

Bernice Sandler interview

By Julia Lamber (JL) and Jean Robinson (JR)

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Bernice Sandler: Did you have a chance to look at my article on my website about Title IX?

JL/JR: yes.

BS: All right, then I won't have to repeat myself.

JL: Right. So, here we are. Everybody's going. And, we'll be fine. Want to start?

JR: Sure. All right, I, we have read your article, but we wanted, wanted you to give us some of your background first. In addition to Bloomington. How you got to University of Maryland and the whole situation that started Title IX.

BS: I almost didn't get in to the University of Maryland because I was then married and we moved around a lot because my then-husband had been in the military service during the Korean War, so we moved several times. We ended up, right after we got married, in Bloomington [Indiana] and we were there for less than a year, about nine months. I immediately applied to Indiana University, to the psych department. I had a masters and I didn't get in, and I was surprised because I had never been refused anything academically before. And being from New York, I immediately asked for an interview with the head of the department, who said I didn't get in because I didn't have enough research experience. I said, "Oh, but I had a research fellowship for a year," and "Oh I took a course in research," and etc., etc. And he said, "Nah, not quite enough. But I need a research assistant, would you be my research assistant?" So, later, years later, I did find

out there was a quota system. Indiana University was not unique, it was not illegal, and many schools have quotas. Graduate professional schools and many undergraduate schools had quotas for women. When we moved to Washington, in 1964, I applied to the University of Maryland, the psych department there, and was told “We don’t take too many women, especially older women.” I was in my 30s. They wouldn’t let me come for an interview to talk to anybody. I wouldn’t have gotten in, had it not been for a friend who had a party and the chair of the admissions committee was at the party. I spoke to him and I said, “Who are your best students?” He said, “The veterans.” I said, “I’m like a veteran, I’ve been out of school. I’m so well motivated and whatnot. And they did let me in. It was a terrible department, mostly interested in rats, which I wasn’t interested in. There were very few women there in the department, I think something like 8 women and over 25 men, or something like that. But what was interesting is that this is before the women’s movement, the women’s movement is just beginning to stir; in fact, we’ve never even heard of it in ’64. And, we all knew there were prejudice against women, but we didn’t have a word for it, but we used to joke that one day we were going to come to school and the ladies room would be locked. So, we knew there was something there, but you couldn’t put your finger on it. One of the things I have become very interested in is how the women’s movement took off as things began to be named. This is my personal theory, which I don’t know if it is relevant to this or not. But 1964 you have the Civil Rights Act passed, the word prior to that, although the word “discrimination” was occasionally used, but people talked about “tolerance,” which is in your head in a sense, a sort of “be nice” kind of thing. With Title VII, you now get the word “race discrimination,” “sex discrimination.” “Discrimination” is a relatively new word, and it names what’s been happening to women. I think that made a difference, because up until then, we didn’t have a name for it. A lot of people my age have, and I am sure you may have done this too, is you look back before the women’s movement and you say, “How come I didn’t see any of this?” And I think, partly because it didn’t have a name, we saw what happened to us as an individual bad experience.

JR: Like sexual harassment?

BS: But it didn't have a name for that until, I think, end of '74, '75. Right. You'll hear people say Title IX shouldn't have covered sexual harassment because it isn't mentioned in the law. Well, there was no word "sexual harassment" when either Title VII or Title IX were enacted. So the naming, I think, became very important. My experience with this head of the department hires me for research but rejects me as a graduate student because I don't have enough research in my background, is I think, "He's crazy! This is weird." But I never see it as part of a pattern. And similarly, when I'm at the University of Maryland, and my professor said, "Women shouldn't be professionals unless they are physicians, because otherwise they wouldn't put their families first, so they shouldn't be professionals." Or, when I want to do a thesis on how young women make decisions, and my professor says, "Research on women? That's not real research." And, so I think he's peculiar too, you know. I kept meeting all these peculiar people and I think naming the behavior as "discrimination" was very important. It was a woman named Ann Scott, who was very active in NOW and in education and worked with me and unfortunately died many, many years ago, and she said the women's movement, for her (and that's why I think the naming is important), was like, "All my years I have had a monkey on my back, so my back hurt, but I didn't know why, and then came the women's movement and off went the monkey on my back." I think it's an interesting analogy to have a name for "sexual harassment." The origin of the word "sexism," which I tracked down because I know the woman who invented that, appears in about '73 at a conference at Cornell at an early conference on women's rights. Margaret Feldman was her name.

BS: She lives in Washington and she's the one who came up with that word. Because "racism" had been invented, and she just said, what about "sexism," and she used it at the conference, and it got picked up. So, naming things became very, very important. Um,

in any event, I was at Maryland, and you can tell me when I talk too much because otherwise I'll just go on and on.

JR: That's fine. We'll interrupt when we need to.

BS: Okay, yeah, please feel free to do that. At Maryland, I went over to the department of counseling and personnel services. I had always wanted to be a teacher, a part-time professor was how I saw my aspirations. But, what happened there, as I was in the department, taught some courses while I was there, got my degree, my doctoral degree, was still teaching as I The year I got my doctoral degree, there were huge expansion in the department, seven openings, and they didn't even consider me. And, so, I went to one of (because I was older than most of the faculty there – I was sort of friendly with them in a different way), I went to one of the guys that I knew fairly well, and I said, "Hey, how come they didn't even think of me?" and he was very frank, he said, "Well let's face it, Bunny, you come on too strong for a woman."

I went home and I wept and said, "Oh my god, I never should have spoken out at meetings, I never should have. . ." whatever, you know, I just blamed myself. My then-husband was very good, he named what had happened. He said "Are there strong men in the department?" and I said, "Yeah." And he said "Well, then it's not you, it's them, it's sex discrimination." That was extraordinarily helpful, because I was blaming myself, believing I never should have spoken up on any issue, whatsoever.

JL: I should have changed myself.

BS: Right. Right. Because I believed it was my fault. I think what was also fortunate was that I had two more bad experiences in a relatively short time. I have often thought if they were two years apart, I might not have noticed the women's movement until much

later, because at that point I was quickly on my way to becoming the queen bee. As the women's movement initially began, I thought I'd never been discriminated against and that this would certainly not happen to me. Particularly because I am so smart, this wouldn't affect me at all. I mean, I laugh at that now, but I was going in that direction. But I had two other experiences – one I went for a research job for which I was eminently qualified and the entire interview was spent with the interviewer telling me -- not talking about my qualifications, but telling me why this guy did not want to hire women who had children, because if they have children, they will be taking time off whenever the child has the sniffles. I said, "Oh, my kids [very logical, because I'm thinking this is a logical issue] I said my kids are in high school, that is not a problem, I don't take off when they have a cold." He said, "No, no, no, women want to work at home if they have kids." He just went on and on and I was thinking of it as a logical problem, which of course it wasn't, it had much more to do with attitudes and what-not. And then I went to an employment agency, and filled out the form and the guy looked at it and said, "Oh, you're not a professional, you are just a housewife who went back to school." I had my doctorate, but he said I wasn't professional. And those three experiences really affected me, like *wow*, something's going on here.

I am one who believes in books, and whenever something is wrong in my life, I find a book and read about it. So, I started reading and, because there wasn't anything about women, I started reading up on what the blacks had done in terms of civil rights. Again, this is '69, so the civil rights movements were quite active, we're getting schools beginning to be integrated, the civil rights act was passed, so I figured I'd just read up about it and I quickly learned that sex discrimination which I thought would be illegal, because it was immoral, but instead I quickly learned that sex discrimination was not illegal. I was reading up about the blacks, in a booklet from the Commission on Civil Rights, which was evaluating civil rights enforcement of various laws. The booklet was only talking about blacks [I think in those days they were still "Negroes"] but they

certainly weren't talking about Hispanic Americans or any other racial groups, and they certainly weren't talking about women, even though the law covered them, but they just weren't visible at that point. Then I found a footnote about an executive order that the President initiated and it said something like: this order covers contractors, people with contracts with the government and it prohibits discrimination on the basis of race, color, religion, national origin. And then there was a footnote, and being an academic, I always read the footnotes. I read the footnote at the back of the book, and it said, "This order was amended" to add "sex," effective such and such day. And it was a really weird experience, I literally screamed aloud in the house [screams]. At the same time, and I'm not sure which came first, there was a group called the Women's Equity Action League, WEAL, which was developed by a woman named Elizabeth Boyer, also known as Betty Boyer, from a little town, Novelty, Ohio, an attorney, who had, I believe, been involved in the early set up of NOW, but I'm not absolutely sure of that; she died about a year ago. But, she quickly realized that NOW was too "radical" for a lot of middle class professional women. One, they demonstrated, and this is the '60s.

JL: When is NOW?

BS: NOW starts in '64 or '65. Having a demonstration in Washington is nothing now, everybody does it now. But, I remember thinking, "Ooh, these people demonstrate, I don't demonstrate." And also, going back in time, abortion was a word we didn't say. I mean, I grew up, and while I knew of abortion, it was "back alley," bad things to do, bad people do it, they get arrested, you know, if you are really desperate, you might, but. . . . You whispered the word, I mean; you didn't even say the word aloud because you didn't talk about it. Betty Boyer realized that the abortion issue and the demonstration issue might keep some women out of the women's movement. I think she was absolutely brilliant in that estimate, because I would not have joined NOW, at that point. They did look radical to me, not because of the abortion issue, but that demonstrating. So, Boyer

set up WEAL so that they just didn't take a stand on either of those issues, which was absolutely right at that time.

JL: On abortion or demonstrations--

BS: That's right. She said it, well, she said that they would, let's see if I remember the charter right, they would look at educational, economic and legal issues. So, it never mentioned abortion really. And a few years later, they did come out and support abortion, that was not a problem. And then of course WEAL did actually demonstrate so that, but there were a number of people like myself, I think, who were put off by NOW. You know, this is the time, all the stereotypes about women who work for their own rights, I mean, these are "awful women," "libbers," "terrible people," "man-haters," all of those things, which are out there still in the culture. So, Boyer provided a very good service for letting us get our feet wet in the women's movement in a very "safe" environment.

JL: Before we go on, and I'm really interested in WEAL and I'm interested in NOW, that period, but before we do that, can we just go back, like you said you were from New York --

BS: From New York, yeah.

JL: You were born in and went to high school --

BS: Born in Brooklyn and went to high school in Brooklyn and went to Brooklyn College.

JR: What high school did you go to?

BS: I went to Erasmus Hall High School, which, at that point, was about 98-99% all Jewish. Many, many of the students were children of the immigrants and terribly academic. And then I went to Brooklyn College, which was very similar, it was maybe 95% Jewish at the time. It had a fantastic faculty, because they picked up a lot of refugees from Europe, people who escaped the Nazis.

JR: All the Jews who wouldn't be, couldn't be hired at other universities because --

BS: That's right; they had quota systems too for Jews. Brooklyn College was a wonderful place. I had no idea how bright I was until I went to graduate school at the University of Michigan for a short period.

JL: So, you left Brooklyn --

BS: and then I got married.

JL: You graduated from college, you got married, and then --

JR: Did you have kids before you went to graduate school the first time?

BS: Ah, the first time, no, I wasn't married when I went for my master's degree. I got my master's from City College. It was then City University of New York. I think it is now the College of the City of New York, whatever it is.

JR: They change their names. And that was in psychology, as well?

BS: That was, it was in clinical and school psychology.

JL: And then you got married --

BS: Then I got married, and we moved out to Indiana. We were there for 9 months, the draft [during the Korean War] was creeping up and my then-husband enlisted in the U.S. Navy, and went to Officer's Candidate School. Then we moved to Washington, and then we moved to Annapolis and when he finished his service, we moved to Michigan. We were in Michigan 6 or 7 years at the University of Michigan. I didn't get in there either. Actually, first I went to the School of Social Work because I figured, you know, I can teach social work, which is the same thing, it's teaching people how to do therapy and work, and I didn't have trouble getting in there because you could go part-time. But after you had a certain number of credits, like 18 credits, you had to do full-time, which included field work, so it was more than full time. So, I did that for about two weeks, after I accumulated my credits, but I had a two-year-old and a three-year-old, there's no way I could go full-time. So, I quit, waited a few years, and then applied to the Department of Psychology. I'd been auditing some courses there and I didn't get in. I never heard from them and I finally wrote, and said "So, what happened?" and they said, "You didn't get in." So, I don't know what happened, whether it had been put aside or somebody forgot about it, or I was on the waiting list, or whatever, but I didn't get in there either.

JL: Okay.

BS: And, you have to know my academic record, it's really quite exceptional, I mean, I'm not being modest. Suddenly getting older you don't have to be modest anymore. But, again, at the time, I don't know these things, so I don't know there's discrimination, I think, again "Well, they're really crazy," because I know I'm good enough to be accepted. I will say, I had a sort of a funny ego, like many women, you know, you are good in one area, but not another. And then we moved to the Washington area in '64, I think, and

I've been here ever since. I love Washington. And I finished my degree at Maryland in the School of Education, teaching in the department of counseling and personnel services.

JL: Which is, again, not an unusual thing for women to do in those days, to say "Okay, I can't do this, or they won't let me do this, so I'll do it over here."

BS: And it was much more hospitable.

JL: Lots of women at IU, for example, are in education when they should have been in philosophy or --

BS: Absolutely.

JR: Sociology. Or mathematics.

BS: Absolutely, and again, at the department of counseling and personnel services, what I didn't realize is none of the women faculty ever had tenure. See, you don't notice these things. They would be there for two or three years.

JR: As adjuncts?

BS: Or assistant professors, and after two or three years, they would leave. And then when I got my degree, there were six or seven men that got it at the same time as me, and all of them got job offers and I couldn't understand this. I was saying to myself, "How did anybody know that this guy was graduating and getting his degree?" I had never heard of the old boy network. But I remember being puzzled by that, and it just didn't make sense and I couldn't understand that at all, so . . . that was a long time ago. I think we know much more now.

JL: Okay.

BS: All right. I just want to come back to WEAL, because WEAL was important to me, because when I made this discovery that there was a way that some colleges (at least those that had contracts) were prohibited from discriminating against women because they were covered by an executive order, which had the force of law in many ways. So now what do I do about it? And WEAL was there for me, they made me their chair of the, let's see, it was the action committee on federal contract compliance. I was the entire committee.

JL: How did you find WEAL, or how did they find you?

BS: I saw something in the newspaper. They had done something and --

JL: So you called up Betty Boyer and said --

JR: Do they have an office here?

BS: No, no, no, they didn't have anything, not even an office. No, they had nothing, but I liked what she said, and I actually, at some point, went out to a conference in Ohio, I think that first national conference, I was afraid to fly. My then-husband came to hold my hand because I was terrified of flying, so he came, and he was very supportive about women's issues. I met a lot of people there, a lot of them were lawyers and they seemed perfectly nice people, they didn't seem like these "awful" people. I laugh at myself now, but I think that was there. And, of course, it's still there out in the culture.

What happened, having found this out, I called the Office of Federal Contract Compliance [at the U.S. Department of Labor] and spoke to a man named Vincent Macaluso, who was the director. The woman I called -- I said, "I want to find out if this covers colleges that have contracts." She said, "Let me put you through to the director." Even though I lived in Washington, I didn't know anybody who directed anything, so that was kind of interesting. He had been waiting for someone to come --

JR: I was really struck when you talked about this in your article. Why did he need this? Could he not do it on his own?

BS: No.

