A STATE AGENCY OF THEIR OWN: THE NEW MEXICO COMMISSION ON THE STATUS OF WOMEN
The Battle for House Bill 22

The first national Commission on the Status of Women was created in 1961, through an executive order by John F. Kennedy at the end of his first year as President. The idea of a women's commission appealed to Kennedy who was the first President since Herbert Hoover not to have a woman in his cabinet. He signed the executive order creating the President's Commission on the Status of Women (PCSW) just six weeks after 50,000 women had walked off their jobs in a Women's Strike for Peace, a demonstration against the testing of nuclear weapons. The executive order had a national security rationale: that it was in the nation's interest to make the most efficient and effective use of the skills of all persons, including women.

The President's new commission consisted of 15 women and 11 men and was chaired by former First Lady Eleanor Roosevelt, the Grande Dame of the Democratic Party. It was Roosevelt's last public position; she died the next year. No replacement for her was appointed. Kennedy said that there could be no adequate replacement. Esther Peterson, Assistant Secretary of Labor and Vice-Chair of the Commission, directed its activities until 1963, when the final report to the President was completed. Peterson was the head of the federal Women's Bureau, which had been created in 1920 and was the only government unit mandated to the needs of working women in public policy making.

Both the President and Esther Peterson saw the creation of a commission for women. as a way to stop the Congress from passing the equal rights amendment (ERA), which had been introduced in every session of the Congress since 1923. Peterson and the unions opposed the ERA because they thought it would end hard-won protective labor laws for women. Kennedy appointed his commission members from a large pool of legislators, educators, and philanthropists who were active in women's rights issues. More than 100 people served on its many committees and consulting groups. But just one member of the commission itself supported passage of the federal ERA - Marguerite Rawalt, an IRS attorney who was first woman president of the Federal Bar Association, and a former national president of Business and Professional Women.

The primary goal of the Kennedy women's commission was to examine current employment policies in place for women The Commission's 60-page report, entitled "American Women" was issued in 1963, on what would have been Eleanor Roosevelt's 79th birthday. Its broad recommendations suggested several methods to achieve equal rights for women, including lawsuits to argue that the Fifth and Fourteenth Amendments to the U.S. Constitution, gave women constitutional equality, passing the ERA, and pressing strongly for state legislative action. The introduction to the report was written by Margaret Mead, who expressed concern that if women were all going to want to make big decisions and discoveries, there would be no one to stay home and care for children and husbands. Mead was herself a wife and a mother who was, of course, making her own big anthropological discoveries and decisions.

Kennedy's 1961 executive order had provided the impetus for establishing commissions at the state and local level. By 1967 there was some sort of panel on women's status in almost every state New Mexico Governor Dave Cargo created a Commission on the Status of Women by executive proclamation in 1967, naming nine men and seven women, including Hannah Best. (In his autobiography, *Lonesome Dave*, Cargo lists all of the women members of his Commission as Mrs.)

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women, including Hannah Best.– a title preferred by both women. King funded the 38-member Commission with a $4500 grant from the State Planning Office, which was housed in the Governor's Office and headed by his nephew, David King. Mary Maxine was hired as a part-time Director of the King Commission. Maxine worked at the new UNM Women's Coordinating Center and was one of the founders of the New Mexico Women's Political Caucus. The Commission voted at its first meeting, to concentrate on the major economic problems facing New Mexico women.

In 1974, Dorothy Cline, her commissioners, and the women's groups across the state asked the legislature to approve a statutory women's commission. The women were supported by the AFL/CIO, the most powerful labor organization in the state and by New Mexico State University's Cooperative Extension Service. The legislation, House Bill 22 (HB 22) was introduced by Representative Bill Warren, who had sponsored the state equal rights amendment in 1972. It created a smaller 15-member Commission, (at least eight members were required to be women), and a $60,000 appropriation. The Commission was directed to report annually to the Governor and the Legislature.

