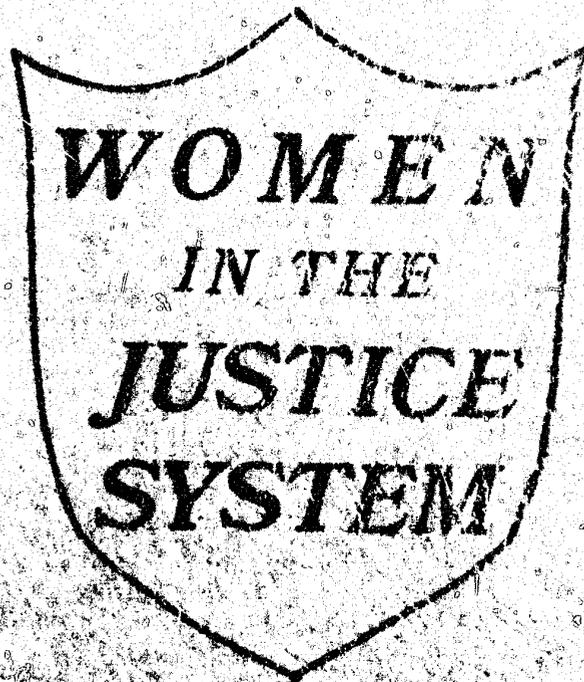


TRANSCRIPT OF HEARINGS  
of the  
JOINT COMMITTEE ON LEGAL EQUALITY

Senator Omer L. Roane  
Chairperson

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Senator Mervyn M. Dymally  
Chairperson

Women in the Justice System

NCJRS

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ACQUISITIONS

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SENATOR DYMALLY: The Joint Committee on Legal Equality is called to order. Before I begin, let me introduce some of our Committee members and staff. To my left, Assemblyman Walter Karabian; to my right, Committee Secretary, Ms. Judy Mason; next to her is Chairman of the Commission on the Status of Women, Ms. Miller; Judge Vaino Spencer; and Judy Miller, Committee Consultant; and way up in the back, Committee Counsel, Mari Goldman.

There's an irony in the fact that the state agencies that are chief dispensers of justice in California are the leading culprits in maintaining inequitable employment and career opportunity policies for half of the state's population -- women.

The Joint Committee on Legal Equality meets today to scrutinize the state's justice system for discriminatory practices that limit the participation of women. We cannot be proud of the fact that women have been relegated to playing a marginal role. Their absence from important key positions in the administration of our justice system, on the Superior Court bench, for example, should embarrass us all.

Built-in prejudices limit the opportunities of women seeking careers in agencies that administer California's justice system. These prejudices come in the form of assumptions by administrators that women can only be employed in those positions that have traditionally been given to a woman. The greatest single prejudice facing women is the unfounded belief that they are neither emotionally or physically equipped to handle "a man's job."

Today we're not conducting a witch hunt, but it is obvious that certain time-honored, male-oriented personnel practices implemented by state agencies have been utilized to hinder the development of women employees. An examination of these practices is needed. Agencies must begin to perceive women in a different light and must provide the same opportunities to women that are available to men in both job assignments and promotions. Particularly in law enforcement, California state departments should serve as an example to other police agencies to provide equal opportunity for all.

Now we have with us Assemblyman Karabian who wishes to make a brief statement.

ASSEMBLYMAN KARABIAN: Well, Mr. Chairman, I think that we're on the right track examining what state agencies are doing in this area. I think these traditional roles that have been designated for women only or a man's job must fall, in light not only of the spirit of the Equal Rights Amendment which we have ratified in California, but in the spirit of this Committee's activities which are primarily to clear away those obstacles toward equal employment opportunities and equal status under the law.

I am somewhat hopeful that as this Committee engages in this function, which I think it has done most properly and appropriately by seeking out those areas of administrative inequity, that we are at the same time or concurrently seeking out those areas of legal discrimination which exist as a matter of code inequities; that is to say, where the law discriminates, and I have spoken to the Chairman about this and he assures me that we are working on that

course of action at the same time. So I'm just happy that we have this subject before us, Mr. Chairman and happy to participate in this.

SENATOR DYMALLY: Thank you very much.

ANITA MILLER: Mr. Chairman, I really have no particular comment to make at this time, just happy that we're here pursuing the course that's set before us of seeking equality.

SENATOR DYMALLY: Judge?

JUDGE SPENCER: Thank you, Mr. Chairman. I'm very pleased that the Committee has undertaken this particular study. It's one that's very close to me, and I'm pleased to see the representative women and other speakers who will appear today. Thank you.

SENATOR DYMALLY: Our first witness is Judge Joan Dempsey Klein, Presiding Judge, Municipal Court, Los Angeles.

JUDGE KLEIN: Honorable Chairman and Honorable Committee members. I am both honored and grateful to have been requested by this ambitious Committee to appear here today and to present any relevant information I may have on the subject of the status of women in the judicial system, for your consideration.

The women of our state can be thankful to you, Senator Dymally, and to Speaker Bob Moretti for the creation of this Committee with its mandate to examine laws that discriminate, and to recommend appropriate changes. Ratification by only five more states will cause the 27th Amendment, the Equal Rights Amendment, to become effective in every state in the nation. As a result of this Committee's work, California laws should be able to withstand any constitutional scrutiny.

Today's subject of inquiry is a proper one, and I hope the information that is forthcoming will raise some questions and issues disclosing the need for further study and recommendations. As the current Presiding Judge of the Los Angeles Municipal Court and as a member thereof since 1963, I consider myself qualified to speak to today's subject.

Pertinent statistics are hard to come by for many reasons, but a number of us have tried to compile data adequate to present a picture of women in the judiciary. If any of my information is incorrect, I certainly welcome anyone coming forward to so represent. As a matter of fact, I think it's long overdue that we do have some reasonable statistics in this area and perhaps this will be a vehicle for obtaining them.

Since the Los Angeles Superior Court is the -- or since Los Angeles County is the population center of the state, and the Los Angeles Superior Court the largest, it seems appropriate to review its judiciary over recent years. The first woman to serve on the Los Angeles Superior Court was the Honorable Georgia Bullock, serving from 1931 to 1955. Since 1949, a period of approximately 25 years, only three women have been appointed to the Los Angeles Superior Court: Justice Mildred Lillie in 1949, Justice Shirley Hufstedler in 1961, and Judge Elizabeth Ziegler in 1968. Justice Lillie was appointed to the Court of Appeals, Justice Hufstedler to the U.S. Circuit Court of Appeals, leaving Judge Ziegler the only present appointee to that bench. The other two women serving on the Los Angeles Superior Court, Judges Kathleen Parker and Nancy B. Watson, were elected thereto in one of those grinding countywide elections.

From January 1964 to December 31, 1973, approximately 145 judges were appointed to the Los Angeles Superior Court. This figure again includes that only woman: Judge Ziegler.

The attached chart that has been compiled for a quick glance by you indicates the current status, and it is self-explanatory, but for emphasis I should like to point out that of the total 919 judges statewide, and I am leaving out the Justice Court because they are not appointed judges, only 26 are women, or less than 3 percent thereof. Justice Lilly sits on the Appellate Court, Justice Shirley Hufstedler was the only other woman in the state ever to so serve. Five women only preside on the Superior Courts statewide. That is out of a total number of 478 judges.

Of the 26, 20 are confined to the Municipal Court. And I use the word "confined" advisedly because women judges do not get elevated from the Municipal Court to the Superior Court, as men judges do. To submit the Los Angeles Municipal Court, a 64-judge court, as an example, and taking the period 1963 to 1973, 42 judges were elevated to the Los Angeles Superior Court from that court. The only woman among those elevated was the, again the only one, Honorable Betty Ziegler. The situation is the same in those few counties that even have women judges, and there are a good many that you will note that do not have any women judges.

I would suppose that many persons do not know how an attorney becomes a judge in the first instance. It is important in this presentation to understand that over 95 percent of all

judges are appointed by the Governor. During his term, from 1959 to 1966, Governor Brown appointed 620 judges, including about ten women, and this number was a number equivalent to two-thirds of the entire judiciary. Governor Reagan to date has appointed about 565 judges. Again, this number includes about ten women statewide. The above-cited figures need further comparison and analyzation before they become significant to your Committee.

The number of women lawyers from which women judges could be selected is an important factor. Of the approximate 40,000 lawyers in the state, the number of women is reasonably estimated at 1,600 or about 4 percent thereof, many of whom are competent and qualified to serve as judges. The question in the minds of many women judges, attorneys, and other interested observers is the manner in which women are appointed to the bench. Failure to get reasonable answers to repeated inquiries have led to considerable speculation. In response to a letter sent to the Governor's office by a woman attorney last year, the following information was received: "Your reference to obvious discrimination is subjectively inaccurate. The facts are that, next to Negroes, women have done better in judicial appointments under Governor Reagan than any other single category. This number is based on the number of women who have been appointed in relationship to the number who have applied." I'm not quite sure what that means, but that is a quote.

This information tends to confirm the speculation that women were in the same category as minorities. Assuming several single categories, it is appropriate to look at minority representation on the bench. The Blacks in California with about 7-1/2 percent of the total population and approximately 375 to 400 lawyers, have 14 representatives on the bench. Persons of Mexican-American ancestry make up about 17-1/2 percent of the state's population and have an estimated number of 130 lawyers. There are 20 Spanish-surnamed judges, statewide. Women make up more than half of the state's population and women lawyers number approximately 16,000 and yet only 26 women are in the judicial system.

SENATOR DYMALLY: Judge, you meant 1600 women.

JUDGE KLEIN: Sixteen hundred.

SENATOR DYMALLY: Yes.

JUDGE KLEIN: What did I say?

SENATOR DYMALLY: Sixteen thousand.

JUDGE KLEIN: Wishful thinking. Conclusions that can be drawn from these statistics will undoubtedly vary. The method by which judges are selected in this state is relevant to the subject of inquiry. There is no merit system in operation in California. The State Bar has an agreement with Governors, there being no requirement therefor, that names of judicial candidates will be submitted to its Board of Bar Governors for their investigation prior to an appointment being made. Pursuant to the agreement, no candidate is to be appointed who has not

been passed upon as qualified, well-qualified, or exceptionally well-qualified. Calls are then made to the legal and judicial community about the candidate. Judicial temperament, intelligence, education, experience, health, work habits and age are among the areas of inquiry. Results of the investigation are forwarded to the Governor's office. The names selected are then run through other committees that have been set up to screen candidates. The successful candidate is thereafter appointed, if and/or when a vacancy exists.

The entire process is confidential, so confidential in fact that some candidates have been unaware that they were under consideration. The confidentiality is deemed essential, allegedly to protect the candidate. However, as a result of this confidential procedure, a candidate found to be unqualified has absolutely no recourse and that candidate's judicial career has thus been terminated. The law has demanded due process hearings in situations where considerably less is at stake. I might add parenthetically this entire process is in the control of a group some persons would categorize or characterize as "establishment white males." To reiterate the most basic and important aspects of the judicial selection process, the candidate's name must first be submitted to the State Bar by a Governor; nothing happens until that occurs. And in the final analysis, it is the Governor who makes the appointment.

The process is also a highly political one, the majority of judges appointed being either Democrat or Republican, depending on the

party affiliation of the Governor at the time. Judgeships are also highly sought after, particularly Superior and Appellate positions, and the competition for each office is keen. Maximum pressures are brought to bear on the Governor's office for each such position. Occasionally, a judge is elected to the trial bench in the first instance when a timely opening occurs. Thereafter, all judges allegedly stand for election every six years, but they don't go on the ballot unless they have opposition.

Perhaps the reason why so few women hold the exalted positions is that women do not, as yet, constitute an identifiable, articulate, organized, affluent pressure group or voting bloc whose demands need to be taken seriously. Women do not constitute a threat, and we are all familiar with the squeaky wheel priorities of governmental action.

Much of what I have said thus far is probably known to some of you. To others it may come as a revelation or a surprise. To me it is a sad commentary on existing realities. However, I have not discussed a part of this subject which is very difficult to put into words, and that is the feeling and the psyche of those women judges who have been passed over or ignored. One incident serves as a most poignant reminder of that overwhelming sense of frustration felt by us all.

This particular woman judge, not myself, but whom I will not identify, is of considerable experience and dedication, watching over the years the newly appointed male judges getting elevated after short terms on the Municipal Court and this woman

judge being passed over time and time again, said, "I must have 'reject' stamped on my forehead." I thought it a rather humorous comment at the time, but as the years have passed and upon reflection, tears seem a more appropriate reaction of sentiment. Some in our society still refuse to recognize that women, too, have sensitive egos, and that they take pride in doing a job well, and that they also enjoy a new challenge. These same people think that women will be satisfied with the more menial of tasks in whatever field of endeavor, including the judiciary. They are wrong, and I am here today to say so.

I might say that I appear before you with some trepidation because of my professional career which I greatly cherish. I do not wish to antagonize or to alienate those powerful persons who may one day sit in judgment on my advancement in my judicial career. My intention is to make a presentation, hopefully designed to stimulate constructive thinking and change. California has an outstanding judiciary, one of the best in the nation, and composed of honorable men and women. But we women want our fair share of the honorables, and what I had to say -- what I have said today, had to be said by at least one of us. I might add in closing that in carefully considering the factual data submitted here today, I have decided my best prospect of getting to the Superior Court is to take my case to the people, and so I am going to run for election to the Los Angeles Superior Court this year. And I thank you. And if you have any questions, I should be happy to try to answer them.

SENATOR DYMALLY: And I say to you, Judge, right on.

JUDGE KLEIN: Thank you.

SENATOR DYMALLY: First I want to seek your permission to use the material in your presentation so that the Committee can distribute the statistics, at least to those people who are in the decision-making positions.

JUDGE KLEIN: Indeed that was my intention, Senator, and hopefully if some of the statistical data is incorrect, persons will come forward with corrections.

SENATOR DYMALLY: And then you might hear me giving this speech some other time, too, I grant you that.