JR: Or have someone from the --

BS: No, because sex discrimination is a relatively new thing, this is in '69, when I started, when I saw him, so it's a new issue, no one's pushing sex equity. He couldn't investigate --

JR: Go out on the limb --

BS: Go out on a limb, so he was waiting for someone to come.

JL: You mean politically he felt he couldn't do it.

BS: Yeah. Yeah. He needed someone from outside the government to raise the issue. I mean, he was very sympathetic. I couldn't have done this without him, I didn't know a thing about politics or complaints, I mean he wrote the first complaint for me.

JR: Do you know if he's still alive?

BS: I have no idea. His name is Vincent Macaluso. I know he had a daughter who was a physician. He would be in his 80s or 90s if he is alive. He was extraordinarily helpful; he was very supportive on the phone and then he said, "Why don't you come in and we'll talk about it." I am thinking to myself -- I was really worried -- "is this guy coming on to me, or does he really want to talk about it," because nobody had ever showed that kind of interest in my thoughts. I mean he really was interested. And I came in and saw him and we talked, he was delighted to see me. He said, you know, "This is what you need to do," you know, "you need to gather all of the information that's out there." I'm saying there isn't much information out there. He said, "It doesn't matter, you need to have a whole pack of stuff because no one's going to read it anyway." He said, "if it's thick, people will believe that there's a problem." I mean, that was brilliant but it was absolutely true.

I did a quick survey at the University of Maryland, pretending I was doing research. I went around to a bunch of departments and said I need a list of the faculty and need to know which ones are men and women, and they gave it to me. I was afraid to say I was doing a complaint. So I had that study, I think there had been one done at Columbia and one done at, I think, must have been Chicago --

JR: This is the one that Jo Freeman did something.

BS: Jo Freeman, I think, did women's liberation, did it at Columbia.

JR: Chicago.

BS: So maybe she did it at Chicago. It's been a long time ago; I'm not remembering all the details.

So, and then I went and found some data and statements about sex discrimination in various places. The AAUW (American Association University of Women), at one point, had had a newsletter which they discontinued at just about this time. Just as things were heating up, they discontinue this newsletter, but it occasionally had some things about discrimination. So, I copied these pieces of information by hand because there were no Xeroxes.

Phineas Indritz was another person who was extraordinarily helpful. P-H-I-N-E-A-S, Indritz, I-N-D-R-I-T-Z (he is also dead). He was an attorney on the Hill. When Betty Boyer set up WEAL, she set up an advisory board, and she had good contacts and she was persuasive, Phineas was one of the few men on that board. He was an environmental attorney who sort of dabbled in women's rights. His daughters were professionals and he saw what was happening to them.

Boyer also had on her advisory board, or whatever it is, advisory committee, she had three congresswomen: She had Martha Griffiths, Edith Green, and I think Shirley Chisholm was on.

JL: Do you know where, is there some place that has the records of WEAL?

BS: Yeah, they're all at Schlesinger Library. Yeah, and you can call my friend Bert Hartry (her real name is Bertha, but don't dare call her that). She used to work as an archivist there, and she's doing volunteer work, and she's going through the WEAL papers as we speak and she was a WEAL member.

JR: Oh, great.

BS: So, you probably want to get in touch with her, because she also will know a lot about that.

In any event, I get all of this material and, this is in 1969, there are no Kinko's. I'm not affiliated with the university anymore, where there were just a few Xerox machines, and what am I gonna do with this? So, my husband was being funded by the Ford Foundation and we knew people at the Ford Foundation, and a woman he knew, I don't know how, I don't remember how she and I got to talking, but she agreed to take all the materials and surreptitiously have them copied by the Ford Foundation. And we ended up with 200 copies of a stack of papers that was probably double this size, about 80 some odd pages the paper was thicker in those days. So, we had 200 copies.

This included the study I had done, just showing patterns of discrimination, which showed, you know, the higher the rank, the fewer the women; the more prestigious the department, the fewer the women. We also had, I was able to find, one of the few pieces of data that were kept by sex, which was the percentage of women doctorates in each field. So you could say women have, I think at that point that may be 25% of doctorates or 22%, something like that, say in psychology, but here's the department of X and they have no women, or they have one woman. So, you could say, "here's the executive order essentially saying what you have is, if, if blacks are 50% of a workplace in a particular area, then 50% of people for those jobs that they are qualified for, should be, one would expect, roughly 50% -- you can have a little leeway kind of thing. So if you say 25% of the women have doctorates, or 22% or whatever it was, in psychology, you would expect more than none, you would expect more than 1% or 10% and what's the reason for the low numbers? For the executive order, since it's an administrative complaint, the standards are not quite the same as they would be in a court of law; also you don't have

to be a lawyer to file a charge. You could file it on the back of an envelope almost. So, Vince was extraordinarily helpful, he said, "Send it, send the complaint to several congress people, with copies of the set of data," and my husband who had to do the press release so we wrote out a press release and sent it out. I think my whole campaign probably cost about \$200 worth of postage. This is strictly a volunteer activity, but I sent it to some congress people. I didn't know who to send it to because, although I was interested in politics, but I didn't know that many people, so I sent them to the senators that I knew-- by name, about 20 of them. I remember Harrison Williams from New Jersey (who later got indicted for not being so honest) sent me a telegram! He happened to be chair of the committee that handled education and labor. I mean, this was tremendous validation to get a telegram.

JR: What did it say?

BS: Oh, it said something like, you know, we'll take care of it, or we'll look into it, or something like that. The letter . . . I mean, this was really --

Nobody ever sent me a telegram about my work or anything, so this was some very heady stuff here. And then the other thing that Vince also told me to do, because I didn't know any of these strategies, he said, "When you send it to the congress people," he said, "you ask them to write the Secretary of Labor," his boss, asking him to enforce his own executive order. That was the Secretary's job to enforce it.

What I later learned was when a congressperson writes a letter to a Secretary of a department, there is a special person called the congressional liaison who handles that letter. The congressional liaison person sends it down the line. First it goes to the secretary's office, then it gets passed all the way down and everybody's reading the letter, in the meantime, from the congressperson which says I understand there is sex

discrimination -- possibly sex discrimination and that you're not enforcing the order, can you bring me up to date on it? Or there might be a stronger letter -- why isn't it being enforced, when, whatever, what will you do about this complaint, whatever. So, it gets all the way down, everybody's reading about sex discrimination on the way down until finally it gets to some person who actually writes the answer, and it goes all the way back up with the answer and everybody has to sign off on it. This is the government, so everyone has to sign off. So, it was a wonderful, educational device.

JL: I always thought it was just a bureaucratic mess.

BS: No, no, no, for a new issue, and you're right. This is a case study, an interesting case study of how a few people had an enormous impact because it was a new issue and there were no experts. Vince played a major role, and it's never been recognized. I've never used his name until that article, because I didn't want to get him in trouble. He would have been in big trouble if anyone knew he had helped me.

And the other thing, by sending it, a letter to the senator, the senator often doesn't see the letter, but someone on his staff opens it up and reads it, gives it to one or two people, maybe to the senator, but often somebody else. Again, they were getting educated about it.

When I sent out the press release, it was picked up by the Saturday Review of Literature, I don't know if you are old enough to remember that, it was sort of like a fancy book review with good articles, a magazine which came out I think weekly, Saturday Review, it came out on Saturdays. And a lot of academics read it; there's no Chronicle of Higher Education at the time.

JR: I always wondered when the *Chronicle* started. We can go back and look it up --

BS: The *Chronicle* starts in '70 – '71, early '70s. Very good on women's issues, there's something on women's studies in one of their early issues, if not the first. So, they were always very supportive and put in stuff, but the *Chronicle* was not there when I sent out the news releases -- That much I'm sure.

JR: And this is 1970 when --

BS: '69 or early '70, the first complaint. I have forgotten whether, because I started in '69 and I'm not sure the date of the first complaint, but we can find that out. But, in any event, the Saturday Review of Literature put something in, it's like this big. This big, being like 1 ½ by 1 inches. We got maybe two or three sentences and it has my name in it. It got me so excited, you know, for further information contact...and I started getting letters from people, and I was in the position, because I made the decision I'm never going to be hired in academia, I mean I knew that, so I might as well do all this [file charges] because they aren't going to hire me anyway. So, I had that kind of freedom, and through the executive order, I could sign the complaint and never mention who sent me the information. And what I would tell them is, "Okay, check the number of women and percentage of men and women at each rank in your department and a few departments like music, psychology, English," because that's where many women got their degrees. And you could say, get this data and I'll send the complaint. A copy of every complaint I made went to Representative Edith Green, Representative Martha Griffiths from Michigan and Representative Shirley Chisholm. I'm pretty sure Shirley Chisholm was on that board, I'm not absolutely sure, I know there were three, and I'm pretty sure it was Shirley Chisholm.

So then, what happened, I'm filing complaints now like mad. I'm doing them all by typewriter and carbon paper, no computer. This is not easy to do because I'm not a great

typist, but I'm filing complaints and what not. The rest of this -- I didn't know this initially -- Representative Edith Green, from Oregon, a Democrat, former teacher, had been in the Congress a long time. She had a lot of seniority, at that point committee chairs were done by seniority. She was chair of a special Subcommittee on Education, which dealt with higher education. She was aware of discrimination; she had pushed earlier and been a major leader if not the major leader on Equal Pay Act, which had been passed in 1963, which incidentally is the first federal legislation on discrimination in employment. It precedes the [Civil Rights] Act of 1964. So, she was aware of discrimination, she had thought that she ought to do something, but you know, there's no constituency. You can't hold hearings if there's nobody who you could ask to come testify, that sort of thing. Meanwhile, I'm sending her complaints. Phineas Indritz who doesn't work for her, he worked some place else, but he knows her, he's saying "you know you have to hold hearings," and she's now getting all this stuff from me. I'm sending, I ended up filing about 250 complaints, including all of the California state system, all of the Florida state system, all medical colleges, and what have you, because you could do this. Macaluso had told me how to file a class action

JR: Was it only public schools or are there also private institutions --

BS: No, it's any college that had any kind of federal contract. Not a grant, a grant is different. The grant is, you get a grant to do something that is socially useful. Contract is the government needs something done and it needs to hire someone to do it for the government. It's, you know, they want to buy, environmental research. That could be a contract, it could be a grant under other circumstances. The contracts, mostly bigger universities have them, smaller ones don't, you know a place that has 500 students is not likely to have a contract, but big ones do; Michigan and Harvard and Yale.

So, I'm filing complaints like mad and Edith Green gets interested. She decides she'll introduce a bill and I get called in by her staff member. I mean, it was so heady, because here I am a little Jewish girl from Flatbush. Here I am going on the Hill; an attorney wants to talk with me. So, I worked with him on the hearings in terms of who to invite, because I knew all the people. They traditionally invite people from the administration to testify who have an interest in the bill, like someone from the Women's Bureau testified and the then-Commissioner of Education testified, but all of the other people, almost all of them were people I already had some contact with, and I testified also at the hearings.

One of the questions you asked was why nothing was being done about Title VI, which did not cover sex discrimination; Title VII, which had the educational exemption; and the Equal Pay Act, which had the exemption for professional, executives, and administrative women. Edith Green's original bill, which was Title X, rather than Title IX (some title must have dropped out) set out to do three things: one was to amend Title VII to get rid of that educational exemption, to amend the Equal Pay Act to get rid of the exemption for professionals, etc., and to amend Title VI of the Civil Rights Act to include sex discrimination. Now, a number of things happened. I believe in March of '72, the Judiciary Committee amended Title VII to delete the educational exemption. How those things interface with what she had asked and how it got over there, I don't know, I don't know the details of that. But that means that it drops out of her bill because it's no longer necessary. To amend Title VI, which is the title that talks about federal assistance -- blacks reasonably opposed that because they said, rightfully, if you amend Title VI, you are opening it to amendments; we are going to get bad amendments. Introduce a separate bill, which was fine. Except we lost something, because Title VI covers all federal funding on the basis of race discrimination. Title IX only covers education funding on the basis of sex. However, we got a lot of the other stuff covered later on because Bella Abzug (remember Bella Abzug, she was in Congress), and any bill that was going through, she would say, "we'll amend that to cover sex discrimination," so she threw that

in a whole bunch of bills, you know like road building and things like that. I don't think it was actually road building, but she just put it in on bills almost automatically and by then the women's movement is rolling along, there are enough horror stories where you have people saying, "this isn't fair."

JL: Do you think that the objection from the black community was, did they have reason to be fearful?

BS: I think some people were fearful of the women's movement, there's no question. But I think in Washington, (Washington is very political, I mean, the blacks and women work together in the beginning and indeed, in the hearing, Shirley Chisholm says, not an exact quote, but she says something "I have suffered far more because of my sex than because of the color of my skin." So, there were many people in Washington, and politically in Washington throughout the years -- the blacks, the Hispanics, and the disabled, and other groups have worked together. I mean, they understand the politics, you work separately you're gonna get nothing --

JL: Right.

BS: Put them all together you've got something---

JR: And Blacks were really worried about a backlash that if they opened it up . . . ,

BS: They would just worry that they would lose something. If someone would say, well while we got this bill open, why don't we amend it so that it prohibits school bussing.

JL: And bussing would have been a big one.

BS: That's right, so it's very easy to --

JL: Other than that they were in a pretty good political position, I wouldn't have thought that they would really risk losing very much.

BS: Oh, I think they would have. There's no guarantee, it's not worth risking.

JL: Okay.

BS: It was not worth risking. Edith Green was really interested in education, rather than in say, road building because it would affect things like that, you know, hospitals and stuff, and the discrimination in education she knew about and that was her main agenda.

Now, the other thing that's happening, and again if you look at the record of the hearings, and I don't know if you have a copy, do you have a copy of them?

JL: Uh-huh.

BS: You do, okay. And I was hired after the hearings, Edith Green hired me to put the written record together, and unlike most hearings, and this was before computers, there's like a table in the back. It's not quite an index, but it's listing where you can find things by subject matter, because most hearings you can't—

JR: So you have to read through the whole thing.

BS: That's right, so I decided I would do that and she couldn't care less, so at least you could find things. I think what's interesting historically there's a section on black women in

there. What I think is also interesting, if you look at that testimony, most of it is employment discrimination.

JL: Uh-huh.

BS: That's the biggest bulk of it. That we understood, we knew that was discrimination. I mean, I had stories of women who worked for nothing, full time appointments, their husbands had an appointment in the department so they couldn't be hired because of nepotism, so they worked for years with no salary, no benefits, nothing. I mean, this is a horror story. So, I had all these horror stories of employment because that's to everyone's immediate self-interest, those people who were writing me, and the salaries were very discrepant, so we were able to gather that kind of data, that was easy. And that was our major way of looking at discrimination. We also knew there were quota systems, and we had a woman who did some stuff on medicine and got us some really good data on discrimination in both admissions and against physicians and so forth. So we knew there was, the quota system was the other thing. The third big thing we knew about was vocational guidance, and there was --

JR: At the high school level?

BS: At the high school level particularly and maybe even earlier, there was a Strong Vocational Interest Inventory, which had a pink form for girls and a blue form for boys. It was wonderful to hold them up visually if you were talking, giving a speech and --

JR: Girls couldn't take shop, they were all --

BS: That's right.

JR: I remember junior high school.

BS: My daughter could not take auto mechanics. I called, this is in the Montgomery County School System [MD], which was a very good school system, and she was learning to drive, and she said, "Hey that would be fun to learn about a car." And the school said, "No we don't let girls come." And I said, "Why not?" And they said, "Well, there's no bathroom for her to change into her clothes." And I said, well, you know, you think of these things are logical --

JR: She could find someplace else to change.

