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*Race, Class, and Sexual Harassment in the 1970s*

By Carrie N. Baker

Forthcoming in *Feminist Studies*

Many have credited Catharine MacKinnon with creating the law of sexual harassment in the United States. She has been described as the “prime architect of sexual harassment jurisprudence”<sup>1</sup> and has been given credit for proposing and popularizing the idea that sexual harassment is sex discrimination in violation of Title VII of the Civil Rights Act of 1964.<sup>2</sup> As one scholar put it, rarely “has an author been as closely identified with a new cause of action as Catharine MacKinnon has been with sexual harassment.”<sup>3</sup> MacKinnon’s 1979 book *Sexual Harassment of Working Women*<sup>4</sup> and her participation in the first Supreme Court case on sexual harassment, in particular, have garnered her a founder’s role in the field of sexual harassment. More generally, the development of sexual harassment law is attributed to the second wave of the women’s movement, which is often associated with white middle class women insensitive to issues of race and class.<sup>5</sup> One scholar, Elvia Arriola, has suggested that sexual harassment law has a white-middle class bias (meaning that it primarily addresses middle class, white collar work settings but not blue collar fields like construction) because sexual harassment policy developed in response to “the political outcry and strength of a predominately white, middle class women’s movement.”<sup>6</sup> Arriola criticizes feminists for failing to pay sufficient attention to “class, race, ethnicity and sexuality” and for not grounding their feminist practice on an “*experiential basis*.”<sup>7</sup> Because sexual harassment has been seen as a white middle class women’s issue, Anita Hill took the country by surprise.

MacKinnon and other white middle class women of the second wave of the women’s movement certainly played an important role in the development of sexual harassment policy in

the United States. However, the close identification of MacKinnon with sexual harassment law and the popular perception that sexual harassment was a white middle class women's issue has obscured the contributions of others. In fact, diverse group of people worked in the 1970s and early 1980s to raise awareness about sexual harassment and to create legal remedies. Women of color and working class women were centrally involved in this struggle against sexual harassment and influenced the activism of white middle class women working against sexual harassment.

The backgrounds and identities of the early participants in the movement against sexual harassment shaped their experiences of sexual harassment, as well as their strategies and resources for addressing the problem. Racist and sexist stereotypes melded in the harassment directed toward African American women, giving them a particularly clear understanding of the discriminatory nature of sexual overtures in the workplace. Informed by a history of race discrimination and sexual abuse, these women did not mistake sexual harassment for harmless flirtation. Drawing on the ideas and resources of the African American community, these women filed the first precedent-setting cases under Title VII, long before white middle class feminists began to work on the issue, thereby setting the prevailing framework within which sexual harassment law developed. Sexual harassment law also grew out of the legacy of the civil rights movement by building on racial harassment precedent in the law. Similarly, the background and identities of working class women, both white and black, shaped their experiences of sexual harassment and their activism. Women working in male-dominated blue collar fields like mining and construction experienced male hostility to their presence that often took the form not only of sexual abuse, but also of physical violence in order to push them out of male-dominated workplaces. Working through unions and employee associations, these women

urged courts and policymakers to broaden their definitions of sexual harassment beyond a supervisor's sexual demands of a subordinate employee to include hostile environment harassment. The activism of women of color and working class women fundamentally shaped public policy on sexual harassment in the United States.

## **I. The Leadership of African American Women**

The standard story of how sexual harassment emerged into public consciousness rarely mentions the contributions of women of color until 1991, when Anita Hill accused Supreme Court nominee Clarence Thomas of sexual harassment. At the beginning of the second wave of the women's movement in the 1960s, radical feminists focused on women's sexuality and men's sexual objectification and exploitation of women.<sup>8</sup> Using the aphorism "the personal is political," feminists formed consciousness-raising groups and held speakouts to discuss controversial issues relating to women's sexuality that had previously been considered private, such as abortion, rape, and domestic violence. Feminists argued that women's sexuality was defined by male dominance. Soon feminists began to connect women's sexuality with economic exploitation.<sup>9</sup> In 1979, Catharine MacKinnon published *Sexual Harassment of Working Women*, in which she argued for expanding federal anti-discrimination law to prohibit sexual harassment. According to MacKinnon, sexual harassment at work was not merely an individual injury, but group-based discrimination that harmed all women economically by reinforcing their subordinate status in the workplace.

When federal courts first began to hear sexual harassment cases, they refused to rule that sexual harassment was sex discrimination because they believed that this behavior was merely a personal matter, that it was not gender-based, and that treating sexual harassment as sex discrimination would open the floodgates of litigation, overwhelming the court system and

inviting a lawsuit for every sexual indiscretion in the workplace. These early cases involved what Catharine MacKinnon named “quid pro quo” sexual harassment—a boss firing a woman for refusing his sexual advances. All of these cases were eventually reversed by federal appellate courts, which held that quid pro quo sexual harassment was sex discrimination prohibited by Title VII of the Civil Rights Act of 1964. In her book, however, MacKinnon also identified another type of harassment—condition of work harassment, later known as hostile environment harassment—where supervisors or coworkers create an intimidating or offensive working environment that interferes with a woman’s working conditions. In 1980, the Equal Employment Opportunity Commission (EEOC) adopted guidelines stating that sexual harassment was sex discrimination and defined sexual harassment to include both quid pro quo and hostile environment harassment. Around this time, courts too began to rule that Title VII prohibited hostile environment sexual harassment. In 1986, the Supreme Court ruled in *Meritor Saving Bank v. Vinson* that quid pro quo and hostile environment sexual harassment violated Title VII. But the issue of sexual harassment did not really hit mainstream public consciousness until the live television broadcast of Anita Hill’s testimony of her experience of sexual harassment before fourteen white male members of the Senate Judiciary Committee. For coming forward, Hill was attacked as psychotic, lesbian, a pathological liar, a nymphomaniac and, in journalist David Brock’s infamous slander, “a little bit nutty, a little bit slutty.”<sup>10</sup> Hill’s accusations provoked an explosion of discussion among African Americans, feminists, scholars, and the general public about sexual harassment. Race became a central issue in these discussions.

Despite popular conceptions, the activism of African Americans against sexual harassment predates Anita Hill and, in fact, goes back to the beginnings of the movement against sexual harassment in the early 1970s. The standard story leaves out the significant contribution

that African American women made throughout the 1970s and 1980s in the development of sexual harassment policy in the United States. Anita Hill was hardly the first black woman to speak out about sexual harassment. In fact, African American women, many of whom were not professionals like Hill but were working class, were central actors in early activism against sexual harassment.