JUDGE KLEIN: I'd be most happy to have you do that, Senator.

SENATOR DYMALLY: Assemblyman Karabian wants to ask a question.

ASSEMBLYMAN KARABIAN: Judge Klein, the Chairman has consented to allow me to ask a question or two, and then I'm forced to leave, so I appreciate the opportunity to address a couple of questions to you on this issue which you and I have discussed many times before.

JUDGE KLEIN: Indeed.

ASSEMBLYMAN KARABIAN: The procedure of appointing judges seems to be, in this administration, which is the only opportunity I've had to observe it, seems to be that you are put out for a rating: qualified, unqualified, fair, satisfactory, etc. That qualification appears to be made by two groups. Is it your understanding that that qualification determination is made (a) by the Bar, and (b) by a political kitchen cabinet, that is to

say, individuals who have some special relationship with the appointing authority, in this case, the Governor?

JUDGE KLEIN: My understanding, Assemblyman Karabian, is that the categories, qualified, well-qualified, exceptionally well-qualified, or not qualified, are made by the State Bar. I do further understand that there are these committees, no one seems to know exactly how many or of whom they are constituted, that work in conjunction with the Governor's office, to further screen the candidates. I think some of them are composed of attorneys and maybe lay persons in the community wherein the individual is being considered, and also judges in the community where the candidate is being considered. I do not know how many they are or who they are.

ASSEMBLYMAN KARABIAN: Yes, and I don't know either. And all of us in Sacramento hear conversations about this, but it's kind of kept within the close confines of the Governor's office. It seems to me that it is appropriate to ask one's opinion, that is to say, if your Governor asks the opinion of people who share his political philosophy as to whether or not an individual -- whether that individual thinks the individual under consideration is capable, etc. What troubles me is the lack of recourse; that is to say, if you are dinged by some person out here in this faceless, unidentifiable group or committee, you can't get to the State Bar. And even -- often when you get to the State Bar, which I think is a horrible procedure, asking the State Bar, but if you go to the State Bar, you have the same potential of an

individual within the State Bar procedure ding you for the same reason. It has been said that this is one of the reasons why Governors rely more on their own groups rather than the State Bar because the State Bar tends to put forth only a certain kind of lawyer, the big firm lawyer who has participated in Bar activities and so forth, and thus excludes minorities or those who have small law firms or small partnerships, etc.

If I understand your testimony correctly, and I think it's been most informative, you're not questioning the fact that a Governor has the right to appoint someone who shares his political philosophy for a judicial position, you're not questioning that, are you?

JUDGE KLEIN: I am not questioning that...

ASSEMBLYMAN KARABIAN: In other words, a liberal Governor ought to have the right to appoint liberals to the bench.

JUDGE KLEIN: I am questioning it to this extent. And I spoke on this subject before the Lawyers' Club the other day.

Allegedly, we have three separate branches of the government. One is the judiciary, one is the executive, and one is the legislative. Now if the judiciary is going to reflect totally the philosophical point of view of the executive, I'm afraid we are going to render one of these allegedly independent separate branches of government less independent. I am concerned that we have a wholesale change of complexion of the judiciary to reflect the philosophy of the appointing authority. I understand it used to be a rule of thumb three to one, three of the in's to one of

the out's. I understand that that three to one has not been maintained under the present administration.

ASSEMBLYMAN KARABIAN: It's more like 20 to one now.

JUDGE KLEIN: Well, that's -- I haven't done a research count on that, but, if it were done, probably it would be closer to that. There is something a little bit scary to our basic concept of government about the court-packing concept. Some people say that it is appropriate. Some people say that because judges do engage in what is known as judicial legislation, that if they're going to usurp the powers of the Legislature, then, indeed, they should be responsive to the electorate. This is a very delicate area, a very sensitive area, and a very difficult area.

ASSEMBLYMAN KARABIAN: One of much philosophical debate over the centuries in this country.

JUDGE KLEIN: Indeed. I agree.

ASSEMBLYMAN KARABIAN: Beginning, of course, with the appointment of Marshall and his judicial conduct. What I was getting to is that the thrust of your testimony here is not so much on the philosophical, but on the basis of whether you have a liberal, if you will, Governor or -- followed by a conservative, if you will, Governor, you still have the same ten positions being given to women...

JUDGE KLEIN: Yes.

ASSEMBLYMAN KARABIAN: ... out of 5 or 600 -- 600 judicial appointments made by Governor Brown and 550 judicial appointments

made by Governor Reagan which we know in the next year, he'll have another 50 to 100 appointments to be made.

JUDGE KLEIN: That's correct

ASSEMBLYMAN KARABIAN: It seems to me, then, the thrust of where we ought to be directing our attention is not on the philosophical, but on saying if the Governor accepts the concept that he as a conservative Republican is going to name conservative Republicans, then certainly there are conservative Republican women lawyers who deserve to be given the same kind of consideration. And that boils down then to the role of women in the political arena for it is, as everybody in this room knows, unless there is a sophomore virgin amidst us, that it is a political decision that is made after the Bar stamps the person as qualified, for you cannot appoint somebody unless they get that certification from the Bar. But you have 300 people who are in a group called "qualified" and then the Governor appoints three Municipal Court judges and two Superior Court judges out of that. Well, it seems to me that what we have to do is do something about the system -- the political system, the people system, if you will, that brings women to the forefront in that category. In other words, once a woman is stamped as qualified by the Bar -- I'm not even raising the myriad of problems that go into the Bar evaluation which you and I have discussed many, many times, but once they get the qualified rating by the Bar and then under our system can be appointed by the Governor, it seems to me at that point we

ought to have some means, some ability, to focus on the great inequity that exists in the judiciary between 600 male judges and 10 female judges. And that any conscientious person, having that appointment power, ought not to say that women have fared better than Negroes or that women have fared better than any other group that has not fared well. It's the same thing as when we talk about our prison system in California, we say with great pride, it's better than any other state. The fact of the matter is it is in the 18th century, but it is better than any other state. The comparison is not good. I'm just wondering if you think there's anything that can be done in the sharpening of the focus of the political determination that is made, that it is good politics to appoint women, that it is good for our society to have a balance rather than an imbalance in the judiciary.

JUDGE KLEIN: I think ...

ASSEMBLYMAN KARABIAN: See what I'm saying? I'm addressing myself ...

JUDGE KLEIN: Yes, indeed.

ASSEMBLYMAN KARABIAN: ... to the political consideration that comes after the qualification.

JUDGE KLEIN: And I think you are as cognizant of this, Assemblyman Karabian, as any other male politician on the scene right now. You will note that there are more women running for public office and there are more women getting involved into the political

scheme of things with an awakening that that's where the action is. Without question, it is a question of pressure being placed on the Governor's office for those key positions. And unless women have made themselves, their positions, felt in either the Democratic Party or the Republican Party, they are not going to have sufficient voice to compete with the other pressures that are put upon the Governor for every single appointment. And I think women themselves have to understand at this point that if they really want to do this, if they really want to be part of the action, they're going to have to get involved in the political structure.

ASSEMBLY KARABIAN: Yes. Now, let's carry that one step further, because I think we're arriving at the point that I think we ought to be. When the Governor has before him a list of qualified individuals, and he begins to evaluate those individuals, it is said in Sacramento that it is irrelevant the number of women who participate in his political party. It is irrelevant the number of women who are in the Legislature or any other place; what is relevant is the consideration or the input he gets from those backers who have put him in the place he is, and I would say, simply because as I think of the names of major Republican backers who have a lot of influence in the determining of who the judges should be, no female name springs to mind. It seems to me then that that group constitutes as important a lobby, as important a constituency, as anything else, for it is that group that you also have to clear, you have to be approved by...

JUDGE KLEIN: That is correct.

ASSEMBLYMAN KARABIAN: The kitchen cabinet is a popular phrase around Sacramento, and the kitchen cabinet is not made up of any women at the present time.

JUDGE KLEIN: That is correct.

ASSEMBLYMAN KARABIAN: And I don't think it was during Governor Brown's administration either.

JUDGE KLEIN: No.

ASSEMBLYMAN KARABIAN: So, it seems to me that the hard politics of being into the kitchen cabinet would have a direct bearing on this. I don't know if you agree with that or not.

JUDGE KLEIN: I do, indeed. I do, indeed. I think that's in here by implication, if not by direct statement.

SENATOR DYMALLY: Judge, the sad fact that you brought out here is that both parties are guilty of this discrimination in the judiciary. And it so happens that I don't know of any time that Governor Brown and Governor Reagan have ever agreed on anything, but they certainly kept the same ratio, the same number of women, ten in eight years.

JUDGE KLEIN: That is true.

ANITA MILLER: I have a question.

SENATOR DYMALLY: Ms. Miller.

ANITA MILLER: Judge, the kind of procedure that you've outlined for us here really applies to the appointive process in the other areas where appointments take place, you know, no matter

what kind of a commission or whatever. Do you see any possibility of examining the process itself, opening up that last undefinable area where the final decision is made, to some kind of -- well, an arbitrary decision can be made and there is no recourse. This whole business of a qualified or a nonqualified person is really just using words that have not a great deal of meaning in the final decision-making. Can you see any way in which that final kind of process, for whichever party or whichever appointing power, operates so that we can see what really happens.

JUDGE KLEIN: Well, we can either allow the person who has been considered unqualified to have a hearing and to present his or her case with people undoubtedly who will say that that individual is qualified, and perhaps have a reconsideration by the Board of Bar Governors. Or we can look at a change in the entire selection system. And I think that there will be some speakers today who will suggest that. Other states have gone to a so-called merit system wherein commissions have been set up to screen candidates and then thereafter, the names of those candidates are submitted to the Governor from which he makes the appointments. There are several procedures, as I say, variously organized and structured, that have been called merit systems. And I think that it is high time that California looked to another system. I think, in the final analysis, the appointing authority ought to be responsible to the people for the caliber of the bench, but I think, on the other hand, we ought to take

some of the politics out of it and try to get a commission that doesn't transfer the public kind of politics for Bar politics. If we could get a commission that would be reasonably representative and have them do a job screening candidates, I think we might be on the way to developing a reasonable system of selection. There is that possibility.

SENATOR DYMALLY: Judge, before he asks a question, let me introduce the Vice Chairman of this Committee, Assemblyman Howard Berman of Los Angeles County.

ASSEMBLYMAN BERMAN: The part of the procedure which involves the State Bar, could you describe that a little more elaborately, what actually happens?

JUDGE KLEIN: What actually happens is that names are received by the Governor's office from a variety of sources, like the Los Angeles County Bar Association has a judicial selection committee, and they forward names to the Governor's office. And a group of businessmen in Pasadena may forward names to the Governor's office; a San Francisco attorneys' group may forward some names to the Governor's office. From whatever source, the Governor's office gets names of judicial candidates. The Governor's office then takes those names and decides, by whatever process I do not know, to submit some of those names to the State Bar purely on a voluntary basis for their investigation. Then their investigation gets under way. And as I understand the technique, different names are passed out to different members of the State Bar Board of Governors, depending on where the individual lives ...

ASSEMBLYMAN BERMAN: All done by the Board of Governors?

JUDGE KLEIN: Board of Governors. They come back to their locale, they place names.

ASSEMBLYMAN BERMAN: How many women on the Board of Governors?

JUDGE KLEIN: One, for the first time, I think she's in her second term, for the first time ever we have now one woman, Joanne Garvey from San Francisco -- one in 50 years. And then they -- these individuals make inquiries, they call and say "What do you know about candidate Joe Blow, is he a good guy, this and that and the next thing," and they do make some inquiry here. I don't know that they have any written criteria or whether it's a weighted kind of thing or whether they do it differently for a candidate for the Municipal Court or the Superior Court or how it's done. Then they go back together and there is an input, and I don't even know how they vote, but apparently one person has the responsibility for a name. And then that person says, "This is the information that I have received," and then they vote -- I guess based on that one person's input.

ASSEMBLYMAN BERMAN: This is not reduced to writing anywhere that you know about, this procedure?

JUDGE KLEIN: I don't know that it's reduced to writing. Then those names that come out with a qualified, or whatever, are sent to the Governor's office, back to the Governor's office, with a qualified, well-qualified, exceptionally well-qualified, or a not qualified. The Governor then selects from those names some that he may want to consider, and he forwards those around to

these other committees and then eventually he picks one or two for whatever number of spots that are available. But I think it's high time in as sensitive and as delicate an area as this that we know more about this process. I see no reason for it to be as secretive as it is.

ASSEMBLYMAN BERMAN: I just think it's interesting that -- just to point out that our last hearing on the employment in higher education and the secrecy of that system and the secrecy of this system and what the statistics bear out when you have no accountability to the public, no written standards, no criteria and requirement for reasons, for specific kinds of actions, you end up with an unbalanced situation as we have in both the judiciary and in the State Colleges and Universities.

JUDGE KLEIN: It's inconsistent and incongruous with the tenets of a democracy, really.

ASSEMBLYMAN BERMAN: Yes.

JUDGE KLEIN: If there is nothing else, I thank you very much for the opportunity to be here.

SENATOR DYMALLY: Fine, thank you very much, Judge.

JUDGE SPENCER: Mr. Chairman, I wanted to say a word, if I may.

SENATOR DYMALLY: Fine.

JUDGE SPENCER: First of all, to endorse everything that Judge Klein has stated and also to point out one additional parallel. I note that both Governor Brown and Governor Reagan in their two terms -- respective terms in office -- followed

the one to three ratio in applying it, one woman to three blacks on the Superior Court. So apparently we're in the category of the out party.

SENATOR DYMALLY: I'm willing to join your party, Judge. Thank you very much, Judge, for coming.

Before we continue with our next witness, I want to introduce to my left, Assemblyman Bill Greene, Central Los Angeles.

Mr. Michael Franchetti. And Mr. Vic Soneberg. Are you going to be together?

MICHAEL FRANCHETTI: Well, I'll give the main presentation and Vic can be here to answer questions, if you have them.

SENATOR DYMALLY: Fine, very well.

