

Freedom Is Not Enough

THE OPENING OF THE
AMERICAN WORKPLACE

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Women Challenge "Jane Crow"

THE PROMISE of an end to sex discrimination on the job transformed American feminism as it healed a long-standing and bitter split. After winning the right to vote in 1920, politically active women had divided over how to seek the full citizenship they still lacked. While some concentrated on winning an Equal Rights Amendment (ERA) to the Constitution, others sought practical measures that would relieve the strain of combining employment with child rearing and homemaking. The question whether to seek abstract equality in law or substantive equality through reform split women by class: well-educated women who could compete with men for professional and managerial jobs and meet domestic obligations by hiring others found the formal equality of the ERA attractive, while working-class women found its titular fairness not simply hollow but actually threatening to hard-won legislation protecting women through measures such as limits on working hours. As long as employment discrimination was legal, the conflict over sameness versus difference seemed inescapable: while some women lost opportunity by stressing women's difference from men, others lost security by stressing their similarity.¹

The dispute was furious, abiding, and nearly inevitable given the real differences of interest in the mid-century legal context. As the main self-designated "feminist" organization, the National Women's Party (NWP) had made the Equal Rights Amendment its sole goal for half a

century. It allied with employers, and their National Association of Manufacturers, who hoped for the elimination of protective legislation as a victory for laissez-faire economics. In Congress, the main backers of the ERA were northern pro-business Republicans and conservative southern Democrats who embraced the call for "no special privileges" in hopes of undermining targeted social welfare. Allying with them left the country's most visible feminists cut off from trade unionists and civil rights reformers for almost half a century, and made the very name "feminist" anathema to those women and men who were working for broader social justice. NWP members demonstrated their narrow loyalties when, as the Civil Rights Act was being debated in Congress before the ban on discrimination by sex was added, they unanimously criticized the draft bill for failure to extend protection to "a *White Woman, A Woman of the Christian Religion, or a Woman of United States Origin.*" There was clearly no natural, inevitable affinity between civil rights and feminism among white women; the sense of common purpose that had united antebellum abolitionists and feminists was sadly rare.²

But Title VII cut the Gordian knot. By promising substantive fairness, it did not solve the sameness versus difference dilemma but did alter its terms so as to allow diminution of the old conflicts. Doing away with gender-based protective laws while at the same time promising working women equality with working men, it allowed women to define themselves as full earner-citizens and to build new alliances. Much has been said about the class and race biases of second-wave feminism, yet when the focus of inquiry turns from the youthful women's liberation activists, often students, to the usually older working women who mobilized around issues of employment and focused on changing public policy, the movement looks more diverse and more attentive to bread-and-butter needs.³

In fact, the women who most appreciated the potential of Title VII were those who had benefited least from the family wage bargain. Many black women of all classes and wage-earning women of all backgrounds experienced firsthand both the underside of an order that promised family wages to men only and claimed to protect women while treating them as lesser beings, and the limitations of color-blind and gender-neutral formal equality. Because neither of the strategies white feminists had been pursuing met their needs, black women ac-

tivists had for decades sought instead social policies that recognized mothers' need for well-paid work and for support in their familial obligations.⁴ Participation in civil rights struggles also made some acutely sensitive to the dangers of the separate-but-equal tack pursued by labor-affiliated white feminists and more willing to demand an end to exclusion. "I just want equal treatment," said the labor and civil rights activist Dollie Robinson. "Whatever the men get, I want."⁵ Moreover, now that the civil rights movement had won broad support for the idea of opening up all jobs, employment organizing benefited from a built-in momentum that other feminist projects such as reproductive rights lacked.

That momentum, in turn, enabled workplace activists to pose powerful challenges to widely accepted norms and practices that held all women down, among them the division of labor by gender and the sexual objectification of women. As they worked on the job and through activist groups, government agencies, court challenges, and other means to win equal citizenship at work, their organizing changed the way millions thought about women's and men's capacities. They altered American culture's common sense about gender, just as black activists had its notions about race. As they inspired women to redefine their identities, allegiances changed too, and the novel idea spread that the women's movement and the civil rights movement were natural allies. The reforms they won—not only access to new jobs but also pregnancy leave, the outlawing of sexual harassment, and greater support for parenting—led to increased inclusion of women in all areas of public life. Throughout, outsiders and insiders worked together, as grassroots protesters and sympathizers passed the initiative back and forth "like running a relay."⁶ Once again, Title VII did not itself bring change, but it did provide a resource that enabled activists to chip away at the foundations of exclusion in so many areas that they caused the whole structure to stagger.

AMONG THE FIRST to appreciate Title VII's potential to improve women's lives, especially black women's lives, was the attorney Pauli Murray. Identifying herself as a member of "the class of untached, self-supporting women for whom employment opportunities were necessary to survival," Murray became one of the most influential voices for including women of all groups in Title VII's ban on discrimi-

nation. Having crossed many boundaries in her own life, she saw ties that others overlooked. Descended from slaves, slaveholders, and Native Americans, Murray was orphaned at an early age. Raised in the South, she made the North her home in adult life. Influenced deeply as a young adult by the radical left, and a participant in the first sit-ins in the 1940s, she forged at that time a friendship with Eleanor Roosevelt which gained her access to power. A deeply spiritual person—later she became an ordained Episcopal priest—and a poet, she felt herself to be also “a warrior.” Married only briefly and disastrously, she built her world around strong, independent women in the age of the feminine mystique. But what most affected Murray’s identity was the combined force of race and gender. A brilliant and accomplished student, she found herself denied admission by the University of North Carolina in 1938 because of her race, and by Harvard Law School in 1944 because of her sex. When she entered Howard Law School, where some of the country’s most brilliant legal minds honed the challenges that would lead to *Brown v. Board of Education*, she learned that her male civil rights colleagues thought sex discrimination humorous, even when turned against a co-worker in the cause. It was then, in the 1940s, that Murray coined the phrase “Jane Crow” to capture the injustices to which women were subject. “The rationalizations upon which this sex prejudice rests,” she declared, “are often different from those supporting racial discrimination in label only.” As she would say later, “the two meet in me,” and from that standpoint she widened public understanding of what real freedom meant.⁷

Murray was “overjoyed” when the word “sex” was added to the Civil Rights Act “because, as a Negro woman, I knew that it was difficult to determine whether I was being discriminated against because of race or sex.” She belonged to a network of progressive women who in the 1950s and 1960s began to explore different strategies for achieving fairness for their sex in the absence of a mass movement. In 1963 some succeeded in persuading Congress to pass the Equal Pay Act, the first federal anti-discrimination legislation. Yet their victory showed that formal equality was not enough: since job segregation had kept women in low-paying occupations different from those held by men, the key problem was not unequal pay for the same work but different work for women that was accorded lower market value. When a southern congressman, Howard Smith, proposed an amendment to the Civil

Rights Act of 1964 to bar sex discrimination in Title VII, these women pounced on the opportunity. “Smith insisted he was serious,” writes one observer, “but his comments appear to have been aimed at satirizing the logic behind the civil rights bill, which, in the view of Smith and many conservatives, was attempting to defy human nature.” Representative Martha Griffiths of Michigan used the ribaldry that greeted Smith’s proposal to shame her male peers: “I presume that if there had been any necessity to have pointed out that women were a second-class sex, the laughter would have proved it.” Other female House members, few as they were, rose to support Griffiths with arguments about the prevalence of sex discrimination in employment. Meanwhile, self-defined feminists who had weathered the years since women’s suffrage in the National Women’s Party lobbied in support of women’s inclusion in the bill. The amendment stayed in, by a vote of 168 to 133. And thus it was that the historic Civil Rights Act outlawed discrimination against women, but only in employment.⁸

Behind the scenes, what persuaded the law’s sponsors to keep the sex discrimination provision, notwithstanding Smith’s hostility to the bill’s purpose and their own fear of “diluting” black civil rights, was neither the NWP nor Griffiths but Pauli Murray. She drafted a memorandum that the women’s network distributed to every member of Congress, the attorney general, and other key players, among them the president’s wife, Lady Bird Johnson. “If sex is not included,” she argued, “the civil rights bill would be including only one half of the Negroes.” Her logic convinced in part because she brought people to see how the case being made for opening jobs to African Americans concentrated on men while slighting women’s needs. Advocates were so concerned to shore up black men’s masculinity and familial authority through breadwinning jobs that they utterly neglected the plight of the tens of thousands of black women struggling on their own under the most challenging conditions. Murray used the same data others used on family breakup to make a very different, feminist case. “Negro women *especially* need protection against discrimination,” she pointed out, because they are “heads of families in more than one fifth of all nonwhite families.” For them, there was no such thing as a protective male family wage. Besides, since women of all groups now made up a third of the nation’s labor force, it was time to understand that “women’s rights are a part of human rights.”⁹