BS: Yeah, I said, "She could use the regular bathroom." He said, "Well it's really more than that, the boys use very bad language." I didn't know what to say to that, but later I thought, you know, has this guy listened to teenage girls lately? Their language was pretty bad, but we couldn't get her in. There was no legal reason. That's where Title IX is so good, because you wouldn't need a lawsuit for that, you could say, hey, this is illegal under Title IX, and that's how a lot of changes came about.

JR: And somebody had been keeping track of the vocational guidance practices?

BS: There were some people who were watching it, but that we all knew because, like, the Strong Inventory Test was so wonderful with the pink and blue forms. If you filled out the pink form that you like to help people, you were told you should be a social worker, that would be great. If you filled out the blue form and, it's the same question, I like to help people, you were told to be a psychiatrist. I mean, they have high level and low level jobs for the same interest. People knew this. Again, a lot of women had experienced this, such as "You don't really want to go to college." Or "You're only in

college to get a husband.” “You don’t want to go to graduate school; very few women go.” And quotas were quite open; we knew about the quotas.

So those were the three main issues. When Title IX was introduced, I checked my own testimony, because I did the overall testimony, while a lot of people talked about their particular field or their particular school. But, I did the overview. There’s not a mention of athletics. Now, two years later, in 1972, when I testified for the Equal Rights Amendment, I mentioned athletics. I think it was one or two sentences. So, when Title IX passes in ’72, I know a lot more about athletics and maybe 10 other people know it’s going to cover athletics.

JR: And someone raised a question, on the House floor or the Senate floor I think about football --

BS: I think, yeah, I think it’s the Senate floor, and here’s where I’m not sure, I’m going to have to check this out, and I haven’t been able to find out. My recollection was that this was before Title IX was passed, but I’m not sure, it could have been when the regulation was going through. Because the Title IX regulation does mention athletics, so I’m not sure where that came. [BS’ later note: The football issue was raised before Title IX was passed.] That’s the one thing, I think; I’m not 100% certain. By the time it passed, we knew it would cover athletics. But again, no one had done the study of how bad athletic discrimination was and so we really didn’t know that much about it. My idea of how it was going to affect athletics was, isn’t this nice on field day? Do you know what field day is?

JR: Uh-huh.

BS: Field day, there'd be more activities for girls. So I must have noticed that there weren't that many activities for girls, since I don't know where I got that information, my kids didn't have field day at the schools they went, so I was going on my own experience. So I must have realized that, I don't remember talking to anybody about it. But that was in my head, that that would be the main athletic impact.

JR: But mostly at the beginning, we thought, you thought it was going to be about equal pay, no, about discrimination in employment --

BS: Which would cover equal pay.

JR: And getting girls and women into areas where they had been --

BS: Where there were quotas. There were undergraduate quotas too, I mean, it wasn't only graduate school. The University of Michigan admitted, that's a state school, admitted 45% women year after year, after year --

JL: They had higher standards for women for the SATs --

BS: Right. That's right. I don't know if I would have gotten into college if not for the war, because they lowered the standards for women. Women used to need higher grades to get into most of the city colleges. That was true in a lot of places.

JL: Yeah, fairly standard.

BS: They took smaller amounts of women, so you needed higher grades. In Brooklyn College, it was overt, I mean, women needed, or "girls," as they were called, a certain amount and boys needed less.

JL: Yes.

BS: Again, nobody questioned this, this is the way the world is, which is really, you know, I am still so astonished at that, but we didn't have the language for it and it was accepted as "normal behavior." That was the way it was. You know, like, some people are tall, some people are short, you know.

JL: So, do you think that, I think you are right about naming it, do you think that, and clearly some of it was very overt --

BS: Yeah. There was a lot of overt discrimination.

JL: But, there's got to be some more than just naming it, because it had been overt, so people obviously thought it was okay. And just saying, well, I don't think it's okay, I think it's probably not enough --

BS: Gloria Steinem said every woman has a personal "click," where once you have the name of something, you begin to see it very differently.

JL: Uh-huh.

BS: I think that's what made a difference, having the word "sex discrimination," and the women's movement is bubbling, and it bubbles before Betty Friedan's book. Betty Friedan's book, I looked at a few years ago, and I don't recall if the word "discrimination" was even in it, she wasn't talking about discrimination, she was talking about unhappy women at home.

JL: Uh-huh, uh-huh.

BS: And before Betty Friedan's book, in 1960 Eleanor Roosevelt goes to President Kennedy, do you know this story?

JL: No, I don't think so.

BS: There are a few highly placed people in the government, women in the government, there are so few of them they all know each other and they all work together and they care about sex discrimination. So, in 1960 they said, wouldn't it be nice to have a committee or commission to look at this? How are they going to get John F. Kennedy to say yes? He could never say no to Eleanor Roosevelt, so they got Eleanor Roosevelt, who cared about women's issues. I have a quote of hers which says, "The way to judge a country is how they treat women." And she goes to Mr. President and says, "Mr. President, we really need a commission on the status of women," or words to that effect. He can't refuse her and you get the first federal commission in the entire world in 1960. It was way before Betty Friedan's book. It is more than one strand. Betty Friedan's book hits the public in a very popular way, very useful, I mean, I don't want to say it wasn't very useful because it opened up a lot of people's eyes. But there were people working on this issue, and the fact that Edith Green was on that committee, that commission rather, when that commission came out with reports, one on legal discrimination, discrimination under law, one on marriage and family law, one on education, and there must have been others, I don't remember. But, there isn't very much on women being even written, I'm thinking, I'm going to buy every book that's ever printed on women because wouldn't it be nice to have a nice little library, because every time a book got printed in the very early '70s, I went out and bought it. There's no way now I could buy every book on women.

In fact, to give you an idea of how little was printed and available is when the Washington Post, which we got in the morning, had an article on women and my kids saw it and was I still in bed, they came racing upstairs, and they said, there's an article about women. Look at that! That's remarkable. So, those were very different times.

JR: The Women's Bureau existed, right? But did they have no impact?

BS: They did have an impact. I don't remember the date but early '70, '71, they hold the first federal conference on women and it's really the new women. Nixon is still in office, so I know it's before, early in his term. And, and, Libby Koontz, Elizabeth Koontz, who is also dead, she calls this conference and she invites welfare women, and she invites black women, and she invites women like me. And it was absolutely stunning. I mean, it was a great education for all of us and energizing, I remember thinking earlier, wouldn't it be great to have a conference on women? And I really used to think, I remember talking to somebody about that, and she does it. There's a conference on women. And it's a government conference, so I mean, again, we were continually getting legitimized and reenergized, which I think was a plus, important, and I only know the education aspects of the women's movement, I mean, I know a little bit, obviously, about the others, but it's not my expertise, I only know the education thing.

But within education, the discrimination was often quite bad, I mean, it was there, you know, "We already have a woman in this department" kind of thing. "No woman will have tenure in my department." That was very, very common; it was there. So, we were getting lots of horror stories at the congressional hearing for Title IX. One of them that Betty Boyer gave me was wonderful. In a certain period in 1963, the state commission in the state of Virginia, which looked at facilities (that was the purpose of the commission), and they were looking at admission figures to get some idea of how many students were coming out of the pipeline. And during that period, somewhere a few years in the early

'60s that they looked at, there were 21,000 women who were refused admission to state colleges in Virginia. Would you like to guess how many men were refused? Zero, not one man was refused! So, we have horror stories like that, and you have to be a real Neanderthal to not see that that's unfair. And that's one of the reasons Title IX was able to get passed.

JR: But there must have been some opponents.

BS: Must have been some opponents? Yes, there were some opponents. There were opponents to the Equal Rights Amendment, there were opponents to women's issues, and there are some things that got said, at least with the equal rights amendment, things that got said on the floor of the Congress which are very demeaning to women. When Edith Green held her hearings, very few people came to those hearings. Very few Congressmen, even the men on her committee, one or two came to show up as a courtesy, but they didn't stay, you know. What she also did, she got a special permission to print more copies than usual and she sent out a copy of the hearings to every member of Congress with a personal letter, and then I developed a list to send it to various people in education who were important, like the heads of all the associations and so forth. So these people got a two-volume set of hearings (you figure who's gonna read it), but people who get it feel, oh, there must be something there.

So, what happened is as the bill proceeded through the Congress and some amendments came on it, and we can go over those, because that's where the opposition was, but when the bill was ready getting close to vote, I remember there was a group of us in Washington who were working with each other. There were so few of us we always found each other very quickly and we had a meeting with Mrs. Green, and we asked, essentially we said, "We're here, Representative Green, you tell us what you want us to do for lobbying and we'll get the people and we'll do it." And she said, "Don't." She did

not want us to lobby and she said, “If anybody finds out what’s in this bill,” she didn’t say it exactly like that, she said, “This bill is going to pass, and if you start lobbying for it, people are going to ask questions about it.” She says, “Trust me, you don’t need to lobby, it’s going to pass.” She was absolutely right.

The opposition came from a few places. One, in 1971, Edith Green had inserted sex discrimination into a bill concerning nurse training and training of other health professionals. They both went through together and covered admissions to medical schools, training of respiratory therapists, physical therapists, so forth, so it covered the whole, essentially the whole health field.

Well, nursing schools were not too happy about it, particularly the single sex schools. Some of the private and public single sex schools had nursing schools attached to them, and they did not admit men. So, this got to be a problem. And it was also clear that if you had a provision in the law banning all sex discrimination, it would mean no discrimination in admissions, and then what’s going to happen to the women’s colleges? So, there was some opposition there. There were four universities, Harvard, Dartmouth, Princeton, and Yale. Three had already admitted women in small numbers, like 30%. Dartmouth was planning to have women come but hadn’t done it yet. These schools quickly realized that admissions would be affected, and so they came down to Washington, or their lobbyists came down, and there was a little colloquy in the Congressional Record that says something like, “the sexes learn best in different proportions” in classes, and “we in the university world know what’s best what those proportions should be.” These are powerful people, I mean, an awful lot of graduates from those institutions are in the Congress itself, and they got themselves an exemption, which Edith Green’s staff attorney (God, all these people are dead!) Harry Hogan, who was wonderful, he taught me a lot, because I didn’t know a thing about the Congress. But, he worded it in such a way that it only applied to admissions of private

undergraduate colleges. Harvard and Dartmouth, they couldn't care less what happened at the University of Michigan or some place; they wanted their own admission policies to be exempt. So, the exemption was limited to private undergraduates and it's worded in such a way that it says something like, once someone is admitted, they cannot be discriminated against after admission. That's a very narrow exemption, it could have been for all undergraduate admissions, and it could have said you can discriminate afterward. It was very narrowly tailored.

In terms of nursing schools, Mrs. Green would not exempt them because she felt that was vocational. She felt undergraduate liberal arts was not like vocational graduate schools. Now, the public single sex schools, remember you have schools like not only the Citadel and VMI, but you had Texas Women's College and --

JR: UVA?

BL: University of Virginia, I think, had integrated by then. There had been a court decision --

JR: They allowed women in?

BS: Yeah, there had been a court decision, I think, in '68 or '69, Judge Mehrige, M-E-H-R-I-G-E, wrote the decision and I think they admitted women then. But there were concerns, I don't know if Texas A&M was still all male, but there were some all male schools, not many, but there were about 100 women's colleges at the time. A Texas college, Mississippi college, a university for women and there was another Texas one for women. And, again, Edith Green and her counsel tailored it very narrowly, because these people raised a fuss, because they had nursing schools. And so she said that any public institution that has been traditionally and continuously single-sex would be allowed to continue. You can't start one tomorrow, that's the subtext; we'll grandfather or

grandmother these in. Thus continually and traditionally single-sex public institutions were allowed to continue.

And it took a case going up to the Supreme Court, which essentially said it's unconstitutional to exempt women, to keep women out of the state supported institution.

By the time Title IX got to the Senate, you got the beauty contest exception, which I'm sure you have noticed.

JL: I wouldn't have thought that was a big issue.

BS: Well, you have to remember by this time, those of us who are working on the Title IX legislation, we don't want it amended at all. We know what discrimination is, I mean, we really know and we know that all of these are going to eat away at it. Granted this is not a big one, but we still, we didn't want it, and we opposed it, but we didn't have the strength.

What we did get was a compromise. Beauty pageants that gave scholarships that required contestants to demonstrate some talent were allowed to continue. If you look at Miss America, in the old days they didn't have to play piano or do anything. So now they have to have something to show talent and not just being pretty.

JL: So, the opposition came from big pageant producers?

BS: From Southern schools; no, from Southern schools that ran their own beauty pageants.

JL: Oh.

BS: Yeah, it wasn't Miss America as such, that I know of, but it was southern schools that do this. They have beauty pageants, traditionally on their colleges and then they gave scholarships. Well, you say in the Congress, you don't want to deprive young women of scholarships, do you? That's a very good argument. So, again, it was narrowly, narrowly limited and you had to have some talent.

And then the other opposition that came up concerned fraternities and sororities. That's a big voice, powerful again. And again, the exemption was narrowly drawn in that, if the fraternity or sorority was conducting an educational program, it had to allow both sexes to attend educational programs. If the fraternity is doing an educational program, like are you thinking of engineering as a career, they can't keep women out of that program. And then there was another exemption for Boys State, Girls State, Girl Scouts, and Boy Scouts. So, as the bill progressed, people begin to have a better idea of what the bill might do but you have these narrow interests who were opposing it.

JR: Right.

BS: When the bill was introduced and the hearings were held, it is also traditional, not only to ask government agencies that have an interest in it, but you also ask the organizations that might have an interest. One major organization is the American Council on Education because virtually every college president belongs to that and the other educational associations belong to it too, and they have a lobbying staff. And so they were asked by Mrs. Green's staff attorney, "Would you like to testify on this bill?" And their answer was, "No thanks, there is no sex discrimination in colleges; besides it's not a problem." And that's almost the verbatim quote, so they were not watching. Part of the reason is that ours and their definition of discrimination was a very narrow focusing primarily on admissions and employment; you know, not understanding at the beginning, for example, athletics and the impact of that. But see, the NCAA wasn't involved; this is an education

bill, who was looking? And remember this is before computers, you can't get information out that quickly unless you send it or call everybody or whatever. So, most of the education world and the athletics folks didn't know and it got through, and they were very surprised after Title IX passed, and they found out what it would really do.

JL: Today a group that was opposed, like the ACE, who said, there's not a problem, would testify to oppose the bill, right?

BS: They could testify for or against.

JL: And they would say, this is a bad idea to pass this bill because there's not a problem or --

BS: Yeah, or we like this part, but we believe an amendment for private colleges of which there are many --

JR: But, they didn't do any of that?

BS: They never testified.

JR: Because they didn't take it seriously?

BS: They didn't understand that it was going to have an impact. They knew it would have an impact on admissions, and they got an admission for private undergraduates.

JL: And that's all they cared about?

BS: I think that was all they cared about. Well, they may not have even known, why am I saying they knew, I don't know if they knew. But they, they just weren't concerned. We

were very fortunate, because had they known, known what it would do, I think they would have opposed it. See, Edith Green was right, no one was really watching.

JR: Organizations like AAUW...

BS: AAUW was supportive, the League of Women Voters was supportive, although some of them, the League of Women Voters opposed the Equal Rights Amendment initially. There was a lot of opposition to that. But Title IX was a narrower bill than the Equal Rights Amendment. You can talk about the Constitution and it has an impact on so many things, this was just educational. So --

JL: Did it get tangled up with equal rights? It's all happening about the same time.

