Representing Women
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Source: *Frontiers: A Journal of Women Studies*, Vol. 18, No. 3 (1997), pp. 92-109
Published by: University of Nebraska Press
Stable URL: https://www.jstor.org/stable/3347175
Accessed: 07-08-2023 23:28 +00:00

Sonia Pressman Fuentes

Representing Women

In 1965, when I entered the office of Charlie Duncan, the first general counsel at the Equal Employment Opportunity Commission (EEOC), he pointed to the papers strewn across his desk. "You see these papers?" he asked. "Those are all resumes sent in for the one opening I have in the General Counsel's Office. I don't know why," he continued, looking at me, "but I'm going to hire *you*." That's how I entered the field of women's rights, which became the focus of my life.

The sexual revolution had begun on December 14, 1961. On that date, by Executive Order, President Kennedy established the President's Commission on the Status of Women, with Eleanor Roosevelt as chair, to review and make recommendations for improving the status of women. In 1963 that Commission issued its report, *American Women.* On November 1, 1963, three weeks before his assassination, President Kennedy signed an executive order establishing the Interdepartmental Committee on the Status of Women and the Citizens' Advisory Council on the Status of Women to facilitate carrying out the recommendations of the President's Commission.

During the early sixties, I was working as an attorney at the headquarters of the National Labor Relations Board (NLRB) in Washington, D.C. But even though I was in Washington, D.C., I was unaware of these developments. Early in 1963, however, I became involved in women's rights by chance. A colleague mentioned that he did volunteer work for the American Civil Liberties Union (ACLU) and suggested that I might be interested as well. When I volunteered, Larry Speiser, the director of the ACLU's Washington, D.C., office, gave me an immediate assignment. He asked me to prepare testimony for him to deliver before a committee of the House of Representatives in favor of an equal pay bill. That bill required that men and women be paid equally for the same work.

When Larry saw how involved I became in the subject matter of my testimony, he suggested that I deliver the testimony myself. On March 26, 1963, at

the age of thirty-four, I testified before the House Committee on Education and Labor. Later that year, the Equal Pay Act was signed into law. After its passage, I assumed my involvement with women's rights was over, and, since I wanted to explore the West Coast, I transferred to the NLRB's Los Angeles field office.

I moved to Hollywood, California, and for a while I enjoyed the California life and made many friends there. But after a year and a half, I was ready to return home. I didn't like the fast freeway driving, the distances between friends in L.A.'s far-flung communities, and the fact that California was the locus of one natural disaster after the other: sandstorms, forest fires, and earthquakes. I was simply not a Californian. Besides, my parents were unhappy with my living so far away and importuned me to come back East. So, at a time when hundreds of thousands of Americans were heading West, I returned to the East.

Early in 1965 I was back at the NLRB's Washington, D.C., headquarters, working as a legal assistant for Gerald Brown, a fine man and a liberal member of the Board. After several months on the job, much as I admired Gerry and appreciated his offering me the job that enabled me to return from L.A., I again felt driven to seek other employment. There was something else I was supposed to do. I didn't know what it was; I only knew what it wasn't. It wasn't writing decisions at the NLRB.

My only resource at the time was Art Christopher. Art was a short, squarely built, fiftyish African American trial examiner at the NLRB. He liked spending time with young women, and he dangled the many contacts and connections he had as an incentive for me to join him for lunch. I had numerous luncheons with him, none of which produced a single job lead. But, finally, indirectly, Art *was* responsible for my finding another job. In the summer of 1965, I complained to my friend Jackie Williams, who had formerly worked at the NLRB, that I had just had another fruitless luncheon with Art. Jackie, a young African American woman lawyer, responded by saying, "You want another job? Why don't you go across the street and see Charlie Duncan at the EEOC?" Charlie, an African American lawyer, had been Jackie's professor at the Howard University Law School. Now he was the general counsel of a brand new agency. Jackie arranged an interview for me with him.

The EEOC had been established to implement a new law that prohibited employment discrimination, Title VII of the Civil Rights Act of 1964. The law prohibited discrimination based on race, color, religion, sex, and national origin by employers, labor unions, and employment agencies. (Later, age discrimination was added to the EEOC's responsibilities.) The Commission had opened its offices on July 2, 1965.