Murray keenly appreciated how full-time employment could change women's sense of themselves and their options. She and a circle of other black women wrote critiques of gender relations in the 1940s that anticipated the sexual politics most observers associate with the 1960s, just as black women's need for good full-time jobs anticipated the future for nearly all American women. "What's wrong with Negro men?" asked the novelist Ann Petry. Ignore the impassioned avowals of progressive politics from "the average Negro male," she urged, and "observe his actions at home." Although his wife "works forty hours a week," he expected a "cook, chambermaid, waitress, cleaning woman, valet and butler," owing to his belief in "the God-given superiority of the male." The black woman "is obviously in a state of revolt," announced Pauli Murray in 1947, explaining "why Negro girls remain single." Noting that black women of necessity worked outside the home, she observed that "college-trained and professional women" in particular found rare the "Negro male [who could] accept the Negro female as his equal and treat her accordingly." Most black men suffered from the prevailing "mis-education of the sexes" that trained men "to act as if they are the lords of creation." As the poet Gwendolyn Brooks elaborated in "Why Negro Women Leave Home," a woman with her own income was unlikely to endure being treated as "a chattel or a slightly idiotic child." If a male partner could not "treat her as a fellow laborer, deserving of his respect and tact," then she might well "prefer to live alone."¹⁰

The male leaders of civil rights organizations and trade unions similarly tended to assume that men's needs were more important than women's. Although black women carried much of the burden of the civil rights struggle at the grass roots, they repeatedly found themselves unheeded, even disrespected, by the men at the helm. Ella Baker, one of the most visionary grassroots leaders, left the NAACP in part because of such obtuseness, only to find that the male clergymen of SCLC seemed incapable of regarding women as equals in the struggle. Women were similarly discounted in the call for speakers at the March on Washington for Jobs and Freedom, the eloquent protests of some notwithstanding. While serving as executive director of the NAACP, Roy Wilkins indulged a kind of argument about gender inequality that he fought furiously where race was concerned. "Biologically," he said of women, "they ought to have children and stay home. I can't help it if

God made them that way."¹¹ Even the United Packinghouse Workers, a progressive labor union with the best record of fighting racial discrimination, favored men; black women had to argue and organize for gender equity in wages, job assignments, seniority, and protection from layoffs.¹² In short, few progressive men recognized that, like black men, black women also needed good jobs and deserved the dignity of full citizenship. "The Negro woman," Murray concluded in 1964, "can no longer postpone or subordinate the fight against discrimination because of sex to the civil rights struggle but must carry on both fights simultaneously."¹³

Murray transmitted her commitment to the dignity of "self-supporting" women to a new wave of activists in the mid-sixties. Title VII provided them a wedge with which to open up the whole gender system to question. It served as the mechanism with which once-private grievances could be turned into classically political issues, the subjects of public debate and policy. Now able to work on problems they never before had tools to fix, feminist activists challenged the very foundation on which gender was constructed.¹⁴

Yet articulating a vision and including women in legislation were only the beginning; the hardest struggle would be to make the law actually work for women. That would never have happened but for working-class women such as Lorena Weeks, a middle-aged white mother from small-town Georgia. Weeks, who had given nineteen years of "exemplary" service to Southern Bell as a telephone operator, took courage from Title VII and applied for the much better paid position of "switchman" in March 1966 in hopes of a shorter commute, allowing for more time with her children. Because she was a woman, the company denied her request outright and gave the job to a man with less seniority; Weeks then suffered unrelenting harassment. When efforts at conciliation by the Equal Employment Opportunity Commission failed to persuade the company, Weeks sued. She was not alone. When the EEOC opened in the summer of 1965, observers were stunned at the number of complaints it received from women: they made up more than one fourth of the total. Some 2,432 women in that initial year alone, overwhelmingly wage-earning and often union members, challenged refusals to hire, unequal wages, sex-segregated seniority lists, unequal health and pension coverage, biased recruitment and promotion policies, and more. Like the African American

would-be textile and construction workers whose appeals helped shape the EEOC's mission, these women showed why their treatment, so long accepted as "just the way things were," was an injustice that demanded righting. In Weeks's case, Southern Bell claimed allegiance to a state protective law that prevented working "women and minors" from being required to lift more than thirty pounds; Weeks pointed out that her typewriter, which supervisors made her move, weighed more than that. The Court of Appeals ruled in her favor against laws based on "stereotyped characterization" that excluded women from good jobs. Title VII, the judges observed, "rejects just this type of romantic paternalism as unduly Victorian and instead vests individual women with the power to decide whether or not to take on unromantic tasks"—an autonomy "men have always had."¹⁵

Weeks's case and others like it exposed a pattern of workplace "sex segregation," a term that did not exist prior to the Civil Rights Act. Emerging as it did from the struggle against Jim Crow, Title VII put the spotlight clearly on job ghettos. Although women unionists had questioned their lower wages and lesser benefits before the mid-1960s, the sexual division of labor had remained sacrosanct: that men and women should hold different jobs required no explanation. Breaking out of what some feminists came to call "the pink-collar ghetto" was unthinkable because hardly anyone recognized the walls that enclosed them. "We never questioned it when they posted female and male jobs," recalled one woman who was active in the labor movement before the 1960s. "We didn't realize it was discrimination."¹⁶

Thanks to Title VII, activists could better identify how this division of labor restricted human possibility for both women and men, much as the racial division of labor did for blacks and whites. The issue came up in the very first Title VII case, which concerned airline stewardesses, as they were then called. In arguing against the airlines' case that only women could properly provide service and comfort to passengers, NOW activist Mary Eastwood noted wryly that the airlines were unlikely to hire "the star of the girls' basketball team, even [if] she were a compassionate, sensitive woman and would be great at throwing coats up on the shelf and balancing martinis." Eastwood then proposed a way to settle the issue that would become the essence of the "self-analysis" required of government contractors by affirmative action programs. In each job where such stereotypes operated, she urged, "it should be re-

quired that a very objective analysis be made of the specific requirements of the work and the actual ability of the particular individual who seeks the job. If one must be compassionate to be a flight attendant, then an individual female or male who seeks this job should be tested for compassion. For the airlines to assume that any female automatically has this characteristic and all males do not is the very essence of sex prejudice."¹⁷ By asking why only men were thought able to do certain jobs and only women others, Title VII activists opened foundational questions about gender.

Such questions, let alone their answers, were anything but obvious at the time Lorena Weeks and the flight attendants filed their complaints. Herman Edelsberg, the EEOC's executive director, called women's inclusion in Title VII a "fluke" and mocked it as "conceived out of wedlock."¹⁸ His was at first the majority opinion at the new commission, blessed by Vice Chairman Luther Holcomb, a white Baptist evangelist from Dallas, before his appointment to the new agency. These men saw no problem with airlines that hired women for the same jobs as men but gave them a different job title and smaller paychecks, and then fired them when they married or turned thirty-two, because, said Holcomb, "the practice represents the unanimous judgment of an entire industry." The public liked "to be ministered to by women rather than men," airline surveys found, and after all, "Congress did not seek to abolish the differences between the male and female sex." If a business acknowledged those differences by restricting a particular job to one sex, Holcomb could see no "discriminatory purpose" in that. "Common sense" dictated that women could better please passengers and make them "feel well cared for."¹⁹

Like Holcomb, most businessmen at the time thought women fundamentally different beings, much more unlike than like men. An electric company executive thus warned of "accelerated physical, if not emotional, failure and increased claims for compensation" if women were hired. He invoked mysterious "instabilities of women," as well as their "interruptions for child bearing" and "the ever present possibility that a woman will quit to let her husband be the breadwinner," as unfair burdens on prospective employers. A Georgia manufacturer agreed on the dangers of "forced equalization of employment opportunities between the sexes" as "destructive of free enterprise." He wanted government to remember that "women are different biologically, phys-

ically, and emotionally" and so could not do men's jobs; to pretend otherwise was to squander money, defy nature, and debase the Constitution. Women's incapacity for "men's work" seemed such a foregone conclusion that NAM insisted it was a waste of time and money for Congress to require corporate recruiters to visit women's colleges.²⁰

One could further gauge the seismic shift under way from the reaction of conservatives, who alternated between nervous ridicule and rage. At the *National Review*, Ernest Van den Haag thought it appalling that a man "may not even be allowed to advertise for a secretary of delicate sex." It marked gross interference with "freedom of association." Van den Haag admitted that "women often get lower paying jobs than men of equal competence." But this was "because their career life is interrupted by motherhood." And since "women seem to like to become mothers," there really was no problem at all. "Those who are, and act as mothers must expect an interrupted career and, usually, lower earnings." Other leading conservatives were as contemptuous of what Russell Kirk called the "anti-feminine feminists," suggesting that women who sought equality mocked nature. One writer made the shared logic explicit. "Roles don't limit men and women; roles protect them," he warned. "It's a bitter truth that Christians know."²¹

The debate over whether the gender division of labor was a decree of God or nature or an artifact of exclusion drove a prolonged fight over whether job advertisements in newspapers could be lawfully segregated by sex. Where white supremacists had long claimed that racial differences made blacks suited only to menial jobs, so defenders of male privilege claimed that sex segregation was merely a kind of species specialization. The majority of EEOC commissioners at first thought it quite reasonable that newspapers should divide want ads by sex—as in "Help Wanted, Male" and "Help Wanted, Female" listings. That was merely a "convenience" to all concerned: women and men had no interest in each other's lines of work, Commissioner Holcomb reasoned in 1968, so "neuter columns" would only produce "havoc" for personnel offices. The deeper issue was the unquestioned belief among most women as well as men that gender determined capacity, that being a man or a woman fit a person for one kind of work but not another. It was not simply a theoretical problem. Because most jobs were closed to them, women suffered what one legal activist called "a sort of reverse monopoly." Their crowding into a small number of "female" occupations such as secretarial work created an oversupply that reduced wages for all.²²