BS: Well, it's all the same people involved. Yeah, it gets, it gets not terribly tangled up, but all of the people who are working in education, like me, are interested in the Equal Rights Amendment and I testified over that. I became the bathroom expert, before I was --

JR: The bathroom (???)

BS: Well, one of the areas of concern was that boys and girls would have to share the same bathroom whatever, so -- [Note: The Equal Rights amendment would not have required that.]

JR: It happens in family's everyday around the country.

BS: The staff attorney for the Judiciary Committee in the Senate, who was holding the hearings on the Equal Rights Amendment, thought for some reason I was an attorney. I learned this later, but he said to me, would you mind testifying on bathrooms, which

again with the testimony, we want to develop a history that shows what the bill will do, because that helps with what the courts' interpretation and regulations if there are any.

So I went to all my legal friends – I'm the "bathroom expert" -- and they told me. Almost anyone who was working in women's rights got involved in the Equal Rights movement, or at least supported it. So, people like me were actively supporting it and what it did was to enlarge our circle of understanding of the equal rights amendment, what it will do, and our understanding of discrimination. Because what I think what has happened over the years, we've gone beyond those small – small? – areas that we knew were discriminatory and we've added women's health, we've added sexual harassment, we've added campus rape, we've added a whole bunch of things. You know, well beyond education because I think our view of discrimination which started out rather small is now the whole world. So, huge, huge changes with that.

The other thing is -- is we had lots of horror stories, like the Virginia story and that's a wonderful horror story, I still quote that one because it's so, you know, this is what was happening, so it made it harder for people to oppose some of things. Now we don't have a lot of the horror stories, and it's much harder in terms of supporting women's rights because we supposedly have "solved" the problem.

JL: If you're expanding the context with the Equal Rights Amendment, you're also expanding the possible opponents, though?

BS: Oh, all over the place, the insurance industry, for one.

JL: So, people who

BS: TIAA CREF

JL: Who were opposed to the Equal Rights Amendment, then could turn and also be then opposed to Title IX, or did it --

BS: Not at --

JL: Did they not make the connection?

BS: No, no. There wasn't; the opposition came when the regulation was being developed. Title IX, like many laws, is fairly broad -- "no person should be denied the opportunity to participate," whatever. What does that mean in terms of pregnant students in high school? So, somebody's got to write a regulation to explain just what Title IX meant in terms of a whole bunch of issues. It took them three years to write the regulation. I will say the Office for Civil Rights was really -- that's at the Department of Education -- really listened to everybody. We met with them countless times, we, meaning women. We were working with the Department of Education, but they also met with colleges and universities, they met with athletic people. Do you know the athletic regulation on proportionality?

JL: Uh-huh.

BS: The 3-part test.

JR: Right.

BS: Do you know who suggested that? It's a nice story for you. There was a meeting with the NCAA, the football coaches; I think those were the two groups represented. But women were essentially sending women's sports people, who were essentially saying

something like, why don't you just give us half your budget and we'll do with our half what we want, you do what your half what you want.. Well, this was clearly unacceptable. So, the NCAA and the football coaches association came back with a proposal, which included a three-part test, one of which was proportionality. Well, of course women were less than half of the students then, so that didn't seem too bad. And the other one is a college had to show they had a history of continuing to improve women's athletics. Well that didn't seem too bad, we could do a little bit every year, take forever. And the other was, you accommodate the interest and abilities. Most women weren't even going to be interested in sports, so that seemed okay too. So the athletic interests didn't even see the implications of their suggestions.

JR: Which they thought was tiny, of course.

BS: Yeah, well, yes. So, I mean, this really, you know, didn't sound like that big of a deal, and would satisfy, to some degree, the legal requirements of the law to do it that way.

I have to tell you that the women's sports people and the rest of were really opposed to that, initially. I spent, along with others, groups of us, a lot of women attorneys and other people like myself met for hours and hours and hours, several times, trying to come up with some fair ways to do athletics. I mean, how would you know the programs are equal if women are interested, women play field hockey and men play football, how are you going to know if they are equal. They may have different amounts of people on teams. It's like two fruit bowls with different fruits. How are you going to know, what are you going to use for equity We never, never agreed, never came up with a way. Every way anyone of us suggested had flaws.

JR: Did anyone, was there ever any discussion about not having separate but equal, but actually having integrated --

BS: Integrated --

JR: Athletics?

BS: Yeah, of course. And the problem with that is, if you have one integrated basketball team, how many women will be on that basketball team? Very few, occasionally there will be a woman who is 6'5", who may be able to play. But you would have very little women's sports if you integrated all sports. It's the one place other than sex education, where you can have separation of the sexes. You need some separation. They made the distinction, phys-ed is not separate, except for the point at the time if they are doing something with contact sports, then they could have something different for men and different for women. But, phys-ed got integrated, which Edith Green was horrified; she had a grandson who was very unhappy --

JL: Oh, she didn't like it?

BS: She did not like that at all; she had no idea that the law would end up that way. She was really --

JL: Do you remember any of the options in athletics, whether should we just separate the money, should we have it integrated, do you remember any of the other options?

BS: There were all kinds of things that had to be considered, and some things you must do equally. If you are going to do recruiting for men, you have to do recruiting for women. If you are going to have press for men, you have to do it for women. If you have locker rooms for men, you are supposed to have them for women and they are supposed to be relatively equal or whatever. So some are fairly easy, those are the easy ones. You

know, if you pay for uniforms for men, you shouldn't make the women pay for their own as they used to. Women at the University of Michigan used to sell apples at the football games, their budget was \$0 in contrast to the men's varsity budget, which was, I don't know, something unbelievable at the time, more than a million dollars. So, I mean, some are fairly easy, you know, the uniforms and whatever, but the real one is the opportunities to participate in athletics because if you have football, basketball, swimming, and wrestling, and women have field hockey, basketball, swimming, and golf, and three other sports, crew and something else, how are you going to know if they are equal? What would constitute equity? I mean, that's really what the problem is and there is no easy answer.

JL: Right.

BS: There is no easy answer because once you segregate people and treat them differently, it's not equal.

JL: Right, right.

BS: The question is, what's the best --

JL: I wish I had been in that group when you were talking about all those possibilities.

BS: I wish someone had kept notes, but everyone of us would come up, well what if we did it this way, and then you think, okay, let's see. But then, you know, so that wouldn't work, well is there a way to fix it? And we never really were able to come up with something. Athletics is the area in which we've made huge progress, but still have enormous discrepancies in terms of boys and girls and men's and women's. Title IX has not been enforced at the high school and middle school level, and there are serious discrepancies.

I get calls from mothers or fathers occasionally about “Our soccer team doesn’t have any bleachers, it doesn’t have a bathroom, and we don’t have any lockers.” This is one mother complaining. I said, “Well, do the boys have that?” She said, “Yes, they have lights at night and we don’t even have a scoreboard.” All they had was two, I don’t know what they’re called, the goals, thank you. That’s all that was on the field and the field wasn’t kept up well. And there are a number of lawsuits around those kinds of issues --

JL: So your advice to this mother was?

BS: Uh, I don’t remember the particular details but the kind of advice I give is one to get other people involved, get a newspaper to do the story. It doesn’t cost anything to file a charge with the Office for Civil Rights, although you have to think about your kid in retaliation, which is not unusual.

Yeah, but I do get calls like that, still. Not as many, but I still get some of them.

JR: So when you started, when you all started working on what became Title IX, you really didn’t think athletics would become the bugaboo --

BS: That never entered my mind. Because we didn’t know enough about this kind of discrimination. I mean, nobody had ever done a study looking at athletics in high school girls and boys, or looking at it in colleges. Now, the people who worked in athletics, they knew about it; they saw it all the time. I mean, they had no budget; they had to pay for their own travel, whatever. But, we hadn’t touched base enough with them yet, at the beginning. So, they didn’t know us, we didn’t know them.

Either after the regulation was passed or just before, my office [Project on the Status and Education of Women, Association of American Colleges] did a study of discrimination in

colleges and universities in athletics and we were absolutely appalled. It was so bad, we couldn't use any names of institutions, although there is one annotated copy somewhere in my files that has names. There were some things, like if you wanted to sign up, if you were a woman, and you wanted to sign up to play tennis, or handball, you had to get a man to sign up for you. You couldn't sign up yourself. Men had trainers, women athletes had no access to trainers. Sometimes women had no insurance and men had insurance. I mean, there were all kinds of rules. Women had practice late at night or early in the morning. The men had the middle of the day. It was just, you couldn't believe how bad it was, I mean, you know, the women, paying for their own uniforms, paying for their own transportation. The coaches for women were volunteers, they didn't even get paid, they were phys-ed instructors who wanted to coach.

Discrimination in athletics was rampant. We didn't know any of this, so that, yeah, I think this woman named Marsha Fedderbush, who lives in Ann Arbor, MI, who did, I think the first study, she's still around. She did the first study on athletics in public schools, and I believe it's at the high school level -- within the Ann Arbor public school system. But she's sort of a loner, and so not many people saw it. Eventually I get a copy of it, but it takes a while, and it's the Title IX regulation that suddenly says, "There's discrimination in athletics and you can't do what you want it to do." That's when the opposition really begins to surface, after the bill has passed. People begin to realize, slowly but surely, that this is going to change their life.

JL: So we know there was opposition by athletics.

BS: Athletics, it was big opposition, that was --

JL: NCAA wakes up and says --

BS: Yeah, and there's also opposition that Title IX covers employment. It took a court case to find out if it did. It took a court case to find out if you could sue under Title IX; it took a court case to find out if sexual harassment was covered. These are all Supreme Court cases, and it took another one to cover student-student harassment.

JL: But in terms of people on the Hill --

BS: Athletics has generated the most opposition. You're talking about football. "I care about women's issues, but I mean, you know, women aren't going to play football and our football team is essential for the alumni and for contributions and team sport."

JR: They make the most money and --

BS: That's right, "Why don't we just exempt football?" I mean there were numerous attempts to exempt football and so forth. There was one attempt; you should talk to Margot Polivy if you want to know about athletics. She's an attorney here in Washington on 16th street. Margot, M-A-R-G-O-T, and Polivy, P-O-L-I-V-Y. She's a former phys-ed teacher who is an attorney working in communication law. She was the attorney, I think, I don't even know if she ever got paid, I don't think so, because she was the attorney for the, I think it was the Association for Women and Girls in Sport, or one of those associations that represented the sports people. And she played a major role in lobbying when people were trying to get sports exemptions in. At one point, I remember there was one where they said, some well-meaning Congressman said, "Well, why don't we just exempt the profit, Title IX should just cover the profit from football games. So, the profit should be divided between men and women's sports." Well, the athletic people opposed this enormously because they realized then that somebody would look at their budgets. Turns out that most schools do not make money off football.

JR: They just say they do.

BS: That's right and they would make even less than appears now if they had to put a budget which included the stadium, which is not part of the athletic budget, lots of times the coaches are on the instructional budget, although they are not teaching they are just coaching. I mean there are all kinds of ways in which you can, you know, phony up a budget. So, they opposed that, we didn't have to do too much on that. But Margot could tell you a lot about, tell her that you spoke with me, she knows me. But she can tell you more about athletics than I could because she was the point person on that and the rest of us followed her lead.

JL: And did the education establishment wake up during the regulations?

BS: Most of them did, most of them did. I mean, remember in '70 the women's movement is very new. '72 and this gets passed, it's still pretty new. By '76 it's not quite as new and we still have all these horror stories, and you also have the Equal Rights Amendment getting publicity, so people are getting, state by state reports on the legal inequities in every state, which got publicity in every state. They were all going crazy, and at the federal level, if your son was a veteran who died and he had lived with his mother and their parents were divorced, and he hadn't seen his father since birth, who do you think got the flag, after the funeral. That's right; the father would get the flag.

So there was, you know, so people were hearing a lot of these things, and most of them got rectified very nicely.

JR: There were also the credit laws and things were changing as well, so people were starting to --

BS: That's right.

JR: More about women's rights.

BS: There were a whole bunch of other issues, yes. Yeah, yeah, credit [prohibition against sex discrimination in giving credit] was a big one. We took a bill to Congress with legislation to change it.

Some of the opposition came from scholarships, how they allow scholarships for males only "in memory of my dear departed son." And so how do you equalize that? Scholarships are not mentioned in the legislation but are definitely covered, so it was in the regulation which came up with a complicated formula, so that you could still, you could keep all those that were specifically for men, and all those that were specifically for women and then you'd sort of see how big that pool of scholarship money was and you'd have to make this pool bigger or smaller and make it available to women so that women and men overall had the access to the same amount of scholarship money. I mean, it's a very complicated formula, but that was opposed by a lot of people partly because there were a lot of prestigious scholarships that were for men only, for example, some of the best scholarships in law were limited only to men.

JL: And was that sort of individual people objecting or do you, was it educational --

BS: Sometimes it was individuals; sometimes it was through an educational association, their lobbyist would try to do something. Yeah, I don't know enough about that, but I will say we prevailed on a lot of things. The regulation came out in '75, but wasn't going to be effective until '76, and we were all pissed off. So, I suggested that schools use that year as a self-evaluation. We couldn't get them to put standards in, as how to conduct the evaluation, but it did mean that a number of schools took it seriously and set up a decent

evaluation process, and the American Council on Education actually sent out some guidelines on how to evaluate your university, such as set up a committee to do this, so it was very helpful in a number of schools which looked at their policies, like one school found out they had a bus to take male athletes home after practice and the girl athletes had to walk. That was pretty clear it was a Title IX violation.

JL: It is now a very standard thing to do -- regulations ask for that kind of self-evaluation. I didn't know that was yours.

BS: That was mine. The other one I came up with was that they ought to have a grievance procedure.

JL: Really? That's you too?

BS: That's mine too, yeah. Yeah, it was one of the things I suggested. You know, because we were all working on it, and I knew the importance of procedures for grievances.

JL: Uh-huh, right.

BS: So, we got that into the regulation, which was a good thing because every school has to have some procedure to handle discrimination. They don't always handle it well but...

JL: Well, but I think it's changed a lot of how people do business.

BS: Absolutely. What it also did ultimately is make schools better. Both Title IX and the Executive Order did this, like when the government began investigating Columbia, for example. They asked Columbia, well, can we see your data on your employees, you know, men and women, and so forth. Columbia said, we don't have any. Because we

have it by different salary pots, so if you are a faculty member, here's your salary, that's one list, and then if you have a grant from the Ford Foundation, that was a second list, and if you have a third grant from the government, that's another list, and there is no way Columbia could tell exactly how many employees they had. They had no way, this is before computers, there was no way, they had no idea, for example, how many people were going to retire in a particular year. So one of the hidden advantages in all of this is that it brought academic institutions, or at least some of them, into the 20th century because they were still using 19th century accounting methods to keep track of people.

And I mean, Columbia said, we don't have a record of the people who work for us, we just have these lists, you know, and there's no way of connecting them. And they had to develop them. Well, once you have that, you know how many people are going to retire in the 1960s or 1980s, and you can plan accordingly. That's just for retirement, but this is useful for other things, in terms of health insurance, and so forth and so on. So, there was another unintended effect, which is not really been recognized, but they began to keep much better data. And this was all again before computers. All before computers that they start keeping better data, because you really should know that. I mean, you can't run a large institution like Columbia and not know how many people work there. Although just a few years ago, less than I think 6 or 7 years ago, in the DC school system, they had a new superintendent begin and he asked how many people worked in the system and they didn't know. The solution was we'll give everyone who gets a paycheck a form to fill out and then we can tell you.

