee Chair, coordinated and reported on the association's activities. As FAWL's first Newsletter Editor, Ms. Ireland disseminated the activities of the ERA Committee and FAWL/PAC to the membership in the first edition of *FAWL NEWS* in October 1980. President **Linda Singer** (1980-81) made meeting with Governor **Bob Graham** to discuss women's rights issues, particularly the ERA, one of the goals of her administration.

President **Debbie Malinsky Orschefsky** (1981-82) caused FAWL to join forces with several other statewide women's organizations committed to the ratification of the ERA. **Ellie Smeal**, President of the National Organization of Women (NOW), met with FAWL members to plan an agenda for action to seek ratification by the Florida Legislature during the 1982 session. ERA Chair Patricia Ireland provided members with suggestions of what they could do to help ratification in the eleventh hour. On June 6, 1982, FAWL members numbered among the 10,000 ERA supporters who marched in Tallahassee just 24 days before the ratification deadline. Women lawyers constituted one of the largest groups in attendance during this mile-long march to the Capitol, where state officials and ERA spokespersons addressed an enthusiastic crowd. Governor Graham called upon the Florida Legislature to do their jobs as elected officials accurately reflecting the will of their constituents and by voting for the ERA. Despite the efforts of these and other dedicated people, the Florida Legislature did not vote for ratification and the time expired on June 30, 1982.

Fourteen years later, under President

Sharon Bleier Glickman (1996-97), FAWL's goal to have an equal rights amendment was reaffirmed when FAWL actively encouraged women to seek positions on the Constitution Revision Commission, which was convened in June 1997. Because of her lifetime commitment to equal rights, FAWL was fortunate to have **Ellen Freidin** appointed to the Commission.

At the time the Commission was formed, the "Basic Rights" provision in Article 1, Section 2, of the Florida Constitution provided: "All natural persons are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property . . ." FAWL's Constitution Revision Commission Committee, headed by **Dawn Siler-Nixon** and President **Jennifer R. Coberly** (1997-98), worked closely with Commissioner Freidin to provide support for inclusion of "sex" or "gender" within the protected class. FAWL members were encouraged to and did, in fact, attend the Commission's public meetings throughout the summer of 1997 to voice their support for a "Florida Equal Rights Amendment." Although the notion of equal rights for women was not a controversial one, opposition to an amendment arose, however, under the theory that it would be used to legitimize same-sex marriages. Concerns were based on a case out of the Hawaii that recognized same-sex marriages, a challenge to the Colorado equal rights provision, and a recent Florida law banning same-sex marriages.

At the request of Commissioner Freidin, FAWL members, including President Coberly, Dawn Siler-Nixon, **Sandra Allen**, **Cerese Taylor**, **Maria Peet**, and **Huma Ahsan** sprang to the rescue of the overburdened Commission staff to supply legal research regarding equal rights amendments in other states' constitutions. When Commissioner Freidin communicated that she needed a law professor to

the proposed language did not validate same-sex marriages, and when the Commission voted on amendment proposals in the spring of 1998, the "Basic Rights Amendment," designated as "Revision 9," was one of those approved by the Commission.

FAWL correctly anticipated continued opposition to Revision 9 prior to the November 1998 election from those who remained convinced that the amendment would validate same-sex marriages, particularly the Christian Coalition. FAWL joined with Fairness for All Floridians, a political action group supporting the Basic Rights Amendment, and fund raising was begun to counter the opposition and educate the public about the amendment. FAWL members contributed funds to pay for mailers and advertising on television and radio. The Miami-Dade FAWL Chapter, under the lead of President **Sonia Yahr-Schneider**, held a fund raiser in 1998 for Fairness for All Floridians. FAWL members were encouraged to speak out in their communities and write editorials in support of Revision 9, and President **Kathy Castor** (1998-99) spoke on the radio.

The result of FAWL's involvement was VICTORY on November 3, 1998, when the Basic Rights Amendment was approved overwhelmingly by the voters of Florida. The dedicated commitment of FAWL over the course of three decades had paid off by constitutionally guaranteeing equal rights to the women of Florida. ■

E-mail Wendy at loquastw@flcourts.org.



help support the amendment, President Coberly researched and located Professor **Patrick Gudridge** of the University of Miami School of Law, who attended Commission meetings and spoke in favor of the amendment. Commissioner Freidin used FAWL's research to support a proposed "Basic Rights Amendment" stating: "All natural persons, *female and male alike*, are equal before the law . . ." FAWL's research was instrumental in showing that



The author wishes to acknowledge and thank Judge Mattie Belle Davis, FAWL Historian, and Henrietta Biscoe for supplying information on FAWL's legislative activities from 1950-90.

MAKING HISTORY Judge Mattie Belle Davis (left) and Henrietta Biscoe greet Juliette Roulbac (center) at FAWL's Midyear Meeting in January.



Taacan.com and FAWL announce partnership to deliver audio and video online CLE to Florida lawyers

Taacan.com, Inc., the world's largest aggregator of online mandatory continuing legal education, and the Florida Association for Women Lawyers, the largest alliance of women lawyers in the State of Florida, have formed a strategic alliance to deliver online audio and video CLE over the Internet. The initial offering, titled "Litigating for Change," features the well-received educational workshop on social reform through the law that was offered at the mid-year meeting in Miami, Florida.

"By partnering with Taacan.com to make FAWL CLE offerings available online, in a convenient and affordable way, FAWL members and nonmembers have taken a positive step in raising the standard of practice for women lawyers in Florida, without sacrificing cost and convenience," said FAWL President Susan Fox. ■