MICHAEL FRANCHETTI: I'm Mike Franchetti. I'm with the Attorney General's office. And I'd like to first say that we certainly appreciate the opportunity to participate in the studies of the select committee.

The California Department of Justice is headed by the Attorney General who is the state's chief law enforcement officer. It is essentially divided into two administrative subdivisions. The first is the Attorney General's office which serves as counsel for state agencies basically. And the second is the Division of Law Enforcement which provides a series of law enforcement-oriented services on a statewide basis. On the whole, the Department of Justice employs approximately 1,900 men and approximately 1,000 -- I take that back -- 1,196 men and 1,191 women. Approximately 51

percent of the total work force perform clerical functions. Women comprise approximately 80 percent of the clerical personnel in the department. Approximately 22 percent of the department work force are in professional job classifications, and women fill about 14 percent of these types of jobs. The remaining 26 percent of the work force perform duties that are classified as administrative or liaison or technical, and women fill approximately 12 percent of these jobs, to give you some idea of the number of women and the types of job which they hold in the department.

In evaluating the role of women in the Department of Justice, I think it's probably of value to look at each administrative subdivision independently. The Attorney General's office employs approximately 344 lawyers. Of this number, as of late this month, about 41 are women. And that's about 12 percent of our total lawyers staff. As law schools graduate more women lawyers, it's anticipated that both the number and percentage of women employed by the Department of Justice in this type of category will increase. Most women attorneys in the Attorney General's office at this time are in lower civil service categories and this is primarily due to the fact that most have been hired, say, within the last couple of years, and it takes awhile to sort of go through the steps of the civil service system.

Top women on the staff include the Director of the Statewide Crime Prevention Unit, the Assistant Attorney General in charge

of the Public Welfare Section, and the Assistant Attorney General in charge of statewide writs. The latter two women are experienced lawyers who have worked their way up through the civil service system. Am I not talking loud enough? O.K., how's that? A little better? O.K., I'm sorry.

Of the eight exempt slots within the Attorney General's office, two are held by women. I think there's probably not much doubt that within the Attorney General's office, there is substantial participation by women in the higher echelon-type job.

Within the Division of Law Enforcement, the majority of employees are women. Most are employed in clerical jobs. Approximately 11 percent, or about 79 out of 712, are employed in technical or professional occupations which range from laboratory technician to computer operators to budget analysts. And approximately 8 percent of the women in the Division of Law Enforcement are in some type of supervisory-type job. Virtually every job classification within the Division of Law Enforcement includes some women employees. At the present time, the only noticeable exception is that of Special Agent, and these are the people who, you know, go out in the field and do such jobs as work with the Bureau of Narcotics Enforcement. The absence of women from this job classification is primarily attributable to the fact that until 1972 the job classification was restricted to men only. At that time, the Attorney General, by Executive Order, opened the job classification to women and altered the requirements for Special Agent so as to facilitate the employment of women. And I'm told, at the

present time, one women Special Agent has been hired by the department and will begin training, I believe, in June of this year. All in all, I think an overview of the Department of Justice, and probably especially the Division of Law Enforcement, indicates that there is no overall parity in terms of men and women employees. At the present time, there isn't any doubt that the bulk of the more sophisticated or responsible jobs are held by men. At the same time, however, I think it's increasingly evident that the Department of Justice is taking affirmative steps to significantly increase the participation by women in professional and technical-type jobs, as well as to increase their participation in supervisory jobs. As I'm sure you are well aware, decades of policies and biases which have restricted the advancement of women in the Department of Justice cannot be overcome in a matter of months or even years. They are being overcome, however, in the department and I think in the criminal justice system itself as a whole, although there are obvious problems in that. They're being overcome, we feel, in the Department of Justice as a result of a substantial number of affirmative steps that we have taken in the last several years. And if you'd bear with me, I'd like to list those for you.

First, sort of in terms of the rights of women in general, the Attorney General has appointed a Women's Rights Task Force which is composed of persons from women's groups and men and women in government, education, business and the public at large to make recommendations to him as to the need for new laws in the

area of women's rights and as to, I believe, the desirability of participating in various types of lawsuits. I am told that this task force first met on February 5 of this year. The Attorney General has, as some of you may know, also endorsed the Equal Rights Amendment in the belief that legal equality is a necessary guarantee for women, as it is for other groups within our society. The Attorney General initiated and sponsored legislation, Assembly Bill 1774, carried by Assemblyman Julian Dixon to prohibit any state licensee from discriminating on the basis of race, color, national origin, or sex. The Attorney General has endorsed the passage of Assembly Bill 765 by Assemblyman Kapiloff, and this is a measure which permits women to register under any appropriate appellation including "Ms."

The Attorney General's office is actively implementing the provisions of last year's Assembly Bill 2312 which prohibits sex discrimination -- prohibits discrimination on the account of sex in the area of giving credit. We will affirmatively and aggressively prosecute any violations of this law when we find them.

Within the Department of Justice itself, the Attorney General has ordered the implementation of an affirmative action program to secure high levels of employment within the department for minorities of all types. Included among the activities of this affirmative action program have been the order removing the restriction against the employment of women as Special Agents which, as I noted, has resulted in the hiring of the first Special Agent.

And also the development of a procedure to create a pool of individuals who are now employed by the Department of Justice in lower echelon-type jobs from which we begin to fill higher echelon-type jobs. This is in effect a pool of people who will be at an entry level to many more sophisticated and responsible jobs within the Division of Law Enforcement. One of the primary intentions of creating this talent pool, so to speak, is to provide the hundreds of clerical women employees of the Department of Justice the opportunity to move into a professional-level job after meeting minimum educational and experience requirements.

The affirmative action program also includes the active recruiting of women and minorities. We are now at this time beginning to reevaluate tests in order to see if there are sex biases and other types of biases in them and to try to change them. And we also are at this time attempting to establish training programs designed to assist women to fill some of the more responsible jobs in the department. And I think most of these things that I'm speaking of really apply to the Division of Law Enforcement as opposed to the Attorney General's office which -- in which there really isn't, I feel, there isn't this type of problem.

Finally, I might indicate that the Attorney General has ordered, and action on this has already started, the development of special training in the Department of Justice to be given to employees of the department in the problems of minority groups of all types. We will begin sometime this spring, possibly as early as May 1, a series of classes at which we will try to teach

to all the people that are in the Department of Justice over a period of some time, the problems of minority groups and this will, of course, include also problems of women and attitudes that people within the department may have toward them, both in terms of people that they work with and in terms of contacts outside of the department.

It seems to me that in many ways the Department of Justice is exemplary in some ways of the experience of other agencies in the criminal justice system. I'm talking here perhaps mainly of law enforcement type agencies although we are not exclusively that type of an agency. I think it reflects decades of employment practices which generally restricted employment by women to clerical levels involving greater or lesser skills. And it also reflects an inherent reluctance on the part of professional groups such as lawyers and law enforcement officers to accept women on an equal basis. And I would think that perhaps it also reflects some sort of -- somewhat of a disinclination on the part of women until recent years to actively seek these types of jobs, or at least to make their needs known.

At the same time, the Department of Justice finds itself, I think, in the midst of a substantial change in these policies and attitudes. Virtually all of this change has begun during the last two or three years, partly as a result of outside changes and pressures and partly, I think, as a result of strong affirmative policies by the present Attorney General.

All in all, the report which we are making here to you today is somewhat incomplete. It's not a final report, by any means. Rather it's sort of an interim report -- a report in which we recognize the problem which has existed in the department for many, many years and which we are trying to resolve at this time. Now we can't give any estimate to you as to when the problem will be solved. I think the best that we can do is to say that we are making every effort to solve it and that we are finally seeing some positive results of our efforts. At this time, like I say, I'll be happy to answer any questions and also Mr. Soneberg, who is the head of our affirmative action program, will be happy to answer questions.

SENATOR DYMALLY: A couple of questions. We had difficulty getting any women to testify from your department because of fear (1), and second, we had difficulty identifying any women in administrative positions in your department to invite. In one instance, an employee wanted to testify, but couldn't get the time off, neither could she afford to come down. The staff wanted to pay her way and I just absolutely objected to that, because I just believe that state agencies ought to permit their employees to testify before committees when they are invited, without any retaliation. Now I don't know of any stated retaliation but the fear exists in your department that to testify before a legislative committee would be to invite reprisal.

MICHAEL FRANCHETTI: Well, this is the first that I've heard about it because as you may know, Senator, that's my job. I always testify before hearings and so on. And so that's the main reason why I'm here because it would fall upon me to make this type of presentation. As far as -- and I'm just talking quite candidly from my personal experience and I've served both under Attorney General Lynch and Attorney General Younger. I don't know of any cases where anyone who has testified or informally spoken with people in the Assembly or the Senate on problem areas has ever had anything happen to them.

SENATOR DYMALLY: Neither do I.

MICHAEL FRANCHETTI: That's the best that I can tell you.

SENATOR DYMALLY: Neither do I. But I think the significant point I'm trying to raise is that employees need to have a feeling that nothing will happen to them and perhaps they don't have that. Some affirmative statement on your part that when invited to testify, of course, with prior consultation with their supervisors, they may so do. I don't expect that every time an employee gets some kooky idea they want to rush out to a committee and say, "Look let's wipe out the Attorney General's office," but I believe when an invitation in writing is extended, the department -- and not only you -- I'm going to raise this question to all of the heads of the criminal justice system. It was especially bad within the criminal justice system that employees had this fear. I don't know if it has to do with the whole nature of law enforcement, that people are scared to talk, but that was our experience and I'm speaking

from notes that the staff gave me as they made calls, especially in the penal system.

MICHAEL FRANCHETTI: O.K. I certainly will pass your concerns on.

SENATOR DYMALLY: Mr. Berman.

ASSEMBLYMAN BERMAN: You mentioned that the Attorney General's office has been looking for lawsuits where it could -- its presence could help to effectuate the principle of equality of sexes.

MICHAEL FRANCHETTI: Yes.

ASSEMBLYMAN BERMAN: Can you give me an example of what cases you've determined to intervene in?

MICHAEL FRANCHETTI: I personally can't. Vic, are you aware of any offhand?

SENATOR DYMALLY: Hold it, because we don't get you on the tape.

MICHAEL FRANCHETTI: Why don't you come up.

SENATOR DYMALLY: Yes, come up, and give your name, please.

VICTOR SONEBERG: I'm Victor Soneberg, a Deputy Attorney General in the San Francisco office of the Attorney General. I'm not aware of any dealing with women's rights, but I have been more or less on, there's a phrase for it in the Army, I'm temporarily relieved of my lawyer's duties and I'm working on this affirmative action program which is mainly an administrative function now. While I was there, we did get involved in two lawsuits with respect to ...

ASSEMBLYMAN BERMAN: While you were where?

VICTOR SONEBERG: With the so-called Constitutional Rights Section which has been involved in discrimination in employment and discrimination in various areas. We did actually bring lawsuits on behalf of the people of the State of California with respect to Bakersfield and San Diego school districts.

ASSEMBLYMAN BERMAN: On sex discrimination?

VICTOR SONEBERG: Racial discrimination in school districts. As I say, I'm not aware of what we're doing in the area of women's rights now, so I guess I'm not the right guy to ...

ASSEMBLYMAN BERMAN: You don't know of any cases?

MICHAEL FRANCHETTI: I, myself, don't know, but I certainly can find out for you and we can be in touch with you next week and let you know what cases there are.

ASSEMBLYMAN BERMAN: Could you identify the individual or individuals who are involved in, for the Attorney General, scanning the scene to determine if such lawsuits are appropriate?

MICHAEL FRANCHETTI: I can't, but that's probably just because of my own personal ignorance of who is working in that area. But here again, I can find out for you without any problem.

ASSEMBLYMAN BERMAN: O.K. If you could just shoot that over to us, it would be interesting to see, I think.

MICHAEL FRANCHETTI: O.K. I certainly will.

ASSEMBLYMAN BERMAN: Also, are there any lawsuits right now alleging a pattern of discrimination on the basis of sex against any of the agencies which the Attorney General represents, as far as you know.

MICHAEL FRANCHETTI: Yes, as far as I know, there is one lawsuit, there may be more, but the one that I know of is against the California Highway Patrol. There's a question -- they apparently have a standard which does not allow women to apply to be a CHP officer and of course since we are counsel for them, we are acting -- defending their view. That is, of course, within our role of being counsel for state agencies and not reflective of the policy that we may have.

ASSEMBLYMAN BERMAN: Well, that's a tough area because you have -- I assume you perceive it as an attorney ....

MICHAEL FRANCHETTI: Well, it's the same thing as someone who has probably committed a crime, you act as counsel for them ...

ASSEMBLYMAN BERMAN: Well, I'm not quite sure it's like that. You're not defending the Highway Patrol against criminal acts or acts in violation of law. I assume you're alleging that such acts weren't committed and that there has been no violation of law.

MICHAEL FRANCHETTI: I don't know what exactly is involved in the case. I think it's a question simply of whether there's a -- some constitutional question ...

ASSEMBLYMAN BERMAN: It would just seem that your office could play a very, very vital role in terms of getting these agencies who have been sued for a pattern -- I'm not talking about single cases where factual determinations are key, but where patterns of discrimination have been alleged, that in

terms of counseling your clients, at some point that they might consider abandoning policies because of violations of various state laws and hopefully, at some point, the Equal Rights Amendment, and also we now have a civil rights act which I believe applies both for discrimination on the basis of sex and to the state and state agencies. That's my understanding of recent amendments, so you have legislative authority which would indicate this and I'm just wondering to what extent your office sees yourselves as having that role of counseling clients.

MICHAEL FRANCHETTI: Well, I would say it's probably the same type of role that any lawyer would have with any client. When a client comes in and says, "We want to fight this," our lawyers who are assigned as their counsel will advise them of what we believe the law to be, but of course if the person -- you know, I mean, if there's any doubt in the area, and if the agency, as a matter of their internal policy, want to fight it in the courts, our role is to act as their counsel.