African American women brought most of the early precedent-setting sexual harassment cases, including the first successful Title VII cases in the federal district court (Dianne Williams), the federal courts of appeals (Paulette Barnes), and the Supreme Court (Mechelle Vinson), and the first successful cases involving a student (Pamela Price), coworker harassment (Willie Ruth Hawkins), and hostile environment harassment at the appellate level (Sandra Bundy).<sup>11</sup> Plaintiffs in three of the first six published sexual harassment cases were young African American women (Diane Williams, Paulette Barnes, and Margaret Miller). The case of another African American woman (Maxine Munford) inspired one of the early statewide campaigns to address the issue of sexual harassment, leading to the passage in 1980 of one of the first and most progressive state laws against sexual harassment.<sup>12</sup>

Civil rights backgrounds characterize many of these early plaintiffs and no doubt guided them in responding to their experiences of sexual harassment. Diane Williams and Paulette Barnes were harassed by African American men while working for federal agencies in Washington D.C. that addressed race discrimination issues.<sup>13</sup> Williams and Barnes had an understanding of civil rights concepts and processes and were indignant at experiencing sexual harassment from people who were supposed to be opposing discrimination. When they first filed their complaints, Barnes and another early plaintiff, Margaret Miller, characterized the sexual harassment they experienced as race discrimination as well as sex discrimination—Barnes

because her employer replaced her with a white woman and Miller because her white harasser made racist comments to her. Other early plaintiffs had experience in the civil rights movement, relied on the civil rights community for support, or were supported by organizations representing black women.<sup>14</sup>

The racial identities of African American women shaped their experiences of sexual harassment. Especially in interracial cases, the harassment often was racially charged. Margaret Miller was harassed by her white supervisor, who appeared uninvited at her residence with a bottle of wine in hand and said, “I’ve never felt this way about a black chick before.” He promised that he would get her “off the machines” if she would cooperate with him sexually. Maxine Munford’s supervisor asked her the first day of work “if she would make love to a white man and if she would slap his face if he made a pass at her.” Both women were fired when they refused.<sup>15</sup> Willie Ruth Hawkins’ harasser said that he “wished slavery days would return so that he could sexually train her and she would be his bitch,” making reference to the movie *Mandragora*.<sup>16</sup> The racially-charged sexual harassment of African American women surely contributed to their heightened consciousness of the discriminatory nature of this conduct.

The raunchy sexualization of black women, later echoed in the treatment of Anita Hill, often appeared not only in the harassment itself but also in the resulting litigation, playing into longstanding stereotypes of black women as Jezebels.<sup>17</sup> In the case of Dianne Williams, the Justice Department deposed her mother as a witness, questioning her as to Williams’ social activities. In later testimony before Congress, Williams explained, “she virtually has had to serve as my alibi to attest to the fact that no, I did not go out two or three times a week; no, I am not the disco queen of this city; and no, I didn’t have a personal relationship or an affair with” Brinson, her boss. She claimed that the Government was trying to make her out to be a “loose

woman.”<sup>18</sup> She testified she felt as though she were the defendant, like women who complain of physical assault. Mechelle Vinson, who endured years of sexual assault at the hands of her boss, Sidney Taylor, was also subjected to stereotypes of lasciviousness during litigation. The defendants argued that Vinson wore revealing clothes and discussed perverse sexual fantasies with co-workers. Vinson’s attorney protested this characterization of Vinson as a “temptress, a seductress, a lascivious woman who dresses provocatively and who is sexually obsessed and voices strange, lurid sexual fantasies.”<sup>19</sup> These sorts of characterizations echo throughout early sexual harassment cases.

Indeed when African American women spoke out about sexual harassment, they often emphasized the importance of their race to their experiences of harassment. In a statement issued in December of 1977, Pamela Price emphasized the importance of both her race and gender to her experiences of harassment. She argued, “I was subjected to the assumption of my inferiority as a black person as well as the assumption of my lack of seriousness as a woman.”<sup>20</sup> She explained that the poor grade she received after rejecting her professor’s sexual advances was a “concrete expression of his racist and sexist appraisal of me as a person” and reflected a “historical conception of the relationship between my racial heritage and my sexuality,” which she argued were “inherently linked.”<sup>21</sup> In a press release after the trial court ruled against her, Price expressed her belief that race was critical to the disposition of the case: “It’s the same old story. Where sex is concerned, black women’s accusations are considered lies and white men’s denials are believed. Unfortunately, the trial, which was presided over by a woman, was merely another manifestation of the racism and sexism pervasive in society and reflected in its laws. It is symbolic that I entered this case primarily because I am a woman and lost it primarily because

I am a black woman. But that is all the more reason for us to continue to fight back against all forms of oppression.”<sup>22</sup>

Organizations representing women of color, such as the Organization of Black Activist Women or the Mexican-American Legal Defense Fund, also emphasized the importance of race to women’s experiences of harassment.<sup>23</sup> The Organization of Black Activists Women in an amicus curiae brief filed on behalf of Dianne Williams discussed the vulnerability of black women to sexual harassment.<sup>24</sup> The brief’s authors, Maudine Rice Cooper who is today President of the Greater Urban League of Washington D.C. and Benjamin L. Evans, emphasized the vulnerability of African American women to sexual harassment. In a newspaper report of the case, Cooper and Evans cited statistics that black women headed one of every five black families and two of every three poor black families, that young minority women were particularly vulnerable to low wages and unemployment, that black women did not have needed child care, and that the unemployment rate for nonwhite women had traditionally been twice that of white women. They noted that “the pecking order for salaries is white men first; black men second; white women, third; and black women fourth.” Cooper and Evans used these sociological facts to argue that “historically, Black women, who were slaves in their master’s homes, have been slaves in their own homes and, in many instances, in their work environment as well.”<sup>25</sup> An amicus curiae brief filed by the Mexican-American Legal Defense Fund and Equal Rights Advocates of San Francisco in another early sexual harassment cases argued that female employees were treated as a “possession of the ‘boss,’ . . . reminiscent of the plight of the black female slave.” Noting that both racial and sex-based discrimination shaped the experiences of minority female employees, they quoted historian Eleanor Flexner on how female slaves faced “hazards peculiar to her sex” because they had “no defenses against the sexual advances of the

white man.” They concluded by condemning the “foul history of economic exploitation of women of all races.”<sup>26</sup>

Overall, however, there was surprisingly little discussion of race in the legal discourse surrounding sexual harassment. In the first Supreme Court case on sexual harassment, *Meritor Savings Bank v. Vinson*, decided in 1986, none of the judicial opinions ever mentioned the race of Vinson or her harasser. In their brief before the Supreme Court, Vinson’s attorneys mentioned race only in passing, as did one of the many amicus curiae briefs filed in the case.<sup>27</sup> Despite the sparse analysis of race in early sexual harassment cases, attorneys often bolstered their cases by analogy to racial harassment cases. They argued that if Title VII prohibited harassment based on race, it should also prevent harassment based on sex. The racial harassment case of *Rogers v. Equal Employment Opportunity Commission* was cited in several early briefs filed by sexual harassment plaintiffs and in several early decisions on sexual harassment.<sup>28</sup> Catharine MacKinnon, in her influential 1979 book *The Sexual Harassment of Working Women*, forcefully argued that sexual harassment was as serious as racial harassment and discussed race discrimination cases in detail.<sup>29</sup> Comments submitted by feminists on the 1980 EEOC sexual harassment guidelines also relied on race discrimination cases.<sup>30</sup> In *Meritor*, the primary focus of the parties’ arguments before the court was whether the same legal standards should apply to sexual harassment as applied to racial harassment.<sup>31</sup>

The story of Dianne Williams is representative of the courage and persistence of the early African American pioneers of sexual harassment law. Williams worked as a public information specialist with the Justice Department’s Community Relations Service, which provided mediation services to relieve racial tensions in troubled communities. Williams’s supervisor, Harvey Brinson, fired Williams after she refused his sexual advances. In an EEO complaint filed

with the Justice Department in September of 1972, Williams described numerous incidents of harassment: Brinson and an assistant director told Williams she did not wear her dresses short enough; Brinson sent Williams a Mother's Day card that read, "Seldom a day goes by without a loving thought of you"; Brinson told Williams he would like to put his arms around her; Brinson told her she was not "sociable" when she refused to attend a social luncheon, accept a ride to a reception, and attend some parties at a conference; Brinson told Williams about his past "liaisons"; and Brinson accused Williams of "having a couple of 'boys' in the agency" and said he had checked to determine whether anything "improper" going on. Williams also produced evidence that there was a great deal of dating at CRS between the single female employees and the married male supervisors, especially Brinson, who had a "notorious reputation for dating his staff members."<sup>32</sup> Women who acquiesced on such dates received favorable work assignments and promotions from the male supervisors.