Although there had been two earlier commissions on the status of women established b by executive orders, the campaign to create a statutory Commission on the Status of Women did not pass the legislature without a struggle. The *Albuquerque Journal* called it a "hotly contested bill." The bills that created the state ERA in 1972 and that ratified the federal ERA and even the bill that changed the community property law in 1973 had passed the legislature with few dissenting votes. Legislation that statutorily created and adequately funded, "a state agency dedicated to study and review the status of women in New Mexico and act as a clearinghouse for all women's activities in the state," turned out to be a much bigger battle.

Bill Warren and the Mama Lucy's were ready for a fight when he introduced House Bill 22 in the all-male House of Representatives, and they came out with their guns blazing. Twenty-eight other representatives in the 70-member House had signed Warren's bill. The Mama Lucy's had control over the only committee to which HB 22 was referred, Appropriations and Finance, chaired by Representative Max Coll who had co-sponsored the state equal rights amendment with Warren in 1972.

But the attitude of many legislators toward women's rights had changed markedly in those two years since then, and there were no women in the House in 1974.

Appropriations Committee to reduce its appropriation. The motion passed on a vote of 36-29 and HB 22 was finally on its way to the Senate.

But, as is often true of legislation, it wasn't over until it was over. The New Mexico Senate has always been more conservative than the House, but in November of 1972, two formidable women had been elected to the Senate. They were former Dona Ana County Clerk Gladys Hansen and Consuelo (Connie) Jaramillo Kitzes Burrell from Santa Fe, who was New Mexico's first Hispanic female state senator. Both women were strong advocate of women's rights. Hansen, a member of the powerful Senate Finance Committee which reviewed all state agency budgets and any bills appropriating money, "enthusiastically" agreed to carry HB 22 in the Senate, according to Warren.

HB 22 was assigned to just one committee in the Senate - the Senate Finance Committee (SFC), which further reduced the appropriation for the Commission from the $45,000 approved by the House, to $25,000. The bill, with the SFC amendment and the smaller appropriation, passed the Senate 35-1, but because the House bill had been changed by the Senate, there was an addition step in the legislative process that needed to be taken. The House and Senate had passed two different versions of HB 22, so the Senate bill had to go back to the House for concurrence (agreement) with the Senate amendment, before the bill could finally become law. There were just hours to spare before the 1974 legislature was required to adjourn at noon.

Warren, who had been following his bill in the Senate, went back to the House and told Speaker Martinez that he was willing to go along with the reduced appropriation, in order to get his bill passed. But when the motion on the House floor to concur with the Senate changes to HB22 was made, Representative Jim Caudell, one of the most active opponents of the Commission on the Status of Women, saw a chance to finally derail and defeat the bill. He and several other opponents rose and opposed concurrence with the Senate changes. They argued that "this important Commission" needed the entire $45,000, not just the $25,000 approved in the Senate. The House failed to concur with the Senate on a voice vote. There was one hour left before adjournment.

Warren did not give up. He crossed back to the Senate chambers and told Senator Hansen what had happened. He talked to Lieutenant Governor Roberto Mondragon, who was presiding over the Senate and was a strong supporter of the Commission on the Status of Women. Warren went to the Senate floor again, this time to sit with Senator Connie Kitzes.

At 11:30 a.m., one-half hour before adjournment, the message that the House had failed to concur with the Senate Finance Committee amendment was officially received in the Senate. Warren and his allies were on the alert for the message from the House. Senator Gladys Hansen moved that the Senate recede from its amendment reducing the appropriation for the Commission to $25,000. There was no opposition to her motion. Lieutenant Governor Mondragon ruled, "If there is no objection, it is so ordered" and he banged his gavel down. House Bill 22 passed 35-1, in the last few minutes of

Legislators who had had little difficult supporting a one-sentence equal rights amendment to the state constitution in 1972, and then had supported adding the same language to the national constitution a year later, had seen the ERA as what Warren describes as a "one and done" action. They were not pleased to see a bill that created a new state agency for women, one that was much more permanent than an agency created by executive order of a governor, and one that would be annually funded with state money in the General Appropriations (state budget) Act.

