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...conclusion is echoed by the Treasury Department and an analysis by the staff of the California Franchise Board, which found that a pure would raise the federal tax bill of the middle class by around \$2 billion cutting the taxes of the wealthiest of Californians by \$4 billion. It was no surprise to see most of publican presidential candidates whack last Saturday at the pure offered by businessman-candidate robes. Raising taxes on "the broad class" is hardly the way to the top of the GOP primaries. Congressional tax reform commissioned by former HUD Secretary ... was equally shy. Although its ... endorses the idea of a single- and a shift toward taxing ... the commission, under ... Sen. Bob Dole, the Republican ... declined to make any ... flat ... sales tax, consumption tax ... the commission offers general ... [T]he commission ... evades the central problems of ... taxes, and leaves the substance ... more dubious than ever.

— Sacramento Bee

...sweat equity to it. ... nature of the flat tax: Interest and income isn't taxed. Neither are ... So, start taking your salary ... and get rich enough so ... have to work and pay tax on ... earned income. Another ... is that a flat tax of 17 percent, ... and others talk about, just ... to pay the national bills. It ... 20.5 percent to make ends meet ... with no guarantee the rate won't ... We're ... not prepared to say ... is a plot by the rich. But it's ... that the richer you are, the ... can really enjoy it.

— San Francisco Examiner

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...and savings, but from techno- ... breakthroughs that make real dif- ... in human lives and create mar- ... none existed before. ... primarily means lower taxes on ... Even many conservative poli- ... at the thought of a tax reform ... painted as favoring "the rich." ... a tax reform would encourage ... invest in ways that create jobs ... just piling up dividends and in- ... when the federal government ... re than 40 percent of the gain ... investment, there is little incen- ... the money at risk. ... er the shape of the tax system, ... impact on risk-taking that is para- ... it is precisely the poor who ... most to gain from making capi- ... and accessible.

— Detroit News

House Rules

Law Should Let Landlords Turn Away Unmarried Couples

By Mitchell Kelter

Two days after Gov. Wilson's State of the State address underlined the importance of marriage as a matter of public policy, the California Supreme Court heard argument in a case with nationwide implications for that policy.

The case will decide whether California housing law compels landlady Evelyn Smith to rent to unmarried couples in violation of her religious principles, or whether her religious views entitle her to an exemption from the law. Questions of exemption aside, the real issue is why the state prevents landlords from preferring married couples over couples unmarried to each other in the first place.

There are three general policy justifications for the California law which forbids landlords from favoring married couples over unmarried couples, or over couples married to other people. All of them sound correct in the abstract, but none applies to this issue.

Discrimination is wrong. This is an obvious overstatement. People properly discriminate every day on the basis of intelligence, skill, effort, etc. Few companies hire by drawing lots. Discrimination is wrong only where it is based on an inappropriate ground.

In the 1960s, society finally realized race was such a ground. Accordingly, California barred housing discrimination based on race. The law recognized the unfairness of using an innate, immutable trait as a source for selection. Such civil rights laws reflect the basic meritocratic principle that people should not be judged on how they are born.

The corollary to that principle, however, is that people are judged on how they live. Yet in the past two decades, many states have barred



discrimination based on individuals' freely chosen conduct, such as cohabiting without marrying.

A recent commentary described discrimination against unmarried or adulterous couples and discrimination against African Americans as "equally invidious" (36 Santa Clara L.Rev. 219, 254). But while it is wrong to judge a person by the color of his skin, it is not wrong to judge him by the content of his choices and the character they reflect.

The law must respect all private choices as equally valid. This premise underlies the First Amendment's Establishment Clause, which forbids the state from favoring anyone on the basis of her religion. But must society be indifferent to a couple's choice not to marry? Marriage reduces the incidence of sexually transmitted diseases, unwanted pregnancies and, empirically, domestic violence. Children born out of wedlock are five times more likely to grow up in poverty or have a juvenile criminal record. As Gov. Wilson correctly observed, some private choices involve public consequences.

California therefore recognizes a public interest in favoring marriage to "provid[e] an institutional basis for defining the fundamental relational rights and responsibilities of persons in organized society" (*Eliott v Sheldon*, 46 Cal.3d 267, 275 (1988)).

There are many contexts in which the law treats married and cohabiting couples unequally. In fact, California state universities prohibit unmarried couples from cohabiting in dormitories. Thus, the state of California engages in the very "discrimination" for which it punished Evelyn Smith.

Individuals should be free to manage their own lives without outside interference. Individual freedom is a time-honored American value. But this case presents individual rights in conflict. An unmarried couple seeks the right to live together without restriction, whereas Mrs. Smith seeks the right to act according to her religious principles. How should the state resolve this conflict?

It should not. There is no need for government intrusion through legis-

lation. A hands-off policy would allow landlords to exercise a preference for married couples (presumably at some financial cost to themselves) and couples to rent elsewhere from landlords who have no such preference. It would allow couples to live as they choose, without forcing others to endorse their decision. An analogous question is not whether a woman may have an abortion, but whether the state may compel a particular doctor to perform, one despite his moral objections.

Some Americans consider cohabitation (nonmarital and/or extramarital) perfectly acceptable, whereas others consider it a serious wrong. It is not the government's role to select the former position and outlaw the latter. The matter is best decided not by coercive state fiat but by the open marketplace of ideas. The same freedom to choose which allows some people to say "yes" to cohabitation allows others to say "no."

Mitchell Kelter is an appellate attorney practicing in Los Angeles.

The Rodent

Poor Phone Technique Can Put Your Career on Hold

Thomas Dewey, the former governor of New York and pre-candidate, was a founding

the telephone to emphasize this means they do is

gets very few calls, you too should have a plan for returning those calls. Calls from

ticket out of The Firm or someone wants to sell you insurance. It is there probably a good idea to have your set