Williams alleged that after she resisted Brinson's attempts, Brinson "began a process of fault finding" with her. He criticized her work habits in general and her attitude toward him in particular. He subjected her to "oral and written attacks both professional and personal" and threatened her with transfer or termination. Furthermore, she alleged, Brinson "harassed and humiliated her by unwarranted reprimands, refusal to inform her of matters important to the performance of her responsibilities, refusal to consider her proposals and recommendations, and refusal to recognize her as a competent professional in her field." Eventually in September of 1972, Brinson terminated Williams, allegedly for poor performance. After losing her EEO complaint on appeal, Williams filed a Title VII suit in federal court in January of 1974. In April of 1976, a federal district court judge ruled in Williams' case that sexual harassment was sex

discrimination in violation of Title VII, the first federal court to do so. This decision was appealed and the case was finally resolved in Williams' favor in June of 1981.

From when she first brought her EEO complaint in September of 1972 until the final resolution of her case in June of 1981, Williams pursued her charges of sexual harassment in the face of unlikely odds and at great personal sacrifice. Williams embarked upon the case without legal precedents and endured years of complicated litigation. During the course of the lawsuit, Williams, like many other early plaintiffs in sexual harassment cases,<sup>33</sup> became an advocate against sexual harassment, discussing her case with the media and testifying at the first congressional hearings on sexual harassment in 1979.<sup>34</sup> Williams testified that sexual harassment was “a very emotional experience, a very degrading experience, a very humiliating experience” and she described the “emotional trauma that has been wreaked upon me in the last 7 years we have been litigating the case,” particularly the Justice Department’s deposing her mother. Williams’ case bounced up and down the administrative and judicial systems, all the way up to the United States Circuit Court of Appeals, for close to nine years before she was finally vindicated. Her perseverance paid off not only in a personal victory, but in establishing an important legal precedent and raising awareness of the issue of sexual harassment. The 1976 ruling was a significant legal breakthrough that was cited widely and discussed in legal briefs, law reviews, and feminist literature on sexual harassment. This case gave feminists attorneys a legal peg on which to hang their hats when appealing the early cases denying relief to sexual harassment victims. All of the early federal appellate courts ruling in favor of sexually harassed women cited *Williams*.<sup>35</sup> Dianne Williams made tremendous personal sacrifices and underwent great emotional anguish to pursue her case. She, and many others like her, should have a central place in the historical record of how sexual harassment law came to be.

In addition to the efforts of these early plaintiffs and the organizations that supported them, African American community leaders also made significant contributions to the development of sexual harassment law. Two of the most important government officials to shape sexual harassment law were Eleanor Holmes Norton and Judge Spottswood Robinson III, both African Americans with backgrounds in the civil rights movement. In the 1960s, Norton worked for the American Civil Liberties Union and, in the mid-1970s, she supported the formation of Working Women's Institute, one of the first organizations to combat sexual harassment. She served on the Institute's Board of Advisors and drafted an anti-sexual harassment clause for affirmative action agreements when she was chair of the New York City Human Rights Commission. Her most important contribution to the development of sexual harassment law was the issuance of sexual harassment guidelines in 1980 when she was chair of the Equal Employment Opportunity Commission. These guidelines were extremely influential on courts' development of sexual harassment law. Norton also testified at congressional hearings on sexual harassment in 1979 and 1981<sup>36</sup> and was a powerful voice for aggressive laws against sexual harassment. Judge Robinson was the single most influential federal judge in the development of sexual harassment. Judge Robinson, a long-time civil rights attorney and activist, was one of the attorneys who argued the case of *Brown v. Board of Education* on behalf of the NAACP before the Supreme Court.<sup>37</sup> Judge Robinson issued groundbreaking rulings on sexual harassment in favor of Paulette Barnes, Sandra Bundy, and Mechelle Vinson, and upheld the legal ruling in favor of Diane Williams.

Some have speculated about why African American women have brought so many of the early sexual harassment cases. Eleanor Holmes Norton attributed this to black women's historic understanding of slavery and rape.<sup>38</sup> Judy Trent Ellis, the first African American law professor at

SUNY Albany, has pointed to the greater and more severe harassment African American experienced, their economic vulnerability, and their long familiarity with discrimination and willingness to seek redress through the courts.<sup>39</sup> Ellis argued that the history of slavery still marked African American women as sexually available, sexually promiscuous, and unprotected by African American men.<sup>40</sup> Kimberlé Crenshaw, describing the “racialization of sexual harassment” as “a merging of racist myths with their vulnerability as women,” has argued, “racism may well provide the clarity to see that sexual harassment is neither a flattering gesture nor a misguided social overture but an act of intentional discrimination that is insulting, threatening, and debilitating.”<sup>41</sup> Others have argued that African American women were less likely than white women to view sexual harassment as a personal problem “because sexual exploitation had been integral to racial oppression in this country.”<sup>42</sup> The author of a 1981 article in *Essence* magazine, Yla Eason, argued that African American women were “sensitized to discriminatory acts on the job and thus more aware of and less conditioned to abiding by them.”<sup>43</sup> Whatever the reason, African American women were at the forefront of sexual harassment litigation from the beginning.

## **II. Working class Women**

Working class women, many of whom were African American, were also at the forefront of activism against sexual harassment. As with the African American women who brought many of the early quid pro quo harassment cases, the working environments, backgrounds and identities of these women shaped their experiences of sexual harassment and their strategies and resources for addressing the problem. Blue collar women in male-dominated fields, in particular, told compelling stories of social ostracism, work sabotage, sexual abuse, and physical violence. Using the resources of their unions and employee associations, they fought harassment through

collective action, litigation, media exposure, and policy work. Their most significant contribution to the development of sexual harassment law was that they convinced courts and policy-makers to broaden the definition of sexual harassment to include not just quid pro quo harassment but hostile environment harassment as well. By telling stories that clearly demonstrated the fundamentally abusive nature of sexual harassment, blue collar women increased public awareness of how sexual harassment was often motivated not by sexual desire but by men's desire to keep women subordinate in the workplace and that it was a serious problem that harmed women in the workplace.

By the mid-1970s, blue collar women were working collectively against sexual harassment. In the spring of 1975, female construction workers brought two lawsuits that eventually convinced policymakers to create the first federal regulations against sexual harassment.<sup>44</sup> During the course of the litigation, the plaintiffs told powerful stories of abuse on the job. Women testified that male co-workers made crude remarks, gestures, and pranks, and used pornography to drive women from the workplace.<sup>45</sup> One woman, Libby Howard, told of the obscene graffiti campaign waged against her for over five years while she worked as one of just a few women on a work crew of 2,000. Other women testified that men scrutinized and ostracized them on the job not only through verbal abuse, but through threats, physical violence, and sexual assault. A representative from Women Working in Construction testified that she was badly hurt when working as an apprentice because her foreman forced her, in spite of her protests, to ascend a rickety scaffold, which then collapsed. Anna Ramos of the Chicana Service Action Center in Los Angeles told of three cases involving violence against female construction workers in California, including one woman whose thumbs were smashed after she refused to quit a job. As part of a settlement of these lawsuits, the Department of Labor adopted the first

federal regulations against workplace harassment based on sex in April of 1978. The regulations required federal construction contractors to ensure and maintain a working environment free of harassment, intimidation and coercion, and required contractors to assign two or more women to each construction project if possible.