As originally drafted, Title VII did not prohibit sex discrimination. But, on a wintry day in February 1964, eighty-one-year-old Congressman Howard W. Smith introduced an amendment to prohibit sex discrimination. Smith was chairman of the House Committee on Rules, which was then preparing to consider the civil rights bill for clearance to the floor. The suggestion that he introduce an amendment to add "sex" to Title VII's prohibitions came to him from Alice Paul, founder of the National Woman's Party, and her lieutenants. His motives in doing so were apparently mixed. Smith was a Democrat and a segregationist from Virginia and the principal opponent of the civil rights bill. He might have viewed the amendment as a tactic to delay or forestall the bill's passage. On the other hand, he may have favored the amendment because he didn't want African American men getting rights at the expense of white women. In any event, after some wrangling, the bill became law with the prohibition against sex discrimination in it.[1]

Actually, I had an ideal background for the EEOC. I'd spent six years at the NLRB, the agency that enforced the National Labor Relations Act, the model for Title VII. Beyond that, however, my coming to the EEOC was not solely a matter of chance. As a Jew who escaped with her immediate family from Berlin, Germany, in 1933, I naturally had an interest in the rights of minorities. Furthermore, I'd been concerned with the rights of African Americans from childhood when I was struck by the segregated buses, water fountains, restrooms, and benches as my family drove through the South en route to Miami Beach for the winter. I was a lifetime member of the National Association for the Advancement of Colored People (NAACP).

In addition, from the age of ten, I had felt there was a purpose to my life, a mission I had to accomplish, and that I was not free as other girls and women were simply to marry, raise a family, and pursue happiness. This feeling arose from three factors in my life. I had been born only because my mother's favored abortionist was out of the country; my immediate family and I escaped the Holocaust; and I was bright. To me, that meant that I had been saved to make a contribution to the world. But I had no idea what it was to be.

Unfortunately, as I was growing up, there was no one with whom I could discuss such thoughts. As far as I knew, I was alone in having them. I felt that if I ever expressed such thoughts to anyone, my ideas would seem unbelievably arrogant. So, I kept them to myself and grew up essentially a lonely child. Years later, through the women's movement, I learned that there were other girls and women like me who wanted to play a role in society. But as children, we were alone and considered ourselves misfits.

Before I could begin work at the EEOC, however, a short period of time would have to pass during which the paperwork would be processed. While this

was going on, I received a call from Charlie. He asked me to come to his office as he had to talk to me "confidentially" about something right away. I couldn't imagine what it might be.

When I arrived at his office, he began the conversation by asking: "Have you ever been married to or had any relationship with . . . "

An eternity elapsed before he finished that question. I wondered whose name might come next. I was thirty-seven years old. I hadn't reached that age without having had a number of relationships. Which one would Charlie ask me about? What would I say, and how would it affect my career?

"Lee Pressman?" he concluded.

I breathed a sigh of relief. Lee Pressman, a graduate of Cornell University and Harvard Law School, had held a number of prestigious positions in and out of government and had made significant contributions to the labor movement. He had, however, achieved notoriety through his involvement with communists and communism in the 1930s and 1940s. He was old enough to be my father, but he was not related to me.

"No," I said to Charlie, "I'm not related to Lee Pressman." How ironic, I thought. Had my father been one of the most brilliant labor attorneys in the country, I probably would not have been hired at the EEOC. Since my father was instead a largely illiterate Jewish immigrant, I was deemed qualified.

There was one additional hurdle. Charlie said that I would need to provide a reference from a member of Congress. At first, I was stymied by this request, but then I realized I had a tenuous connection to a senator.

Many months earlier, I had attended a function where one of the speakers was a senator. He mentioned that his parents had been immigrants to this country. Following his talk, I wrote to him. I mentioned that my parents and I were also immigrants, and I asked for his help in advancing my career. Shortly thereafter, I received a phone call from the senator's administrative assistant inviting me to come in for a meeting. I met with the senator's assistant, and we had a nice chat, but no job prospects opened up as a result of it. We did, however, maintain a sporadic correspondence.

When Charlie asked me for a congressional reference, I remembered this connection and wrote to the senator's aide, who had by then returned to his home state in pursuit of his own political career. I asked him whether he could secure the senator's endorsement for me. To my surprise, he answered my letter with a phone call, said he was flying down to Washington on business, and asked me to meet him for a drink at the Mayflower Hotel. I thought this was an odd way to get a reference, but I agreed to meet him.

At the Mayflower, the senator's aide and I met in the Café Promenade, had drinks, and danced. We chatted while we danced, and he mentioned his young wife and baby son. He said he'd be happy to get me the senator's reference—and then he invited me up to his room. I declined, and he then gave me the most unusual excuse I'd ever heard for a man making a pass at a woman: "Man is a delicate seismological instrument."

I bid him good night and caught a cab back to my apartment. While in the cab, I berated myself. All my life I'd read biographies and autobiographies of famous women, many of whom had advanced their careers by bedding famous men. Evita Peron was an outstanding example. What was wrong with me? Why had I turned the senator's assistant down? He was certainly attractive enough. Why did I have to be so straitlaced? I had destroyed the possibility of getting the most challenging job I'd ever been offered.

But the senator's assistant was true to his word. Charlie received a reference for me from the senator, and I joined the EEOC as the first woman attorney in its Office of the General Counsel.