Warren had anticipated a constitutional challenge to a bill creating a commission only for women, because of the state equal rights amendment's prohibition on sex discrimination, and he had asked in advance for a formal opinion from Attorney General David Norvell. Norvell's opinion stated that, although there might be constitutional problems if the legislation attempted to prohibit creation of a comparable commission on the status of men, he found "no constitutional basis to advise you that this bill carries any constitutional defect." HB 22 was approved by the House Appropriations Committee with the original appropriation reduced from $60,000 to $45,000 and was sent to the House floor for final passage in that body. It was on the House floor that the real fight for the Commission began.

Representative Vernon Kerr, a Republican from Los Alamos, made an unsuccessful attempt to amend the bill by replacing all references to "women" with the word "person." Representative Frank (Pancho) Salopek from southern New Mexico, proposed an amendment to create a 15-man Commission to study, "What's wrong with some women?" A voice vote on Salokek's proposed amendment drew loud "ayes" from a majority of the men in the House, but Speaker Walter Martinez ruled that the "nays" had prevailed. Salopek told the *Albuquerque Tribune* that his amendment would have passed on a role-call vote and said he "just wanted the women's libbers to know that men still have some rights too."

A substitute bill to make the Commission on the Status of Women advisory to the state Human Rights Commission rather than a separate agency was then introduced on the House floor. The floor substitute bill passed, 34-30. Warren quickly moved to table the substitute bill to buy some time and he huddled that evening with his supporters to come up with a strategy to get rid of the floor substitute bill.

When the House met the next morning, there was a motion to reconsider the previous day's vote on the floor substitute. The vote on the motion to reconsider was 31 to 31. It was a tie, which meant that the substitute bill was still alive. But before the tie vote could be announced to the body by the Speaker of the House, Representative Dickie Carbajal walked into the room. Warren recalls screaming at Mama Lucy Gang member Carbajal to take his seat and to vote yes to reconsider the floor amendment with the reduced appropriation. The vote to reconsider passed 32-31. The next vote, which was the actual reconsideration of the floor substitute bill, to make the Commission on the Status of Women advisory to the state Human Rights Commission, then failed on a voice vote. Warren moved for final passage of his original HB 22, as amended in the

the last day of the legislative session, with Warren sitting next to Hansen on the Senate floor.

It was finally over. House Bill 22, establishing the Commission on the Status of Women with an appropriation of $45,000 had passed both houses of the legislature. Warren remembers feeling like a yo-yo, repeatedly running back and forth between the House and the Senate following what he called "the tortured path of HB 22." He went back to the House after his bill's final action in the Senate, where he was immediately greeted by Representative Caudell, who asked about the fate of the bill. Warren thanked his opponent profusely for leading the charge to not concur with the Senate amendment and its smaller appropriation. He told Caudell, who quickly stopped smiling, that because of his opposition to the reduced appropriation, the Senate had agreed to the full $45,000 appropriation to support the Commission.

Warren said that he had never felt better at the end of a legislative session. Governor King signed HB 22, and the law creating and funding a new state commission took effect on July 1, 1974. Rita Campos Melady, a native of Santa Fe, who had returned to New Mexico as a reporter for the 1969 Constitutional Convention, was hired as the first Executive Director of the statutory Commission. In July of 1975, I succeeded her as Executive Director for the Commission, a job that I was lucky enough to have for the next ten years.

I headed an agency that had three other staff members, and an appropriation that was increased in 1975 to $73,000. It wasn't a lot of money, but it was a public commitment to women in the state, and it was more money than any women's organization had ever had in New Mexico. I knew that I would make mistakes and I knew that women would forgive me when I did. I knew that they would not forgive me if I didn't *do something* with their money. And I knew that it was important to speak to and to listen to as many women as possible, in every part of the state. – that the new agency be truly a Commission for the Women of New Mexico.