

# Men getting fairer shake one year after alimony ruling

# Battalion Classified

**United Press International** Ancient Egyptians called alimony the silver of hatred. A year ago the Supreme Court said men have the same right to alimony as women. Since then, however, men haven't collected much silver.

Nevertheless, the March 5, 1979, ruling that state laws allowing only women to receive alimony are unconstitutional has made an impact in divorce law.

Some call the impact more symbolic than substantive.

Others, while admitting the number of men receiving alimony is still negligible, claim the ruling is a needed shot in the arm for men's rights in the areas of alimony, child support and child custody. They contend the Supreme Court decision has caused judges to treat men more equitably in divorce proceedings.

"I see more men getting equal treatment under the law," Montgomery, Ala., attorney John L. Capell III said. "I'm starting to see the psychological effect of that case, but we've still got a long way to go. The amount of alimony men are having to pay is less and the duration is less. I'm starting to see a more united front by men asking for more property rights than men had asked for in the past."

Capell represented William H. Orr, whose lawsuit against court-ordered alimony payments to his ex-wife, Lillian, resulted in the Supreme Court ruling that Alabama's alimony law was discriminatory because it allowed payments only to women.

Orr, now a San Francisco film-

making executive, refused to pay \$1,240 a month to his former wife. He did not claim he was entitled to alimony, but contended that since no woman could ever be ordered to change the discriminatory language.

Arkansas state Rep. Bill Sherman of Little Rock sponsored a bill to change his state's law, revising the property division law to provide a 50-50 split unless the court rules otherwise. It says both men and women are eligible for alimony and child support.

Several Arkansas lawyers said they know of no men asking for alimony since the law went into effect in July. They said men probably would get alimony only if there was some reason, such as sickness or disability, that they could not work and their ex-wives were financially able to support them.

"I'm sure the situation will come up, but usually the man is employed," Sherman said. "If he's employed, there's hardly a justification for alimony."

Attorney Frances Holtendorff said alimony awards to women have been declining in recent years.

"It's just that her need has not been there," she said. "Sometimes the courts will grant it for a limited time, like for maintenance until the wife becomes employed if she's a younger woman and maybe the marriage is of shorter duration."

She expects older women whose husbands divorce them after long marriages will continue to receive traditional alimony settlements.

Tom Alexander, national president of Male Equality Now, said the reaction to the Supreme Court ruling has been "kind of a ho-hum yawn" since it was issued a year ago.

"The yawn has been because when you go in front of a judge, if a man is unemployed and his wife is making \$600 a month, you still can't find a judge who will say, 'Yeah, you're right (to ask for alimony),'"

Alexander said. "Lawyers say, 'I don't know a judge who would award alimony,' and they're right, even though the man is entitled to support. But a woman in similar circumstances, she'll get something."

Alexander accepts Lichtman's argument that women generally make less than men so some divorced women should be given financial support.

"Not all men are all-potent and some fall on hard times. The wife is doing okay, should help." — Tom Alexander, national president of Male Equality Now.

law is there. It's a step toward equality of women and men.

"Women are cut adrift in divorce. Often they've been out of the job market. Men don't find themselves in this position."

Although lawyers, men's rights and feminists agree that men are awarded alimony is rare, it is pending.

In May, Henry Durand Irwin became one of the first men to win a major alimony award after the Supreme Court decision. He was awarded \$1,600 a month for his wife, Elizabeth, 57, the daughter of the founder of Phillips Petroleum Co.

Irwin's attorney, Philip Sclot, said Irwin has been unemployed many years and has lived apart from his wife on an estate in South Carolina, since their separation in 1975.

Under the terms of the settlement, Irwin will receive \$1,600 a month as long as he is unmarried and will get half the proceeds of the estate of the Southbury estate, which Mrs. Irwin's name and worth is \$250,000.

In Massachusetts, a husband divorced his wife after 10 years of marriage and was awarded alimony according to family law attorney Richard Hoffman, of Walpole, Mass.

"He was not of means, he had a thing when he came into marriage and she had an unearned income was in excess of \$150,000 a year," Hoffman said.

Massachusetts passed a law in 1974 allowing judges to award alimony and child custody to either spouse, taking into account length of the marriage, and the vocational skills and needs of the spouses.

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