Yet sex segregation affected culture and identity as well as pocket-books. The confining of women to a narrow range of jobs in which they nearly always took direction from men and often literally served them could not help but shape both parties' sense of themselves, each other, and their respective places in society. Television news stations demonstrated this point when they refused to hire women reporters through the early 1970s because "no one would take the events of the day seriously if reported by a woman." Such beliefs illustrate how gender, as one labor historian puts it, "is created and recreated at work."²³ Using the new law to demand, as Pauli Murray did, the right "to achieve as *persons*," working women and their allies in the feminist movement interrupted the ceaseless rehearsal of limiting portrayals of gender. In exposing how the cycle worked and how it might change, they transformed the options open to both sexes and so revised the gender system.²⁴

THE FORCE that helped shift the EEOC from the employers' side to the feminists' side of this contest was one of the commission's own female employees, Sonia Pressman. Having immigrated with her parents to the United States as a child in 1933 to escape the persecution of Jews in Berlin as Hitler came to power, Pressman felt racism acutely, whoever was involved. Yet she was no feminist when she moved from the National Labor Relations Board to a job as assistant counsel at the EEOC in October 1965. She merely read the law she was charged with enforcing and tried to enforce its directives, including the prohibition on sex discrimination. For this, her new boss, EEOC general counsel Charlie Duncan, called her a "sex maniac"; other staff members ridiculed and obstructed her. "Basically," said Pressman, "I was battling the whole commission, except for the few people [Aileen Hernandez and Richard Graham] who felt as I did." But having braved her parents' opposition when she chose a career in law instead of marriage, Pressman knew how to stand her ground.²⁵

The second time the journalist Betty Friedan, newly famous author of *The Feminine Mystique*, came to the EEOC to inquire about what it was doing for women for an article she was writing, Pressman pulled Friedan into her office and told her the truth. That was the beginning of a collaboration that produced the founding the following year of the National Organization for Women (NOW), which set as its first task making the government honor its new obligation to stop sex discrimi-

nation at work. The idea for an action group for women's rights had been circulating among a network that included Pauli Murray, who wanted "something a little more attuned to the Space Age than the NWP."²⁶ Newspaper reports of a speech by Murray announcing that Title VII would be a dead letter unless women organized as blacks had done gave Friedan the idea to seek her out. After the meeting, Murray introduced Friedan to her own network of activists, the women who would soon found NOW.²⁷ Inspired by the black freedom movement and lured by Title VII, NOW described itself as a "civil rights organization" for women, "the N.A.A.C.P. of women's rights."²⁸

Once the new feminist organization was up and running, Pressman became a kind of double agent. By day, she pushed women's cases at the EEOC; at night, she secretly met NOW leaders at homes in Washington to divulge to them exactly "what the commission had *not* done that day" so that NOW could write a formal letter of complaint. In addition, Pressman passed information to the attorney Marguerite Rawalt for use by lawyers who were aiding female plaintiffs in "precedent-setting" sex discrimination lawsuits. "Let me tell you," she informed an interviewer, "it took letters, it took picketing, it took lawsuits to get the commission to move in the area of women's rights." The White House recognized the radicalism of "these women" in its own way: one Johnson aide complained, "Nothing you can say will satisfy them."²⁹

Employers also paid backhanded tribute to their audacity. At first, they treated the issue as a joke; many simply couldn't believe that women were serious about undoing sex segregation in employment. "Hire male [Playboy] bunnies?" guffawed *Nation's Business*, the publication of the U.S. Chamber of Commerce. But soon it was the other side that was laughing, as business discovered the extent of the coming challenge. A nationwide survey of employers by the National Association of Manufacturers in 1965 reported that "where problems [of applying Title VII] have arisen, they are largely centered in the area of sex, rather than race." Whereas women were now "almost universally excluded" from executive training programs, the *New York Times* alerted business readers, they would in future "have to" have access. It might even no longer be legal to set compulsory retirement for women at age sixty-two and men at age sixty-five. Only half kidding, a vice president of NAM warned leaders of the nation's corporations, "When those women's magazines get hold of this law and start telling their readers

about the 'new rights' of women, why the Emancipation Proclamation will be a pygmy by comparison." Still insisting that the many policies that were "highly discriminatory toward women" arose "mainly because of their chemistry," he predicted that the prohibition on sex discrimination "could be a headache to employers long after the last of the race complications have been solved."³⁰

As working women and their activist allies unsettled beliefs about who could do what, they also defied prevailing understandings of employers' prerogatives by using Title VII to fight sexual objectification. Today, nearly all histories of second-wave feminism mention the women's liberation protest at the Atlantic City Miss America pageant of 1969. What they miss is that two years before, other women had *already* challenged such imagery. Working with the flight attendants two months after its founding, NOW demanded that the nation's airlines cease treating the female worker "as a sex object" to be fired when she was no longer judged pleasing to males—when she was no longer nude, got married, or gained weight. NOW backed up flight attendants' protests at the way the airlines used them to lure male customers in the same way strip clubs might. National Airlines, for example, ran an ad campaign featuring beautiful young women saying, "I'm Debbie, Fly Me," or "I'm Cheryl, Fly Me," and required female crew members to wear buttons inviting passengers to "fly me."³¹ Aided by NOW, some of the workers went on to form Stewardesses for Equal Rights and others the Stewardesses' Anti-Defamation League. (One bumper sticker taunted "National, Your Fly Is Open.")³² This was just the first of many campaigns against advertising that treated women as mindless sexual instruments. Through its Images of Women Task Force, NOW identified and fought numerous battles against such ads.³³

Like the slow abrasion of waves on stone, the arguments of female petitioners, the initiative of brokers of inclusion, and the experience of seeing women do as well as or better than men in jobs once off-limits proved "a revelation" to male EEOC staff, including Tom Robles, director of the Albuquerque regional office. "It was like somebody turned on a light in the dark," he admitted. Even Edelsberg saw that light within a few years, and later acknowledged Murray and Pressman for "having turned him around." The about-face at the agency was striking, as its staff members both manifested and advanced the national sea change in attitudes about gender justice in these years. Be-

tween 1968 and 1971 it issued a series of decisions and new guidelines to promote gender equality and began collaborating with NOW on joint efforts. Pressman boasted of having written the EEOC's first *Annual Digest of Legal Interpretations*, which advised the nation's employers that the only jobs for which sex legitimately created a monopoly were "sperm donor and wet nurse."³⁴

Learning of the agitation rousing the EEOC to action, other women began to fight practices that had long bothered them but until then had seemed untouchable. "Their very presence in the streets," one AT&T employee turned activist later said in acknowledging feminists, "enabled us inside."³⁵ Responding to news of the Civil Rights Act, a factory worker named Alice Peurala recognized, "Here's my chance." Peurala had worked at U.S. Steel's South Works plant in Chicago doing quality testing since 1953, an occupation a few women managed to stay in after the company let most women go at the end of World War II to open jobs to male veterans. Born to Armenian immigrants in St. Louis, Peurala was a radical. Her father, a devoted unionist, had admired the Soviet Union for its aid to Armenians against Turkish aggression; stamped by his example and her own employment experiences since she took her first job at age eight, Peurala became a labor organizer. Though not a feminist, she was an active antiracist; she joined CORE in the 1940s and took part in early sit-ins to open St. Louis lunch counters to black patrons. In the 1950s Peurala found sanctuary for her values and resources for organizing in the ranks of the left. As embattled as it then was, it trained and sustained Peurala and others in an outsider counterpart to the reform network that nurtured Murray and other NOW founders. What kept Peurala at U.S. Steel, however, was not leftist politics but a failed marriage. When her husband became an abusive alcoholic, she left him. In order to raise her infant daughter, she needed higher wages, and the night shift at U.S. Steel paid much better than did female-dominated occupations, even with a third of her pay going for babysitting. From the time her little girl reached school age, Peurala kept trying for a day job at the mill, but to no avail. The jobs were never posted; they just "all of a sudden" went to men. At the end of 1967, when a man she had trained, who had ten years' less experience, landed a day job in the main lab, she protested. Her boss admitted, "We don't want any women on these jobs," and the union sided with the company. That was when, laying claim to Title VII, Peurala filed suit.³⁶

Her experience illustrates both the drawbacks and the potential of legal challenges. On the one hand, her case dragged on for years; it wasn't until 1974 that Peurala actually got the job she sought. On the other hand, it paved the way for a larger lawsuit a few years later, when thirty female steelworkers in Gary, Indiana, joined with Chicago NOW to form Steel Workers NOW and pressed for broader changes in the industry. At the same time, Pennsylvania NOW members and Baltimore NOW steelworkers filed suit against steel companies after fourteen years of fruitless complaints about the persistent preference shown to males with less seniority. They benefited from a landmark consent decree in 1974 that settled 408 cases pending with the EEOC, following decisive legal victories by the NAACP on behalf of black steelworkers. The decree opened nine leading steel firms to black men and all women as never before, particularly in the skilled crafts from which they had been most particularly excluded.³⁷

While women like Peurala worked to open "men's jobs" and others supported them by changing the culture, allies in government used the resources they had at their disposal to try to clear away obstacles. At the EEOC Phyllis Wallace and others began to see a pattern as they considered tens of thousands of appeals: the worst discrimination went on where the segregation was so sweeping that victims rarely recognized it. An example of such "institutional" discrimination was "the secretarial ghetto," the clerical work that was the prime job category for women. To concentrate on a complaint-by-complaint approach, said one EEOC chairperson, was "like trying to drain a swamp with a teaspoon." As NOW summarized the developing consensus in 1971, "everyone involved in the civil rights movement agrees that individual complaints are not the way to solve the problem of job discrimination."³⁸ Activists and the EEOC alike turned instead to industry-wide problems such as those at "Ma Bell," the nationwide telephone monopoly for both local and long-distance calls. The Bell System, which included AT&T, was then the biggest single employer of women, accounting for one out of every fifty-six in the labor market, among them Lorena Weeks. Having drawn its internal race and gender lines sharply, Bell became the target of an ambitious research project for a landmark lawsuit to uproot occupational segregation; the effort was led by Wallace, who, as chief of technical studies, was the EEOC's top researcher.