JL: So they could send it back to let us know whether we --

BS: How many people there were.

JL: They didn't even know how many paychecks they wrote?

BS: They knew how many checks they wrote but they don't know whether they're same people or different people, same problem.

JL: I think we should kind of rap up, we've been at this for a while. But we're coming back tomorrow.

BS: We can go to 12 if you want. But you may be tired.

JR: Well, I have this very specific thing. And it's about some of the people, particularly in the Senate, as well as others who helped in the process of putting together Title IX. You mentioned Birch Bayh, who we have interviewed and will be interviewing again. Were there other senators --

BS: He was; each bill has a sponsor; he was the manager in the Senate and he did it really quite well.

JL: How did you pick him?

BS: Edith Green picked him, I think, but I don't know. That's a congressional thing.

JL: And do you know how she did or why she did? Do you know the story behind that?

BS: I don't have a clue why she picked him. He's a liberal senator. He's a nice guy and he was very able. His son is in the Congress now, is a Senator. Evan Bayh. But he was able senator. He had been active in women's issues, in the Equal Rights Amendment, so I think he had been visible before, so.

Usually what happens is you have someone in mind and you ask them, and if they say no then you ask somebody else.

JR: And George McGovern was also a co-sponsor of the bill?

BS: I don't remember who else sponsored it. What happened is, the bill is sent around to a lot of people who then sign on to it and become sponsors but I don't remember that. I don't know if I have any paper trail on that or not. It's probably long gone. I don't know what the records are on that.

In terms of legislative history, National Women's Law Center --

JR: Yes, yes.

BS: They have the complete legislative history. I had it at one point and then lost it. I changed offices and have not been able to replace it and I am not going to sit and Xerox it either. But, I mean, they have the complete legislative history there if you want to look at it. It's an interesting law because I think it did slip by and I think it has had an enormous impact. Some of it unintended, but the impact is so big that it's amazing that it did slip by the Congress, with not many people knowing what it was going to do. I really don't think there were more than ten of us that knew it was going to cover athletics at all, when it went through. And that's a small number. I'm exaggerating at ten, I used to say five or six, but now I say maybe there were ten of us or so. We just didn't see it as important. I mean, we knew we covered it, but not as an important issue.

JR: In some ways, at the time, athletics wasn't that important for women, partially because it wasn't available. But also because, I graduated high school in 1969, and the girls who were really interested in athletics were also thought to be lesbians.

BS: That's right, that's how they keep girls out.

JR: And the same was true of the women's phys-ed teachers in high school. And so there was already, there was a stigma attached to having or to even raise the issue about athletics was to move to the radical arm of feminism, right, with the bra-burners?

BS: And that's pretty scary. But that's exactly, I think you characterized it exactly. It was that way when I went to high school, that's exactly, I mean, "nice" girls didn't go into athletics, except at girls' camp. At girls' camp it was safe to become athletic because everybody was. But back in school, it wasn't. And I can remember Parade magazine, you know the Sunday magazine, having an article on women lifting weights. This was a new thing, lifting free weights, and I mean, nobody would write an article on that now, but it, again, was such a radical idea, but there's been a huge increase, something like 800%, the number of girls participating in athletics. And women filled the opportunities once they were there. The Olympics helped, other things were going on, and the portable hairdryer was invented. I'm thinking back on women's sports.

JR: The hairdryer?

BS: Yeah, you don't want to sweat and yet, have to wash your hair every time you participate in athletics, and until we had the hairdryers, you had to go around with wet hair.

JL: I like it. You're right.

BS: I was really annoyed when the millennium came and they took all these impact of various inventions and nobody mentioned the hair dryer because it meant, you wouldn't have a wet head all day, so you could sweat and, you know, wash your hair --

JR: And dry it.

BS: I mean, before hair dryers, I shudder at the thought; we would wash our hair, maybe once a week, maybe every two weeks.

JR: Had big bonnets that's

BS: But the hair dryer was another reason making it easier for women and girls to participate in sports, because you could dry your hair—who wanted a soaking head in winter particularly, or at any time because you didn't look good.

JR: I'm wondering if you, would it be, do you think it would be fair to say, would it be correct to say, that academic opportunity part of Title IX kind of followed on, there was already a push among women who wanted employment and women who wanted to attend universities, but the athletic side was in fact the push itself.

BS: No, the athletic part's very visible. Very visible because you're talking about money, you're talking about --

JR: Even in --

BS: Even today. Yeah.

JR: In '72?

BS: Well, not in '72, no, not in '72, because they didn't know that athletics was going to be covered by Title IX. But once they found out -- athletics is very important, it's money,

and it's big money, okay. It's power, I mean, a lot of football coaches make more money than the president. Yeah. I mean, we're talking big money. And it's emotional; it's machismo, at its best or worst. I mean, this is macho stuff and "these women are going to take it away from us," kind of thing. So, that's very visible as the regulation gets developed because people are aware of that

The change in admissions, comes more gradually, comes at each college which says, well, you know, we really should let women in now that the law makes us do it, so you know it covers the public ones, but even the private ones can't keep too many women out, although now some of them do discriminate against women, some of the smaller ones because there is more women applying, so they don't want too many women even today.

JR: Majority women

BS: But, that came without the same kinds of opposition. I think within the institution, particular institutions there may have been some opposition, you know, some Neanderthal, but a lot of men have daughters.

JR: Yeah.

BS: And my experience throughout the years is that men who have daughters are much more likely to be supportive. It's one of the best predictors— that and/or a wife who is working at a job, you know, professional job, you know, because she made a commitment to work, that kind of thing. But those are the two best predictors. Not being a Democrat or Republican. These are better predictors. Even Senator Goldwater did some good stuff for women.

JR: I must say the old-time conservatives do seem somewhat preferable these days than --

BS: Yes they do, yes they do.

JL: Well, if it's okay with you, why don't we stop for today and we'll come back tomorrow.

BS: Great, what time?

JL: Same time, same station.

BS: Yeah, or if you want to come earlier.

Tuesday, June 29, 2004 [continue interview in Sandler's office]

I have a couple of things I wanted to be sure that we got in.

BS: When Title IX is introduced, there aren't many people working on it. Essentially I was working on it myself at the beginning. But there are other people in Washington who quickly got interested, and we all worked together. That group expands, eventually becomes the National Coalition for Women and Girls in Education. When it formally became that, I'm not sure if it was when the Title IX regulation was enacted, but we were working together as a group and it ended up being about 40 or 50 organizations that were represented and a core of maybe 20 people that really did a lot of the work. That group is still in existence and it's a very useful group. It was particularly useful during Title IX because this group -- we met with the Office for Civil Rights on the regulation and we acted as a group. We met with Secretary Weinberger [Secretary of the Department of Health, Education, and Labor]. I'd forgotten this. We met with Secretary Weinberger and one of my ideas was to send out the regulation to every school superintendent and college president. That's never done with regulations.

JL: They hadn't been doing that?

BS: No, they never send out the regulations. They're published in the Federal Register.

JR: And they just assume somebody's just going to leaf through.

BS: Well, there always is someone in big organizations; there is someone whose job it is to follow the Federal Register. And Weinberger sent out a letter to every school district -- but again, it wasn't just *me* making that suggestion. It was my idea, but the group made that suggestion in a meeting with him and he agreed.

JL: And is there some place there are papers for that national coalition?

BS: You probably need to talk to Margaret Dunkle.

Q: Margaret Dunkle.

BS: Margaret was my deputy director at the project, at the Association of American Colleges, and she became the chair of the National Coalition for Women and Girls in Education. I did not want to be the chair. She became the chair and followed it – you know, and was very active in it at that point. She is in California, and if you remind me I'll give you her e-mail address. She comes to Washington occasionally. If I forget to do it, just send me an e-mail, although I'll be out of town; in and out. I have four trips in the next six weeks to California, back and forth.

So anyway, the National Coalition for Women and Girls in Education was extraordinarily powerful. They had very good meetings with government officials. They would have a pre-meeting to figure out exactly what they would say, what they wouldn't say. One person would be the chair. They'd be extraordinarily organized in terms of what they wanted. They would follow up and really develop some very good strategies in terms of getting things done. So I wanted to mention them because I think they played a major role, and even now, as time goes on with Title IX and its implementation and so forth.

The other thing that happened is when the regulation came out, one of the things – I was directing the Project on the Status and Education of Women at the Association of American Colleges which is now Association of American Colleges and Universities. I was putting out a newsletter and materials which went initially to every college president. All 3000 of them or something like that. When the regulation came out, I wanted to write

the women's analysis of the regulation and got permission from the head of that association to do this. I said, "People on campus are going to hear about this from women, and they need to know what women are thinking and saying about these regulations. When they write their *own* analysis they need to be prepared -- if they're writing something different they need to be prepared in advance of the criticism."

So I took the regulation, and although I'm not an attorney (girls didn't do that when I was younger), I took each item that I didn't like and said, "Here's what the regulation says." Then the next part was "This is what it means" and then "This is what it should say," and put it in legal language. So people could take that as it was and, or you know, pick which item they were interested in. And that went out to I don't know how many thousands of people. We had a good-sized mailing. I don't remember what it was at that point. At one point we got our list up to 18,000, but I don't remember when that peak was, so it may have been five or ten thousand people or more that it went to. What I did was I wrote that analysis in two separate ways. One was the more radical analysis, which I wrote -- it was a WEAL analysis, and we gave it to Bella Abzug, who put it in the Congressional Record. This was extraordinarily important because the Congressional Record is in teeny-tiny type which meant you could Xerox five pages rather than twenty or thirty pages of what this analysis was and other people could easily get it. They could write their congressperson and get it and whatnot. Then I took -- that was the original one, which did not have my name on it, then what I did was write it a little toned down for the Association of American Colleges. Other people quickly did analyses, but mine was one of the early ones, and it went out to lots of people. When the other associations, like ACE, did an analysis, it went to their members or whatever, but this was the most substantial one of the women's analyses, so it played, I think, a huge role in getting people to respond because they would also say "We support this analysis" or "We support the WEAL analysis" and just say that. There were about over 10,000 comments which was -- on the Title IX regulation -- which was more than most regulations. I don't

know if it was a record, but it was an astonishing amount at the time. Of course, by this time institutions realized they had a stake in Title IX, so they were commenting, but it was also that we did a lot of publicity on it. So I wanted to mention that because *that* was important. The other thing is that the project itself did major publications on Title IX. This one I can't give you because I don't have extras of it. But we did this initially in October '72. [A chart comparing the major laws covering sex discrimination in education.] It was revised and then there was a later edition after this. But we did this in '72, and this is *all* of the legislation that affects educational institutions and sex discrimination. It asked various questions and then you could compare and contrast the various laws with each other.

JL: Did you send this out to universities?

BS: It went out to every university.

JL: [laughs] I think I've seen this.

BS: Yes, people used to post this on their doors, and then the Office for Civil Rights reprinted it and used it in their training and so forth. But it was, again, a very, very useful thing for institutions to have. The institutions were coming from two different places. There's one - "We don't like sex discrimination legislation" but also "How come anybody's telling *us* what to do?" So it's kind of nice to just lay this out and see what you have to do. And some of the publications we put out in addition to the chart - I mean, quickly we did an analysis of the law, this is, you know, what the law says and what it does. I did another piece on what institutions had to do under Title IX, such as you must have a Title IX coordinator and so forth and so on. So it was like a checklist of what you have to do. And did a number of things like that. We did one on single-sex organizations and programs early on, what were the implications of single-sex organizations and programs

and essentially how you could get around them to have single-sex programs for women. [laughs] What were the ways in which you could do that? The project played a role again in educating people about Title IX and other issues as well. And that was also important. We also did some stuff on athletics, but by then other people were doing things on athletics and that's what happens later on. And I think the role that I played in both the use of the executive order and with Title IX, I was an early expert, and that's a very good role to have. And one of the reasons I got hired by the Association of American Colleges was because, one, I had worked for Edith Green. This meant to them that I was not a crazy "women's libber." I was legitimate. Boy, I mean, that was the best validation. I mean, I remember women – some who were fired and went on welfare, with doctorates. They just had terrible times. So I got validated by having worked for Edith Green and the House of Representatives. The second reason was that I knew that executive order, and I just filed the charges and HEW began investigating some colleges. So I was an expert. Nobody knew about that executive order, except a very few people – in time they all knew about it because it was causing them trouble. The other thing I wanted to say is that my own work – if I hadn't been there, we still would have gotten something like Title IX, but we would have gotten it later. Someone else would have figured out something. People would have complained. Edith Green would have met people. Eventually we would have gotten Title IX, but by then they would have known about athletics, if we got it later.

JR: And there would have been more

BS: There would have been more exemptions. And there would have been more opposition. Because I came early I mean, it wasn't a deliberate plan. But it was my being there and getting involved. And I think that is important to note that there would have been something like Title IX sooner or later. No, no, not sooner, but later. So that's what I wanted to say before we get started officially.

JL: That actually was two things that we wanted to talk about. And one is the Project. It starts in 1971? Is that right?

BS: '70, I believe. '70 or '71.

JL: And how did you do this?

JR: Did you start the project before AAC took over?

BS: No. Do you know Sheila Tobias?

JL/JR: Yes.

BS: OK, Sheila was called in by the Association of American Colleges because they wanted to do something about women. It was quite early on.

JL/JR: Just because? [laughter]

BS: Well, women's issues were coming up.

JL: Suspicious people over here.

BS: The guy who was the president had four or five daughters. That probably helped. Agencies and educational organizations were beginning to have charges filed against them and people were beginning to talk about women's issues. So Sheila said, "Well, just take one of your woman executives and have them look into starting a committee to examine this." Well, they didn't have any women professionals. It was all male

professionals and women secretaries. So they decided they would get a grant, and they got, I think it was two or three grants for the one project, which was not to do what I was doing but essentially to look at the issues and maybe do some research. But it was vague enough, and they were – the association itself was vague on what it wanted to do. And I just sort of figured out what ought to be done and I essentially started off with the newsletter, which was mimeographed, one page initially. I was going through my papers recently and saw one or two-page mimeos. No, not in blue. We didn't have colored Xeroxing.

JL: Wasn't mimeo blue or purple?

BS: No, you're thinking the hexagram or the fax thing.

JL: Whatever my exam was.

BS: Yeah, that was even worse. No, this was mimeographed and was black and you got ink all over your fingers if you did it yourself. A very bad process. But I was able to shape the newsletter. And, again, even though I was an expert, it took me a while to figure out what I was doing. What I was doing was providing information that was not easily available any place else. I did a summary of the executive order, for example. That one I did with someone at ACE, but that wasn't readily available. You couldn't really find a good summary of it. What I've learned about myself is I'm a very good, clear technical writer. I'm not a literary writer. But I can write this kind of thing and people know what it means. So I was able again as an expert to provide information to people who had no other source. As the project evolved there was the newsletter and we came out four times a year. And then we would send out attachments – a booklet, a paper, something like this. So people got material. Sometimes you would get material from other people. Like the university, I think, SUNY-Buffalo had an affirmative action plan for women long

before anybody else, and we were able to get copies of that and send them out and say, “Here’s what others are doing.”

JL: Did you have an advisory group?

BS: I did have an advisory group.

JL: How did you know what to do?