There I was, in 1965, in a brand new job at a brand new agency, to fight employment discrimination, including that based on sex. At that time, few Americans were aware that there was such a thing as sex discrimination. When I mentioned "women's rights" in early speeches, I was greeted with laughter.

What was the United States like when the EEOC commenced operations? Men and women lived in two different spheres. By and large, a woman's place was in the home. Her role was to marry and raise a family. If she was bright, common wisdom had it that she was to conceal that brightness. She was to be attractive but not too attractive. She was not to have career ambitions, although she could work for a few years before marriage as a secretary, saleswoman, schoolteacher, telephone operator, or nurse. Hopefully, she would be a virgin when she married. When she had children, she was to raise them differently so that they, too, would continue in gendered modes of behavior appropriate to their sex. If she divorced, which would reflect poorly on her, she might receive an award of alimony and child support although it was unlikely that she would receive the monies for more than a few years. If she failed to marry, she was an "old maid," relegated to the periphery of life. Married women could work outside the home only if dire household finances required it. Under no circumstances were they to earn more money than their husbands.

Women were not to be opinionated or assertive. They were expected to show an interest in fashion, books, ballet, cooking, sewing, knitting, and volunteer activities. Political activities were acceptable as long as they were conducted

behind the scene. Of course, not all women were able or wanted to fit into this pattern, and there were always exceptions. But most women did what they were told because society exacted a high price from deviants.

Men, on the other hand, were the decision makers and activists. They were the ones who became presidents, legislators, generals, police chiefs, school principals, and corporate executives. They were the heads of their households, and wives and children deferred to their wishes. Men were expected to take the initiative in dating, to have sexual experiences before marriage, to propose marriage, to bear the financial burden for the entire family, and to have little or nothing to do with running the household or raising the children. It was assumed that they would be insensitive, uncaring, and inarticulate, and interested in activities such as sports, drinking, gambling, extramarital affairs, and making money.

Most men did what they were told, too.

This picture of our society was true for most of the population. There were, however, other dynamics at play in minority communities. Historically, for example, more African American women than men attended college. But for most Americans, this was the climate in which the Commission and I, as a staff member, were supposed to eliminate sex discrimination.

Not only was the country unconcerned with sex discrimination, so were most of the people at the Commission. There were about one hundred permanent employees on staff at headquarters when I arrived in October 1965, and most were there to fight discrimination against African Americans. They didn't want the Commission's limited staff and resources diverted to issues of sex discrimination. After all, the agency had been created in response to the movement for civil rights for African Americans.

But the country and the EEOC were in for a shock. In the Commission's first fiscal year, about 37 percent of the complaints filed alleged sex discrimination. These complaints raised a host of new issues that were more difficult than those raised by the complaints of race discrimination. Could employers continue to advertise in classified advertising columns headed "Help Wanted—Male" and "Help Wanted—Female"? Did an employer have to hire women for jobs traditionally considered men's jobs? Could airlines continue to ground or fire stewardesses when they reached the age of thirty-two or thirty-five or married? What about state protective laws that prohibited the employment of women in certain occupations and limited the number of hours they could work and the amount of weight they could lift? Did school boards have to keep teachers on after they became pregnant? What would students think if they saw pregnant teachers? Wouldn't they know they'd had sexual intercourse? Did employers have to provide the same benefits on retirement to men and women even though women as

a class outlived men? Although the EEOC was responsible for drafting decisions, guidelines, and regulations that set forth what Title VII meant, neither I nor anyone else at the Commission knew how to resolve these issues. When I came to the EEOC, I was unaware of the legislative history of the Act. I just read the law and thought it prohibited sex discrimination in employment. For that heretical notion, Charlie called me a "sex maniac."

My bêtes noires at the Commission were Luther Holcomb, the vice chairman; Herman Edelsberg, the executive director; and Richard (Dick) Berg, the deputy general counsel. All three were opposed to women's rights. It pained me that two of them were Jewish.

Holcomb was a former Baptist minister from Dallas and the Commission's most conservative member. Through their shared Texas backgrounds, he had a personal relationship with President Lyndon Johnson and kept him informed of developments at the EEOC. I sat behind Holcomb when he testified before Congress shortly after the Act became effective and asked that the prohibition on sex discrimination be removed. Later, he asked Charlie to take me off the assignment of writing the lead decision in the stewardess cases because I was prejudiced: I was in favor of women's rights. Charlie refused. Later still, when the tide had turned in favor of women, Holcomb had the effrontery to ask me why women's groups turned to me rather than to him for counsel.

Edelsberg had an impressive background. Before coming to the EEOC, he had served as an attorney for the Congress of Industrial Organizations (CIO) and, for almost twenty years, as director of the Washington, D.C., office of the Anti-Defamation League (ADL) of B'nai B'rith. At his first press conference at the EEOC, he told reporters that he and the other men at the Commission thought men were entitled to have female secretaries.[2] The following year, he publicly labeled the sex discrimination provision a "fluke . . . conceived out of wedlock."[3] In his 1988 autobiography, *Not For Myself Alone*, he credited Dr. Pauli Murray and me with turning him around on the issue of sex discrimination at the EEOC.[4] If that happened, I was certainly unaware of it.