In addition to scrutinizing the construction industry, the Department of Labor investigated the coal mining industry in the late 1970s at the request of female coal miners. Like female construction workers, women entering coal mining faced discrimination and sexual harassment. Battling the long-held superstition that women were “bad luck” in the mines, female coal miners formed the Tennessee-based Coal Employment Project (CEP) in 1977 to help women break into coal mining. At the Second National Conference of Women Coal Miners in May of 1980, sexual harassment emerged as a major theme of the conference. As a result, CEP developed resource materials for female miners and conducted a survey on sexual harassment in the mines. The results of the survey, published in 1981, showed rampant and violent sexual harassment in coal mines. Fifty-four percent of female miners were propositioned by bosses at least once, 76% were propositions by coworkers, and 17% had been attacked physically. Female miners experienced three forms of harassment unique to mining. When women began to enter the mines, male miners revived a traditional initiation rite that had been discontinued by the 1970s where miners would strip and grease a new miner. A second form of harassment female miners experienced involved what were usually routine searches of workers entering the mines for cigarettes or other smoking materials; according to female miners, they were searched “differently” than the men. A third form of harassment involved men drilling holes in women’s bathhouses on company grounds and peering at the women showering and dressing.<sup>46</sup> Advocates for female miners were active in public policy debates on sexual harassment. For example, Betty

Jean Hall of the Coal Employment Project and Pat Baldwin of the Western Kentucky Coalmining Women's Support Team testified at congressional hearings on sexual harassment in 1981.

Baldwin also testified at hearings on sexual harassment held by the Kentucky Commission on Civil Rights.<sup>47</sup> The Coal Employment Project later participated as amicus curiae in *Meritor Saving Bank v. Vinson*.

Working class women also shaped public policy on sexual harassment by bringing most of the early precedent-setting sexual harassment cases under Title VII, including the first successful hostile environment harassment case and the first successful coworker harassment case.<sup>48</sup> In the late 1970s and early 1980s, women working in a broad range of blue collar occupations filed claims for sexual harassment, including janitors, security guards, police officers, and assembly-line workers.<sup>49</sup> These early cases not only set new legal precedents, but they raised public awareness of sexual harassment because they were often covered extensively in the press.<sup>50</sup> The testimony of blue collar women was compelling because they experienced the most violent forms of harassment, including physical assault and work sabotage. In these cases, the discriminatory intent of the harassers was most clear. The stories of these women provided a very sympathetic case to convince people that men used sexual harassment to keep women out of traditionally male workplaces.

The story of Willie Ruth Hawkins, who won the first coworker harassment case, exemplifies the different quality of the types of harassment experienced by blue collar women. Hawkins, who was African American, was one of two women working at the Egan, Minnesota plant of Continental Can Company. Starting in December of 1974, three of Hawkins' white male co-workers repeatedly made explicit, sexually derogatory remarks and verbal sexual advances to Hawkins and touched her sexually. One of her coworkers, Cliff Warling, made

racist and sexually abusive comment to Hawkins.<sup>51</sup> Warling and other male coworkers told her that “a female has no business in a factory” and “if a female would work [in] a factory, she has to be a tramp.” Hawkins repeatedly complained to her supervisor but Continental did nothing. One supervisor told Hawkins that there was nothing he could do and that she had to expect that kind of behavior when working with men. In October 1975, the harassment of Hawkins escalated to physical violence. Warling approached Hawkins from behind while she was bending over and grabbed her between the legs. Hawkins complained immediately, but again Continental did nothing. A few days later, Hawkins' husband came to the plant and confronted Warling, who denied the incident. When Mr. Hawkins returned later that evening to escort his wife home, they discovered that her car headlights were broken. Relations between the Hawkins and her coworkers deteriorated further, culminating in a coworker threatening Willie Ruth Hawkins with a gun in front of her children. At that point, the Hawkins solicited the support of New Way Community Center and the Urban League, who threatened boycotts and adverse publicity if Continental did not respond. Continental then suspended two of the harassers and held a plant meeting to inform all employees that Continental would not tolerate verbal or physical sexual harassment and discrimination. Fearing for her safety, Hawkins did not return to work and was later fired. She brought a lawsuit under state law and won, creating a precedent for the important principle that employer tolerance of hostile environment harassment by coworkers was sex discrimination.

Working class women and organizations representing them also worked to develop public policy and to raise awareness of sexual harassment in other ways. They conducted surveys, published educational materials on harassment, and talked to the media about their experiences.<sup>52</sup> For example, in 1980 the Labor Education and Research Project in Detroit

Michigan published a booklet on sexual harassment written by four white union women and an African American female attorney.<sup>53</sup> Women in unions around the country supported victims of sexual harassment, worked to raise awareness of the issue, and fought for clauses in union contracts against sexual harassment.<sup>54</sup> In addition, representatives of blue collar women's organizations testified at government hearings on sexual harassment and participated in filing amicus curiae briefs in significant sexual harassment lawsuits. Many working class women's groups supported the testimony of Eleanor Holmes Norton at congressional hearings on sexual harassment in 1981, including the Association of Illinois Women Coal Miners, the Coalition of Labor Union Women, the East Tennessee Coalmining Women's Support Team, the Lady Miners of Utah, Wider Opportunities for Women, and Women Miners of Wyoming. Working class women's groups also submitted statements to the congressional committee, including the Phoenix Institute in Salt Lake City, Utah, a community-based employment and training contractor focused on placing low-income women in blue collar jobs.<sup>55</sup> In the first Supreme Court case of sexual harassment, several working class women's organizations supported amicus curiae briefs, including Non-Traditional Employment for Women, Wider Opportunities for Women, the Workers Defense League, the American Federation of Labor and Congress of Industrial Organizations, and the Coalition of Labor Union Women.<sup>56</sup> The participation of working class women, especially blue collar women, made a significant contribution to the development of sexual harassment policy in the United States.

### **III. White Middle Class Women**

In the mid-1970s, feminist activists in Ithaca, New York initiated one of the first organized efforts to combat sexual coercion in the workplace. In April 1975, they coined the term "sexual harassment" for a media blitz to promote a speakout sponsored by Working Women

United, a newly formed organization of women dedicated to fighting for equality in the workplace. The next year in Boston, Massachusetts a collective called the Alliance Against Sexual Coercion (AASC) formed specifically to combat sexual harassment. Working Women United, which later became Working Women's Institute and relocated to New York City, and the Alliance Against Sexual Coercion were founded and run primarily by white middle class women.

From the beginning, women in these organizations attempted to include and address the needs of women of color and working class women. For example, Working Women United reached out to women working at local factories. Jean McPheeters, a letter carrier, served as chair of Working Women United (WWU) and inspired blue collar women to become involved. WWU members leafleted the factories in town to encourage participation in the 1975 speak out and other activities. A major project of WWU was supporting a local factory worker in bringing a lawsuit against her employer.<sup>57</sup> Later, in New York City, Working Women Institute (WWI) explicitly stated their mission in terms of addressing the experiences of a diversity of women. In a 1977 publication, WWI described itself as "a not-for-profit tax-exempt research/action resource center designed to address the unique needs and problems of women of all racial, ethnic, and economic backgrounds who work outside the home."<sup>58</sup> In the minutes of a WWI Board of Directors meeting around the same time, the Board resolved that "the Institute is committed to doing outreach and finding out what are the needs of working class and third world women and assisting them in projects that they may propose."<sup>59</sup> At the same meeting when discussing a sexual harassment research project, the Board encouraged the project directors to "make an effort to recruit third [sic] and minority persons for the project staff."<sup>60</sup> And indeed they did have some staff members and volunteers who were women of color or came from working class backgrounds.