Phyllis Wallace understood racial steering in employment well, for

she had resisted it in her own life. She had become an economist mainly to escape the Jim Crow system of higher education in her home state. To forestall desegregating the all-white University of Maryland, the state government began paying out-of-state tuition for black students who could not study their chosen fields at its black college. So as a high school student in Baltimore, the eldest of seven children in the depression years, Wallace sat down with a stack of college catalogues and compared the majors. Hoping to get far away from Maryland, and finding economics only at the white schools, she chose that major, and went off to New York University, where she graduated magna cum laude and Phi Beta Kappa in 1943. She then earned a Ph.D. at Yale in 1948. Along the way she learned four foreign languages, including Russian, which landed her a job as a CIA analyst studying the Soviet economy. The secrecy requirement hurt her personal life, however, so it was a relief for more than one reason when she decided to move to the EEOC in 1965. "I have decided," she would say of her new focus on discrimination, "to say what I see." At the EEOC Wallace arranged the historic textile industry hearings and set up interdisciplinary teams of scholars who uncovered how employee testing was used to exclude qualified workers from better-paying jobs. The findings of her research staff contributed to the landmark *Griggs* decision that required employers to do away with the systematic advantages white applicants enjoyed by tailoring evaluation systems to jobs. Fresh from that success, they took on AT&T.³⁹

That single company accounted for 7 percent of the EEOC's complaints by 1970, over 1,500 in all. Under Wallace's direction, the agency scoured over 100,000 pages of internal AT&T records to uncover company practices. Her team produced a report in late 1971 that provided a meticulous demonstration of systematic discrimination by sex, race, and national origin in over 25,000 pages of proof and 5,000 of testimony that showed how favoritism for white men permeated all phases of employment: advertising, hiring, training, promotions, pay, benefits, career ladders, and vacation leave. Every single wage-earning job was classified as male or female. In comparison to similarly qualified men, women employees of the company lost over \$500 million a year from these practices. "The Bell monolith," the government study found, "is, without doubt, the largest oppressor of women workers in the United States." So sharp was the rebuke that change was swift. "In

the fall of 1971, AT&T scoffed at the idea of male operators," let alone female linemen, one member of the EEOC team observed. "By 1972, they admitted the possibility and by January 1973, there were goals and timetables" for hiring in both areas. By then, the company had reached a consent decree with the agency that transformed its personnel policies and provided restitution to thirteen thousand female and two thousand minority male victims of its practices in the nation's largest back-pay settlement to date. Other businesses took notice. Said an attorney with the U.S. Chamber of Commerce, "Fear is not too strong a word to use about the way the companies feel about the EEOC now."⁴⁰

Complaints, activism, and agency policies alone, this experience demonstrated, would not bring change; getting the courts to interpret the law and punish violators was essential. Indeed, litigation became as important a resource for the women's movement as it was for the civil rights movement. For such lawsuits to work, plaintiffs needed committed and well-trained attorneys to translate their grievances and the movement's demands into language that could sway judges and juries. Hundreds around the country would contribute, some through the NOW Legal Defense and Education Fund, modeled on the NAACP Legal Defense and Education Fund, others as freelancers. In the lead as the 1970s began was Ruth Bader Ginsburg at the American Civil Liberties Union (ACLU). Her way was prepared by others, as from the first, activists with legal training had helped advance the new movement. Pauli Murray had joined the board of directors of the ACLU in 1965 and pressed for it to address gender inequality. Eleanor Holmes Norton, a younger African American attorney who had known Murray at Yale, joined her at the ACLU later that year as assistant counsel. They helped persuade the ACLU to make gender equity its first priority in 1971 and to establish a Women's Rights Project to spearhead the fight against the whole tradition of second-class citizenship that kept women out of good jobs.⁴¹

Like Pressman and Murray, Ginsburg enjoyed class advantages that working-class women like Lorena Weeks and Alice Peurala did not. Yet gender had kept Ginsburg an outsider to the access enjoyed by the male students with whom she attended school, and it continued to make her an "outsider within" male-dominated institutions. An excellent, hardworking student, Ruth Bader won admission to Harvard Law School—only to have a dean there make the nine women in her class of

five hundred describe to skeptical faculty what they would do with their legal training that would vindicate their taking up places that would otherwise go to men. Ginsburg tied for top student honors in her graduating class and served on the *Harvard Law Review* and, later, the *Columbia Law Review*. Yet when she applied for work, not one firm tendered an offer. Seeking clerkships, she learned that the nation's premier judges, men she had long admired, such as Felix Frankfurter and Learned Hand, refused to hire women. When she did at last land a position, her male colleagues thought nothing of meeting in men-only clubs to discuss cases; some belittled her for questioning the practice. After she read Simone de Beauvoir's *The Second Sex* in 1969 and female students asked her to teach a course about women and the law, a colleague recalled, she "caught fire." Researching more and more avidly, she was shocked to find that the common law, court decisions, state and federal laws, and administrative rulings had all consigned women to second-class status.⁴²

Ginsburg worked to demolish the legal edifice sustaining the idea that women were lesser, weaker beings unable to stand on their own. As co-director of the Women's Rights Project, she oversaw a vast methodical effort to topple a centuries-old legal tradition, choosing cases for maximum impact and cumulative effect. She and her staff created a pool of do-it-yourself filing guidelines and other resources to assist victims of employment discrimination and their attorney allies. She took as her first ACLU case a woman challenging a state law that stipulated the discharge of any public school teacher who became pregnant. That was the first of many; by the mid-1970s, Ginsburg had argued six cases before the U.S. Supreme Court and won five of them, yielding the Court's first declarations that sex discrimination could make a state law unconstitutional. Ginsburg and her co-workers took aim at the family wage system's grounding "stereotype": "the idea that husbands are always and necessarily breadwinners for their families and that their wives are always dependent upon them for survival." Those in power, she said in one case, must be brought to see "how the notion that men are this way (frogs, snails, puppy dog tails) and women are that way (sugar, spice, everything nice) ends up hurting both sexes." To demonstrate this argument, two thirds of the cases she litigated featured as plaintiffs men who were hurt by the family wage norm, such as a widower denied the Social Security benefits earned by his wife. Such

practices, Ginsburg persuaded the Court, kept women "second-class earners."⁴³

Yet it was not simply protective laws that made women "second-class" but also employers' long-standing practice of penalizing women for motherhood. What rights, if any, did workers expecting children have? Until 1965, none. "This was all uncharted territory," remembered Sonia Pressman. Prior to the movement's emergence, it was common for women to lose their jobs for having a baby or to be required to take lengthy, undesired, unpaid leaves with no guarantee of reemployment. Ginsburg found herself demoted in a civil service job because of her first pregnancy; as one of the first twenty female law professors in the country in 1963, she took care to hide her second pregnancy with baggy attire.⁴⁴ "For women to be forced to take leaves of absence five months or more before their anticipated date of delivery of a child," argued another woman, "and to remain out of employment for six months or more after such a delivery, when their physician attests to their physical and psychological capacity to continue to work, is as blatant a case of discrimination as to deny a man a job because he is black, or Catholic, or of Mexican-American heritage."⁴⁵ While individual women found their livelihoods threatened by such forced interruptions, companies found in them a rationale to deny opportunities to all women. Why bother training women or placing them in challenging positions, employers argued, if they were only going to leave to have babies? Many company officials were shocked to find that, under Title VII, pregnancy might not be grounds for firing a woman. "There may come a day," attendees at an early NAM seminar on Title VII were told, "when we will have to give pregnancy leaves to executives." In 1964 a pregnant executive was such an oxymoron that even the idea of one could bring gaiety to a grim discussion.⁴⁶

The laughter turned to anxiety as activists pushed the issue from many directions: grassroots organizing, legal challenges, media exposure, and union contracts and grievances. Some union women had pioneered the defense of pregnant workers as early as the 1940s, using contract negotiations to secure maternity leave without loss of seniority. But Title VII gave the effort a huge boost by giving other working women legal grounds for demands that labor women had made part of NOW's agenda from the outset. Dorothy Haener of the UAW, for example, urged NOW to fight for "paid maternity leave as a form of so-

cial security for all working mothers, and the right [of a new mother] to return to her job." Under pressure from NOW, the EEOC in early 1972 issued guidelines for employers to treat pregnancy like other temporary disabilities, which meant that pregnant workers could receive leaves of absence and be entitled to reappointment without giving up seniority or benefits on their return. Beginning in 1972, Ginsburg and other feminist attorneys took up the cases of women who fought employers' practice of "punishing pregnancy" and built a body of case law that enumerated new rights to fair treatment on the job. By 1978, a coalition of labor women, feminists, civil rights organizations, and liberal groups persuaded Congress to pass the Pregnancy Discrimination Act, which amended the Civil Rights Act to protect pregnant women from unfair treatment.⁴⁷