ASSEMBLYMAN BERMAN: Is there any authority to say, "No, I'm sorry, the stated policy of the state and the Attorney General's office on this issue is so contrary to the position you wish us to take in this proceeding, that we're going to have to bow out as your attorneys?"

MICHAEL FRANCHETTI: We could, I think, not so much in terms of any law that might say that, but under the basic rule that if we felt we could not adequately act as their counsel, but see, there's a bit of a problem there if you want to go into it, in that for many years, it goes back 20 or 30 years, there's

been a strong effort by every Attorney General to consolidate all state counsel representation in the Attorney General's office. And as soon as you begin establishing a policy that, "No, we will not act as counsel for you because we don't think that you are right from a policy standpoint," then we feel that that is going to undo a great deal of work and people are going to say, "Well, we're going to want to have our own counsel handle our cases."

SENATOR DYMALLY: Yes, fine, let them go on. And then you go and oppose them in court and you say to the court, "In our judgment this department is violating the law." And you represent the people because in the final analysis, the Attorney General, who is an elected official, represents the people, not the bureaucrats. And I don't want to give a campaign speech here, but I think that too very often the executive branch of government is too defensive of the bureaucracy. We weren't elected to represent those bureaucrats. They're paid to do a lousy job. We are elected to do a good job. And so -- because I want to raise another subject, is the whole question of the FEPC. The Attorney General ruled that the State Personnel Board doesn't have to comply with the FEPC. That, to me, is a source of distress among a number of us who worked so hard for the Fair Employment Practice Commission. And again, it seems to me as contrary to public -- stated public policy. That's the law of the land.

ASSEMBLYMAN BERMAN: Well, I just -- not necessarily to take exception with the Chairman's comments, there is the other side of that. I think elected officials, particularly the Legislature and the Governor, can't ignore -- can't hope that Attorney General's opinions will get them off the hook in terms of passing legislation, for instance, to ensure that FEPC principles would cover. I don't know this specific situation and that might be a way out in very weird and tortured interpretation that the Attorney General's given on that issue. I don't know, but there is clearly a tendency on the part of politicians to say, "Well, let's solve that with some administrative interpretation and duck our responsibility." I've seen that happen.

MICHAEL FRANCHETTI: Certainly.

SENATOR DYMALLY: Thank you. Judge? Are there any questions?

JUDGE SPENCER: I have a question. Mr. Franchetti, it occurs to me that you may have a conflict of interest. As we just heard, you have a Constitutional Rights Section of which I'm well aware, and it is within the responsibility of that section to implement the affirmative action program for the state agencies. Then how can you square that with representing the CHP?

MICHAEL FRANCHETTI: Well, I really can't answer your question, unfortunately, but I know from sort of a passing acquaintance with that problem, this was one of the very serious policy issues that had to be decided, whether we would act as

counsel. And I gather that within the department it was decided that we could do that. So I can't answer you why that -- it was decided there wasn't such a strong conflict that we simply couldn't act as counsel for them, but that was the decision that was made in that one case.

JUDGE SPENCER: Well, will you convey to General Younger our concern in this area?

MICHAEL FRANCHETTI: I certainly will.

JUDGE SPENCER: Thank you.

SENATOR DYMALLY: That's about all we're saying, really, that we aren't trying to accuse you of anything ...

MICHAEL FRANCHETTI: I understand.

SENATOR DYMALLY: ... we just want you to let the Attorney General know that we have some concern in this area. Good. Mr. Soneberg.

VICTOR SONEBERG: Ladies and gentlemen, I had no particular presentation to make. I was here more or less as a resource person for Mike and to answer any questions that you might have about our affirmative action program.

SENATOR DYMALLY: Fine. Just stick around. We'll probably call you back. One question by Assemblyman Bill Greene.

ASSEMBLYMAN BILL GREENE: Mr. Soneberg, you stated that you are now in the process of administratively setting up the department's affirmative action section. Would you be able to share with the Committee what you contemplate doing, how that will be structured, how you intend to proceed, once you're off and running.

VICTOR SONEBERG: Well, basically, we've had an affirmative action program for years, but it's not been systematized, so

that's been, I guess, my main function is to try to get it into some sort of a rational form.

We're setting up a program involving the WIN program wherein we take people who are eligible for welfare, attempt to establish what they call sub-entry level classes in state service where a person without any particular skill can actually get into the civil service system, these people who are otherwise eligible for welfare, and have the opportunity to work up into significant jobs. That has been one of the areas we've set up or I guess we've actually set up the machinery now. We're actually in the process now of beginning to implement it, and we'll be hiring 30 people in this -- under this program pretty soon. Also, we'll try to be expanding it to various other areas. This has been in the Division of Law Enforcement which is our law enforcement group. The first group of people that we hired, four people, in the fingerprint analysis section so this has been not just the dead-end career, but it's been a significant position that they're going to get into, that they'll have the opportunity to work into and develop some very valuable skills.

We're going to be examining other areas of the Justice Department to see if the type of work done there is amenable to this concept of developing this sub-entry level of bringing in unskilled people and training them on the job. Some, such as lawyers, obviously would not be practical for that type of position.

In the general area, we're going to attempt to develop a permanent on-going recruiting system with a minority recruiting specialist, I think, one or two. In the area of recruiting lawyers, we're going to have to develop -- I did it myself this year, but we're going to have to develop an on-going system of going to the law schools with the specific idea of bringing to the minority students the fact that the Justice Department is a significant place for minorities to be involved in. Now I'm mentioning minorities and basically, rather than women as such, basically because my activities have been directed toward increasing the racial representation on our work force and with respect to lawyers, at this point, there has been no problem of bringing the story of the Justice Department to the law schools because in our regular interviews that we set up at the law schools, traditionally we get a fairly large segment of applicants as women. About -- I would say this year, about one-third, probably much higher than the number of women law students.

With respect to racial minorities, the problem has been different. I conducted personally this year interviews at Hastings. We have teams going out to ten law schools in the state. I happened to be on one of the teams that went to Hastings, just our regular interviewing team. It was not necessarily directed to minorities, but just the general announcement to the student body. And I think we might have interviewed about 40 or 50 students at Hastings, and if my recollection is correct, I think there were two minorities, both of them Asian. So

it was apparent that we had to make a special effort there and again we're going to try to make this a regularized procedure of communicating with the minority students in the law schools. That's a basic rundown on what we're trying to do.

SENATOR DYMALLY: Do you recruit from the night law schools also?

VICTOR SONEBERG: We recruit from the University of San Francisco Law School which has a night section, and the University of San Diego which does, I think.

SENATOR DYMALLY: These so-called unaccredited schools, do you recruit there?

VICTOR SONEBERG: We don't make a special effort to. In other words, we don't send teams out to the -- these law schools. That -- the number of racial minorities in the so-called accredited law schools or the major law schools has been increasing phenomenally. There's been a remarkable increase and so far as getting minority applicants ...

SENATOR DYMALLY: I don't know this for a fact, but I understand it's the A.G.'s policy not to recruit from unaccredited schools, and the fact of the matter is, I don't know whether you or Mr. Franchetti came from an accredited school or not, because it's not stamped on you. In the final analysis, it makes little difference because you have to take the same exam. Our information is that the A.G.'s office does not recruit actively.

VICTOR SONEBERG: I think that's a fair statement. That is correct.

SENATOR DYMALLY: Then you might want to take that concern back to the Attorney General's office. Remind him that the Chief Justice of the United States came from an unaccredited school, and that's where ...

VICTOR SONEBERG: I was unaware of that.

ASSEMBLYMAN BERMAN: That may not be an argument in favor of that precedent.

SENATOR DYMALLY: ... most minorities go for the simple reason that they have to work and go to school at the same time.

ASSEMBLYMAN BILL GREENE: There's also more women -- you'd find more women there.

SENATOR DYMALLY: Fine, that's ...

VICTOR SONEBERG: I just wanted to make one comment. In the process of our special effort to minority students at the accredited law schools, we did succeed in getting almost 100 applicants which is a large percentage of -- well, over a fourth of the applicants that we're considering, so there is quite a resource now of minority students at the accredited law schools. But I certainly think the idea of going to the nonaccredited law schools should be considered and I will pass that along.

SENATOR DYMALLY: One more question.

ASSEMBLYMAN BILL GREENE: One final question, short question. I -- if I interpret your response correctly, your concentration up to this point, is related specifically to minorities. Now, do you anticipate broadening your program to treat women in the same manner, trying to plug them in as you have minorities?

VICTOR SONEBERG: With respect to the law schools, our program has been to communicate to the law schools to get people to apply. It hasn't been necessary up to this point with respect to women because we have been getting a very, you know, significant response. We've hired a lot of women. So I would say the answer is no, with respect to law schools. There doesn't seem to be a necessity of making any particular effort. In the Division of Law Enforcement, as Mr. Franchetti pointed out, we do intend to expand it, especially with respect to Special Agents.

SENATOR DYMALLY: Thank you very much. We have one final question, Mr. Soneberg, one final question. But before the question is asked, I want to introduce Ms. Linda Morgan who is herself an attorney and a member of the Advisory Committee to this Committee. Ms. Morgan.

LINDA MORGAN: Do you have written affirmative action plans?

VICTOR SONEBERG: Yes, we do. It was recently submitted to the Attorney General for his signature and approval, and we'll have it on file.

LINDA MORGAN: Will you -- could you submit a copy of it to our Committee?

VICTOR SONEBERG: I'm sure we could.

LINDA MORGAN: With respect to what you said about recruiting and women, I hope you understand that a great majority of women attending law schools go to night law school, these so-called unaccredited schools because a lot of them are housewives and

need to be home during the day with children and so forth. So I think your recruiting activities should include recruiting women from all schools.

VICTOR SONEBERG: Well, this is certainly, on the basis of what Senator Dymally said, certainly something that I will take back and put under active consideration.

SENATOR DYMALLY: Thank you very much. Ms. Dolores Ferrell.

DOLORES FERRELL: I'd like to thank you for considering my request to speak next. I am Dolores Ferrell of Laguna Beach down in Orange County. I represent the 5,000 members of the National Organization for Women of California, as well as the Women's Caucus of the 1700-member Student Bar of Western State University, as well as the Women's Lawyers' Association of the Orange County Bar.

It has been my sad experience to appear in several courtrooms of the Superior Courts of Orange County within the past six months. I have discovered to my dismay that the Family Law Act of 1970, which was supposed to have taken the bitterness out of divorce, has for all practical purposes, left women and children bruised and bleeding, drowning in poverty, resorting to suicide or attempted suicide and flooding the welfare rolls. The bitterness may have been taken out of dissolution for men, but it has doubled for women.

In a pretrial conference in January, I learned some very bitter truths about the male judiciary of California. When I learned it through various statutory laws and feelings of the

courts in Orange County that I was to be wiped out financially without any remedy except welfare, I inquired of the judge if these laws and the judicial interpretations were why there were so many women and children on welfare. He smiled very broadly, and replied that was so. And further that that was what women's lib had gotten us. My obviously shocked expression brought a hasty reassurance by this particular judge that he was all for women's lib, and that in reality the real culprit was the Legislature, where most of the legislators had been involved in divorces and had, therefore, made the laws favorable to men. When I questioned him on his judicial interpretations on statutory law, as well as judicial rulings where the Legislature had not spoken, which seemed to go far beyond the intent of the Legislature, he assured me that his opinions were the feeling of all the judges of Orange County. And all the judges of Orange County are men.

This particular judge is considered to be one of the more liberal judges toward women in Orange County. These feelings included the idea that short-term marriages should be treated as no marriage at all when it comes to spousal support; however, they should be strictly adhered to on the subject of community debt even though the wife did not and, in fact, legally could not make any of those debts. Another feeling was that even in a 28-year marriage where the wife had worked and sent her husband through school and helped him get established and he had left her for a younger woman, that through no-fault

divorce he is blameless, and she is entitled to only about eight years of spousal support of minimal amounts. That is considered plenty of money and time for her to get a job and start supporting herself, even though she may be 55 years old. No man would ever take that attitude if the same situation existed between him and General Motors or the United States Army where he would expect retirement for life for his 28 years of effort.

Another feeling is that the moment the husband decides to separate, even though the wife has not worked in several years, she immediately becomes responsible for all her debts and expenses. Even the house payments are now hers, and if she is unable to make them because she is unemployed, then any payments he makes he gets back when the house sells. And sell it must, because it's probably the only asset and the debts he made are so heavy that the sale of the house is mandatory to pay them off. The most incredible of the feelings of the court is that all men lie on the interrogatories and financial statements, and it is expected and absolutely nothing is done about it, no matter how damaging the lie may be. And certainly in dissolution cases, filing perjury is never considered against men.

I could go on indefinitely with these so-called equitable arrangements from which the transition women in California are now suffering. I am not willing to put all the blame on a well-meaning Legislature that may have thought their laws would alleviate bitterness. I do not believe the judiciary has the



right to shift the blame for the inequities off their shoulders and on to the back of the Legislature simple because the judiciary under present circumstances is impregnable. They do not have to answer to anyone, least of all the people over whom they have jurisdiction. It is my contention that it is the male-dominated judiciary that does not want to establish any precedents they may have to face should they get involved in dissolution. And today's precedents have a way of becoming tomorrow's laws.

Therefore, since precedent is established by the judiciary where statutory law is silent, I maintain that it is the grossest kind of inequality to have those precedents that affect both men and women established only by men. I believe the chief problem lies in how judges obtained their positions. Under the law, it is an elective office. However, because of a tacit understanding among lawyers never to run against an incumbent judge, the office seldom ever is gained by open election. Thus, when a vacancy does occur in the judiciary, the Governor appoints a lawyer to fill the post, with the only qualification being he has practiced law or sat on the bench for an aggregate of five years for the Municipal Court or ten years for the Superior Court. The Governor does not have to consider really any other point. Thus his appointee may be a political buddy, a political payoff, the friend of an influential campaign donor, or someone who can muster the support of a male-dominated local bar association, or State Bar. There is always an incumbent judge. He is always appointed by the Governor.