Working Women's Institute expanded their understanding of sexual harassment as they worked with a broader variety of women. Initially, WWI conceptualized sexual harassment exclusively in terms of a male superior making sexual demands of a female subordinate. As a result of their work with blue collar women, including firefighters, coal miners, and construction workers, they came to realize that sexual harassment was not only sexual conduct, but also hostile conduct aimed at women to drive them out of male-dominated workplaces.<sup>61</sup> Program Director Karen Sauvigné remembers one Institute volunteer in particular who helped broaden the Institute's conception of sexual harassment in this way—Brenda Berkman, a firefighter who fought discrimination and harassment in the New York City's Fire Department for years. Working with Berkman, Betty Jean Hall and Pat Baldwin of the Western Kentucky Coalmining Women's Support Team, Joyce Miller of the United Auto Workers, the Coalition of Labor Union Women, and other blue collar women made the staff at the Institute realize that sexual conduct was “one of many tools that men use to create a hostile working environment when they want to keep women out.”<sup>62</sup>

This broader understanding of sexual harassment was reflected in their activism. In WWI's comments on the EEOC guidelines, Joan Vermuelen discussed the experiences of blue collar women, including coal miners and female craft apprentices.<sup>63</sup> WWI directly tackled the issue of sexual harassment of blue collar women in supporting Willie Ruth Hawkins by filing an amicus curiae brief in her case.<sup>64</sup> The Institute's theoretical understanding of the causes of sexual harassment also expanded over time by incorporating the experiences of blue collar women. According to Peggy Crull, early WWI literature, informed by the stereotypical scenario of a secretary harassed by her boss, explained harassment as a matter of male power: men harassed because they were in positions with authority to hire and fire while women were

relegated to lower level jobs. In the early 1980s, Crull questioned this understanding by studying the experiences of blue collar women, who were often harassed by their peers rather than their supervisors. She argued that men harassed in this setting because they feared they didn't have power, or were losing it. She argued that because blue collar men “do not have the weapon of direct authority over the women's jobs, they use a combination of sexual intimidation and indirect control over her work through sabotage, and withholding skills in order to reestablish their dominance.”<sup>65</sup>

The Alliance Against Sexual Coercion (AASC) also emphasized the experiences of working class women and women of color. In their 1977 brochure on sexual harassment, AASC argued that economic vulnerability made women particularly susceptible to sexual harassment. AASC described the occupational distribution of men and women, breaking the occupations into white collar, blue collar, and service jobs, and discussed the occupational distribution of minority workers and how that distribution had changed over time. AASC argued, “Low wages, low status occupation and high unemployment among minority women workers directly reflect their perilous economic position. These factors, coupled with pervasive racist attitudes of white employers and co-workers, demonstrate the particular vulnerability of minority women in regard to sexual harassment at the workplace.”<sup>66</sup> In the historical background section of the pamphlet, the authors discussed the experiences of factory workers, nineteenth-century millworkers, office workers, and women who worked on the Alaskan pipeline. The authors quoted two pipeline workers at length.<sup>67</sup> In the “Legal Options” section, the authors also showed an awareness of race and class issues. They stated, “legal processes often discriminate by imposing penalties on the basis of race and class. As a result, minority and lower class men were more likely to be accused, convicted and imprisoned than are white, upper and middle class men.”<sup>68</sup> Even the

illustrations in the 1977 brochure reflected some awareness of race and class. Of eight illustrations, three portrayed white-collar workers, three portrayed blue collar workers, one portrayed a meeting of women, and one was a man hovering over a woman in a vice. The racial identities of the people are not clear, but they appear to be racially diverse.

Other AASC publications reflected an awareness of the importance of race and class. AASC member Mary Bulzarik, in her 1977 historical study of sexually harassed women, discussed the different experiences of a broad diversity of women, including blue collar and minority women.<sup>69</sup> AASC members developed a critique of capitalism that addressed concerns of working class women, such as sexual harassment in unions, and they criticized the racial and class biases of the legal system.<sup>70</sup> In a 1978 article in *Aegis*, Freada Klein and Martha Hooven argued against developing new laws prohibiting sexual harassment because of the race and class biases of the legal system. They argued, “it is doubtful that enforcement of [a new law] will differ greatly from usual enforcement practices -- i.e., a married middle class white woman, if harassed by a man with less societal status, will probably receive benefits; while a poor, Third World or lesbian woman, particularly if harassed by a 'respectable' man, may find compensation under this new law difficult to obtain.”<sup>71</sup> In the introduction to AASC’s *Sexual Harassment and the Law*, Laurie Dubrow noted that “in a society where jobs are scarce and racial and ethnic inequalities persist, the coercive nature of workplace sexual harassment becomes intense, particularly for Third World women.”<sup>72</sup> In 1981, AASC translated into Spanish a pamphlet on the myths and facts about sexual harassment.<sup>73</sup>

In their comments on the 1980 EEOC guidelines, AASC argued that the guidelines should clearly state that sexual harassment may not only be sex discrimination but may also be race discrimination. They explained they had assisted African American women who were

targeted for sexual harassment based on their race in order to keep them in unequal positions in the white workplace, to encourage them to quit because “as *black* women they were not wanted in the workplace,” or “because of myths and other discriminatory practices which made them seem to be more vulnerable targets.”<sup>74</sup> The comments of NOW Legal Defense and Education Fund and Women’s Legal Defense Fund also addressed the experiences of blue collar women. They argued that EEOC guidelines should require that an employer who recently integrated a formerly all-male plant, assembly line or job classification be on constructive notice that the likelihood that sexual harassment exists was high. They also argued that sexual harassment should include nonsexual harassment based on sex.<sup>75</sup>

In several early books on sexual harassment, feminists acknowledged the importance of race and class, as well as gender, in shaping women’s experiences of sexual harassment. In her 1978 book *Sexual Shakedown*, Lin Farley acknowledged the differential impact of sexual harassment on white and African American women, dedicating a separate section to each.<sup>76</sup> Similarly, Catharine MacKinnon described the ways race and class shape women’s experiences of sexual harassment in her book *Sexual Harassment of Working Women*.<sup>77</sup> In another 1979 book, *The Secret Oppression* by Constance Backhouse and Leah Cohen, the authors emphasized that sexual harassment cut across class lines.<sup>78</sup> Early feminist publications on sexual harassment often described the experiences of a diverse array of women.<sup>79</sup>

Despite this awareness of the significance of race and class, these factors were not always incorporated into theoretical analyses of sexual harassment. For example, Freada Klein criticized Lin Farley's identification of patriarchy as the ultimate source of sexual harassment.<sup>80</sup> She noted that Farley stated in her introduction that “patriarchal relations, not capitalism, are at the root of working women's problems.”<sup>81</sup> Klein argued that feminists must “sort out under what

conditions sex, race or class each become the most conspicuous form of oppression” and argued that patriarchy and capitalism reinforce each other in the phenomenon of workplace harassment.<sup>82</sup> Acknowledging that Farley cited examples of how race plays a significant part in women's vulnerability to harassment, Klein commented that “an analysis of racism as having a major role in the *origins* of working women's problems is noticeably absent. Very *little* attention is paid to the process by which a woman sorts out whether her abuse at work is attributable to her status as a woman, as a Third World person or Native American, or as a low level worker.”<sup>83</sup>

## **Conclusion**

The activism of African American women and working class women continues to drive the fight against sexual harassment in the United States. Anita Hill’s testimony in the early 1990s brought the issue of sexual harassment into the mainstream of American consciousness. Not only did her testimony force the African American community to wrestle with the complicated reality of sexual harassment, but it led to an explosion of sexual harassment complaints to the EEOC and in the courts. As a result, by the decade’s end, the Supreme Court had visited the issue multiple times and sexual harassment jurisprudence had developed significantly, addressing a broad range of situations, including pornography at shipyards, sexual harassment in high schools, and same-sex harassment. Women of color and working class women continued to push forward public policy on sexual harassment in the 1990s, as they had in the early days of the movement against sexual harassment.