BS: I stumbled initially. I mean, I – I think I have a great belief – and this is a ‘30s and ‘40s belief – in the power of knowledge and information. And so my thought was also these are basically good people out there. Some Neanderthals, yes. There is the power of the laws, executive orders, and if people have information, then many of them will do the right thing. Plus, women were beginning to organize. I mean, when I started, I knew almost every woman in the country who was working to do something about it. That doesn’t mean there weren’t more that were sympathetic, but there were so *few* of us. As time went on, you begin to get committees, commissions, on the status of women beginning to form. And you begin to get women talking to each other and developing networks around women’s issues. This is new, in the ‘70s, on campus. And my idea - I didn’t do this deliberately, initially, but essentially what I was doing was making them better advocates by providing them with information. I didn’t know that, but, you know, years later you’re writing annual reports, “Oh, that’s what I...” So by giving them information, really, if they know the law, they can then say “You know, this is against the law.” The school initially says, “Oh, no,” but they do check with their attorney, who does check with something. You know, school attorneys loved this chart, because it did compare and contrast, which is nice. And I had done something like this when I was a graduate student with various psychological theories, compare and contrast, so I knew the format and it just made sense here. I just would get good ideas, and I had a good staff. I

had one person initially, and then it got to be two people and at one point we were up to even twelve, who were all wonderful people who taught me how to be a manager. I didn't know a thing about being a manager. And when I would make a mistake, they would tell me, you know, "We have to have a meeting. What you said the other day, the way you handled this assignment, isn't going to work." It was a wonderful relationship. We still see each other. The project's been disbanded for – since 1990.

JL: And it's just gone, right?

BS: There's somebody else, but it's not a real replacement. It's totally different. It serves a different function now. Newsletters are disappearing and going on the Web, so it's a very different thing. The newsletters were very important at the time because there was no way to find out a lot of this information. And because I was at the Association of American Colleges, they got a lot of information from various colleges and news releases and whatnot, and this all got circulated and I would pull out anything that had to do with women and put it in my newsletter so everybody would see it. And then as I started giving speeches, which I didn't do initially, because I was terrified of flying. Want to hear my story? Can I digress for a minute?

JL: Sure.

BS: I was absolutely terrified of flying. I had done it a couple of times, and I certainly didn't want to do it again kind of thing. For example, when people would ask me to come out to Iowa, I would just "Well, I'm so busy that week" or whatever. There was a wonderful black woman who I worked with. She was with the NAACP, a tall woman with enormous personal dignity. There is a type of black woman who has that. Martin Luther King's wife, Coretta King, has this, this enormous They radiate strength and dignity simultaneously. And this was that kind of person. She called - I'd worked with her on

some of these issues – she called and said, “We’re having a conference in Houston for trainers, and we’d like you to give a major address.” I said, “Oh, yeah, I’d like to do that. Is there a train that goes to Houston?” And she said, “What do you want a train for?” I said, “Well, you know, I don’t fly.” And everybody else had been very sympathetic, and she was just the opposite. She said -- there was a pause – and this is a direct quote – she said, “Listen, girl. You want to stay in the women’s movement, you learn to fly or get out!” Now I’d never seen her angry incidentally – well, I’d seen her angry, you know, in terms of civil rights, but she was certainly never angry at me or anybody else in that way. But, boy, that did it. Then, I flew to Houston. But the reason I mention flying around to different places though, it was important because I talked to people. This is how I got ideas. That was really a good question because I’ve been thinking how I did that. One of the ways I got ideas is that I went from campus and I’d give a talk or two or three or four or five or whatever. But I’d always meet with women because the women were usually arranging for me to come. Not always, but often the women. And I would hear the stories, and when I kept hearing the same story again and again, I’d figure out I’ve got to write about this. I mean, that’s how I knew about sexual harassment, to write about it. That’s how I learned about gang rape. That’s how I learned about the chilly climate. You keep hearing the same story in very different settings, you say this is a pattern, something’s going on here. And I think I learned a lot that way, from other people telling me their stories. It was a good time to learn.

JR: Did the association pay... I mean, obviously, the grant didn’t last forever.

BS: We kept getting more grants. We were able to get more grants for a long time. The Ford Foundation was extraordinarily helpful. Carnegie was helpful for several years. We had some government grants, one to work on “The Chilly Climate.” Do you all know the Chilly Classroom paper?

JR: Yes.

BS: OK, we had several grants along the lines of the Chilly Climate, and they were all financed by the government. FIPSE [Fund to Improve Post Secondary Education] gave us a number of grants on that. We did quite well. The project lasted twenty years primarily on foundation and federal grants.

JL: The other thing you mentioned that we wanted to talk about is that at the beginning, like in '69, '70, when nobody was an expert... You said once you started talking, you got to know everybody else who was interested in the same issues. How did this happen?

BS: It happened in a couple of ways. One, has the name Catherine East come up at all?

JL: I know her name.

BS: Catherine East was a government worker. After the commission that John Kennedy set up – Commission on the Status of Women, I believe it was called – eventually Nixon gets elected, and I believe it's Nixon - may have even been Johnson, I don't think it was Johnson – I think it's Nixon sets up a committee (advisory council (?)) on the rights and responsibilities of women. They come out with all kinds of recommendations, incidentally, every one of which has been adopted other than the Equal Rights Amendment. I found that list recently after reexamining my papers, and that's amazing! Catherine was the staff person for that council. There's no – I mean, there is a NOW organization, but there's no central place you can go to find out... I mean, I can't get a credit card, my husband and I are divorced, I can't get a credit card, I think it's discrimination against women, you'd eventually call Catherine. So she knew, she was the central person, and because, again, this is in the early days of Xeroxing, she had a Xerox, which was incredibly important because any time there were articles about

women, she would re-Xerox and send it out because her network kept developing. She would send it out to people. And then if they had a Xerox (many of them in academe or big industry), they would re-Xerox and then send it out to other people. And in those days, the more you Xeroxed, the fainter it got. The other thing Catherine did is – I mentioned I met with Vincent Macaluso. At the end of that meeting he said, “Do you know Catherine East?” I said no. He said, “You have to meet Catherine East. She’s housed in the Women’s Bureau, so she has contact with the other women there, but she’s working on women’s issues, and you’ll really like her.” I went to see Catherine, and I often joked with her later – she’s also dead – “You know, if you had been mean or nasty, I probably would have dropped out of the women’s movement, thinking ‘Oh, if this is what they’re like, I don’t want anything to do with them.’” But she was very helpful and put me in touch with other women in academe who were interested in these issues. Catherine was the hub. Think of the time when there are no women’s newsletters at all. There are none. There are no women’s caucuses in any of the disciplines. Women’s studies is, maybe Sheila Tobias is teaching a course and maybe Florence Howe is teaching a course. But there’s no women’s studies network; if it is, it is just beginning. There’s no women’s conferences, even. So how are you going to get in touch? Through Catherine. She was a fantastic, absolutely brilliant woman who should have been an attorney, but, again, times were different. She is the one who came up with the whole concept of how pregnancy should be considered – maternity leave has two forms. One is pregnancy should be considered as a temporary disability and treated like a bad back or anything else. And the second part – the first part is child-bearing and the second part is child-rearing, and you treat that, you know, if you have a policy of maternity leave for women, you’ve got to have it for men kind of thing. It sounds so simple now.

JL: She did that?

BS: She did that. She was absolutely brilliant, absolutely brilliant.

JL: She stayed at the Women's Bureau?

BS: She stayed there until she retired. She was absolutely fantastic. She knew the laws, and then she taught me a lot in the beginning because what did I know? Nothing! She was one of the people who taught me a lot. She was a really good person. She was in touch with everyone and very shy. Not shy, but certainly not interested in being in the spotlight, particularly being in the government. She was very much aware of what she could do openly and what she could not do openly. She was very powerful throughout many years, but in the beginning a lot of her power resided in her knowledge because she knew everybody and everything that was going on concerning women's issues. Anyone who was interested in women's issues would eventually find Catherine. At the beginning, she did know everybody, and she knew about the government. You see, there were a group of people – I mean, there were several strands in the women's movement. There were a group of us who got very interested with the law, what is the policy, those kinds of things. And there were others who were not so much interested in laws but things that were not necessarily amenable by laws or that were related, like sexual assault, and it is a legal issue but also has other kinds of issues as well. And Catherine particularly through the Federal policy, which of course has enormous influence, was extraordinarily influential for a number of us because she taught us. Many of us had not come with policy experience, many of us were just babes in the woods. And she was very good in teaching us to understand this stuff. This is a time when there were very few articles on women. You go to a law journal, there's no articles on women. Maybe something on family law occasionally, but there's no articles on women and law, as such. There's no articles on sex discrimination. That's relative, I shouldn't say no, there may have been a few, but there certainly weren't many.

JR: And were the women on the hill, like Green or Martha Griffiths, involved in these things, or were they the people you went to once you figured out what you wanted to do?

BS: No, they weren't directly involved. I mean, you work for the Congress you're pretty busy with all kinds of things, even if you have an issue that you care about. Some of these women had worked together when Edith Green pushed through the Equal Pay Act in 1963. And how much they worked together, I don't know, after that. I do know that when Edith Green held her hearing, several of the women in the Congress came and testified. Shirley Chisolm testified. Martha Griffiths testified. Martha Griffiths gave the first speech on the floor of the Congress concerning discrimination against women in education. This is what I thought, that she gave the speech on the floor of the Congress. Of course, it was just a speech in the Congressional Record, you know, looks like she gave the speech, but of course it wasn't. I gave her the first draft of the speech, and I used to get such a kick initially when I would be talking somewhere, like at a university, and when it was timely, I would say, "As Martha Griffiths said on the floor of the Congress..." and I would, you know, be quoting my own words. It was kind of fun. But these women in Congress, many of them became quite interested in women's issues, quite interested.

JL: Was it hard for them to be too much out front about women's issues?

BS: Well, remember, Ella Grasso – was she a representative? Did she get to be a senator? I think she was a representative, and she got chastised – chastised publicly – for wearing pants so much in the Congress. It was a very different time. There was a group, a women's caucus when the active women members of the Congress actually got together in an official group, and it got disbanded at some point when the Republicans took over. They got rid of a lot of the caucuses, which were official bodies of the Congress, and then they just got rid of them, so that got rid of that. They have some sort of women's group

now, but it's not nearly as powerful or as useful. And there are a lot more women in Congress now, and it's not as difficult for them now as it was initially. But there were a few members of Congress who were quite interested in women's issues, but what could they do? Edith Green was in a position where she could do something with education. Many of them were not chairs of a committee, and to really introduce legislation that has a chance of passing, you've got to be friends with someone – you've got to be either a senior member of a committee or a chair or have very good contacts. And again women have much less informal contacts and so forth and so on, so they're not quite as powerful. I learned something incidentally. Remember I mentioned there was a woman who was doing an article – doing the book for young people on Title IX. I forgot to mention this yesterday. She said Edith Green voted against the bill that had the Education Amendment. I don't think I knew this when it actually happened.

JL: I knew that there was a controversy between She was mad about something.

BS: Busing.

JL: Oh.

BS: Busing. Yeah. She was quite conservative in some ways, you know. Something in busing there that she didn't like or whatever. I don't remember the exact wording . I don't even remember what side she was on. I'm not even sure I knew. But I didn't know that. I just knew the bill had passed.

JL: I think I looked at the roll call vote for Title IX recently. There were lots of people you would think, like Kennedy, who would have voted for it but voted against it. Because I think there was this busing amendment. Probably if he voted against it, I assume it was a "you can't bus."

So talk about working with Edith Green and Martha Griffiths.

BS: I worked with Edith Green. I met with her once, about Title IX. She hired me to work with her counsel. She didn't hire me then. I was going to testify. And I met with her counsel and gave him a list of people who could testify. She then hired me to be a member of the staff. The committee has its own staff. My job was as a temporary member to put the written record together. Somebody has to put it in order. Somebody has to make sure all the pages are there, and so forth. So I worked for her, I think it was originally six months and it got extended to either eight or nine months. I hardly ever saw her. In fact, the attorney – he and I shared the office with one or two other people – and my desk faced the hall, and he said, “If you see her coming, let me know so I can run out there and talk to her!” because he had trouble getting her to talk to him. What else? We just didn't see her that much. I met with her a couple of times with other people. Years later, I sent for my FBI records under the Freedom of Information Act, because I had been vetted when I was appointed by Ford and then Carter for a National Advisory Council on Women's Educational Programs. [The Council was disbanded after Reagan became President.] I knew there had been an FBI investigation because they interviewed my sister and other people I knew. So years after I thought it would be kind of fun to see this, so I got it. And there was one person from Oregon whose name had been blacked out. I didn't know anybody else from Oregon, so it was clearly Edith Green. And she said some nice things about me, but she also said, “She's a member of the radical wing of the women's movement.” And I laughed and I said, “Well, you've got to give her credit. She hired me. She hired me.” But I was amused at seeing that in writing.

JR: She was relatively conservative in retrospect?

BS: She was quite good about racial issues. I think she got more conservative as she got older. She's responsible for a lot of the federal financing of education. She was called Mrs. Education, or Mrs. Higher Education, actually, because she worked more in higher education. Anyway, it was for me a very, very lucky break because I got validated. You could not call me a crazy person because I had worked for the U.S. Congress, and there were a lot of people who were called crazy people simply because they were interested in women's issues.

JL: So Edith Green is the force behind the Equal Pay Act?

BS: Yes.

JL: And why did she do that?

BS: Because she knows women get discriminated against. She was a teacher. She cared about a lot of social issues. She was not a Republican. She was a Democrat and had all that history. I don't know why she did it, other than that she cared. The Equal Pay Act was the first discrimination in employment act. It's limited. In order to get the bill through, this is why it had that exemption for some women employees. That was the compromise. "We'll vote for it, if you exempt the executive, professional and administrative persons." Did I tell you that that was omitted by being slipped through in Title IX, to get rid of that exemption? I did tell you that? I don't think I mentioned Morag Simchak.

JR: No, but I was going to ask you about her because I read about her in your piece and I was interested.

BS: Morag Simchak was a Polish countess who escaped the Nazis in a horse-drawn wagon at night.

JL: I think you're making this up!

BS: No, no, no, she really was a countess. And she came to the United States and she worked her way up, and worked in the Dept. of Labor, working on the Equal Pay Act, and she knew more about the Equal Pay Act than anybody else. A lot of these women in the government had experienced discrimination. They watched men who had been there less time, who were less qualified, move up beyond them and so forth. And some of them were very bitter. I met one in particular who was very bitter when I first met her and over time she got less bitter because she saw what was happening with women's issues. But initially she – this other person -- was a very bitter, angry person and thought we were wasting our time doing these things. So there are women like that; Morag was not bitter; she had the Equal Pay Act. And when a bill is being drafted, the department that is responsible for implementing that bill will often put someone on release time or to work with the Congress in the wording of the bill because they're the expert. And whether the department or administration opposes the bill or not, it's to their advantage to have someone there because it gets rid of a lot of junk that could be in the bill and they're the expert to do it. So Morag was working with Edith Green because Edith Green wanted to get rid of that damned exemption for executive, professional, and administrative women – it included women faculty, women teachers, and other professionals as well. So Morag was at work drafting; Morag was another genius. What she did, she drafted it so that it looked like a technical amendment. Do you know what a technical amendment is? When a bill is done – it's introduced and it's passed -- sometimes there's an error. They put "or" in instead of "and" and it's clearly an error and nobody meant it. It's in the early version of a bill, there's no record of it being changed. Or a comma disappears. But if everybody agrees that it's a technical amendment that would not change the substance and it's going to clarify the law because it's an error (it's like a typo) and if you don't take care of it, it could be bad. So Morag drafted this part of the Title IX bill [deleting the exemption for

executives, professional and administrative women] so it looked like you were correcting a technical error. It didn't say "The Equal Pay Act is amended to get rid of this exemption." It said "Section B(1), whatever kind of thing, is deleted" or something like that. I don't remember the exact language, but you would have to go to the original Equal Pay Act to realize what was happening. So that was step one. Step two was that she did tell her bosses that she had finished doing the initial drafting for them. That was her obligation to do, and she did; but then she never told them again, because they would have opposed it. They obviously were not paying attention. So after Title IX was passed, the Labor Department was furious to find out that their jurisdiction had just been increased enormously because the exemption was deleted.