In an article published in 1964, before the EEOC had commenced operations, Berg described the sex discrimination amendment as an "orphan."[5] He recommended that the bona fide occupation qualification (bfoq)[6] be liberally interpreted so as to permit the exclusion of women from jobs "involving strenuous activity, hazardous working conditions, or close contact with fellow workers or customers."[7] He concluded that the bfoq exemption would also permit the exclusion of women from "certain hazardous occupations, principally mining."[8] He argued that the bfoq exception should also be available "where an employer

refuses to assign overtime or night work to a woman because of a state statute" or "to hire a woman for a job which is likely to require such overtime or night work."[9] Berg believed that a woman's place was in the home.

In addition to Holcomb, the other commissioners were Franklin D. Roosevelt, Jr., the chairman; Aileen Clarke Hernandez; Dick Graham; and Sam Jackson. Roosevelt had no real interest in the Commission and wasn't there long enough for his views on women's rights, whatever they were, to matter. His sights were set on running for governor of New York, and he resigned from the EEOC in 1966 to announce his candidacy. Hernandez, formerly married to a Mexican American man, was the first African American woman commissioner. She was an honor graduate of Howard University, a former official of the International Ladies' Garment Workers' Union, and had served as assistant chief of the California Fair Employment Practices Division before coming to the EEOC. Graham was an engineer and business executive who had served as director of the Peace Corps in Tunisia. Both Hernandez and Graham were ardent feminists. Jackson was an African American lawyer who had been president of the Topeka, Kansas, branch of the NAACP and had worked as a social welfare lawyer for the state of Kansas. He was sympathetic to the fight to end discrimination against women; he viewed it in the context of discrimination against African American women. But he felt that discrimination against African Americans deserved the Commission's greater attention. Roosevelt, Holcomb, and Hernandez were Democrats; Graham and Jackson were Republicans.

The issues that were most fiercely fought involved classified advertising, airline stewardesses, and state protective legislation. The maintenance of sex-segregated classified advertising columns was of great importance to newspapers and employers. Newspapers derived increased revenue from the double columns, and employers wanted to be able to continue to recruit based on sex. The stewardesses' fight against discriminatory airline policies began in the early 1950s and predated Title VII. In 1964, stewardess unions filed a complaint against American Airlines and TWA with the New York State Commission for Human Rights. When the EEOC opened its doors in the summer of 1965, two American Airlines stewardesses, intent on filing a complaint, were among the first through them. At the EEOC, the Air Transport Association of America, which represented airline companies, and individual carriers waged a strenuous battle to maintain the policies of grounding or terminating stewardesses when they reached the age of thirty-two or thirty-five or married. Most airline passengers were men, and the airlines promoted the image of the young, unmarried stewardess to attract businessmen. Furthermore, these policies were financially advantageous for the airlines. They cut down on the expenses incurred for salary increases related

to seniority and for pension and retirement benefits. The airlines argued in hearings at the Commission that sex was a bfoq for the stewardess position and that, therefore, they could apply any terms and conditions they chose to the individuals in that position. Unions representing employees in the airline industry argued that sex was not a bfoq for the position, and the issue was joined.

Ironically, the airlines had not followed consistent policies with regard to the sex of flight cabin attendants. The first flight cabin attendants were hired in 1928, and they were men. Women were not hired until 1930 when Boeing Air Transport, which later became United Airlines, hired registered nurses as the first stewardesses. This was supposed to reassure passengers who were concerned about safety in the skies. Nonetheless, the airlines generally preferred hiring male flight attendants for a number of reasons, including their greater ease in handling luggage. Before 1935, flight attendants throughout the world were almost exclusively male. By the end of World War II, however, with only a few exceptions, American carriers hired only female flight attendants.

On another controversial issue, the question of whether Title VII superseded state protective legislation, women were divided. Starting in the early 1900s, states had passed laws restricting women's employment. Such legislation prohibited the employment of women in certain occupations and industries, such as bars and mines, and limited the number of hours women could work and the amount of weight they could lift. In Utah, for example, a woman couldn't be hired for a job that required lifting more than fifteen pounds. Such laws also required special benefits for women, such as seats, restrooms, and rest and lunch breaks. These laws were passed for a number of reasons. Some proponents of such legislation had wanted to protect both male and female employees from sweatshop conditions but feared they wouldn't be able to get laws passed for both sexes; others wanted to limit women's competition for jobs with men.