There are no females on the Supreme Court of California where the women of California must go for their final appeals. There are no women sitting on any of the Superior Court judges in Orange County or any of the Municipal benches. I do not believe this is mere coincidence. I view this as the most blatant of all attempts to continue the oppression of women by judicial rulings that keep them in a perpetual state of hopelessness, poverty, and most of all, a complete dependency on the whims of men. Therefore, I should like to propose the following pieces of legislation for your approval.

1. Whereas, judicial offices are statutorily to be filled by elected persons and, whereas, judges are appointed by the Governor of California whenever a vacancy occurs, and, whereas, vacancies never seem to occur simultaneously with elections, whereas, there is always an incumbent by virtue of appointment, and, whereas, these appointments do not accurately reflect the makeup of the community jurisdiction by sex, and, whereas, this situation is exclusionary to women; be it resolved, that appointments to fill vacancies for judgeships be mandatorily submitted to the Legislature for approval, and that the Legislature take steps to insure that these positions be filled on a percentage basis in accordance with the male-female population distribution; that where a qualified female be available, she shall take precedence for appointment until such time as each jurisdiction appropriately and accurately reflects the female-male population distribution.

Proposal No. 2. Whereas, family law is separate from all other law in that it neither follows the rules of contract law, tort law nor criminal law, and, whereas, the rotating court system has judges concerned with these various kinds of law presiding over family cases, and, whereas, dissolution is oftentimes highly emotional in scope and requires a different kind of expertise than that needed for black letter law; be it resolved, that a domestic relations court be established in all jurisdictions with at least two presiding judges, that these judges be separated from the regular court calendars, that the distribution of judges be equally male and female when appointed, that only five years of law practice be required of such judges, that the judge shall have a general background in law with at least two years in dissolution and other family law problems.

Failing both of these kinds of legislation, I would further propose that all future appointments to fill vacancies in the judiciary be interim appointments only, to be held by persons who will agree not to run for election to the office so appointed, thus women will have a chance perhaps at election to that office. Thank you very much.

SENATOR DYMALLY: Question. Thank you very much. May I add that Senator Holmdahl has a Constitutional Amendment on the floor of the Senate calling for Senate confirmation of judicial appointments.

DOLORES FERRELL: Very good.

ASSEMBLYMAN BERMAN: A lot of your emphasis was that the election process in the judiciary could solve -- would solve the imbalance that exists now. Do you fear the problem that then the judicial decisions will have to be tempered by a knowledge that the individual on the bench is going to go to the voters at the next election and that the "Gittelson" situation will become very frequent? Judges will be very reluctant to make decisions which, in many cases, must be premised on protection of minority rights and perhaps unpopular with majority of people, by resorting so heavily to an election process.

DOLORES FERRELL: I feel that these offices were created to be elected to prevent oppressive judicial rulings and when a judge knows that he has to answer to the people over whom he has jurisdiction, I think his judgments might be tempered somewhat.

ASSEMBLYMAN BERMAN: Well ...

DOLORES FERRELL: Was that not your question?

ASSEMBLYMAN BERMAN: Yes, that was my question. I might disagree with you, that's all, on where we might get more oppressive judgments in what situation.

DOLORES FERRELL: The idea that these men should be appointed to prevent political pressure has resulted in political pressure.

ASSEMBLYMAN BERMAN: Tremendously. But then the issue really is, no one should be supporting any candidate for Governor who does not give firm guarantees that the appointments will be based, you know, on fair treatment and analysis, with a concept of a balanced judiciary, minorities to majority

and sexes. In other words, the focus of these political appointments should be on the politician that makes those appointments, I think, and that that way you can protect both of the interests, the interests of civil liberties and minority rights and, at the same time, the concept of a balanced judiciary.

SENATOR DYMALLY: Do you think the family law which we just passed -- community property law, I'm sorry, which we just passed, would help in those cases where the woman is being ignored in terms of property settlement?

DOLORES FERRELL: What's happening is that the rulings are going very hard and fast to splitting it right down the middle on the community property.

SENATOR DYMALLY: But in a number of instances, if he disposes of the property before the divorce, you get nothing. Now, under the community property law which we just passed, which I'm sure you're familiar with, don't you think that women now will have some protection in that area?

DOLORES FERRELL: It isn't working out that way.

SENATOR DYMALLY: Well, the law doesn't go into effect until next year.

DOLORES FERRELL: Are you talking about control and management which will be equally the female's.

SENATOR DYMALLY: Yes.

DOLORES FERRELL: Yes, I don't know why that shouldn't go into effect until 1975, who's getting a chance to, you know, adjust to it.

SENATOR DYMALLY: No, it's just that the textbook writers and the law book writers -- the last time a major piece of legislation was passed, there was a great deal of rewrite and changing of the textbooks and so on. That's the reason there's a sort of agreement in the Legislature that any major change in the law will go into effect the following year to give opportunities for clean-up and rewrite of the law and the books. That's the reason for it. There wasn't any other.

DOLORES FERRELL: This gives them then a year to get it put somewhere else right quick. I understand how it really works.

SENATOR DYMALLY: After next year, they wouldn't have any chance.

DOLORES FERRELL: And so those of us who are concerned with it this year can, what ...?

SENATOR DYMALLY: Yes, but you've been waiting since 1923 so ...

DOLORES FERRELL: So that's why ...

SENATOR DYMALLY: There was no deal in it; it's just simply an agreement the judiciary committees and the Legislature have that they would make these major changes effective the following year to avoid any conflicts with other laws and permit opportunities for clean-up in the legislation.

DOLORES FERRELL: The conflict seems to be though that the man can still pile up all kinds of community debts elsewhere against the community home.

SENATOR DYMALLY: Are you familiar with the community property law that we just passed?

DOLores FERRELL: I have read it very, very, what would you say, very lightly.

SENATOR DYMALLY: Fine. Well, we'll send you a copy of it.

DOLores FERRELL: O.k. I would appreciate that. I haven't noticed that it's really solving anything. It just means both parties can now pile up community debts, doesn't it?

SENATOR DYMALLY: But you have a piece of the action now. Under the law, not only the husband can dispose of the property before the divorce. The wife will have equal access.

DOLores FERRELL: Thank you very much.

SENATOR DYMALLY: Just stay married until next year, that's all. Thank you very much. Office of Criminal Justice Planning?

LOU PALUMBO: Mr. Chairman, members of the Committee, I'm Lou Palumbo, Director of the Office of Criminal Justice Planning. First of all, I'd like to thank you for the opportunity to share with you some of our concerns in this regard to the subject that you're addressing today. If I might just give you a little background on this newest department in state government. First of all, it had existed six years prior under the auspices of the California Council of Criminal Justice, and it was not in the mainstream of government. However, effective 1 January of this year, the Legislature authorized a major mandate for change and under that mandate, the new office was created and I was appointed its Director.

SENATOR DYMALLY: Are you independent of the Attorney General?

LOU PALUMBO: Yes sir, we are. We're presently directly under the Governor's office. We are a very small department, about 110 personnel total, and our primary focus is to dispense the federal funds through the Omnibus Crime Control Act to the various components of the criminal justice system: the police, courts, and corrections throughout the state. In that regard, we have some 21 regions, not managed or directed by us, but through which most of these funds are dispensed.

Under that mandate from the Legislature, we reorganized the department with some major changes. We brought in some new management personnel, and we are now looking at some long-range goals for accomplishing those responsibilities that the Legislature has divided -- or has delegated to us. In that regard, we have some 110 total employees in the department at the present time. These are budgeted positions of which some 45 percent are women. Of that 45 percent, approximately 15 percent are in the professional and technical fields.

My concern has been that (1) we have not had the kinds of disciplines or the representation in the department to elevate our credentials with our supervisory board as we approach the many problems in the criminal justice field. For that reason, we are now undertaking a recruitment program to provide us the number of disciplines and the expertise in the fields that we currently do not have. We expect to employ some additional 20 people. In that regard, we've taken our personnel office, and we've augmented it to (1) provide us a training program for the

people within the department immediately, as well as looking at a career development program.

Of the 15 -- the 45 percent women within our department, there is at least 8 percent who should be in the professional field, so we are now implementing a program that will elevate these individuals in the department to a professional status. And this will take some doing, some training, but that is one of our objectives.

Also mandated by the Legislature was the elimination of task forces to the former California Council on Criminal Justice. It is now the responsibility of the Director to establish whatever advisory committees that he needs to do the job in this field of criminal justice. The latter part of March of this year, we will designate some 15 separate and distinct advisory committees. Among these advisory committees will be one for women in the criminal justice field. Most recently we awarded some approximately \$60,000 to the California Commission on the Status of Women, for example, to look at the treatment of women prisoners. We have major concerns in this field, and this particular study will give us a tremendous insight to a much larger problem that we must address in the immediate future. These advisory committees, one of them being women, as I mentioned, another of minority, will provide us the expertise or the exposure to plans that our staff devise -- develops as we get into the field of the various specific components of the criminal justice field. We have some statistics, Mr. Chairman, that

we'll be most happy to provide you. Now at this time, ask if there are any questions that I might answer?

SENATOR DYMALLY: Any questions? Fine. In dispensing these grants to local jurisdictions, is there a nondiscriminatory clause in your grants?

LOU PALUMBO: Yes, sir, there is. As you know, the federal statute implemented in August of 1973 with a number of amendments, prohibited any discretion against race, sex, color, and the like. We recently -- this department implemented those guidelines -- civil rights guidelines as they're titled, in November of 1973, and most recently under my supervision, we issued a detailed outline of those requirements the latter part of January. They are in effect prohibiting the dispensing of any federal funds to any local agency of government that cannot demonstrate an affirmative action program or that it is abiding by the federal statute.

SENATOR DYMALLY: Mr. Palumbo, the gentlemen with you are resource people or do they wish to testify?

LOU PALUMBO: No sir, they're just resource people.

SENATOR DYMALLY: Fine, thank you very much.

LOU PALUMBO: Thank you, sir.

SENATOR DYMALLY: The California Highway Patrol. Mr. Palumbo, just one question.

LOU PALUMBO: Yes sir.

SENATOR DYMALLY: The Committee knows for a fact that you've made a grant to the L.A.P.D., right?

LOU PALUMBO: Well, there are several, Senator, I'm not sure ...

SENATOR DYMALLY: All right, O.k. And the Los Angeles Police Department now discriminates against women. What kind of carrot or stick do you have in that grant to see to it -- I mean, just saying that ... You see, one of the problems we have with the state government is they're the biggest violators of the law. And the citizens cannot sue the government. I can't go and sue the department -- the L.A.P.D. for violating the law. But you can withhold that grant as did the Department of Health, Education, and Welfare against the University of California.

LOU PALUMBO: That's correct.

SENATOR DYMALLY: And we know for a fact, just from the statistics we have, there are no women in the L.A.P.D. And yet you've given them, what, \$50 thousand, \$50 million, I don't know how much you've given them.

LOU PALUMBO: The law provides that effective 1 January of 1974, any requests for new grants must be accompanied by a certificate attesting to the fact that they have, in fact, programs that are going in that direction or they cannot be given the money.

SENATOR DYMALLY: If I were a law enforcement officer, I'd sign any certificate. I mean, you know, nothing's going to happen to me.

LOU PALUMBO: Well, Senator, right now --

SENATOR DYMALLY: You aren't going to go arrest the chief of the police department if he discriminates against women, all right? So that's really ....

LOU PALUMBO: You cut off his money.

SENATOR DYMALLY: All right, fine, that's the question. Are you -- do you intend to withhold grants from the Los Angeles Police Department if they don't hire any more women?

LOU PALUMBO: For that specific -- if I may go back and give you a little background, sir. We have somewhere in the neighborhood of, oh, at least a dozen police departments where there are complaints filed now. The procedure that the federal government has is that they will come down, make the investigation and hold the hearing and decide what kind of action must be taken against that police department.

ASSEMBLYMAN BERMAN: You don't have any discretion?

LOU PALUMBO: Not in that regard, because this is a federal regulation that we're abiding by.

ASSEMBLYMAN BERMAN: You have no discretion to make ...?

LOU PALUMBO: We call that to the federal government's attention and then they provide the investigators on the scene.

SENATOR DYMALLY: What prevents you from holding the grant? There's no law against holding the grant.

LOU PALUMBO: Well, that's true, that's absolutely true.

SENATOR DYMALLY: All right, why don't you just withhold the grant?

LOU PALUMBO: We will not issue any new grants to that agency, if that's the case.

SENATOR DYMALLY: Fine, that's what I mean. What prevents you from just saying, "Mr. Chief, I'm not going to send you any more money until we have visible proof, not statistical

proof, visible proof -- because you know how these secretaries help the statistics -- We don't want to bother with secretaries because they're too helpful in statistics for departments.

People come and say we employ 51 percent women, all of them are secretaries. Just withhold the grant. We need to have -- the Committee wants to find out from the agencies if they're going to take some affirmative action against local government, not in terms of complaining to Big Brother in Washington, but just in terms of saying, "Look, we're going to be tough; no more grant until we have visible proof that you're hiring women."

LOU PALUMBO: They must demonstrate it, not just with a word or a certificate. There must be a progress report periodically that comes in that shows that they are doing this. It's not just a question of saying, "Yes, we're going to do it." But we're required by federal regulation to enforce that.

SENATOR DYMALLY: We shall be looking with keen interest at that.

LOU PALUMBO: Thank you, sir.

SENATOR DYMALLY: The California Highway Patrol.

GEORGE ADAMS: I am George Adams, Personnel Manager of Highway Patrol, representing the Commissioner before this hearing. Speaking on the status of women in Highway Patrol, I'm limiting my remarks to the nonuniformed personnel of the department due to the pending court case.

SENATOR DYMALLY: Well, we're not really interested in the nonuniformed woman because we know about her. And if you can't make any comment on the other, I don't know what good your testimony is, Mr. Adams.