JL: Did she get in trouble?

BS: No, why would she get in trouble? She told them.

JL: Not the bosses I've had.

BS: She probably said something like, "Well, no. I told you I'd done it. Remember, you signed it." She probably gave them a copy. They just didn't read it. Again, people were not thinking of women as a major issue. I mean, now it's a political issue. It's not as strong as we would like, but people know it's an issue and you'd better pay attention to it and see what we're doing, so we'll know whether we should do it or not do it or how we'll explain it. But nobody was watching at that time -- the people in higher ed, the athletics people, and the Department of Labor. They were not watching. So that's the story with Morag.

JL: Do you know if she's still around?

BS: No, she also died. Many of these people were somewhat older than me. Nobody lives forever, unfortunately.

JR: We certainly know about the kind of opposition to women's movement activity that certainly was obvious by the late '70s, and particularly from individuals, Phyllis Schlafly and so forth. So we're curious if and when some of these opponents interacted with you, contacted you...

BS: Oh, initially? There were all kinds of opposition. There's the psychological opposition, the recognition that "this is going to change the power balance in my life and I'm a big person and these little upstart women are going to take over or try and take over." This is, you know, a gut reaction. I got some of that when I spoke. I don't get it anymore because these days nobody comes to hear me speak if they disagree. But in those days, they would come to argue. So I would get some of this in colleges and universities. In fact – oh, God, I'd forgotten this – there was a guy, his first name was Lester, I can't remember his last name. He was a Princeton economist who had written an article on universities and this executive order. And he wrote it for some series of books, which I can no longer remember, which usually came out very slowly. If you wrote a book, they would send it around to people and so forth. But they were in a hurry to get this out because it was timely. So it was published, and it was full of errors. And so I wrote (HA!) like a rejoinder and it was published in some... I don't know, Columbia Journal of something or other. But it was published, and this was a very famous academic economist at the time. And I went to a conference at Harvard where I was speaking, and he was speaking there too. And the night before, we were all at somebody's lovely house at the beachside for an oyster roast or whatever they do – they put them in the sand, whatever. And he found out who I was and came over and started screaming at me, literally screaming. I mean, he was like twenty years older than me and disrespectful. I didn't know what to do. I mean, he was screaming, "You were wrong," like a little kid. Then the

Dean of Harvard – I think it was Neil Rudenstine, yeah, later he was the president, he pulled me aside and said, “Let me show you the . . . ,” and guided me away from the screaming economist. But you did get some opposition from people like that. I mean, we were knocking down cherished beliefs, so you got some of that. You got people who opposed a particular thing. There was a lot of struggle internally on TIAA-CREF, and I had written something...

JR: Why was TIAA-CREF concerned?

BS: With TIAA-CREF, at that time, if you paid into your pension with a man who was making an identical salary and paid in for the identical time, he would get a higher pension than you because you were going to live longer. So you were going to get a smaller pension than the man. There's no guarantee that you'll live longer incidentally or that he won't drop dead two weeks after his pension starts. But you are going to get less, and I looked at that and I talked with Catherine and other people, and we all concluded – although the Supreme Court hadn't concluded – we concluded that it was a violation of Title VII, it was sex discrimination. So I wrote in my little newsletter that this was a possible issue. TIAA-CREF was hysterical. They complained to my boss, and I had to say, “Well, it is an issue, and it's going to come up.” I mean, TIAA-CREF used to follow me around at conferences and see what I was going to say about this. So you got that kind of opposition around a particular issue. They were not necessarily opposed to Title IX as such but on how it might affect their pensions. This is sacred. I mean, everybody knows women, you know, live longer, and the money has to last longer instead of putting them in the pool of men and women together, as they do now because of the Supreme Court ruling. But you got that kind of specific opposition to certain issues. Athletics is another one that segmented. So you'd get people who say, “Of course, TIAA-CREF should have equal pensions, but athletics....” So you have segmented opposition. The gut kind of stuff – that's across the board in terms of just about everything. And it gets worse with the

Equal Rights Amendment. It gets worse with athletics because that draws in a lot of people. And it gets worse with the Equal Rights Amendment because I think people recognized what the Equal Rights Amendment would really do. So and again although people would say “Well, I can see this law – whatever law it is – is unfair, but that’s a state law and we can change it. This is a federal law. Well, we can change it, but an amendment to the Constitution is pretty scary.” The ERA raised a lot of issues, and particularly among married women who were traditionally... I would say, involved in traditional beliefs such as women belong at home. Maybe if they want to work, if they have to – they lose their husband or there’s just not enough money. There was a group of women – and still are to some degree – women who are at home, who buy into the traditional beliefs of what a woman’s role is. And they recognized, and their husbands often recognized, that the Equal Rights Amendment might shake that up. I mean, after all, if the woman had a lot of money, she might have to pay her husband, instead of him paying her, if they got divorced. That’s pretty scary to some people. I have another friend who used to say “Every woman is one man away from welfare.” The longer you’re out of work, the longer you spend at home with your kids not working professionally, your salary is affected, and it’s very hard to get back into work in many fields. In science it’s impossible to pick up if you’ve been out for five years or even less. The thing that saved us from this opposition is we had the horror stories. And there were just lots of horror stories. I mean, I used to give whole speeches full of horror stories. Like I’d say, a lot of schools were doing studies of salary equity, and I’d pick up bits and pieces, and I knew of one woman who worked at some institution in a medical school, who literally opened up her paycheck and it says, “You’ve just received a \$22,000 raise.” That’s astounding! This is, you know, 1970 figures! \$22,000 a year less than other people were making. And who knows that it wasn’t even more. So I would tell that and people would “Ahh!” you know like that. There were horror stories, and I think that’s what made the women’s movement succeed as much as it did because people are basically fair. Incidentally, if you see today’s New York Times, there’s a great article in the sports

section on Title IX in the high schools and middle schools and athletics. It's a really nice article. It was too big to bring in to Xerox, but if you have a chance, get the Times, it'd be worth it.

JL: I get it at home, but, you know, I haven't seen it on the street here.

BS: I don't know if they have it on the street. I get it delivered, so that really hadn't occurred to me. But it's going to be online, also.

JL: Did these people ever sit down together, the women opponents and the women proponents?

BS: No, I sought out one woman who was working on family issues. I called one of the women, just like to meet, have lunch because I was looking for some common ground that we could talk on. It was an interesting lunch, but nothing came of it. Actually, women working together would work as coalitions do – you would work on those issues that you agreed on and the rest I mean, the initial coalition, we didn't all agree on everything, but we just worked on the issues that we did agree on. And the Republican and Democrat women worked together a lot especially on issues of sex discrimination and also the Equal Rights Amendment. When Nixon was being impeached, through that whole time, in Washington in particular, you couldn't talk about anything but the impeachment of the President and what was going on, and I remember one meeting at the White House with Republican and Democrat women, I don't remember what it was about, but it was the only meeting I had during that time where nobody mentioned the President. It was like some terrible, shameful thing had occurred, and we weren't going to rub it in their faces or say anything about it. But there was at that point much more cooperation with Democratic and Republican women, particularly around women's issues. I mean, they disagreed on tax policy issues and foreign policy. But on women's

issues there was a good sense of unity. I don't think that exists today as much. There aren't as many women's legislative issues, and those that are are somewhat controversial. There's an attempt now by the Bush Administration, as you probably know, to change the single-sex school regulation.

JR: Actually, that was one of the things we wanted to talk about. So, what do you think?

JL: They have a regulation, right?

BS: Just proposed. The proposed regulation would allow single-sex programs, classes, and schools, without having to provide equal or comparable single-sex programs. You can have a single-sex or coeducational one, but there's no definition of how you'd really show that. The two places that sex segregation are allowed in the current regulation are sex education, which is not a big issue, and athletics. If you look at athletics, where sex segregation is allowed, if you look at institutions and say, "So what is your history of having sex-segregated programs, like athletics?" And if you look at high school athletics, and you look at middle school athletics, they are much worse than in colleges and universities. I mean, this article I mentioned says that girls are changing uniforms in a shed. Boys don't do that in athletics. They have, you know, locker rooms and things like that. So that says to me that if they haven't been able to provide equity in 24 years and there's still enormous discrimination, why should we trust them to do it with single-sex classes? And I think that's a very valid argument to make. They haven't done sex segregated programs well, and they're not going to do it well with this, either. There are some very good legal reasons why they shouldn't do it. There have been some people who have said this would be blatantly unconstitutional in that we're putting institutions at risk for suits. And I think that's a decent argument. And if you want to see the best analysis of this, see the National Women's Law Center web site. Oh gad, I'm forgetting her name too. They did a terrific analysis of the single-sex proposed regulation, which is,

I think, very dangerous because you could have a terrific all-boys' class; and you would have a coeducational class. Now that means you would have more girls than boys in that class, and what does that mean? There's nothing in the regulation, incidentally, that says you can't choose teachers by their sex, which would, of course, violate Title IX and Title VII, but there's nothing in the regulation that talks about that and reminds schools of this. Because people don't know that law, they just say, "Oh, boy, an all-boys' school sounds great for these inner city kids, and we need to get some male teachers to teach them and they'll put the male teachers in there. And then what also happens -- I saw one teacher being interviewed from an inner city school and they just separated the boys and girls science classes, and he says, "Really good idea. The boys really like hands-on stuff, and I can do much more hands-on stuff now." That's what's going to happen with that regulation because it will exacerbate the stereotypes, which is why people want single sex program -- the regulation as proposed would encourage stereotypes that boys and girls learn differently and therefore behave differently, and therefore you have to separate them. And that will make all the stereotypes become legal.

JL: And there are proponents of this?

BS: Well, first of all, research on single-sex schools is generally not all that great. A few are not bad, but it's generally not great. Are you old enough to remember the Hawthorne effect? It's old, old research, I think from the '20s or 30s, where they put lights in a factory and everybody did much better, and they realized after numerous experiments that if you do anything, any intervention, any change, people will just do better because it's a change. It's like a placebo effect. New York City has a girls' school within a regular school. What they did is, ok first of all they carefully select the girls. They're not selecting the bad kids; they're selecting the smart ones and the good ones who behave well. And then they get corporate support. The school is peeling paint all over the place, but the area where the girls' school is, they get corporate support to paint the walls and to

put in nice furniture. And they get publicity which says girls do better in a single-sex environment. That's the expectation. Of course they're going to do better. A lot of girls' schools have that at work. The other reason this is very bad is that, the proponents of the proposed regulation say children in public schools have the same choices to go to private schools that rich people have. With very few exceptions, if any, most single-sex private schools are a single-standing school for girls, or a single-standing school for boys. So no one is making decisions, as they are in a public school, "What are we going to give the girls and what are we going to give the boys?" And that's the difference. So in a single-sex school, you pay your tuition and your kid isn't going to be discriminated against, but in the public setting, someone has to make decisions if there's a boy's program AND a girl's program and there's only one of something, how are they going to do it? "Oh, girls aren't that interested in science." I mean, you could say the girls need more stuff in science, precisely because they are not as interested. But then maybe there are some boys who need more stuff in science because they are not as interested. And, indeed, some girls are already interested in science. And that's where the stereotypes come in so I am very cynical about this proposed regulation.

JL: Has there been much organizing now?

BS: There was a tremendous amount of organizing. Oh, yeah. The two big things that happened this year was the single-sex one, and all the women's groups – again, the coalition does this and now on the Web you can send stuff out all over the place – were able to get a real effort to get people to write something in, even if it was just something like "I think this is a bad idea," just to get the numbers up. And with the commission on athletics, that is an interesting one. The Commission on Athletics held hearings, and the women were organized: at every one of those hearings they came and they were there. They couldn't testify as much as they wanted, and so forth and so on. And there was a tremendous amount of outpouring of letters to the President over this – now you can't

easily send a letter to the President anymore. I don't know if you know, but they've changed this. It's very hard to send "Dear Mr. President, I'm opposed to this legislation." But they got a lot of stuff in, and then they finally came out with some wishy-washy decision which said they're not going to do very much. And I think what happened is, they found out that Republican fathers obviously have daughters. So it's not as partisan an issue as they thought it was. So this is my take on it, and I don't know if other people would agree.

JL: The commission is an example. There are a number of these kinds of things that always fascinate me. To the extent that they are regulations or things that the President does or that agencies do, you know, agencies can undo what they do. Just like the agency can say "Well, we're going to withdraw this amendment and change things drastically but not very visibly," you know, so could the President or the Secretary of Education say, "I'm going to change this regulation." They don't need a commission to do that. Why do they do that?

BS: Why do they have a commission? I'm not sure, either. I'm not sure if it was because they were already getting opposition and they wanted the appearance – this was a hot issue. Some things you could change and nobody but the lobbyists and a few small interest groups would notice. This is a hot issue, so they needed the appearance of fairness. They even put a few people, some of our people, were on it.

JL: So politics with a small p to do this?

JR: Also, no matter what you do as an executive, it's easier to have a commission or a committee.

BS: Yeah, you can say “This is what the Commission said.” My take is that they got a lot of opposition that they didn’t expect. I think there was a feeling that partisan politics is important, and this was not partisan issue. I think there are a lot of Republican dads and moms who care about their athletic daughters. This was not just Democrats saying this was a bad idea.

JL: It’s interesting. An example of politics that works --

BS: But you’re right, they can change regulations, and very often do. There’s a big push right now to change a whole bunch of regulations in industry.

JL: That’s an example, if you’re going to do it, do it quietly, without a lot of fanfare.

BS: The women’s issues cut across a great many people, unlike certain issues, well emissions, I care a lot about emissions, but it’s not an issue that everybody cares about. With women’s issues, it’s your kid, it’s your sister, it’s your neighbor’s kid or your niece, so it’s a different kind of interest that grabs a lot of people.

JR: We were intrigued yesterday, and very convinced, I think, by your argument about the importance of naming, particularly about naming discrimination as sex discrimination. What strikes us, though, is that at least in universities now, there’s a lot of talk about equality but not about discrimination. I wonder if you could talk about this.