FROM UNDERSTANDING that pregnant workers deserved rights, it was a short step to the question of child care. Here again, black activists and trade union women had paved the way. For decades, married black women had been more likely than their white counterparts to be in the workforce; accepting that mothers needed to hold paying jobs, black women's organizations had pioneered in setting up day nurseries for children. In the postwar labor movement, female activists and leaders pushed for the establishment of both employer-provided and publicly supported day care facilities. Seeing how the unpaid work women did in their homes undergirded gender inequality in the workplace, they sought to minimize the strain on women by providing quality care for their children. Similarly, civil rights leaders pushed for "child care centers for working mothers" to aid poor women who wanted to enter the labor force but feared for their children's well-being.⁴⁸ Following these leads, NOW had called for universal child care from its founding. In its first Statement of Purpose, the group demanded "a nationwide network of child-care centers and other social innovations to enable more women to work while raising a family, as well as national retraining programs for women who join the work force after their children have grown." Its Bill of Rights called for such facilities to "be established by law on the same basis as parks, libraries, and public schools . . . as a community resource to be used by all citizens from all income levels." Within a few years, organizers began pointing to men as co-parents responsible with women and society as a whole for rearing children.⁴⁹

Led by labor feminists and the civil rights veteran Marian Wright Edelman, now of the Children's Defense Fund, a broad coalition managed to get slim majorities in Congress to pass the Comprehensive Child Development Act in 1971 to provide quality child care to a broad range of working parents on a sliding scale basis. Their victory fell victim to realpolitik calculations as President Nixon, whose own appointed task force on women had recommended such action, vetoed the measure in a speech written by Patrick Buchanan, which aimed at pleasing social conservatives in the right wing of the Republican Party. Denouncing the act as a "radical piece of social legislation," he charged that it ignored a "keystone of our civilization," that child rearing should be done by mothers, not through "communal approaches." Never again would the government show such support for broad child care legislation. Thereafter, while wealthier women in the labor force found solutions in private care for their children, wage-earning women continued to struggle with the double day and worries about the quality and reliability of their child care arrangements. Hobbled by conservative opposition, public and employer policy failed to keep pace with rapidly changing popular ideas about gender justice.⁵⁰

The ongoing gender upheaval that so rattled the right gave women trade unionists and their male allies unprecedented leverage to achieve change on the shop floor. For years since World War II, women in more progressive unions such as the United Auto Workers, the United Packinghouse Workers, and the United Electrical Workers had tried to achieve fairness. "Women's lib—this wasn't something new," noted Mildred Jeffrey, the first director of the UAW women's bureau in the 1940s. Building on the precedent of black civil rights work in the unions, and often enlisting its veterans, they made headway on equal pay, especially in the postwar years. "If there had not been a few people like us doing the kinds of things that we have done," one of these women insisted, "much of what we have seen happen in the women's movement might well not have happened." Yet without law on their side, they could do only so much: employers, male co-workers, and union leaders alike were free to ignore women's arguments if they so chose with scant fear of consequences. "It was an impossible situation," recalled one activist, but "now [after Title VII] it's no longer a moral issue. Now it's the law."⁵¹ The difference was huge. Like other institutions, labor organizations persisted in favoring men, as Lorena Weeks and Alice Peurala learned.

But in a few unions, the embrace of change was dramatic and accounted for much of feminism's momentum on job equity. Unions had collective bargaining agreements and grievance procedures to enforce fair treatment in workplaces that neither the EEOC, with its cramped authority, nor the feminist movement, operating on the outside, had. Making use of such power, the International Union of Electrical Workers (IUE) became a leader in seeking gender equality after the passage of Title VII. Rank-and-file women initiated the push for change in their grievance filing and formal complaints to the EEOC and received support from female staff members in the union's international headquarters, such as Gloria Tapscott Johnson, an African American economist from Howard University who became the point person on women's issues after her hiring in 1954.⁵²

Yet women's most effective ally in the IUE proved to be a white man: Winn Newman, its legal counsel after 1972. A longtime antiracist and a former EEOC staff member, he now brokered women's complaints with the IUE using the specter of costly lawsuits to convince skeptical male leaders that supporting equity was in their best interests. Failing to act decisively, he advised, "could result in the financial ruin of the Union." And he told the union president in no uncertain terms that women members were encountering "substantial harassment" for filing complaints. Some union officers, for instance, "called them lesbians" for not behaving as the men thought women should. Newman reported numerous "incidents involving women who tried to get men's jobs": "slashing of tires of women, guns shot in their homes, placement of rats on machines, a strike when women went on jobs for the first time," and more. Rather than simply reacting to trouble as it arose, Newman developed an aggressive policy to uproot discrimination. The three-part program required local unions to collect data to identify problems, push for redress through grievances and contract negotiations, and, if these failed, file formal charges with the EEOC or the National Labor Relations Board or else initiate lawsuits. "He really was a revolutionary," the head of NOW's Legal Defense Fund later said of Newman. "He was a master at using litigation for social change."⁵³ Yet as significant as the contribution of some unionists to gender equity was, most women had no union representation.

Change in non-union workplaces often came through ad hoc organizing by the women's movement. At the hub of it was Lynne Darcy,

chair of NOW's national compliance task force in the early 1970s. Even after the national organization decided to concentrate on the ERA, a significant minority of its members continued to organize grassroots action for justice on the job for women. Exhibiting a self-assurance unthinkable a decade before, one activist declared, "We will win," adding, "If the government will not help us, then we will picket, sue, confront, lobby, and demonstrate until it does its job." Darcy, a young white woman with a B.A. in chemistry and a fulltime job at RCA Laboratories, who also chaired the Princeton, New Jersey, Commission on Civil Rights, kept local activists engaged as she corresponded with fifty to sixty people each week.⁵⁴

These activists were scattered everywhere, it seemed, not only in big coastal cities but also in places such as Tulsa, Oklahoma; Kalamazoo, Michigan; Columbia, South Carolina; and Pensacola, Florida. They picketed local newspapers over sex-segregated want ads, filed complaints against companies, distributed information, called and wrote legislators, testified at hearings, exposed discrimination at employment agencies, ran how-to workshops, pressured the EEOC on cases, worked with churches in stockholder campaigns against companies, organized demonstrations, and ran advice hot lines for women facing job discrimination. (The New York City NOW chapter had fifteen women answering phones, but they couldn't keep up with the number of calls for assistance.) "The more work I do, the more shit I uncover," wrote one tired but jubilant Toledo, Ohio, activist to Darcy of a local Ford dealership that had advertised for "salesmen who are 'married, with families, and have non-working wives.'" "I suspect it is company policy," she said, urging nationwide action if so. NOW carried out numerous such campaigns, including multi-city organizing to back up the EEOC's case against AT&T. (The picket signs used by the New Orleans branch read "Dial 'O' for Oppression.")⁵⁵

Another nationwide effort was aimed at Sears Roebuck & Company to get across "the needs and problems of women who are the working poor." Then the country's largest retail firm, Sears was the biggest employer of low-wage female sales workers, and the second-largest employer of women after AT&T. Chicago NOW members Ann Ladky and Mary Jean Collins-Robson coordinated the effort, which at its peak involved over one hundred chapters and drew in Sears workers. They exposed the low wages that anti-union Sears paid to female clerical

cal and sales workers, its sex-segregation of jobs that gave men a monopoly on big-ticket commission items, the lack of opportunities for women to advance to better-paying work (only 4 of 840 managers were women, for example), and the efforts Sears was making to weaken the EEOC and the OFCC. Winning changes at Sears, the campaign also yielded one of the nation's leading organizations for clerical workers when Ladyky helped found Women Employed. By the late 1970s, a dozen such groups were operating with a membership of eight thousand women.⁵⁶

Meanwhile, sympathizers in the media used their skills to publicize such struggles, broadcasting the Title VII fight to the wider public. By the early 1970s, television, magazines, and newspapers were carrying stories about sex discrimination in employment and women's struggles against it. Some journalists actively aimed to help the movement. Carol Kleiman wrote a column at the *Chicago Tribune*, for example, that stimulated discussions among those active in the women's rights committee at the local Bell Labs. Sometimes inspired by the articles, committee members met almost daily to talk about issues affecting women—from job concerns to advertising, religion, and literature. At lunchtime they fanned out to tables in the company cafeteria to seed "consciousness-raising" discussions among other employees.⁵⁷

Emboldened by the movement, women organized within major media outlets to change them. When *Newsweek* magazine's editors assigned a cover story on women's liberation to the non-staff wife of a senior editor, annoyed female employees began discussing their grievances over lunch. The gripe sessions brought out complaints about how management confined virtually all women to what they called "the 'research' ghetto" and had hired only one woman among fifty-one writers. Armed with Title VII, the women organized, enlisted the ACLU and the EEOC, and impelled change at the magazine.⁵⁸