Contrary to the understanding of many, sexual harassment law was not the result of the efforts of just one woman or a group of middle class white women. While Catharine MacKinnon made a brilliant (if somewhat obscure) legal argument to support the principle that sexual harassment was sex discrimination, this idea had been floating around since the beginning of the

1970s. Most of the early precedent-setting sexual harassment cases were not brought by middle class white women but were brought by African-American and working class women who argued as early as 1971 that sexual harassment was sex discrimination in violation of Title VII. Sexual harassment law almost certainly would not have developed as quickly or in the form that it did without the activism of African-American and working class women.

Nevertheless, sexual harassment law has not been as useful in eradicating sexual harassment in blue collar work settings as it has been in white-collar work settings, and women of color continue to experience higher rates of harassment than white women.<sup>84</sup> This middle class bias, however, is not because of the failure of early sexual harassment activists to pay attention to race and class. In fact, a racially and economically diverse array of people participated in raising public awareness of sexual harassment and defining public policy on the issue in the 1970s and 1980s in the United States and race and class inflected gender to shape their experiences of harassment and their activism against it. The diversity of early sexual harassment activists is not surprising in light of the fact that women of color and working class women experienced more frequent and severe forms of harassment than white middle class women. But the factors that contributed to these higher rates of sexual harassment, like racist stereotypes, sex segregation, and strong sex role identification in blue collar occupations in addition to the biases of the legal system,<sup>85</sup> continue to make sexual harassment of women of color and blue collar women particularly difficult to eradicate. These factors also help explain why sexual harassment activism originated in these communities. An inclusive history of the development of sexual harassment policy in the United States challenges the common but increasingly questioned understanding<sup>86</sup> that public policy on women's issues during the second

wave of the women's movement was shaped primarily by the concerns and experiences of college-educated white women.

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#### ENDNOTES

<sup>1</sup> John Stoltenberg, "Male-on-Male Sexual Harassment," *Feminista* 1, n. 7

<http://www.feminista.com/v1n7/stoltenberg.html> August 3, 2002.

<sup>2</sup> Todd Gitlin, "A Clarifying Moment in Politics of Gender," *Washington Post*, 5 April 1998, p. C04.

<sup>3</sup> Frances Olsen, "The Outsider: Catharine MacKinnon," *The American Lawyer*, 6 December 1999.

<sup>4</sup> Catharine MacKinnon, *Sexual Harassment of Working Women* (New Haven, CT: Yale University Press, 1979).

<sup>5</sup> See, for example, Steven Buechler, *Women's Movements in the United States: Women's Suffrage, Equal Rights, and Beyond* (Piscataway, NJ: Rutgers University Press, 1990); bell hooks, *Killing Rage: Ending Racism* (Owlet Publishers, 1996), 99.

<sup>6</sup> Elvia R. Arriola, "'What's the Big Deal?' Women in the New York City Construction Industry and Sexual Harassment Law, 1970-1985," *Columbia Human Rights Law Review* 22 (1990): 29.

<sup>7</sup> *Ibid.* 67.

<sup>8</sup> Alice Echols, *Daring To Be Bad: Radical Feminism in America, 1967-1975* (Minneapolis, University of Minnesota Press: 1990).

<sup>9</sup> Flora Davis, *Moving the Mountain: The Women's Movement in America Since 1960* (Chicago: University of Illinois Press: 1999); Dorothy Sue Cobble, "'A Spontaneous Loss of Enthusiasm':

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Workplace Feminism and the Transformation of Women's Service Jobs in the 1970s," *Gendered Labor* 56 (Fall 1991): 23-44.

<sup>10</sup> Brock, David, "The Real Anita Hill," *American Spectator* (March 1992), 27.

<sup>11</sup> *Williams v. Saxbe*, 413 F. Supp. 654 (D.D.C. 1976), *rev'd in part and vacated in part*, 190 F.2d 343 (D.C. Cir. 1978); *Barnes v. Train*, 13 Fed. Empl. Prac. Cas. 123 (D.D.C. 1974), *rev'd sub nom*, *Barnes v. Costle*, 561 F. 2d 983 (D.C. Cir. 1977); *Meritor Savings Bank v. Vinson*, 477 U.S. 57, 67 (1986); *Alexander v. Yale University*, 631 F.2d 178 (2<sup>nd</sup> Cir. 1980); *Continental Can Company v. Minnesota*, 297 N.W.2d 241, 246 (Minn. 1980); *Bundy v. Jackson*, 641 F. 2d 934, 944 (D.C. Cir. 1981).

<sup>12</sup> Gedaliahu H. Harel and Karen Cottledge, "Combatting Sexual Harassment: The Michigan Experience," *Human Resource Management* 21(Spring 1982) 2-10.

<sup>13</sup> Mike Causey, "Hill Panel Probes Sexual Harassment," *The Washington Post*, 8 August 1979, §B, p. 2 (describing other cases that arose at EEOs).

<sup>14</sup> Sandra Bundy had a long history of participation in the civil rights movement. Dianne Williams and Paulette Barnes obtained counsel through the Lawyers' Committee for Civil Rights Under Law (LCCRUL) and the Urban League supported Willie Ruth Hawkins. Anna-Maria Marshall, "Closing the Gaps: Plaintiffs in Pivotal Sexual Harassment Cases," *Law & Social Inquiry* 23 (Fall 1998): 786. The National Conference of Black Lawyers, Black Women Organized for Political Action, and the Council of Third World Women at Yale supported Pamela Price. Anne Simon, telephone interview by author, tape recording, Oakland, California, 25 April 2001.

<sup>15</sup> Brief for Appellant, *Miller v. Bank of America*, 600 F. 2d 211 (9th Cir. 1979); Joint Pre-Trial Statement at 7, *Munford v. James T. Barnes and Co.*, 441 F. Supp. 459 (E.D. Mich. 1977).

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<sup>16</sup> Continental Can Company v. Minnesota, 297 N.W.2d 241, 246 (Minn. 1980).

<sup>17</sup> Patricia Hill Collins, *Black Feminist Thought* (New York: Routledge, 2000): 69-96.

<sup>18</sup> Testimony of Dianne Williams, Congress, House, Subcommittee on Investigations of the Committee on Post Office and Civil Service, *Sexual Harassment in the Federal Government*, 96<sup>th</sup> Congress, 1<sup>st</sup> Session, 23 October 1979, 1, 13 November 1979, 87-88 [hereinafter *1979 Federal Hearings on Sexual Harassment*].

<sup>19</sup> Reply Brief of Mechelle Vinson at 6, *Vinson v. Taylor*, 753 F.2d 141 (D.C. Cir. 1985).

<sup>20</sup> Statement Issued by Pamela Price, December 21, 1977, *Alexander v. Yale: Collected Documents from the Yale Undergraduate Women's Caucus and Grievance Committee* (New Haven: Yale University, 1978) (ERIC No.: ED180385): 16 [hereinafter *Alexander v. Yale Collection*].

<sup>21</sup> *Ibid.* 17.

<sup>22</sup> July 1978 Statement, *Alexander v. Yale Collection*, 2-3.

<sup>23</sup> Brief of Plaintiff-Appellant Maxine Munford at 32, *Munford v. James T. Barnes and Co.*, 644 F.2d 885 (6<sup>th</sup> Cir. 1981) (discussing white men's historical abuse of African American women).

