Legislature and divorcees

They call it "the shack-up bill." With it, the Legislature would shake its finger at live-in relationships for divorcees receiving alimony. If the bill passes, divorced women — or men, for that matter — who live openly with another person without being married would lose their alimony. Lose it permanently.

Sound fair? It did to the all-male members of the House Civil Law and Procedure Committee. They approved it with hardly any consideration of the views of Rep. Mary Landrieu and the two women lawyers who opposed it.

"It's a moral issue," says Rep. Francis Thompson, a 40-year-old legislator from Richland Parish, who introduced the bill. "I think it's basically immoral to live together without benefit of marriage."

"We're not running a Sunday school up here," answers 26-year-old Landrieu of New Orleans. "We're here to pass laws that are fair and just."

Landrieu says passage of the bill will make women receiving alimony afraid to spend a weekend or take a trip to Houston with a male friend for fear of losing their alimony.

Thompson says the law won't apply to such cases. He says such laws are working well in a number of states, including California, Alabama and Georgia.

Each side presents dire cases to back up its views.

Thompson says he talked with a lawyer from his area who is paying a big alimony to his ex-wife. She is living openly with a man friend and has her children with her. If the man and woman married, her alimony, but not her child support payments, would stop.

"He doesn't think it's right," says Thompson. "She's living with another man. She doesn't have any living expenses. He doesn't think it's good for the kids. Why should he pay for that?"

Kim Gandy, a woman lawyer who has had some amazing successes handling divorce settlements for women, has another scenario. Gandy argued against the bill before the committee with Landrieu and Betsy Bussoff, another lawyer.

"It will mostly affect older women," says Gandy. "She has to have been found substantially without fault in the divorce and to be in desperate financial circumstances or she wouldn't be getting alimony. For years she has raised his children and ironed his shirts, then he dumps on her. She's out. Then, say, she finds somebody. She's not ready to make a commitment, or maybe he's not. If she lives with him, she loses her alimony permanently. That's it. Meanwhile, the former husband is living with his girl friend and the law doesn't say anything about that."

Landrieu says the underlying reason for the bill is not to correct the abuses, as in the case Thompson cited. "The motive is to punish the woman for living her own life," she says.

According to Gandy, if a woman is sharing expenses with her live-in friend, under present law she can be taken to court and have her alimony reduced.

The whole debate illustrates the problems lawmakers have in dealing with changing social patterns. The higher divorce rate, the trend toward live-in relationships, even among older people, and the heightened awareness of women's rights have created new pressures for those who make the laws.

The Louisiana Legislature, which has only three women members, is not known for its heightened awareness of women's rights, however. It has repeatedly turned down the Equal Rights Amendment. It has passed new property management laws that give women more protection, but only last year it passed a bill that substantially diluted those rights. It's a constant battle for the advocates of women's rights.

Only a handful of legislators, notably Rep. Manny Fernandez of St. Bernard and including Leo Watermeier of New Orleans, are sensitive to issues of women's rights.

Landrieu says her fellow legislators seem to rush to judgment when men's rights are being abused. She would like to see that same concern for women's and children's rights.

"As an abuse, a divorced woman's living with a man and receiving alimony is not nearly as tragic as the cases of many women who deserve alimony and are not receiving it, and children not receiving child support because the laws are not strong enough to protect them. That abuse is rampant," she says, "and you don't see any men rushing up here to protect them."

The alimony bill has a good chance of passage. It has a tone of moral righteousness. And male legislators are like any other men. They have a visceral understanding of how some poor schmuck can be strapped financially to support a woman he no longer loves or wants. Add the ego assault of that woman's living with another man and you have an abuse most men, or perhaps most people, can identify with.

One problem with the issue politically is that alimony gets short shrift from a lot of women too. They're either married and can't imagine they'll ever be out on their own, or they're married to a man who has been divorced and watch that paycheck melt under child support payments or alimony or both. Finding the path of justice in such complicated human situations is difficult.

So the "shack up" bill is likely to pass. But it points up the need for more women who are concerned about women's issues in the Legislature if those issues are ever to be seriously considered.