At the *New York Times*, a women's caucus formed in 1972 challenged the newspaper to practice the fairness it preached to its readers after nine female employees in the news departments got together to compare experiences over lunch. The *Times* had once boasted in an advertisement that one of the women, then a copyeditor, had a "passion for facts." Now the facts so carefully collected by eighty women and verified by Betsy Wade, a caucus leader, documented sex-based salary inequities, the confinement of women to lower-paying jobs, the failure to

promote female employees even after years of exemplary service, and women's total exclusion from non-classified-advertising sales, management, and policymaking positions. When "nothing happened" in response to their petition, the women found a lawyer, filed charges with the EEOC, and eventually undertook a class-action suit for sex discrimination on behalf of more than 550 women in all job categories at the newspaper. As the suit wound its way through the courts, the caucus held meetings, put out newsletters, and continued to agitate. In 1978 the women won. Settling out of court, the *Times* compensated the plaintiffs for past discrimination and legal costs and adopted a strong affirmative action plan with numerical goals for representation of women in jobs previously closed to them, from entry-level to top positions. "Considering where we were in 1972," said one activist, it was "the sun and the moon and the stars."⁵⁹

Others exerted pressure from the outside to end the mass media's stereotypical portrayals of gender. NOW cooperated with the National Council of Churches, for example, in circulating lists of corporations that demeaned women in ads and employment and urging churches to withdraw their vast investments.⁶⁰ Looking not just to the insulting commercials but to the publicly licensed television networks that aired them, NOW locals around the country, supported by the ACLU, lobbied the Federal Communications Commission to deny license renewal to stations that failed to practice equal employment for women and that routinely denigrated them in programming. That meant most stations in the early 1970s. At ABC News in New York, for example, the twenty-one producers, seven associate producers, five production assistants, four directors, and eighteen film editors were all men; the thirty-three secretaries were all women.⁶¹ Using the leverage of Title VII, NOW lined up support from other women's organizations for its argument that television "promotes a low image of women, thereby perpetuating employment discrimination."⁶² The most arresting critique came from the NOW Legal Defense and Education Fund (LDEF) in 1973. With pro bono help from advertising professionals, it mounted a novel public service ad campaign that used humor to undercut sex discrimination's appearance of naturalness. Conveying the absurdity of the criteria often used for female job candidates, one cartoon showed a middle-aged man in a suit lifting up the his trousers with the caption "Hire him—he's got great legs."⁶³

As an alternative to the mainstream media, Gloria Steinem and others founded *Ms.* magazine in 1971. Each month it ran a column called "No Comment" that reprinted egregiously sexist advertisements collected and sent in by readers eager to alter the culture that encouraged the ads. At *Ms.*, journalists were free to take women's side. Susan Davis covered the rise of women's caucuses in a 1972 piece, "Organizing from Within: Justice on the Job and How to Get It." Describing the caucuses "known to exist in more than a hundred companies," she instructed readers on how to augment that list.⁶⁴

As feminist arguments entered the daily news, the questions posed by the movement spread far beyond its ranks. At the time of the Apollo moon landing, for example, one stumped ninth-grade science class inquired of the president, "Why aren't there women astronauts?" Two sixth-graders wanted to know, "How come girls can't sign up for certain jobs?" For that matter, "why can't there be a woman president?" Feminist challenges had brought into children's view the forces steering the sexes to differently valued and rewarded jobs. Through them Americans learned how, as one Title VII scholar puts it, "women's work preferences are formed, and created, and recreated in response to changing work conditions." Schooling was one of those forces, so NOW activists pushed to open wood, metal, and auto shop classes to girls and sewing and cooking classes to boys.⁶⁵

With the case law established, the agencies converted, organizers showing the urgency of action, and media coverage spreading the struggle, program builders like Carmen A. Estrada were able to attract government funding to help low-income women in local communities. Estrada, an attorney, directed the Chicana Rights Project founded by the Mexican American Legal Defense and Education Fund in 1974. The next year, the organization collaborated with NOW in San Antonio after a local NOW study found pervasive discrimination against Chicanas in San Antonio's municipal hiring and training programs, and the two groups worked together to monitor a new affirmative action plan for the city. Such efforts were sorely needed, because of the way in which War on Poverty job training programs targeted men as opposed to women. The flagship Opportunities Industrialization Center, for example, prepared men for an array of skilled trades while placing "girls" only as waitresses. In New Orleans in 1967, one investigator reported that in government-funded training programs "approximately 80 to 85

percent of the applicants are female and [yet] job development has been pointed toward male workers." Estrada's program filed complaints and lawsuits to help Mexican American women enter apprenticeships in nontraditional craft jobs, clerical work, bank jobs, and more.⁶⁶

As these efforts convinced some corporate officials of the need for change, unexpected allies appeared. When a female division manager of the Celanese Corporation filed suit, the company's female associate general counsel read through the charges "and promptly filed a sex-discrimination complaint on her own behalf."⁶⁷ When the companies looked for specialists to staff the new compliance programs they had to create, they not infrequently turned to activists in organizations such as the Urban League and NOW. Radicals saw such hiring as an effort to co-opt their own, which it was. Some companies, like Sears, tried to lure activist leaders right off the picket lines with job offers.⁶⁸ Yet these hirings brought into the managerial ranks people who often remained deeply committed to inclusion. One NOW member whose role at the Polaroid corporation had "progressed from that of feminist pressure group organizer to a senior administrator helping to enforce compliance within the corporation" volunteered to help Lynne Darcy with compliance work.⁶⁹ Others who went on to do this work included NOW's first president, Aileen Hernandez; Sonia Pressman of the EEOC; and Lois Herr, a founder of the Bell Labs women's rights committee.⁷⁰ Even where the power of personnel employees was limited, as it usually was, they became resources for workers with complaints and for EEOC staffers seeking information, as well as voices of conscience in their companies. Such specialists used personnel journals and conferences to set the terms of debate within the corporate world, reframing affirmative action as in management's interest when the policy came under attack from white male critics. "What was radical," noted one participant, "became routine."⁷¹

By the time Eleanor Holmes Norton assumed leadership of the EEOC in 1977, the old lines between radical outsiders and officialdom had blurred. A self-described "political, radical activist," the new government agency head was not only a Yale-trained attorney and protégée of Pauli Murray, but also among the last cohort of black students to attend Washington, D.C., schools segregated by law. Norton entered politics by founding a CORE chapter in New Haven while a student, helped mobilize the 1963 March on Washington for Jobs and

Freedom, organized with SNCC in Mississippi, served as assistant counsel at the ACLU, represented the women who took *Newsweek* to court in the first class-action lawsuit for sex discrimination, cofounded the National Black Feminist Organization in 1973, and brought together civil rights organizations, feminists, unions, and community groups to combat discrimination as head of the New York City Commission on Human Rights from 1970 to 1977. She was a vocal feminist from early on. "What more telling evidence" could there be of discrimination against women, this committed antiracist demanded in 1970, "than that white women are paid less than black men?"⁷² Norton argued that black women could not simply seek "the empty treasures white women are today trying to turn in"; rather, African Americans should lead the way to the future by "remak[ing] the family unit," starting with "our conception of the black woman." Without provisions for child care, Norton later explained, using a practical illustration close at hand for someone who had raised a young son and a daughter with Down syndrome while leading this important government agency, "the right to work is more mythical than real."⁷³ Under her guidance, the EEOC stretched Title VII to fight what was coming to be known as sexual harassment.

Insisting that women be taken seriously as workers proved to be the best ground for fighting an age-old problem: men's use of power to coerce sex. Because such behavior was legal, women had risked being blamed and losing their jobs if they complained. But Title VII helped some feminists to name the problem and imagine solutions. In Ithaca, New York, they organized a public "speakout" that launched organizing as women in a wide range of jobs testified to the treatment they endured and why it was wrong and had to stop. Encouraged, working women themselves filed complaints against perpetrators, whose acts ranged from whistling and invasive touching to stalking and rape. Black women again led the way. Vulnerability to a virulent racialized form of sexual harassment had plagued black women in slavery and domestic service (Norton's own enslaved great-grandmothers had been raped by their owners); defamation of them as Jezebels who invited sexual advances was a core element in the ideology of white supremacy. This history led some to an acute awareness of such harassment as a social problem rooted in power relations, while civil rights activism and unions offered many ideas about how to fight it. Half of the plaintiffs in

the first six cases to reach the courts were African American women, and their litigation built on the precedents set by racial harassment cases, although at first judges discounted the sexual variant as "natural" and "personal" and sometimes mocked the plaintiffs as overly sensitive to what was merely flattery.⁷⁴ Blue-collar women pioneers in jobs long considered "men's work" similarly pressed some of the victorious lower court cases.⁷⁵ By 1980, with Norton at the helm, the EEOC spelled out for the nation's employers why sexual harassment was a form of illegal job discrimination and coached them in how to prevent it. The EEOC guidelines in turn influenced the Supreme Court to conclude in 1985 that such practices violated the civil rights of women. Within a decade, activists had created potent remedies for what had so long seemed a blight of nature.⁷⁶

In an agency whose founders originally insisted on white male directors, Norton proved the best leader the EEOC had ever had in the eyes of most who worked with it. In only a few years, she had thoroughly reorganized the embattled agency and virtually solved its huge problem of case backlog. (When she took the job in the underfunded agency, 130,000 charges awaited, stacked so high on the shelves that her staff found moldy files wedged under loose ceiling panels). She improved relations with both employers and unions even while pushing both sides to adopt aggressive, proactive affirmative action policies; she supported pay equity policies for women who remained in sex-segregated occupations; and she imbued the work of the nation's leading voice for fair employment with her own profoundly inclusive vision. In New York, she had tried to bring into the economic mainstream blacks, Latinos, and women alike, and secure fair treatment for ethnic Euro-Americans and lesbians and gay men faced with discrimination.⁷⁷ By the time Norton left the EEOC, American workplaces looked and felt very different than they had in 1964 when Title VII was passed.