When I came to the EEOC, I was in total ignorance of this background. I simply read the law and concluded that where state legislation limited women's employment, Title VII would supersede the state legislation, but where state legislation required benefits for women only, such benefits would have to be extended to men. Women who came out of the trade union movement, however, and had fought for these laws were still devoted to them. Mary Keyserling, for example, the director of the Women's Bureau, was a staunch protectionist. She argued with me for the retention of state protective legislation when we met in her elegant office at the Department of Labor. I, on the other hand, pointed out that legally such legislation would have to fall. Edelsberg also argued with me on this issue. He took the position that since women were split, it would not be politic for the EEOC to resolve the matter. His argument was, of course, fallacious.

The EEOC had a responsibility to implement the law regardless of some women's views.

In the area of sex discrimination, the EEOC moved very slowly and conservatively, or not at all. I found myself increasingly frustrated by the unwillingness of most of the officials to come to grips with the issues, and to come to grips with them in ways that would expand employment opportunities for women—which was, after all, the purpose of the prohibition against sex discrimination. I became *the* staff person who stood for aggressive enforcement of the sex discrimination prohibitions of the Act, and this caused me no end of grief. At the end of one day, after a particularly frustrating discussion with Edelsberg, I left the EEOC building with tears streaming down my face. I didn't know how I had gotten into this position—fighting for women's rights. No one had elected me to represent women. Why was I engaged in this battle against men who had power where I had none? While I knew that Commissioners Aileen Hernandez and Dick Graham felt as I did, they were commissioners; I was just a staff lawyer. I did not think I had the option of making common cause with them. At the Commission, I was basically on my own.

But outside the Commission, I developed a network of support. Through my work, I came in contact at various government agencies with midlevel staffers like myself who were concerned with improving the rights of women. Together we formed an informal network of support and information-sharing. This network included Mary Eastwood, an attorney in the Office of Legal Counsel in the Department of Justice and the coauthor, with Dr. Pauli Murray, of the landmark "Jane Crow and the Law: Sex Discrimination and Title VII," the first law review article that focused on the sex discrimination prohibitions of Title VII;[10] Morag MacLeod Simchak, chief of the Equal Pay Branch of the Wage and Hour Division in the Labor Department; Catherine East, executive secretary of the Interdepartmental Committee on the Status of Women and the Citizens' Advisory Council on the Status of Women; Tina Hobson, director of the Federal Women's Program in the Civil Service Commission (now the Office of Personnel Management); and Phineas Indritz, national counsel of the National Resources and Power Subcommittee of the House Government Operations Committee. In his spare time, Phineas wrote briefs on civil rights issues involving race and sex as chief counsel for the American Veterans Committee. He was a close associate of Representative Martha Griffiths, our staunchest ally in Congress. I shared with this network information on women's rights cases that were developing at the EEOC. Catherine East would then contact Marguerite Rawalt, a trailblazing feminist attorney.[11] Marguerite, in turn, would relay this information to her network of

feminist attorneys. These attorneys would then represent the complaining parties in precedent-setting sex discrimination lawsuits.

During my early days at the Commission, a writer came to the EEOC. She had become famous through writing a book called *The Feminine Mystique*, which dealt with the frustrations of women who were housewives and mothers and did not work outside the home.[12] Now, she was interviewing EEOC officials and staff for a second book.[13] Her name was Betty Friedan.

When we met, Betty asked me to reveal problems and conflicts at the Commission. As a staff member, I did not feel I could publicly speak out about the Commission's derelictions, and I did not tell her what was happening with regard to women's issues. But when she came a second time, it was on a day when I was feeling particularly frustrated at the Commission's failure to implement the law for women. I invited her into my office, and this time I leveled with her. I told her, with tears in my eyes, that the country needed an organization to fight for women like the NAACP fought for African Americans.[14]

Thereafter, in June 1966, at lunch during the Third National Conference of Commissions on the Status of Women in Washington, D.C., Betty and a small group of women planned an organization that subsequently became the National Organization for Women (NOW). Its purpose, as written by Betty on a paper napkin, was "to take the actions needed to bring women into the mainstream of American society, now, full equality for women [sic], in fully equal partnership with men." By the end of the day, everyone at the conference who wanted to join had tossed five dollars into a war chest and NOW had twenty-eight members. Those twenty-eight were NOW's original founders. Another twenty-six founders were added that fall. On the weekend of October 29 and 30, 1966, seven of the original founders along with twenty-six other men and women, of whom I was privileged to be one, held a formal organizing conference. We met in the basement of the *Washington Post* in Washington, D.C., and adopted a statement of purpose and skeletal bylaws.

Most of us did not know each other. One of the realities of those days was that there was no national network through which women and men interested in women's rights could come to know each other and work together. What we had in common was a frustration with the status of women and a determination to do something about it. In 1966, women's rights was an idea whose time had come. After its founding, NOW embarked upon an ambitious program of activities to get the EEOC to enforce Title VII for women. It filed lawsuits, petitioned the EEOC for public hearings, picketed the EEOC and the White House, and generally mobilized public opinion.