BS: First of all, we never really had most of the young people. You had some radicals on campus, and some of them were interested in women’s issues. But we never had the majority, I think, of women students, even in the ‘70s. I just don’t think we had them. This is the mating age, and they want to be liked by guys. So I don’t think we had as many as we think we had. Those that we did have were very visible. You know, we had

small clusters who started a women's center and they were very visible, and they demonstrated and everything. But I think the vast majority of college women were not – maybe they were interested a little bit and whatnot, but, I mean, they weren't, we didn't really have the numbers, in retrospect, that we like to think we did. What I hear continually from people who teach in colleges – and I know you've seen this – is you have kids who come back five years later and say “Now I know what you're talking about.” So that is when they get out, they then learn more about discrimination. Unfortunately, they're busy being married and with kids, so they don't have too much time to act. But there is certainly a feeling among many young women that we solved all the problems and there is no discrimination. That's very hard to change. I always say, go look at your school in your district and look at the girls' soccer field and then look at the boys' soccer field if you think there's no discrimination. Or maybe throw out some figures and stuff. But I think young people really believe it's all settled. Because again, we don't have the horror stories. I mean, I tell them a horror story, and since that doesn't happen anymore, therefore we must have solved the problem. And it's hard to come up with horror stories. I mean, you come up with salary discrepancies, and they say, “Well, you know, women aren't interested in becoming scientists” or “they're getting married and having kids.” There are all kinds of reasons you can come up with as to why people are paid less. Except as you all know, every study that's ever been done practically, for example you can look at publications and pull that out statistically and you can look at experience, you can look at quality of education, you can – all kinds of things, and when you're all finished, there's a piece of salary differential you can't explain, and that's discrimination. But that's hard to get across to young people. So they don't quite get it.

JR: And maybe when you talk about discrimination, it's something that you have to do something about, whereas if you talk about equality...

BS: They believe we have equality, so it's settled. And I think I mentioned this to you yesterday that college is the last bastion of equality. This is the best it's ever going to be for these young women, and they have no idea, they don't know. I got an e-mail yesterday that just broke my heart. The friend of a young woman, she's doing some research or whatever, I think she's a graduate student or something, and the friend is a teacher, went for a job, and the principal of the local high school said, "I'm not going to hire you. You're going to get pregnant and take time off, so I'm not hiring you," so he hired the brother of his secretary or something like that. But that was his excuse. The tragedy is that this woman is sterile, she cannot even get pregnant. But I don't think she mentioned it to the principal. But the friend wrote, "Well, what can we do?" She said her friend just wants to wait until next year and try again, which, of course, won't make any difference whatsoever. But it's still there. I was surprised. I would think everybody knows that now pregnancy discrimination is illegal. But then I'm continually surprised when I work on sexual harassment. I work as an expert witness sometimes, and I'm continually surprised at the things that go on because you'd think people would know, and they don't. They simply do not have any idea.

JR: Let's skip to the Equal Rights Amendment and your involvement.

BS: The Equal Rights Amendment has been introduced a long, long time, and I have to get back to Alice Paul. (If I forget to mention my encounter with Alice Paul, remind me.) It had been introduced every year in the Congress, maybe for more than 20 years. One of the sponsors incidentally was Howard Smith, who was responsible for introducing, for amending the original Title VII to include sex discrimination. Everybody says he did it to kill the bill, but we don't know for sure because he did sponsor the Equal Rights Amendment every year. Now it wasn't going any place and maybe he knew that, but he still found it important enough to do.

There's an interesting story about Martha Griffiths if we have time to digress, and that amendment. This is Title VII which, when proposed, covers race, religion, color, national origin discrimination. Smith introduces the amendment to cover sex discrimination, ostensibly to kill the bill. He may have had mixed motivations. Martha Griffiths quickly realizes that everybody will be protected against discrimination except one group – white women. And even, to some degree, black women if they're discriminated against as women. So she picked up the ball and got other women involved, including Edith Green and other women and other people. She had very good ties with Gerald Ford who was the minority leader. She had good contacts because they were both from Michigan and she worked very hard to get that bill passed, to get that amendment to stick, not to pull it out. The Equal Rights Amendment had been kept alive by the National Women's Party. If you have time, you should look for that building. It's really fun to look at. It's a really old building, one of the buildings not burned down in the War of 1812. It was given to the National Women's Party by Mrs. Belmont of the Belmont Racetrack and Belmont State Park in New York, who gave them \$3 million and either purchased the house or she gave them the money to purchase; but that's another story. So Equal Rights Amendment is – now people are looking at it. You know, it's people like Catherine East who know about the Equal Rights Amendment. Which of us knew there was such a thing? Most of us didn't. But Catherine knew, and again she knows all these other women, and she gets people involved in the Equal Rights Amendment. I was asked to testify on the Equal Rights Amendment at the Senate Judiciary Committee that was holding hearings on it. I was asked to testify on it because of education and to describe the educational implications. I got very interested in it. Partly I think for me and for other women, too, our view of women's issues was just expanding. From this narrow way in which I started, which was with a focus on employment, vocational ed, and admission quotas. Suddenly there was all other kinds of things how federal and state law had sex discrimination entrenched in them. It's like “wow!” It's like women's studies in the sense it's a whole new area which I knew

nothing about. It was absolutely intellectually very, very fascinating. There were many meetings of people working together. Senator Bayh played an important role in that. And at some point, someone says, “We’re going to add an amendment to the Equal Rights Amendment that says it has to be ratified – within 7 years.” Or was it four? I’ve forgotten, seven years. Alice Paul was still alive and appalled. She called a group of us in to meet with her and to my everlasting shame we thought of her as a little old lady, and she said “This is going to kill it. The seven years, they’ve never had it in an amendment. You should be opposing that.” And we figured “Ah, amendment will pass, it will sail through.” She was absolutely right. And that essentially killed it.

JL: And who was Alice Paul?

BS: Oh, I’m sorry. I’m glad you asked, though. There’s no shame in not knowing who she was. You went to school when there was no women’s history, so it’s perfectly OK. Alice Paul goes back to the suffrage days. She visited England, I believe, and learned about passive resistance. I don’t know if she was arrested here or not, I’m not sure but she played a major role in getting women to chain themselves to the White House to protest the lack of suffrage. But she goes back a ways. After women get the suffrage in 1920, there’s a split between the conservatives and the less conservative people, and the National Women’s Party forms, and she heads that for many, many years. They had Belmont’s house, they owned that, and it used to be that if you were a woman coming through Washington to work on women’s issues, you could stay there for about seven bucks a night, in this old colonial mansion. I mean, it’s ancient and really very nice. She was then in her 80’s, and she retained an interest. Every year she and her friends went up to the Congress and had that amendment re-introduced. And it kept it officially alive. It never went anywhere. They didn’t have the support. It wouldn’t have been possible to get the support for ERA after suffrage. We gave the women suffrage, so what more could

they want. Many believed we didn't need the Equal Rights Amendment because we now had the vote.

JR: Which was what the split was about. We have suffrage, we don't need anything else. Alice Paul basically said no this is just the first step.

BS: Yeah. She called us to come see her. There were about six or seven of us in the network, and she told us we were wrong, and we didn't figure she was right. And I was one of them, and to my everlasting shame. We were all just politically naïve. We assumed that people would vote for the amendment, ratify it because it was right. That's a mistake. And we were not organized on a state level. In Washington, we were very well-organized, very well-organized to lobby the Congress on a bunch of issues. "We" meaning women, I wasn't involved in other stuff. Women were quite well-organized in Washington. We had contacts with women who worked in high places. They gave us information and we gave them information and stuff. But we were not organized at the state level. Certainly not in fifty states. There were networks that were beginning. Plus many of us were people like me who had never dabbled in politics. My whole political experience, apart from reading the newspaper and voting, was once I'd been a challenger at the polls. That was my whole experience. I knew nothing about the whole political process. And I was not alone. Many of us came into the women's movement from our personal experiences rather than from political stuff. Now the women in the Congress, they were political and then got interested in women's issues. But most of the people were not women in Congress or women in high places. Some of us may have been in high places but we didn't have the political experience and the political know-how. And I think that was one of the reasons we lost. There were some states that ratified it very quickly. Hawaii was the first; it ratified it in ten minutes or a half-hour of passage. Incidentally, it had been blocked in committee in the House, and Martha Griffiths went to Jerry Ford and he got it out. He got it out, and it got voted on.

JL: And that's probably when the opposition gets more organized.

BS: On a state level, yes, it was. Because it's going to affect every state because they had laws. I don't remember what it was... The Commission on the Status of Women, it may have been them. At some point there was a series of pamphlets on every state that said "Here are the laws that discriminate in this state" and you could look at them and to me they made wonderful sense. There had been a case before the Supreme Court many years before the ERA passed in Congress, where a woman in Michigan wanted to be a bartender because she could make more money as a bartender than as a waitress. And the law in Michigan at that point – I don't know when it got changed, I think it was before the Equal Rights Amendment came -- was if you're female you cannot be a bartender unless you are married to the owner of the bar. Well, I try to put myself sometimes in place of other people, and you can hear someone saying, "What respectable woman would want to be a bartender? What's wrong with that law?" And I think some of the laws looked that way. Plus people were very worried about marital property rights. And that's been a struggle, i.e., women's property rights. People were quite concerned about what this would do to marriage, and that little boys and little girls would have to share the bathroom. And what would the ERA do to a place like VMI. That got to be an issue. Does this mean we'll have women in the military? And that got to be a *big* issue. One of the things I noticed – women in the military is a continuing issue. What people have said since the Equal Rights Amendment and later is "Wait 'til women come home in body bags and you'll see what will happen. Nobody will put up with that." Of course, they are coming home in body bags. And now the President and everybody else says, "the men and women of our armed services." That's a major step. It's not equality there, but it's a huge sea change. Again it's the labeling. We no longer have the "men in our armed forces." We now have a new word for it, and it's again another instance of the naming. But we simply weren't organized on the state level for the Equal Rights Amendment.

Catherine East always said that the insurance people played a huge role opposing the ERA. If you ever speak with Schafly, that would be an interesting question to ask her. Catherine said that the insurance company was against the Equal Rights Amendment because of the rates. Life insurance would change, so they were opposing it. Her feeling was that they were putting money into it. But I don't know if that's accurate. I never saw any evidence that said so, but logically it makes sense, but that was her belief. I don't know if it was accurate or not.

JR: Have you ever met Phyllis Schlafly?

BS: No, I've never met her.

JR: We've been debating whether we could stand to do it. I've met her once years ago. She came to Indiana, there was a debate between her and the NOW president.

BS: She's smart.

JR: She's smart, but you know, she's so...

BS: If you're thinking of interviewing her, you should speak with Jennifer Lee who's from California and doing a documentary on women's issues, women's movement. She's going to meet with Phyllis Schlafly in a few weeks. She's been doing her homework, and I said that will be an interesting discussion. But if you decide, just call me or send me an e-mail and I can send you her e-mail and you can get more information about that because she's actually going to meet with her.

JL: While we're doing names, yesterday you mentioned the librarian at the Schlesinger.

BS: Her last name is Hartry. You know what you should do is send me an e-mail and ask for the e-mail addresses of all these people. And if you don't hear from me, it's because I'm going out of town. When am I leaving? [Travel plans, grandchildren, etc.] So if you don't hear from me, just send me another e-mail. I'm probably going to fall behind with stuff, and even though this is important, it's not going to be my highest priority.

Bert's doing the WEAL papers and she was a WEAL member.

JL: You've given us lots of names the last couple days. We're mainly interested in Title IX in particular, equality generally, but we're interested in the '70s period.

BS: You should talk with Arvonne Fraser. Her husband is a Congressman, and Arvonne was the first president of WEAL, and she's a fascinating woman. Very bright, very smart, very nice, good grasp of things. She would be a good person. What WEAL did in terms of my filing complaints, WEAL gave me legitimacy. I wasn't just Bernice Sandler, but I was chair of this political action committee. And WEAL's being there made a huge difference because they were legitimate in a way that NOW was never seen as legitimate. If you sent a letter on the WEAL stationary, it had Martha Griffiths' name on it and Edith Green. So Arvonne might be interesting; her husband was a Congressman and she worked as his assistant for many years so she knows politics. I don't want to say she has a different point of view because it isn't that. She just knows more about it in a different way, and I think she would be good to talk with. You're going to talk with Marcia Greenburg and Judy Lichtman. Those would be good people. Margaret Dunkel is the one to ask about the Coalition and its role with Title IX. What other names did I mention? Did I mention others? I was stunned yesterday at how many people I know have died.

JR: Marcia Federbush. And Margot?

BS: Margot Polivy is here in Washington; she's on 16th Street. I don't have her e-mail. This interview isn't going to be printed anywhere, is it? Can I speak off the record?

JL: You can speak off the record, or we can turn it off or we'll just know that it's off the record when we....

BS: *...a comment off the record.*

You have a set of the hearings on Title IX, I assume. Where did you get them?

JL: Our library is a US depository. So we get everything.

BS: And they saved everything. I'm relieved because I only have a few copies left. I started out with fifty, and I've given them away over the years. I'm down to the last two or three so when I lend one out I'm like "will I ever get it back." So I don't have to do that.

JL: This has been terrific.

BS: Has it been helpful?

JL: Helpful and fun and interesting and educational. What more can you ask for?

BS: I'm just so pleased that you're doing this because it's history and Title IX has had an enormous impact. I didn't think it was going to have that big an impact because I didn't know how big the problem was, and I think that was true for a lot of us. We saw this little corner of it, and it's really nice that we had such a big impact.

JR: And it really has changed, you know, higher education for women dramatically. I mean, when I think about what it was like when I was in college, what it's like for students now, it's like night and day.

JL: Still things to do, but it's different

JR: If you look at professional schools. . . .

JL: When I went to law school, there were hardly any and now there are nearly fifty percent and at medical school.

JR: And graduate school as well. I went to Cornell Graduate School, there were no women faculty and 4 women out of 75 students. And that is not what it's like anymore.

BS: There's one thing I'd like to mention, although it's not directly related to Title IX, it explains why Title IX hasn't done everything. And that is something called devaluation. You know the study? Do you know Steinpreiss' research? Rhea Steinpreiss is a faculty member at the University of Wisconsin at Milwaukee. I think she's in psychology. She sent out the same resume to a whole bunch of psychology departments and asked the faculty members there, "Is this person qualified to be hired in your department? And is he qualified for tenure?" A whole bunch of questions. Half the time the resume had the name "Brian Miller" and half the time "Karen Miller." And guess who was hired. I think about twice as much as the other. That is devaluation and in part it explains the lack of progress for women – why they're not moving up – it's because they're being devalued when they're evaluated. That old saw about how we have to be twice as good to get half as much pay. I think this is now where we are and it's a factor which is not acknowledged very much. And I think the same thing is true with blacks. The assumption is that they're not quite as good as whites, so therefore when we evaluate them. . . . It's so subtle. I did

a lot of workshops on A Chilly Climate, and I was so appalled when we were writing the book on the chilly climate. I was giving a workshop when I suddenly realized that I was checking my time only when women were speaking, and I never looked at my watch when a man was speaking. And I am like, “Now, on this I’m really an expert, and I know more about this, and I know about paying attention,” yet there I was. Now I look at my watch when I’m speaking, which is OK. And I don’t think I really harmed anyone, but it showed me how pervasive and internal that is. But it seems to me that if one looks at Title IX and the progress – the big progress is making it a law, it’s illegal, sex discrimination. And then even though most of the changes didn’t occur by lawsuits, most changes occurred by people saying “This is illegal. It better be changed,” and then it got changed. So most of the overt policies and practices have disappeared. Not all, but most. That’s the other thing. It organized women. And even now on campuses they may not be as organized as they were, they’re organized to some degree about this. It’s legitimized sex discrimination as an issue, and it’s institutionalized sex discrimination as an issue. So there are policies, there are practices, there are women’s centers – other things played into this, as well, the women’s movement in general. But Title IX played a role in doing all of those things, and that is just fantastic progress over a lifetime. It’s really amazing. I’m still amazed. It’s really a tremendous amount of stuff. I look forward to seeing what you’ve written when you’re done.