The new law and efforts to implement it did more than reform workplaces; they opened once unimaginable prospects of personal and sexual autonomy to women. Inviting experimentation in daily life, the law helped refashion identities. One of the first female guards at a U.S. Steel plant sounded like many other women who braved the gender boundary line. "When I first took this job," she said, "I had to prove to them [the men] that women could handle it." But it was not only the spectators whose minds changed. "Before this, I had been brought up

to think women were inferior and I believed it. It wasn't actually until I started doing what they considered a man's job and found out that I could do it just as well that I actually began to believe."⁷⁸

Like young radical women students, older women workers attempted things they had once thought impossible and talked to one another in ways that changed their sense of themselves and how they deserved to be treated by others. New York NOW, for example, ran "rap sessions" for women to discuss employment problems. The founding conference of Stewardesses for Women's Rights included a panel on "consciousness-raising," run by Kathie Sarachild, the women's liberationist best known for explaining the technique.⁷⁹ Without using that rubric, other working-class women engaged in similarly empowering discussions. Whether in formal settings such as the founding conference of the Coalition of Labor Union Women, women's caucuses, or casual small-group lunchtime conversations, women re-scripted the stories of their own lives.⁸⁰

Expecting better treatment at work, many also changed their relationships at home. One focus was the gender division of household labor, which created a double burden for most working women. Even before Title VII and the women's movement, said the auto worker Florence Peterson, "I resented" doing all of the housework and child care and "felt it was unfair. But I always thought that's the way life was." Fighting for change at work ended that sense of inevitability. "Most of us worked in three spheres, at least," recalled one AT&T activist, "trying to change our personal lives, our workplaces, and our world." Some working women activists learned that their growing confidence was "a threat" to the men they had married. Speaking for many, one found herself saying, "I don't need this"—and leaving. "Everybody likes to be loved," she observed, but there were limits to how "tolerant" she felt now. Others found partners who welcomed their growth. A key reason why Ruth Bader Ginsburg was first attracted to the man she later married was that "Martin was the only boy I knew who cared that I had a brain." He also learned to cook well. "A supportive husband who is willing to share duties and responsibilities," she said, "is a must."⁸¹ For some, intimate sustenance came from other women. A few NOW activists therefore organized for "lesbian rights" and campaigned for city ordinances that included "sexual preference" among other categories for protection from discrimination. One Chicago activist argued that

gay women would benefit from organizing for "basic economic issues such as adequate jobs and job related benefits, affirmative action, child care." "For no women are jobs, housing, child custody, and child support more crucial," she observed, "than for lesbians who daily face the threat of losing any or all of these" as punishment for their sexual orientation.⁸² Justice proved indivisible: settling one problem yielded the resources to name and face others.

AS ACTIVISTS PUT IT TO USE, the law also made new political identities possible. One could see its impact in women's adoption of affirmative action as a prime strategy for inclusion. When activists insisted, as NOW did, that "women neither wish nor require separate consideration apart from other victims of discrimination," they were articulating a new understanding of women's place in the polity.⁸³ Pushing for women to be added to Executive Order 11246, the main affirmative action order covering federal contractors, NOW leaders echoed Murray: "The excuses used by employers practicing sex-based discrimination are not substantially different from excuses regarding racial bias" and "can best be met by the same laws, agencies, investigators and government officials." Activists mounted steady pressure, including letters, meetings, hearings, and demonstrations, until, eventually, the federal government issued "sex guidelines" like those dealing with race: employers would be required to develop "goals and timetables" for hiring and promoting women, too.⁸⁴ Today's organizers take for granted the pressure for identical reforms and for inter-group collaboration against discrimination, but that outcome was anything but inevitable given the prior history.

The idea that large numbers would believe such unity desirable itself presupposed an upheaval in social conditions, law, and activists' thinking. In outlawing sex discrimination in a statute aimed primarily at racial discrimination, Title VII had led feminists to connect issues of gender and racial discrimination as it invited white women to ally with African Americans in seeking solutions. In the mid-sixties, the latter had better organization, larger numbers of experienced activists, and more radical movement intellectuals, as well as more legitimacy as aggrieved parties in the public eye. They were also the most progressive population in the country—the group with the most robust conception of social justice—and now white feminists were apprenticed to them in

the affirmative action struggle. The new law thus shifted the axis of progressive politics by making novel alliances possible. White women as individuals usually had more social power than black men or women, but now feminists as a group needed to affiliate and cooperate with black civil rights forces to make political headway. The result was a historic 180-degree change in the relationship between the women's movement and the civil rights movement since the days of the National Women's Party.

The Title VII struggle had undercut the policy basis for the division between white middle-class feminists on one side and people of color and unionists on the other. As applied by activists, the new law transformed women's relation to the rest of the polity, defying head-on the legal and cultural model that the United States had inherited from British common law. From the colonial era forward, that model made men legally the real earner-citizens and subsumed women under their husbands' headship as supportive dependents, a fiction that corresponded less and less to lived experience. The historian Linda Kerber has argued that this tradition of "substitut[ing] married women's obligations to their husbands for obligations to the state" proved "the central element in the way that Americans have thought about the relation of all women, including unmarried women, to state power." Such thinking resulted in a pattern of American social policy that, as one political scientist puts it, "supported individualism, independence, and self-reliance for some people (primarily men) and dependence and reliance on paternalism for others (primarily women)." For generations, most white reformers thus treated women as different from men: as mothers, or potential mothers, in need of special "protection" through policies that granted unique exemptions from such burdens as overtime, heavy lifting, and night work, but at the price of excluding women from better jobs and marking them as a dependent class incapable of full citizenship.⁸⁵

NOW took aim at both the culture and the legal traditions sustaining this system in its founding Statement of Purpose. It rejected "the current assumptions that a man must carry the sole burden of supporting himself, his wife and family, and that a woman is automatically entitled to lifelong support by a man upon her marriage." Instead, it proposed that "a true partnership between the sexes demands an equitable sharing of the responsibilities of home and children and of the eco-

nomic burdens of their support."⁸⁶ By spurning the family wage system that had never included most women of color and now failed to provide for growing numbers of white women, and by claiming instead access to all jobs and the right to be rewarded as equals, activists overthrew the tradition of "coverture" and enabled women to be recognized as self-reliant earners and citizens, as persons with constitutional rights.

The alteration in women's standing effected by Title VII revised the algebra of American alliance politics, as women's newly recognized autonomy made for a new relationship to the most powerful institutional base of progressive politics: the labor movement. In making moot protective legislation aimed at women alone and encouraging gender-neutral fair labor standards while giving women new power to protect themselves, Title VII erected a bridge over the half-century split between feminists and the leading voice for low-income Americans. With women no longer treated as wards unable to organize in their own right, they came to figure more prominently in the labor movement's calculations, just as blacks had in the textile industry after the passage of Title VII. William Pollard, the director of the AFL-CIO's civil rights department, offered backhanded acknowledgment of the new situation when he posed to a convention of unionists the question "What do women want?" and answered, "The same as men in the workforce." In case anyone missed the point, he warned delegates to "take [women's] complaints seriously for they are more likely to sue than minorities." Marking the national turnaround since Howard Smith had created hilarity by adding the word "sex" to Title VII, Pollard warned that sex discrimination "is no laughing matter." The dramatic rise in women's involvement in the labor movement since then—such that they now account for about 40 percent of all union members—is testimony to the change that Title VII organizing wrought.⁸⁷

To stress the change is not to deny that potent divisions remained; those involving race proved especially sharp. As much as they were radically changing the world, white feminists were also products of a deeply segregated society that routinely discounted the experiences and perspectives of people of color. Most assumed their own problems and goals to be the universal norm in ways that infuriated black women. The domesticity that appeared a kind of confinement to a white suburban woman like Betty Friedan looked like enviable luxury to black women compelled by necessity to leave their children for

menial jobs, while the intimate sexual politics that so engaged young feminists seemed to some, as the writer Toni Morrison derisively put it, nothing but “a family quarrel.” African American women, she observed, “look at white women and see the enemy. . . . [T]hey know that racism is not confined to white men.” Many blacks of both sexes resented white women’s appropriation of the vocabulary of civil rights, particularly because their advance was occurring at a time when the black struggle faced severe repression. Distrust was the prevailing sentiment, a fear that, as one critic expressed it, white feminists would exploit “the black movement as a stepping-stone to opportunities in a highly competitive economy.”⁸⁸ And in fact, many white activists continued pursuing their own unmodified agendas even in the face of the rebuke that a feminism which does not try to “free all women” is “not feminism, but merely female self-aggrandizement.”⁸⁹

A classic example arose when Betty Friedan worked with a small group at NOW’s 1967 convention to force through a plank in support of the ERA despite pleas by labor and black feminists that this would pose “intolerable political choices” for them and might even hurt worse-off women; because the fate of protective legislation was still unclear, their organizations opposed the ERA. Describing herself as “almost inconsolably” saddened, Pauli Murray quit NOW’s leadership in “revulsion” at the lack of consideration for women facing other kinds of oppression. “As a human being,” she said, “I cannot allow myself to be fragmented into Negro at one time, woman at another, or worker at another.” Murray wanted a movement that would be “unifying” of these identities, not divisive of her very person. The union activist Dorothy Haener similarly recoiled at “the narrow parochial professional direction” of the single-minded ERA push and urged a campaign for wider “social justice.”⁹⁰ That particular conflict waned as Title VII led to the adoption of more uniform labor standards for both sexes, and as unions and liberal groups became strong supporters of the ERA in the 1970s. But the kind of self-absorption shown by the Friedan group would reappear among white feminists in ensuing years, to the consternation of black women, Latinas, and white working-class women whose efforts to promote the movement’s goals in their communities were set back by these displays.⁹¹