<sup>24</sup> Thomas H. Watkins, Dr., "About Black Women . . ." *N.Y. Recorder*, 8 May 1976.

<sup>25</sup> *Ibid.* The continuing activism of Organization of Black Activists Women led to a 1979 D.C. executive order prohibiting sexual harassment in government offices. Carrie N. Baker, "Sex, Power, and Politics: The Origins of Sexual Harassment Policy in the United States," (Ph.D. diss., Emory University, 2001), 248.

<sup>26</sup> Brief of Equal Rights Advocates and Mexican-American Legal Defense and Educational Fund as Amicus Curiae at 18-21, *Tomkins v. Public Service Electric and Gas Co.*, 568 F.2d 1044 (3<sup>rd</sup>

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Cir. 1977); see also Brief for the Mexican-American Legal Defense and Educational Fund as Amicus Curiae, *Miller v. Bank of America*, 600 F.2d 211 (9<sup>th</sup> Cir. 1979).

<sup>27</sup> Brief of Respondent Mechelle Vinson at 45-46, *Meritor Savings Bank v. Vinson*, 477 U.S. 57, 65-66 (1986); Brief of Working Women's Institute et al. as Amici Curiae at 24-26, *Meritor Savings Bank v. Vinson*, 477 U.S. 57, 65-66 (1986).

<sup>28</sup> 454 F.2d 234 (5<sup>th</sup> Cir. 1971), *cert. denied*, 406 U.S. 957 (1972); Baker, 44.

<sup>29</sup> MacKinnon, 127-141.

<sup>30</sup> Joan Vermuelen, Working Women's Institute, "Comments on the Equal Employment Opportunity Commission's Proposed Amendment Adding Section 1604.11, Sexual Harassment, to Its Guidelines on Sexual Discrimination," *Women's Rights Law Reporter* 6 (Summer 1980): 289.

<sup>31</sup> *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986). African American EEOC attorney Judy Trent Ellis criticized this analogy. Judy Trent Ellis, "Sexual Harassment and Race: A Legal Analysis of Discrimination," *Journal of Legislation* 8 (1981): 35.

<sup>32</sup> Plaintiff's Complaint at 3, *Williams v. Saxbe*, 413 F. Supp. 654 (D.D.C. 1976); Affidavit of Diane Rennay Williams (Exhibit 3), Administrative Record, Joint Appendix at 36, *Williams v. Bell*, 587 F.2d 1240 (D.C. Cir. 1978).

<sup>33</sup> Sandra Bundy also spoke out about her case to the media and at 1981 congressional hearings on sexual harassment. Laura A. Kiernan, "Barry Says District Will Not Tolerate Sex Harassment, Abuse of Employees," *Washington Post*, 27 April 1979, §B, p. 1; *1981 Hearings on Sex Discrimination*, 590-595.

<sup>34</sup> *1979 Federal Hearings on Sexual Harassment*, 1-176; *Beware of the Boss: Sexual Harassment on the Job* (Washington D.C.: National Public Radio, 1981).

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<sup>35</sup> Garber v. Saxon Business Products, Inc., 552 F.2d 1032 (4<sup>th</sup> Cir. 1977); Barnes v. Costle, 561 F.2d 983, 995 n.89 (D.C. Cir. 1977); Tomkins v. Public Service Electric and Gas Co., 568 F.2d 1044, 1048 (3<sup>rd</sup> Cir. 1977). *Williams v. Saxbe* was cited in the legal briefs filed in these cases.

<sup>36</sup> Organizations supporting Norton's 1981 testimony included the Black Women's Organizing Collective, the Mexican American Women's National Association, the National Association of Black Women Attorneys, the National Conference of Puerto Rican Women, the National Council of Negro Women, the National Hookup of Black Women, Women for Racial and Economic Equality, and the Women's Division of the National Conference of Black Lawyers. Congress, Senate, Committee on Labor and Human Resources, *Sex Discrimination in the Workplace, 1981*, 97<sup>th</sup> Congress, 1<sup>st</sup> Session, 28 January 1981 and 21 April 1981, 465-499 [hereinafter *1981 Hearings on Sex Discrimination*].

<sup>37</sup> Eric Pace, "Spottswood W. Robinson 3d, Civil Rights Lawyer, Dies at 82," *New York Times*, 13 October 1998, § B, p. 11; Edward J. Boyer, "Spottswood W. Robinson; Lawyer Challenged Segregation," *Los Angeles Times*, 14 October 1998, § A, p. 18.

<sup>38</sup> Susan Brownmiller and Dolores Alexander, "From Carmita Wood to Anita Hill," *Ms.* (January/February 1992): 71.

<sup>39</sup> Ellis, 41 n. 58.

<sup>40</sup> Ellis, 40.

<sup>41</sup> Kimberlé Crenshaw, "Race, Gender, and Sexual Harassment," 65 *Southern California Law Review* (1992): 1467, 1469-1470.

<sup>42</sup> John Beckwith and Barbara Beckwith, "Sexual Harassment: Your Body or Your Job," *Science for the People*, July/August 1980, 6.

<sup>43</sup> Yla Eason, "When Your Boss Wants Sex," *Essence*, March 1981, 82.

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<sup>44</sup> *Advocates for Women et al. v. Usery*, Civil Action No. 76-0862, D.D.C., filed May 14, 1976; *Women Working in Construction et al. v. Usery*, Civil Action No. 76-527, D.D.C., filed April 13, 1976. The plaintiffs included Advocates for Women in San Francisco, Women in Trades in Seattle, United Trade Workers Association in Tacoma, Washington, Women Working in Construction and Wider Opportunities for Women in Washington D.C. Women testifying in the case included women from Skilled Jobs for Women in Madison, Wisconsin, The Tucson Women’s Commission, the Chicana Service Action Center in Los Angeles, Women in Apprenticeship Program in San Francisco, the Chicana Rights Project of the Mexican American Legal Defense and Education Fund in San Antonio, Texas.

<sup>45</sup> Baker, 200.

<sup>46</sup> Baker, 242-246.

<sup>47</sup> Public Hearings on Sexual Harassment before the Kentucky Commission on Human Rights, July 10, 1980, Frankfort, Kentucky, Videocassette of Hearings, *Coal Employment Project Collection* (Accession 355, Tape 193).

<sup>48</sup> *Brown v. City of Guthrie*, 22 Fed. Empl. Prac. Cas. (BNA) 1627 (W.D. Okla 1980); *Continental Can Company v. Minnesota*, 297 N.W.2d 241 (Minn. 1981); *Bundy v. Jackson*, 641 F.2d 934 (D.C. Cir. 1981); *Henson v. City of Dundee*, 682 F.2d 897 (11th Cir. 1982).

<sup>49</sup> Baker, 501-502 n. 56 (listing cases).

<sup>50</sup> For example, in the early 1980s, the *Village Voice* and *Mademoiselle* ran long stories about sexual harassment of female coal miners. Allanna M. Sullivan, “Women Say No to Sexual Harassment,” *Coal Age*, Vol. 84, August 1979, pp. 74-78; Raymond M. Lane, “A Man’s World: An Update on Sexual Harassment,” *Village Voice*, 16-22 December 1981, 1; Jan Hoffman, “Digging in Hell: The Story of Women Coal Miners,” *Mademoiselle*, May 1983, 166; M. Dawn

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McCaghy, *Sexual Harassment: A Guide to Resources* (Boston: G.K. Hall & Co., 1985), entry 77, 78, 80, 82, 87, 88, 90, 94, 95, 97, 99, 100, 101, 104, 105, 106, 192 (describing stories and studies about harassment of female coal miners, steel industry workers, factory workers, custodial workers, construction workers, and women in the military and on police forces).