ASSEMBLYMAN BERMAN: Who says you can't make any comment on the other? I always wondered why all of a sudden a civil lawsuit is filed, and, all of a sudden, you can't talk about the subject because there's litigation pending. No one ever quite explained to me why.

GEORGE ADAMS: I don't know.

ASSEMBLYMAN BERMAN: Who told you you can't talk about it?

GEORGE ADAMS: Well, in the department, on the advice of the Attorney General, the ...

ASSEMBLYMAN BERMAN: Oh, the Attorney General's office?

GEORGE ADAMS: They said it would be inappropriate ...

ASSEMBLYMAN BERMAN: Well, we could ...

SENATOR DYMALLY: The Committee Counsel wanted to make an observation with reference to that point.

MARI GOLDMAN: Well, we asked Legislative Counsel about that, and they said there would be no problem, unless the discussion centered around the facts in that particular suit.

SENATOR DYMALLY: Well, Mr. Adams, I won't want to waste your time or the Committee time. If you can't talk about it, there's no point appearing before the Committee.

You may tell the Commissioner about my distress. I'm most high in my praise of the manner in which you conduct the Patrol on the highway system, but on this score and in your instructions to not discuss the question of the uniformed women, or the uniformed nonwoman in Highway Patrol, distresses us. There's no point in testifying because we know -- we have all kinds of beautiful statistics about your secreterial staff. It's good.

GEORGE ADAMS: No, I was going to talk on the issue of -- in our administrative staff, 1800 employees in the department.

SENATOR DYMALLY: No, we aren't interested in that, we're interested in the uniformed only.

ASSEMBLYMAN BERMAN: Could we trace it a little bit just the non -- you have an order not to talk about the uniformed staff, and hiring and promotion practices and your policies there. Is that right?

GEORGE ADAMS: Not an order in that sense. I am not handling the female issue as far as it applies to state traffic officers. And I am not, you know, in the position to speak to the finite detail and all that makes up our real question with the law.

ASSEMBLYMAN BERMAN: Do you know how many uniformed women are employed by the Highway Patrol?

GEORGE ADAMS: We have none.

ASSEMBLYMAN BERMAN: You have none. Is there a written policy which requires that only males be hired for those positions?

GEORGE ADAMS: Yes, in the legal specification for State Traffic Officer, it's limited to male only.

ASSEMBLYMAN BERMAN: All right. Are you aware of what policies justify -- do you have any personal opinion or have you heard any policies which justify that standard, that requirement?

GEORGE ADAMS: Well, without backing into this issue, mainly, the Highway Patrol is different from local police in that its primary focus is on road patrol, and that's where the issue comes in. Is there valid ...

ASSEMBLYMAN BERMAN: Is that a difference without a distinction or something?

GEORGE ADAMS: Yes, they're not specialized activities. Everybody's on road patrol and there's not specialized activities.

ASSEMBLYMAN BERMAN: All right.

GEORGE ADAMS: Women are typically used in specialized activities in law enforcement agencies: vice, juvenile ...

ASSEMBLYMAN BERMAN: What you're really saying is that the local law enforcement agencies are the appropriate standards to meet yourself and apply yourself to and that you're different because all you have is traffic. Are you saying no local law enforcement agencies employ women in traffic and patrol functions?

GEORGE ADAMS: Very few. And most of those are on an experimental basis around the country at the present time.

ASSEMBLYMAN BERMAN: Any in California?

GEORGE ADAMS: Los Angeles Sheriff's Department's got extensive experimentations. San Diego City, I believe, is running pilot studies and quite a few others.

SENATOR DYAMLLY: Mr. Adams, these angry remarks are not directed at you, but you tell the Commissioner if the Committee doesn't get that information within a reasonable time, we're going to subpoena it. That's all. Thank you. Department of Corrections.

GEORGE JACKSON: Mr. Chairman, members of the Committee, my name is George Jackson. I'm an Assistant Director of the Department of Corrections, representing Director Procunier.

The Department of Corrections operates California's penal system, consisting of 12 prisons, some 12 conservation camps, or 15 conservation camps, and about 52 parole offices. Under the jurisdiction of the Department of Corrections are some 20,000 convicts in the institutions.

SENATOR DYMALLY: A little louder, Mr. Jackson.

GEORGE JACKSON: I'm sorry. And another 19,000 serving the balance of their sentence on parole. The custody staff of the Department of Corrections has been traditionally a male-only organization. The exception to this situation has been at the women's facility. The women staff members who handle custody within the security area at the women's prison are classified as Women's Correctional Supervisors. This is a parallel series to the male Correctional Officer series or heretofore male Correctional Officer series. They're comparable in level to the classes of Correctional Officer through Captain and are at salary level parity with them. Appointments in the Correctional Officer series were formerly limited to males, and appointments in the Women's Correctional Supervisor series to females. This, if you will allow me, is a little background to tell you where we are now.

Other career programs were not limited by tradition to either sex. Both men and women have been employed inside the security areas of the institutions as clinicians, counselors, teachers, doctors, nurses, and clerks. In March 31, 1972, the Equal Employment Opportunities Commission published its new guidelines concerning employment opportunities for women. Shortly thereafter, the State Personnel Board removed the male-only

limitation on the examination for the class of Correctional Officer. The civil service tests were thereafter opened to both men and women. Each warden and superintendent and parole administrator was asked to prepare plans for the provision of equal employment opportunity for women in the institutions and in paroles. Each plan included the following elements: a statement of philosophy, an information and education program for inmates and staff, guidelines for the selection and training of women, and a list of proposed assignments. These plans were reviewed and approved by the Director and put into effect.

At the present time, there are 41 women in the class of Correctional Officer at institutions for male inmates. It's anticipated that perhaps another 10 or 15 will be appointed during the next six months. The present work force of Correctional Officers consists of 2,963, so, as you can see, 41 incumbents are not a very large beginning, but we anticipate that it will expand as we get experience with it. It is a policy of the Department of Corrections to comply with not only the letter of the Equal Employment Opportunity Act, but its spirit, consistent with the requirements for a sound custody and rehabilitation program. Obviously, our interest must take into account such considerations as safety and reasonable privacy for the inmates.

In the parole area, the assignments of parole agents had heretofore been made almost exclusively along the lines of male parole agents supervising a male caseload, and female agents supervising female caseloads, with few exceptions. Recently, the Director has approved a trial program involving 21 women parole

agents to supervise what's known as a cross-sex caseload involving both males and females. And at the end of the experiment -- at the end of the time period for the experiment, we'll be able to evaluate the extent to which it can be expanded.

SENATOR DYMALLY: Mr. Jackson, what is your department policy with reference to employees testifying before legislative committees?

GEORGE JACKSON: Employees who are invited to testify before legislative committees are permitted to do so.

SENATOR DYMALLY: O.k. Then we can be assured that there'll be no retaliation against any staff person who testifies before this or any other committee?

GEORGE JACKSON: Yes.

SENATOR DYMALLY: If even that testimony were adverse to some of the things you've said today, if that testimony were critical of department's policy?

GEORGE JACKSON: Certainly.

MARI GOLDMAN: What would an employee be able to do if he or she felt they had been retaliated against?

GEORGE JACKSON: We have in the Department of Corrections a very active grievance procedure ...

MARI GOLDMAN: Staffed by males probably. We have a problem, you see, we have people who are very afraid to come ...

GEORGE JACKSON: Yes.

MARI GOLDMAN: We had to -- we wanted this testimony; we have subpoenaed some of your people; they're still afraid.

GEORGE JACKSON: I see. Well, I'm unable to respond to a general statement of that kind. With all due respect, it does not represent -- retaliation against employees who are invited to appear before a legislative committee is not the attitude or policy of the Director of Corrections. If you would feel free to share with me some specifics, I'll be glad to look into it and make sure ...

MARI GOLDMAN: May we call your director's office if we hear of any instances of retaliation?

GEORGE JACKSON: Oh, indeed, you may. He would wish that you do so.

SENATOR DYMALLY: Thank you very much. Department of Youth Authority.

GEORGE ROBERTS: Good morning. Mr. Chairman and members of the Committee, I'm George Roberts, the Chief Deputy Director of the Youth Authority.

I might answer a question that you asked earlier of the Department of Justice. We have a suit in the U. S. District Court that I don't think's a very good suit, but the -- it alleges discrimination against women parole -- women candidates appearing for Parole Agent I oral examinations. So there is that suit if you're interested in following up on that.

ASSEMBLYMAN BERMAN: Would you repeat that again; I didn't hear what you ...

GEORGE ROBERTS: Pardon me, I didn't hear you, sir.

SENATOR DYMALLY: Would you repeat that about the suit?

GEORGE ROBERTS: There is a suit in U. S. District Court against the Youth Authority, alleging discrimination in the examining process for Parole Agents I.

ASSEMBLYMAN BERMAN: What does it claim is discriminatory about that process?

GEORGE ROBERTS: It claims that in the -- the oral interview, panels did not have sufficient representation of women and that the -- that their action on the female candidates was unfair. That's really all I know about it. It's not a very good case in that of the two plaintiffs, one of them placed quite high on the list and therefore she hasn't got much of an argument, and the other one failed the written, so she hasn't got much of an argument either, so it's not a very good case.

SENATOR DYMALLY: The one who placed high on the list is looking out for all other women.

GEORGE ROBERTS: Is what?

SENATOR DYMALLY: Looking out for all other women. I find it rather strange that you could talk about the case, but the Highway Patrol can't talk about their case. Go ahead, Mr. Roberts.

GEORGE ROBERTS: I wasn't really describing our defense.

ASSEMBLYMAN BERMAN: It was just filed yesterday and the Attorney General hasn't had a chance to talk to them.

GEORGE ROBERTS: I hope we haven't blown the whole case because I mentioned it to you.

ASSEMBLYMAN BERMAN: I'm sure you have.

GEORGE ROBERTS: I might say by sort of statistical summary in September of 1973, the Youth Authority had 1,728 female wards which were 11 percent of our total Youth Authority population. About 300 of these were in institutions, about 1,400 on parole. At the same time, we had 3,930 Youth Authority employees, and of these, 1,206 were females or 31 percent. For some time, we've had a departmental affirmative action policy statement, and I won't, well, read that to you; however, it's a typical statement wherein we, oh, I will read it to you -- one sentence out of it: "It is the policy of the Youth Authority to provide equal opportunity in employment for all persons on the basis of merit, and to prohibit discrimination based on race, sex, color, religion, national origin, or ancestry in every aspect of personnel policy and practice in the employment, development, advancement, and treatment of employees."

Just earlier this week, I believe it was on Wednesday, I gave final approval to our departmental affirmative action plan, and that's now in the process of being published and distributed throughout the department. In that plan, in respect to females, we again note that they are presently 31 percent of our work force, almost three times the proportion of our ward population -- females in the ward population. Also, females are 38 percent of the state's labor force, so our affirmative action plan calls for increasing the proportion of women in the Youth Authority from 31 percent to at least the 38 percent in the state's labor force. Our plan is a five-year plan, so this is an objective

that we're working towards on an annual basis for 5 years. In number, this will take an increase of 1,206 female employees to 1,482, assuming that the size of our work force remains the same.

During the six-month period between March of 1973 and September of 1973, 5 percent of our male employees received promotions and only 3.3 percent of our female employees were promoted during that period. In our affirmative action plan is a goal to increase the rate of promotion of female employees to at least 5 percent per year effective immediately. We also in our plan are going to make sure that there's a greater participation of females as members of qualification appraisal panels to assist us in achieving that objective.

I might mention that of our total staff, there's about 1,390 professional positions. In that group, females occupy about 240 of them, which is 17 percent of our professional staff. We recognize that we have a low proportion of women in supervisory, middle management and administrative levels. I've already described a couple of steps that we're taking in order to remedy that situation. Another way we have of assisting Youth Authority employees to enhance their qualifications for advancement is through an educational assistance program. Through this program, employees are allowed to attend college on state time for as much as 20 hours per week, depending on the requirements of the course and when it's scheduled. Since 1971, counting all the participants each semester, there have been 94 employees in this program, 38 or 40 percent of them have been women. Many of these are clerical workers who, because of their

participation in that program, are now in treatment positions and receiving higher salaries than in their clerical functions. During the year that we're in right now, over half the employees in that program are females.

The Youth Authority also has a Human Relations Advisory Committee. The director created this group about four years ago to advise him on problems concerning wards and employees. This group meets with the director four times a year to bring problems and concerns to him from throughout the department. At present, the committee has 23 members, nine, or 39 percent, of these happen to be women. One of the witnesses testifying this afternoon was a member of this group when it was first established. Most of the 23 members that are on this Human Relations Advisory Committee are representatives of the human relations committees that are established throughout the department in all of our organizational units. This is a very good channel and it's a well-used channel for our employees to bring their concerns directly to the director's attention, and he and I both attend those meetings and we take action and report it to the group on every problem that's brought to our attention there.

In the Youth Authority, we also have a Human Relations Consultant Unit in the director's office. These three people are always available to our employees throughout the department for the resolution of grievances and also to provide a direct channel of communication to the director. At present, this staff includes two men and one woman. I must admit the woman is our first female Human Relations Consultant, and she's only

been on the job for about three weeks. But, nevertheless, we have one and there she is. O.k.

We agree that women are not well represented in all of the different kinds of position classifications and work locations in the Youth Authority. We're aware of this problem; we're keeping statistics on it; we're working with our management personnel to increase opportunities for women throughout the Youth Authority.

There was a comment made by Mr. Jackson a few minutes ago on the parole caseload supervision in the Department of Corrections. In the Youth Authority, for some years now we have had women supervising male parolees, and male parole agents supervising women parolees, although in the last few years, there's been a greater emphasis in this. Again, Mrs. Baer, when she appears this afternoon, perhaps could respond to any questions you might have on that subject.

There's some reluctance in the Youth Authority, as there is in the Department of Corrections, to employ women in certain locations within our institutions. There are women now employed in some of these locations where they would not have been employed a year or two ago. I could give you a list of examples, but it would take several more minutes of your time.