I became involved in an underground activity. I began meeting privately at night in the southwest Washington apartment of Mary Eastwood with Mary, Phineas, and Caruthers Berger, an attorney in the solicitor's office at the Department of Labor. At those evening meetings, I discussed the inaction of the Commission that I had witnessed during that day or week with regard to women's rights, and then we drafted letters from NOW to the Commission demanding that action be taken in those areas. To my amazement, no one at the Commission ever questioned how NOW had become privy to the Commission's deliberations.

As a result of pressure by NOW, the EEOC began to take seriously its mandate to eliminate sex discrimination in employment. It conducted hearings and began to issue interpretations and decisions implementing women's rights. The EEOC ruled that employers could not advertise in sex-segregated advertising columns. With narrow exceptions, sex could not be a bfoq for a job. All jobs, including jobs as flight cabin attendants, had to be open to men and women alike. I had the great pleasure and privilege of drafting the lead decision on the flight cabin attendant issue. The EEOC also held that a woman could not be refused employment because of the preferences of her employer, coworkers, clients, and customers. She did not have to be hired if she was not qualified to do a job, but she could not be refused employment just because she was a woman, was pregnant, or had children.

Laws that restricted women's employment were superseded by Title VII. Laws that required benefits for women could be harmonized with Title VII by providing the same benefits to men. Men and women doing substantially equal work were entitled to equality in pay and other benefits, including pension and retirement benefits. They also had the right to be free of sexual harassment on the job. In a number of cases, the Act proved to be a boon to men. They filed charges when they were excluded from traditionally female jobs, such as nursing, and when employers prohibited them from wearing beards, mustaches, and long hair. But most of the charges were filed by women.

The EEOC began collecting statistics on the employment of women and minorities by employers in various categories of employment. No such nationwide statistics had ever been collected before directly from employers. These statistics proved vital, both in proving a pattern of discrimination by a particular employer and in fashioning appropriate remedies for discrimination.

NOW was the first organization formed to fight for women's rights in the mid-1960s, but it was followed by many others. Traditional women's organizations, which had initially refused to join the struggle, did so later, and new

organizations were formed. Among them were the Women's Equity Action League (WEAL), a spinoff from NOW, and Federally Employed Women (FEW), both founded in 1968, and both organizations of which I was a founder. FEW grew out of a course I had attended at the Department of Agriculture for women in government. Through my activities in FEW, I learned that men in the federal government had opportunities to attend training programs that were not, as a practical matter, available to women. One of the sites for these programs was the Federal Executive Institute (FEI), a residential facility operated by the Civil Service Commission in Charlottesville, Virginia. While the FEI had programs of various lengths, its core program was an eight-week course that was limited to federal employees in the three top grades. Because women rarely reached those grades, they rarely attended the FEI. Thus, discrimination was piled on discrimination. Women were discriminatorily relegated to lower grades; therefore, they didn't qualify for the FEI; and, thus, they were at a competitive disadvantage in competing for jobs with men who had attended.

When I learned of this in the latter part of the sixties, I wrote a letter of complaint to the Civil Service Commission. My letter and similar complaints prompted considerable discussion within that commission on the advisability of developing a special FEI program for women. It was feared that if this were done, there would be calls for special programs for minorities and people with disabilities. There was also concern as to whether such a special program would give women the same type of training that was available through the regular program. In the end, it was decided that a small group of women would be recruited to attend a special one-week FEI program. This was the first time in its history that the FEI would have a special program for women. Tina Hobson, director of the Federal Women's Program in the Civil Service Commission, selected ten or twelve women to attend this program from among women who had expressed an interest in getting FEI training. She and I participated in this historic and exhilarating week at the FEI. Thereafter, the Civil Service Commission began for the first time to more actively recruit women for attendance at the FEI.

Unions, most of which were initially hostile to women's rights,[15] became involved in the struggle. Unions were in fact in the forefront of the pay equity struggle, the fight to secure equal pay for women for work of comparable worth or value to that of men. The various levels of government also became more active: Executive orders were signed by U.S. presidents, federal and state laws and municipal ordinances were passed, and court decisions issued. New government agencies were created to fight discrimination, such as the Office of Federal Contract Compliance Programs (OFCCP) in the Department of Labor. Contractors

and subcontractors of the federal government were required to do more than simply not discriminate. They were required to take affirmative action to hire and promote women or risk the loss of millions of dollars in government contracts.

Discrimination based on sex or marital status in the sale and rental of housing and in the granting of credit was prohibited. Title IX of the Education Amendments of 1972 prohibited educational institutions, from preschools through colleges and universities, that received federal funds from discriminating on the basis of sex against students and all employees, including administrative personnel and faculty members. One of the effects of Title IX has been the requirement for equality in expenditures for school athletic programs so that girls and young women, like boys and young men, can develop their bodies and the ability to cooperate and compete.