<sup>51</sup> See above page 7.

<sup>52</sup> “Harassment of Women on the Job: Survey,” *The WREE-View*, November-December 1978, 5; “Blue Collar Women: Harassed, Forced Out: WREE Clearing House to Collect Data and Push for Protection,” *The WREE-View*, September-October 1978 (reporting on survey of blue collar women conducted by the Clearinghouse on Blue Collar Women of Women for Racial and Economic Equality in New York City).

<sup>53</sup> Elissa Clark et al., *Stopping Sexual Harassment: A Handbook* (Detroit: Labor and Education Research Project, 1980) (written by Elissa Clarke, Jane Slaughter, and Enid Eckstein, who were members of the United Auto Workers, Connye Harper of the Women’s Justice Center, and Rita Drapkin, a Teamsters and founder of the Cleveland-based Hard Hatted Women).

<sup>54</sup> See Baker, “Sex, Power, and Politics” pp. 251-255.

<sup>55</sup> *1981 Hearings on Sex Discrimination*, 465-511, 701-706.

<sup>56</sup> Baker, chap. 8.

<sup>57</sup> Baker, chap. 3. Nevertheless, there were tensions between middle class and working class women in the WWU. Letter to Barbara from Karen Sauvigné, Not Dated, p. 2, *Working Women’s Institute Collection*; Karen Sauvigné, telephone interview by author, tape recording, Brooklyn, New York, 4 February 2001 [hereinafter *Sauvigné Interview*].

<sup>58</sup> “Referrals Wanted,” *FAAR News*, November/December 1977, 7 (newsletter of the Feminist Alliance Against Rape in Washington D.C.).

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<sup>59</sup> Working Women United Institute Board of Directors Meeting Minutes, January 23, 1976, at 1, *Working Women's Institute Collection*.

<sup>60</sup> Ibid. 2.

<sup>61</sup> *Sauvigné Interview*; Baker, chap. 5.

<sup>62</sup> *Sauvigné Interview*.

<sup>63</sup> Joan Vermuelen, Working Women's Institute, "Comments on the Equal Employment Opportunity Commission's Proposed Amendment Adding Section 1604.11, Sexual Harassment, to Its Guidelines on Sexual Discrimination," *Women's Rights Law Reporter* 6 (Summer 1980): 287, 291.

<sup>64</sup> *Continental Can Company v. Minnesota*, 297 N.W.2d 241 (Minn. 1980).

<sup>65</sup> Peggy Crull, "Sexual Harassment and Male Control of Women's Work," (New York: Working Women's Institute Research Series Report No. 5, Fall 1982); Peggy Crull and Marilyn Cohen, "Expanding the Definition of Sexual Harassment," (New York: Working Women's Institute Research Series, Report No. 4, Winter 1982); Peggy Crull, "Searching for the Causes of Sexual Harassment: An Examination of Two Prototypes," in *The Hidden Aspects of Women's Work*, edited by Bose, Feldberg, and Sokoloff (Albany: Praeger, 1987): 225-244.

<sup>66</sup> Alliance Against Sexual Coercion, *Sexual Harassment at the Workplace* (Cambridge, MA: Alliance Against Sexual Coercion, 1977): 10.

<sup>67</sup> Ibid. 14.

<sup>68</sup> Ibid. 16.

<sup>69</sup> Mary Bularzik, "Sexual Harassment at the Workplace: Historical Notes," *Radical Women* (June 1978): 25.

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<sup>70</sup> Martha Hooven and Nancy McDonald, "The Role of Capitalism: Understanding Sexual Harassment," *Aegis* (November/December 1978): 31-33; Hammer House, "Combat Sexual Harassment on the Job," *Aegis* (May/June 1979): 24-28; Alliance Against Sexual Coercion, "Organizing Against Sexual Harassment," *Radical America* (July/August 1981): 17; Connie Backhouse et al., *Fighting Sexual Harassment: An Advocacy Handbook* (Boston, Mass.: Alyson Publications, Inc. and The Alliance Against Sexual Coercion, 1981): 84, 81-88.

<sup>71</sup> Martha Hooven and Freada Klein, "Is Sexual Harassment Legal?" *Aegis* (September/October 1978): 28.

<sup>72</sup> Laurie DuBrow, *Sexual Harassment and the Law* (Cambridge: Alliance Against Sexual Coercion, 1980): 1 (including survey of WREE's Clearinghouse on Blue collar Women).

<sup>73</sup> "Announcements," *Aegis* (Winter/Spring 1981): 75.

<sup>74</sup> Letter from Denise Wells for the Alliance Against Sexual Coercion to the Executive Secretariat of the Equal Employment Opportunity Commission, Dated June 6, 1980, *Working Women's Institute Collection* (emphasis in original).

<sup>75</sup> *Comments on the Equal Employment Opportunity Commission's Interim Guidelines on Sexual Harassment*, Submitted by NOW Legal Defense and Education Fund, Women's Legal Defense Fund, et al., June 10, 1980, at 9-10, 15, *Working Women's Institute Collection*.

<sup>76</sup> Lin Farley, *Sexual Shakedown: The Sexual Harassment of Women on the Job* (New York: McGraw-Hill, 1978): 60-63 (white women), 63-68 (African American women).

<sup>77</sup> MacKinnon, 30-31, 53-54, 176-177 (race), 29, 175 (class).

<sup>78</sup> Constance Backhouse and Leah Cohen, *The Secret Oppression: Sexual Harassment of Working Women* (Toronto: Macmillan Company, 1978): 13-17, 48, 61, 63-68; see also, Diedre Silverman, "Sexual Harassment: Working Women's Dilemma," *Quest*, Winter 1976-1977, 15-24.

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<sup>79</sup> See, for example, Jill Laurie Goodman, “Sexual Demands on the Job: Women’s Work,” *The Civil Liberties Review* (March/April 1978): 56 (shipyard workers); Michele Noah, “Harassment on the Job,” *Sister Courage*, May 1978, 9 (auto plant workers); “Sexual Harassment Challenged,” *Off Our Backs*, December 1979, 9 (coal miners and workers at plywood plant).

<sup>80</sup> Freada Klein, Book Review of *Sexual Shakedown: The Sexual Harassment of Women on the Job* by Lin Farley, *Aegis* (November/December 1978): 34.

<sup>81</sup> Farley, xv.

<sup>82</sup> Klein, 34-35.

<sup>83</sup> *Ibid.* 35.

<sup>84</sup> Susan Eisenberg, *We’ll Call You If We Need You: Experiences of Women Working in Construction* (Ithaca, NY: Cornell University Press, 1998); *Hard Hatted Women: Life on the Job*, 2<sup>nd</sup> Edition, edited by Molly Martin (Seattle, WA: Seal Press, 1997); Sally L. Hacker, “Sex Stratification, Technology, and Organizational Change: A Longitudinal Case Study of AT&T,” *Social Problems* 25, no. 5 (June 1979): 539-557.

<sup>85</sup> As critical race theorists have argued, discrimination law has often failed to address adequately multiple and intersecting identities. See Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” *University of Chicago Legal Forum* (1989): 139-159.

<sup>86</sup> See, for example, Nancy MacLean, “The Hidden History of Affirmative Action: Working Women’s Struggles in the 1970s and the Gender of Class,” *Feminist Studies* 25 (1): 43-78; Kimberly Springer, “Our Politics Was Black Women”: Black Feminist Organizations, 1968-1980,” (Ph.D. diss., Emory University, 1999).