ASSEMBLYMAN BERMAN: Could you give us a couple?

GEORGE ROBERTS: Yes sir. I'll just -- O.k., at one institution where they're all male wards, there's a woman youth counselor and a female parole agent assigned to a live-in unit providing case work supervision and counseling to the 50 young

men on the unit. At another institution, there have been three youth counselors -- and these are the live-in unit personnel -- in the last one and a half years. Two of them left after four months, and now there's only one youth counselor at the institution. Sometimes it's not a comfortable place for women to work, and they leave for one reason or another.

At our largest institution for young men, we have a female parole agent working as a case worker on a live-in unit for boys, and we have a female group supervisor in overall security at that institution. We have two youth counselors in live-in units, one of these had to be rejected when she -- during her probationary period. We have small kitchens in all of these live-in units at these particular institutions, and we have three female culinary personnel working entirely alone really in these units. At one of our reception centers, we have two female youth counselors and two group supervisors working in live-in units. At another institution for young men, we have a female youth counselor on one unit, four on another -- other units, and we also have a senior youth counselor working in live-in units at that institution. At another institution for young men, we have a female youth -- senior youth counselor, three youth counselors, and a correctional program assistant, all working in live-in units where they might not have been six months or a year ago. There are a few other examples like that. As Mr. Jackson pointed out in Corrections, we have many female teachers, psychologists, food administrators, supervisory social workers, and these sorts of people in our institutions.

I think I've talked enough in sort of general terms. If you have any particular questions you'd like to ask or any specific data that we could provide, why, I'd be glad to respond to that. I'll also be here this afternoon and if the witnesses raise any questions that you'd like to refer to me, I'd be happy to respond to them then.

SENATOR DYMALLY: You heard the questions we asked Mr. Jackson?

GEORGE ROBERTS: Yes, sir.

SENATOR DYMALLY: Is your response the same in terms of ...?

GEORGE ROBERTS: We have two employees here, I believe, and frankly, I wish you hadn't subpoenaed them. If you had asked us to allow them to appear, I'm sure we would have. The -- Mrs. Baer, for instance, is from San Francisco and her expenses are being paid by the state, so there's no problem about that.

MARI GOLDMAN: May I ask why the department called the Committee to know who we were speaking to, and who we had intended to subpoena, not that it was a secret?

GEORGE ROBERTS: I called -- to find out who I was speaking to?

MARI GOLDMAN: To find who we had been speaking to. It's very difficult to speak to women in your department, I don't know if you realize that, because they really feel that they're going to be penalized. I'm not saying that you're alone there. Women in the Department of Justice were terrified, and I don't mind saying that none of them would come at all. We have this problem that women feel that they will be very seriously retaliated

against if they speak to us at all, and yet in order to find out what jobs are available and who holds them, we must speak to women in these departments.

GEORGE ROBERTS: I sit up there in Sacramento with the director and from our vantage point, and that's one of the reasons I explained the Human Relations Advisory Committee and all that, from our vantage point, I don't know why women are concerned. We have all these channels open. If women want to direct their concerns to us, why, fine. There may be a lot of middle management that they're concerned about, I don't know.

We can't afford to have women, we can't afford to have Blacks or Spanish-surnames or whites just freely moving around the state having meetings and going to legislative hearings and so forth, because we have a job to do. We would have never had any objection to a reasonable number of Youth Authority employees coming here or having, you know, meetings of women and so on.

MARI GOLDMAN: Well, do you realize that it's important for the Committee that we be able to talk to your employees and to ask those people to testify who we felt were best able to discuss the concerns of this Committee?

GEORGE ROBERTS: Sure. Why don't you ask me or Allen Breed to make these people available, and I'm sure we would be glad to do that.

ASSEMBLYMAN BERMAN: Well, see, there's a problem there. Even if you don't intend it, if it comes as a communication -- if the communication comes from you, it's very easy for people to ...

GEORGE ROBERTS: I agree.

ASSEMBLYMAN BERMAN: ... draw certain kinds of implications about the way they're supposed to talk, who are they representing, are they speaking as individuals, or are they speaking as employees under authority of you. That's -- even if you have no intention, or if you have the best intentions in the world, that's the problem of approaching it through going to you, I think.

GEORGE ROBERTS: Yes. Technically, at this hearing, I'm the only one that can represent the Youth Authority. They can certainly testify in terms of their personal experience and their concerns, and really, there's no problem.

MARI GOLDMAN: Well, you mentioned the middle management problem.

GEORGE ROBERTS: Yes, there may be one, I said.

MARI GOLDMAN: What kind of guarantees can you give to us that your middle management people will not take measures, maybe subtle measures, against those who have cooperated with the Committee?

GEORGE ROBERTS: Well, from a practical standpoint, you can't change the way -- the thought a person has in his head. We can tell middle managers that we don't expect them to take any action against these people.

ASSEMBLYMAN BERMAN: Maybe even say you wouldn't want it.

GEORGE ROBERTS: Yes, we can certainly say that. We do have this other problem though, and that is, if there're going to be meetings or our staff, you know, maybe eight or ten people

called to a meeting, or maybe even from all over the state, if that's going to be done on state time and at state expense, then we have a management problem. And it would really be better if you would work through the director's office if that kind of a event is going to occur, so we know what's happening, what our employees are doing, and what we're -- you know, what they're doing on state time. I think we can -- I really don't think that there's a problem. There may be some concern and certainly if these employees that are here today want me to talk to their bosses, I'll be glad to.

SENATOR DYMALLY: Thank you very much. While we're at that, let's go then to Ms. Peggy Baer. Ms. Barbara Rocha. Ms. Baer? Fine. Is Ms. Barbara Rocha here?

PEGGY BAER: I wanted to thank the Committee, first of all, for inviting me to appear, and I think in light of what you were saying to Mr. Roberts, I would like to personally respond to some of that.

I am an employee of the California Youth Authority. I did ask that I be given a subpoena specifically rather than just asked to come. I did not ask my boss if I needed a subpoena. I had no problem whatsoever in getting an okay to come, both on state time and state expenses. I expect no reprisals at all. I haven't been promoted for 12 years and if they don't promote me again, it's not going to be the end of the world, but I really don't think it'll be whether or not I speak here or do not. And I think, in all fairness to our department, that I would want to say that to you. I also feel ...

SENATOR DYMALLY: You haven't been promoted for 12 years?

PEGGY BAER: Yes. I also feel that I'd have to add to that I feel differently than a number of other women in the department do.

I am aware that there was considerable reluctance on the part of many of the women in our department who have been meeting with me around this issue about voluntarily coming. Yes, there is a feeling that it may not be a direct reprisal, but that things are tough enough at best, and that you have to have so much special on the ball to get somewhere in the correctional field, that you can't afford to have any kind of a mark that might say, "Well, be a little careful." That, I have to say, pretty well identifies an attitude that I have found.

I've been in the correctional field for 21 years, the last 14 of which has been with the Youth Authority. I have worked as a Deputy Probation Officer in other -- as a Supervising Probation Officer; I have worked in county residential programs for young women, and since 1960, I have worked for the California Youth Authority in a variety of position

SENATOR DYMALLY: I just want to interrupt. I hope the departments have seen how this woman is handling that equipment by herself (television camera person). I'm sorry Mr. Adams has left, you know, because I'm sure she can drive a car also. And she's got that thing on the side of her that looks like a gun to me, so I don't know what's so magical about the Highway Patrol that a woman can't drive a car. She drives Mack trucks around the state. But anyhow, go ahead and testify.

PEGGY BAER: I think it's neat. Let her go ahead.

SENATOR DYMALLY: Even though she's making noise. Go ahead, I'm sorry.

PEGGY BAER: One of the things that I would like to point out to the Committee is that for -- well, from the period of 1962 to -- from 1960 to 1972, I did work in girls' institutions and it was through the fact that I was willing to work in girls' institutions, where they have traditionally been the only places in our department for long years where there were women administrators, that the avenue of going up the ranks into an administration position was open to me. That's why I went to work in one of the Youth Authority girls' institutions.

During the eight years that I was an Assistant Superintendent of one of the institutions for the department, for seven of those eight years I was on the list for superintendency. There were numerous appointments that were made to superintendencies and it wasn't until after I had left the institution, and in fact, a year ago, that I was offered a superintendency. Up until that time, only women were -- women were only appointed to the institutions that served girls, as superintendents. I was offered a position as superintendent of a boys' institution, of our girls' institution and of one of our reception centers. So I would like to have it clear that I was offered, within the last year, opportunities for a promotion into those positions, and I chose to turn them down. And I chose to turn those down because I have been able to find right now numerous opportunities where I can do some things that cut across some lines out in the field.

I am in parole; I am one of six women administrators in parole. And in line with this, one of the questions that you referred to Mr. Roberts had to do with mixed caseloads. There was some difference in assigning caseloads other than by sex, prior to about three years ago when I came into parole as an administrator. I immediately, when I came in, did away with all-girl caseloads and all-boy caseloads. Assignments were made at that point in my region based on who was the appropriate person to supervise that particular youngster. For a boy, it might be a man; it might well be a woman.

The other part of that is that in many of the areas that we have, they are geographically quite large, and in those areas, there is no difference in terms of whether a man or a woman is appointed to that position. They take whatever caseload is in one of those areas. Now, after that time, the State Personnel Board, because I was not asking for male-only certifications and female-only certifications, made -- gave down a ruling that the Youth Authority could no longer ask for certifications based on sex for parole caseloads. Now this was not -- administratively, there was not any response to this other than to see that that's what occurred and to set forth standards about that. Practically speaking, all of my fellow regional supervisors gave me a call and said, "Hey, thanks a lot, you really have us over a barrel," and, you know, my feeling about that is that there are a lot of ways of getting pressured to keep things right at the status quo and a lot of that comes from your peers.

I have to also admit that in the Youth Authority, within the last year or so, there has been considerable movement in terms of opening up positions on the units in boys' institutions to women. With one or two exceptions that had occurred on a very rare experimental kind of basis prior to that. It didn't occur in very large numbers until such time as the Youth Authority closed one of the two Youth Authority institutions for girls, Las Willicus School in Santa Rosa, and it was at that time, with all of those women who were working on girls' cottages who had to be placed within the department, that there was any large-scale hiring of -- or placement of women in boys' institutions at the cottage level. To my knowledge, we have had for long years women as parole agents and social workers within all of our institutions.

One of the things that I do have to point is that I think the Department, and I have to use myself as an example, has put themselves in a position at this point of having almost no women in top administrative jobs; in fact, no women in top administrative jobs because there have been so many -- so few opportunities and so many women who got stuck at one level and could not go any further. You don't start out by -- you don't start somebody out in a career by appointing them into a top decision-making position. You have to come up through the ladder because you need a variety of experiences to arrive at a -- in an administrative post. I feel the fact that I was left in one job in one institution for eight years at a time when I had been judged to be competent to be a superintendent through the civil service

process showed obviously that the department was not permitting women to come up through the ranks so that at this -- today they have no top administrators who are women because there was only one route you could come, and that is through one of the two women's institutions. I won't dwell on that any longer.

There were some -- in fact, I'm surprised that I don't notice that there is anybody from the State Personnel Board who is appearing here today. It seems to me that one of the large determining factors of who gets hired has got to go back to the examining process and what happens to women candidates, both in terms of how job specifications are written, in terms of how discriminatory some questions may appear where you get almost a prescribed answer, as well as the few women that are appearing on oral panels. Very specifically, we have a large number of women -- not a large number, there are a few, there are a few of us who sit on orals for entry-level positions. I have never taken a top administrative exam where one of the examiners was a woman.

I would like to point out that in the past, and I have to preface this by saying it was in the past, with -- in two specific examinations that I took with the Youth Authority, I felt that there was very serious discrimination. One of them was a position that was at that time Assistant Chief of the Bureau of Institutions within the Youth Authority, and I -- and one of the bureaucratic ways that we have of dealing with not having to be called to answer for questions that relate to part of the examining

process is that, if you give somebody a 70, they can't appeal it, but it certainly very effectively rules you out of any kind of hiring on a job. Now this is such -- this is done in such wholesale fashion that it kind of gets to you. When you see the 70, you throw it away.

SENATOR DYMALLY: It's a low passing.

PEGGY BAER: It's a very low passing. It means you can't appeal it, though. And you can't be heard on the process. O.k. Now one of the big issues about this exam that I was particularly talking about is that that Assistant Bureau Chief supervised the camp superintendents. And that oral panel spent 99 percent of the time talking to me about whether or not I would be able physically to supervise a fire line. Now I don't have to point out to all of you that an Assistant Bureau Chief who supervises a superintendent of an institution, like a camp, is not going to go out and actively work the fire line, you know. It just doesn't happen, but that's where they got stuck and they never got off that question. And I got a 70, but I actively resented that for a long number of years. O.k.

The other area where I felt discriminated against was I've taken the Youth Authority Board Representative exam twice. Here again they had this gradation of scoring where they'd only take, say, the top 15 and everybody else flunked it even though you might have gotten over a 70. That process is even more discriminatory than -- because you can't even be considered to be hired, but you can't appeal it because you got a 70, but you failed the exam.

Within the last year I took an exam as a Parole Administrator II for the Department of Corrections, and it was the only exam that I have taken in a long, long time where I have failed it. I had an interview which was all there was to this exam ...

SENATOR DYAMLLY: No written?

PEGGY BAER: No written. And I know a lot about parole and I know a lot about the correctional field. I know a lot about supervising people, and I have no problem at all with this as it relates to my feeling accepted, both with my peers and with the people who administer my department, as competent. O.k. I had an oral exam that included the Director of the Department of Corrections, sitting on the oral, that lasted for one hour and 45 minutes.

ASSEMBLYMAN BERMAN: What position?

PEGGY BAER: It was Parole Administrator II for the Department of Corrections. Now that exam is coming up again and -- next month, and I'm filing to take it again. Part of what was said to me at that point was "We're not going to talk to you about your professional capabilities. We know from what we've heard about you from the Youth Authority that you can snow us and you can tell us -- that there's no question that we could ask you that you could not deal with professionally. We're going to spend this time trying to find out what makes you tick."