Even as conflicts persisted, however, a convergence began to arise among some activists on both sides. Most accounts of black women and

feminism have concentrated on Friedan and on antagonism between young women’s liberationists and Black Power activists, and have missed what others were doing. The somewhat older activists whose story is told here were less interested in ideological competition than in changing values and winning practical reforms, and one result was that their work appealed across racial lines. Indeed, even when they disliked particular white feminists, black women were significantly more likely than whites to support the policy goals of the women’s movement.⁹² They did so not only from the strategic orientation to universal equality that characterized black civil rights organizations, but also from their distinctive needs as black women. As a group, they were more likely than white women to be in dual-earner relationships or heading households on their own, and because of racism, they faced extreme versions of the problems that concerned feminists, from low wages, poor benefits, and exclusion from better jobs to lack of good child care and protection from sexual harassment. Attuned to potential solutions by participation in civil rights, labor unions, and liberal organizations, activist black women came to offer notable leadership in pioneering policies that benefited all women and their families. “You don’t go into coalition because you just *like* it,” explained Bernice Johnson Reagon, but “because that’s the only way you can figure you can stay alive.”⁹³

Work on employment issues was itself no guarantee of improved relations between feminists and other progressive groups. As Audre Lorde astutely observed, in a hierarchical, competitive society in which being viewed as different put those so viewed at a power disadvantage, “we have no patterns for relating across our human differences as equals.” It would take committed individuals, hard discussions, and experimentation to learn how. Still, the challenge of “using human difference as a springboard for creative change” proved beyond the imaginations of many.⁹⁴ Not a few white feminists perceived their own advance in a kind of rivalry with African Americans, with civil rights remedies a scarce resource to be divided. Those from business backgrounds seemed especially inclined to think of social change in competitive terms, as when Joan Hull, who led NOW’s “corporate feminism” task force, urged members to fight “any increase in appropriations” to equal employment agencies until they appointed more women.⁹⁵ Such feminists failed to grasp that at least some of the resistance to addressing discrimination against them came from the legitimate fears that already

underfunded agencies were seeing their client population multiply without additional resources to meet the new demands. One result was that white women privileged by race and class gained an advantage over African Americans in the quest for good jobs. "Instead of baking a bigger pie and giving everyone decent portions," Vernon Jordan complained, even as he vowed solidarity with women and other "new minorities," the establishment was "slicing the same old pie of economic opportunities thinner."⁹⁶

Sexism on the part of some men of color fueled such rivalry. Some accused white women of taking jobs that, said one, "rightfully and justly belong to other minorities." In one government agency where minority men became hostile to white women activists, exasperated feminists pleaded for a truce: "While we're hassling each other at the bottom of the ladder, the white men are laughing at us from the top." Many black nationalists especially ridiculed gender injustice as trivial and suppressed black women as they pressed their case that invigorating black manhood would lift the race.⁹⁷ Still, powerful cross-currents notwithstanding, a historic shift was under way.

To hold both white women and black men accountable to more inclusive visions of equality, moreover, there was now a critical mass of black women empowered by these same developments. As "a black, female, low-income working person," said the laundry worker turned labor and civil rights leader Dollie Robinson, "I always felt like I represented every minority on the face of the earth." That understanding of the intertwining of identities and the necessity to challenge the mutually reinforcing social hierarchies of American capitalism for all to be truly free became a hallmark of black feminist theory and activism. "By asserting a leadership role in the feminist movement," Murray predicted, "the black woman can help keep it allied to the objectives of black liberation while simultaneously advancing the interests of all women."⁹⁸ Pushed by women of color, major women's organizations began examining how they got to be so white and practicing internal affirmative action to become more inclusive.⁹⁹ At the same time, black women organized their own wing of the movement through such groups as the National Black Feminist Organization, established in 1973, as did Latinas and Asian American women.¹⁰⁰

As a result of all this activity, cross-pollinating coalitions became built in to the architecture of American reform. From the early 1970s

forward, in fact, activists on all sides routinely examined the effect of their work on other potential coalition partners, and then reached out to involve them. In the AT&T campaign, for example, NOW, the NAACP, MALDEF (the Mexican American Legal Defense and Education Fund), and the EEOC worked together to call attention to the injustices all of their constituencies faced in that corporate empire. Black and Latino groups denounced the discrimination affecting women, many of them white, as NOW denounced the discrimination affecting "Blacks and Spanish Americans."¹⁰¹ Explained the leader of NOW's federal compliance efforts, Ann Scott, "We consider the attitude that holds race and sex discrimination as mutually exclusive to be both short-sighted and self-defeating."¹⁰²

Newly recognized as allies, civil rights organizations reciprocated. When, in 1971, NOW called on the FCC to include women in the affirmative action guidelines it required of licensees, the NAACP and MALDEF came to its aid. Sharing resources made for synergy, as a coalition of thirteen black, Chicano, and women's rights groups learned in producing a study of "corporate apartheid" in California that same year. For its part, NOW urged its jobs and justice activists to be "deeply concerned about institutional racism" as they fought "institutional sexism" and to press for "specific objectives for each minority group" in the affirmative action programs they won.¹⁰³ Examples of reciprocity multiplied over time.

Feminists' entry altered the stakes of the struggle for economic inclusion, as they expanded the challenge first posed by African Americans. Women's numbers and their distribution through all groups helped their challenge penetrate the culture's very core, including, ultimately, the white upper-class elite. Now it was not a minority but a majority demanding access. Now it was not about allowing black men to head conventional families but about allowing all adults to support themselves and raise children on their own if it came to that. No longer figured as dependents of men, women found that their relationship to the wider polity changed as well. The results were not always good for individual women, or for the most vulnerable women with the least promising prospects. As lifetime employment became the norm for most women, and as feminists won them the right to be considered as individual earners apart from family commitments, popular support for public assistance for mothers remaining outside the paid labor force

waned, and the welfare program Aid to Families with Dependent Children became more politically vulnerable than ever.¹⁰⁴ But however uneven the outcome, it was clear that a male-dominated economy had lost the legitimacy it once enjoyed.

All of this revised understandings of gender long embedded in American culture. It also won results that mattered to millions, even those oblivious to the source of the changes. The 1970s saw the first notable decline in sex segregation in the United States in a century.¹⁰⁵ By the time women's push for economic inclusion was in full rig, the more mainstream, family wage argument for affirmative action raised by male civil rights activists was in tatters. In its place was a new vision of universal access to transformed workplaces. When white women—so long the beneficiaries of the family wage and “protection”—demanded to stand on their own two feet and chose African Americans as allies, the culture of exclusion started to give way as never before.



Are Mexican Americans “Whites” or “People of Color”?

IN THE SPRING OF 1960, a convention of Mexican American political activists in California divided over a proposal to form “coalitions with other nonwhite minorities.” Most delegates, Bert Corona recalled, “were not prepared to come out front and state that we considered ourselves nonwhite. This question of whether Mexicans are whites or people of color has been a thorny issue for years.”¹ As the largest minority group in the United States after African Americans then and the largest now, Mexican Americans were from the outset the main Hispanic constituency, making up over half of the otherwise varied group. About five million Mexican Americans lived in the southwestern United States in 1960, the vast majority in Texas; in some areas, such as in California, they outnumbered other peoples of color. After blacks, they were also the best-organized minority, with an array of organizations that by then included the League of United Latin American Citizens (LULAC), the Community Service Organization (CSO), the Mexican American Political Association (MAPA), and the American GI Forum, a veterans’ group that led the movement for access to good jobs.² As the leading Hispanic constituency in both numbers and relative power, they also accounted for nearly all the “national origins” complaints filed with the EEOC, in a historic struggle that has been overshadowed by the dramatic farm workers’ campaign led by César Chávez and Dolores Huerta. Because Mexican Americans

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4. Women Challenge “Jane Crow”

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363-364; Joan Steinau Lester, *Eleanor Holmes Norton: Fire in My Soul* (New York, 2003), 106.

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62. Susan R. Brown to Mrs. Max Berg et al., Jan. 14, 1971, box 54, series 2, NCJW Papers.

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 3. EEOC, *First Annual Report* (Washington, D.C., 1967), 58. In my research, I sought information about the involvement of these other groups, along with Native Americans and Asian Americans, but found little evidence of it, for reasons discussed later.
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 7. Telegram from Texas Congressman Joe Eagle in *Testimonio: A Documentary History of the Mexican American Struggle for Civil Rights*, ed. F. Arturo Rosales (Houston, 2000), 172, also 173–175.
 8. Daniel C. Roper to Richard M. Kleberg, Oct. 29, 1946, box 113, García Papers; Hector García to Ed Idar, June 29, 1953, box 141, and Dec. 23, 1953, box 142, *ibid.*; García to Morris Schwartz, Oct. 14, 1969, box 129, *ibid.* For earlier his-