Legislation in 1972 gave the EEOC the power to enforce its orders in the courts. The Pregnancy Discrimination Act of 1978 codified the EEOC's earlier guidelines on pregnancy and leave in connection with pregnancy. In 1991, for the first time, women were given the right to secure limited monetary damages for harassment and other intentional sex discrimination. About two weeks after taking office, President Clinton signed the Family and Medical Leave Act. This Act requires employers to provide their employees with up to twelve weeks of unpaid, job-protected leave each year in connection with the birth or adoption of a child or the serious illness of a child, spouse, or parent. Due to all this activity, the American public became aware that there was a new national priority: equal rights for women.[16]

Where do we find ourselves today? Women are found in large numbers in professional schools and in the professions, and, to a much lesser extent, in executive suites and legislatures.[17] They also work as carpenters, plumbers, electricians, and taxicab and truck drivers. They are admitted to West Point and other military academies, a fact that was unthinkable thirty years ago. The increasing number of women entrepreneurs across the nation has been dramatic. Between 1987 and 1992, the number of women-owned firms increased by 43 percent. Women-owned businesses are now one-third of all businesses in the United States and employ one out of five American workers. Women's studies departments and programs abound. There are over six hundred colleges and universities with women's studies programs.

Every area of our lives has been affected. Laws have changed women's rights with regard to abortion, divorce, alimony, child custody, child support, rape, service on juries and as administrators and executors of estates, criminal sentences,

and admission to places of public accommodation, such as clubs, restaurants, and bars.[18] Our spoken language has changed, and work continues on the development of gender-neutral written language in laws, textbooks, religious texts, and publications of all sorts. Eighteen years after the founding of NOW, a woman ran for vice president of the United States on the Democratic ticket, and, nine years after that, a woman became attorney general of the United States.

A little-known law, a relatively small organization, the developments that followed in this country, and similar movements worldwide have completely changed the face of this country and are well on their way to changing the face of the world. In August and September 1995, fifty thousand men and women attended the U.N. Fourth World Conference on Women in Beijing, China. The increase in the number and proportion of women who work has been recognized as the single most outstanding phenomenon of our century.

In the early 1980s, when my daughter Zia was about eleven years old, we spent a week in Chautauqua, New York, where Betty Friedan was lecturing. Betty invited us to her room for a drink and, as we were going over, I said to Zia, "You're going to meet a woman who's changed the lives of women all over the world."

"China too?" she asked.

"China too," I answered.

We've achieved a lot, but much remains to be done—and new problems face us. Women are still subject not only to sex discrimination, but if they are older women, women of color, or have disabilities, they may be victims of multiple discrimination. Women are still far from being represented equally in political life, in corporate boardrooms and executive suites, and in top positions in academia and unions. Women still do not receive equal pay for equal or substantially equal work. The Equal Rights Amendment has yet to be ratified. Sexual harassment is rampant. In fact, student-to-student sexual harassment at all levels of education is on the increase. We have a disproportionate number of women in poverty, and women in poverty means children in poverty. There are increasing numbers of women and children among the homeless. We need more safe houses and services for battered women. The battle for reproductive choice goes on. Millions of women do not have health care coverage. Women have to deal with new realities, such as combining a demanding position with marriage and raising a family, and finding affordable, quality household help and child care. Women increasingly find themselves in the sandwich generation—having to be the caretaker both for their children and their parents.

When we look beyond the United States to the rest of the world, the status of women is often shocking. In Third World countries, culture, religion, and law

often deprive women of basic human rights and sometimes relegate them to almost subhuman status. Violence against women is a worldwide problem. Female genital mutilation continues, as do the traditions of child marriage, the selling of young girls into forced marriages and prostitution, and the use of rape and forced impregnation as political weapons.

Nonetheless, the changes we've seen in the past thirty years have been breathtaking. In thinking about where we've been, where we are, and where we're going, I can't say it any better than the anonymous African American woman Dr. Martin Luther King, Jr., was fond of quoting:

We ain't what we oughta be,
We ain't what we wanna be,
We ain't what we gonna be,
But, *thank God*, we ain't what we was.

Notes

This article is dedicated to Mary Eastwood and to the memory of Catherine East and Phineas Indritz, my closest colleagues in the struggle for women's rights—and all the others. Abridged versions of this article appeared as "The EEOC, NOW, and Me: My Work in Women's Rights," *IRIS: A Journal About Women* 34 (winter/spring 1996): 13–17, and as "Women's Rights; Birth of NOW," *Moxie: A Magazine for Women,* September/October 1997, 10, 13–14.

1. Carl M. Brauer, "Women Activists, Southern Conservatives, and the Prohibition of Sex Discrimination in Title VII of the 1964 Civil Rights Act," *Journal of Southern History* 49:1 (1983): 37, 41–45.
2. Caroline Bird with Sara Welles Briller, *Born Female: The High Cost of Keeping Women Down,* rev. ed. (New York: David McKay, 1970), 14.
3. Herman Edelsberg, remarks at New York University's Annual Conference on Labor, *Labor Relations Reference Manual* 61 (April 25, 1966): 253–55; and Bird with Briller, *Born Female,* 15.
4. Herman Edelsberg, *Not For Myself Alone* (Berkeley: Interstellar Media, 1988), 177–78.
5. Richard Berg, "Equal Employment Opportunity Under the Civil Rights Act of 1964," *Brooklyn Law Review* 31 (1964): 62, 79.
6. Section 703(e) of the Act allows an employer, employment agency, or labor union to discriminate on the basis of religion, sex, or national origin "in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."
7. Berg, *Equal Employment,* 79.
8. Berg, *Equal Employment,* 79.

9. Berg, *Equal Employment,* 80.
10. Mary Eastwood and Pauli Murray, "Jane Crow and the Law: Sex Discrimination and Title VII," *George Washington Law Review* 34:2 (1965): 232–56.
11. For information on Marguerite Rawalt, see Judith Paterson, *Be Somebody/A Biography of Marguerite Rawalt* (Austin: Eakin Press, 1986).
12. Betty Friedan, *The Feminine Mystique* (New York: Norton, 1963).
13. Betty Friedan never wrote this book, which was going to be about new patterns in women's lives since the publication of *The Feminine Mystique.* When she found that there were not really any new patterns, she instead wrote *It Changed My Life: Writings on the Women's Movement* (New York: Random House, 1976) about the women's movement.
14. A number of people claim to have said this to Betty, and perhaps they did, but in a 1973 *New York Times* article and in her 1976 book, Betty credited me with making that statement to her. Betty Friedan, "Up from the Kitchen Floor," *New York Times Magazine,* March 4, 1973, 28, 30, and *It Changed My Life,* 80.
15. An outstanding exception was the United Auto Workers (UAW), which set up a Women's Bureau in 1944 and a Women's Department in 1955. My first talk on the sex discrimination prohibitions of Title VII was given in December 1965, at the request of the UAW Women's Department.
16. This activity included passage of the Equal Pay Act and Title VII; other laws enacted at the federal, state, and local levels; issuance of executive orders; decisions by the agencies implementing these laws and executive orders; decisions by the courts; efforts by labor unions; and the activities of NOW and other organizations fighting for women's rights.
17. I graduated from law school in June 1957. There are no Department of Education statistics for the 1956–57 school year, but in the year before and the year after, about 3.5 percent and 3 percent, respectively, of the LL.B. and J.D. degrees conferred in the United States were awarded to women (U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics* [Washington, D.C.: Government Printing Office, 1996], 281). In the 1994–95 school year, about 42.5 percent of those degrees were awarded to women (U.S. Department of Education, National Center for Education Statistics, *Degrees and Other Awards Conferred by Institutions of Higher Education: 1994–95* [Washington, D.C.: Government Printing Office, 1997], 24). Similar increases in degrees awarded to women occurred in other professional schools. From 1970–71 to 1992–93, women increased their share of first-professional degrees (law, dentistry, medicine, optometry, pharmacy, podiatry, chiropractic and osteopathic medicine, veterinary medicine, and theology) from 6 percent to 40 percent (Teresita L. Chan Kopka and Roslyn Korb for the U.S. Department of Education, National Center for Education Statistics, *Women: Education and Outcomes,* NCES 96–061 [Washington, D.C.: Government Printing Office, 1996], 22).

18. With regard to the sentencing of women, in Pennsylvania the Muncy Act provided that a judge could consider extenuating circumstances (such as the person's prior criminal record, the brutality of the crime, and his criminal or dangerous propensities) when sentencing a man convicted of a crime punishable by imprisonment for over a year. On the other hand, when sentencing a woman for such a crime, the judge had no such discretion. The rationale for this law apparently was that women take longer to rehabilitate than men (Paterson, *Be Somebody,* 179). The issue arose in *Commonwealth v. Daniel,* where a woman and a man were both convicted of aggravated robbery and conspiracy; he was given a sentence of four to ten years while she was in effect given a ten-year sentence. Phineas Indritz, on behalf of the American Veterans Committee, drafted an amicus curiae brief in the case, attacking the constitutionality of the Muncy Act; Marguerite Rawalt, on behalf of NOW, joined him in filing this brief (telephone conversation between Sonia Pressman Fuentes and Phineas Indritz, July 26, 1997). The Pennsylvania Supreme Court found the Muncy Act unconstitutional (430 Pa. 642, 243 A.2d 400 [1968]).