SENATOR DYAMLLY: Tell us, would you?

PEGGY BAER: It took Mr. Proconier an hour and 45 minutes to find out that. That's not information that he needs to know as it relates to whether or not I'm a competent administrator. So we're going to go at it again. I'll put you all on notice.

I have to say, as well, that the department has made use of me over the years in many, many instances, on special task forces, study assignments, and I'm sure it will be no news to the department because, yes, I was one of the original members of the department's Human Relations Advisory Committee, and yes, even on that committee or off that committee, when I feel something very strongly, I feel very, very welcome to express my opinion to anybody in the department, including the director. He knows, because I have told him, that I object strongly to the fact that regardless of the statistics that are set forth about the number of women in the department, there is no woman on the director's cabinet, except his secretary; there is no woman on the cabinet of the deputy director of rehab. services -- rehabilitation services. Those people who serve on those cabinets are the persons who make high-level decisions as it relates to the policy and programs about Youth Authority wards.

There is never, on a day-to-day basis, any kind of input from a woman in that process unless it is an informal one. I have to hasten to also add to you, that, yes, the director, the deputy director of rehab. services, and my boss, who is the Chief of Rehabilitation Services North, frequently ask my opinion

and frequently seek out my suggestions, program ideas, etc., and I don't hesitate to tell them what I think. So that I feel that I have some input, but it's not formalized, and it's by their good-will and their respect for me as a person. And I think that's really groovy, but I think that any major department that relies solely on the good-will that might exist in an informal process that gets that kind of input is missing it. It needs to be done on a day-by-day, decision-by-decision basis. I have to work hard at keeping track of what decision they're going to be making, so that I can hurry around and make sure that they know what I think they should do about it. It takes a lot of time and effort to do that.

There also is, I would like to point out, not one woman who is a Youth Authority Board representative. When -- you see, I don't really believe that it takes women to just work with girls, in fact, I disagree with that all the way. Nor do I think that only men should make decisions about, about young men. I think that to not have a woman as part of that process sells everybody short, both the young men as well as the young women who come before them. And there's another factor and that is that in order for any group to make sound decisions, particularly in the area that deals with human lives, you have got to have a whole cross-section of attitudes, opinions, feelings, and knowledge. And when any one of those is missing, then you

have decisions and programs that are lacking. And that's one of the reasons that I feel very, very strongly about the inclusion of women in high-level, decision-making cabinets.

There are some policies, practices that exist in program areas as it relates to the young women we have in institutions and on parole, but particularly in institutions, that I would strongly recommend be investigated. I think that many of them have just kind of grown along with the times; I think that many of them are based on fear; I think many of them are very, very outmoded. I could give you some specifics of this, but I feel that -- I feel that even a recommendation to our department that they institute some investigation on their own of whether or not there're in fact, discriminating policies that exist for the young women that we serve would get some results. I think it's just something that -- that's not, you know, sitting right in front of their heads and so they don't do it because in our kind of work we're always in an emergency situation and we're always under the gun to do a lot of specific things. I don't think it needs an outside body to investigate it; I think our department would be responsive to making an investigation on their own.

Unless you have some specific -- oh, there's one other thing, and that is that today I'm speaking for myself as an employee of the system. Since last December, we've been making efforts to organize ourselves. I'm sure that I don't need to tell some of you who are probably at least as knowledgeable, if

not more knowledgeable, than I am that the criminal justice system itself is very fragmented and that that fragmentation has really served to keep apart those of us who might join together and try to improve the system, both for the women that it serves, as well as for those of us who work in it. We're trying to do something about that, not just for the Youth Authority; we're reaching out to the Department of Corrections, to law enforcement agencies, to county probation departments, and we're organizing. My department is aware of the efforts that I'm making in this direction. We're organizing not just for ourselves, but also to be able to come to future meetings such as this to speak for a group of persons rather than to have just one of us have to come as an individual.

If you have no more questions of me, I have ...

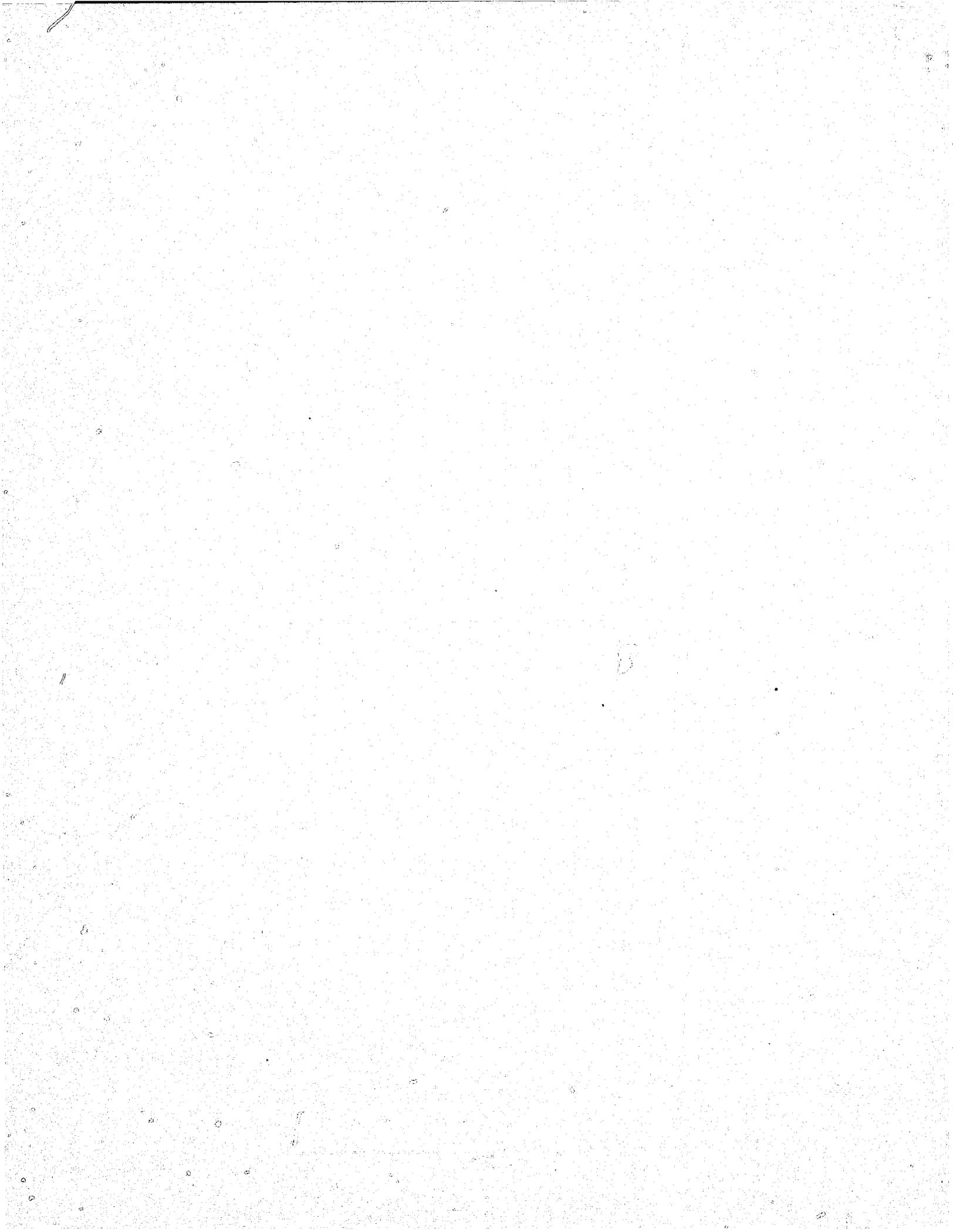
SENATOR DYMALLY: Just one comment. I want to compliment you for the objective and calm and dispassionate way in which you testified. You were not necessarily criticizing the department, but you were just pointing out some cultural biases that ...

PEGGY BAER: I could hardly work for them if I didn't believe in what we're doing.

SENATOR DYMALLY: I'm very, very impressed. Questions? Thank you very much.

PEGGY BAER: Thank you.

SENATOR DYMALLY: We'll break at 12:30 for lunch. Can you do it in ten minutes? Fine. Name for the record, please.



**CONTINUED**

**1 OF 4**

BARBARA ROCHA: I'm Barbara Rocha. You've been hearing for most of the morning testimony from people who have represented policy-makers and administration. I'm going to speak as one person who entered the system, the Youth Authority, namely, at the bottom. I'm speaking today without fear of reprisal and very freely simply because I terminated my employment with the Youth Authority June 29 of '73. I charged discrimination on my letter of resignation, on my report of separation, on an appeal to the State Personnel Board, on a grievance, and now with the Fair Employment Practice Commission and the Equal Economic Opportunity Commission. I'm not going to be as dispassionate as your previous witness, but I would like to bring out some things that I think are realistic, the fact when a woman enters a system dominated by men and works in conjunction with men who have considered her job classification their realm.

I entered the system as a Youth Counselor in December of '72. At that time, there were no women Youth Counselors at Nellis, and there were no women Youth Counselors at SRCC. The statistics that Mr. Roberts gave -- there is one at Nellis now and three at SRCC. I took a special test to get in at that time. This was simply because the project I was in with the state and federally funded projects that recommended women be hired simply because there would be a coeducational program. It was a 30-day prerelease center; it's located at Metro Hospital, and it's called the Southern Community Drug Center.

At this -- Mr. Roberts also stated that the new affirmative action plan is going to try to provide employment on the basis of merit. At the time I took the test, I applied with 28 other women. I received a score of 99. At that time, I had a two and a half year professional work history as -- with the Department of, what was then, Human Resources Development. I had conducted orientation groups professionally for over a year and a half, done contracting for the state, and had been dealing with people for two and a half years. I attended training with men who were, in my job classification, just graduating from school, had no previous work history, and also those who had been promoted from group supervisor with a year as a group supervisor. What happened to me then in the six months I worked for the Youth Authority.

I can empathize with the women who I have worked with and who are in Youth Authority now who were hesitant to come before you. The reprisals are real. If you criticize the system, the people you work with or the program, things happen to you, especially as a woman. You suddenly find yourself working 10 a.m. to 6 a.m. on week-ends, followed by coming back to work on Monday morning at 2 o'clock in the afternoon. All of a sudden you have to contact the director of the program before you can work overtime to check out things with him.

The time I worked as a Youth Counselor, my performance was never at question. I was doing the job adequately; it was never questioned, but it was always interpreted. When I followed the

behavior of my peers, which were the men I worked with, I found out what was okay for them was not usually okay for me. It was subject to interpretation.

I finally resigned over the question of my performance report. It had been changed by the director after it was final by my supervisor, and when I refused to sign it, I found myself faced with an incredible amount of coercion, written, which went into my permanent personnel file to the point where I said, as a professional person with a career and myself to support, I can no longer stay here. I must seek employment elsewhere where there are opportunities for me and where I will not eventually be terminated due to the tendency of men to view women in a traditional way.

I feel that this is a field that women should have the opportunity to chose to enter. The traditional view of the job, I find, has been -- it is my interpretation that men have created prisons for men whether they be adults or juveniles, and women just don't really fit into their idea of how they should be run, simply because many of the transactions that go on on various levels are man-to-man and involve their definitions and redefinitions of masculinity and who is more masculine.

When I came on the scene, all 5 feet 4 of me, I found myself looking up to almost every ward except two in the whole six months I was there. There was no way I could demand and physically intimidate that they do whatever I wished them to do. I had, I feel, the personal skills in dealing with people to be effective. And, like I said, my performance was not at

question as far as that, but I found that most -- what I was confronted with most was the reaction of the men I worked with to the fact that I was a woman, not the wards.

I dealt primarily, in the six months I was working, with a majority of male wards, aged 19 to 24. I was, at that time 24. The men I worked with were terrified to work on the unit alone with me, simply because traditionally they had kept order through power. This meant if they got into a fight, I really, well, I could try, but I really couldn't bail them out physically. This really panicked them. Also they were terrified that something would happen to me, and they would be responsible. Unfortunately, when I took the job I was aware that there would be physical danger to me. This is a realistic -- this is a fact of the job and something that I think every woman that goes into either Corrections or Youth Authority has to deal with on her own level. It's a decision she makes; she's aware of the advantages and disadvantages of the job, and I think women who choose to seek a challenging career and are aware of part of the disagreeable things that they must have to face, and if they take these on realistically and choose to do that, they should have the opportunity. I accepted not only the challenges, but the dangers of the job.

This was, I feel, my decision, and the men I worked with made it their decision that I would not be exposed to any of these dangers; therefore, many times I was prevented in being in learning situations. I was kept from completing fulfilling the duties expected of me simply because the people I worked

with were not willing to allow me to be full-functioning, when I had made up in my mind that I could handle the job; I was willing to take on the duties; and I was willing and trying my best to be functioning and professional.

I feel that the attitudes are primarily the most challenging things that any affirmative action committee or plan has to deal with. The policy, it's true, is made at the top but putting it into effect involves the people that will supervise the women trying to enter and gain a professional career as a Youth Counselor or a group supervisor.

The statistics Mr. Roberts gave, I hope I got them down correctly, were that there were 1,206 women in the Youth Authority right now. My affirmative action report as of March of 1973 stated "416 of the Youth Counselors were men and 47 were women." The steps up to management usually lead from group counselor -- from Group Supervisor to Youth Counselor up to Senior Youth Counselor, Treatment Team Specialist, and on up. In order to work your way up through the system, you have to start at the bottom and on the line. If you want a career, you have to know how to deal with the people that are under you, and to do this, you have to share the same job duties and have the same knowledge. To keep women from these job occupations is to limit them in their opportunities to advance. Of such -- of the increase proposed, the figure that Mr. Roberts gave, it would be -- 1,482. That's an increase of 276 women in five years, and a 5 percent promotional rate, according to my math, would be 74 women promoted in five years.

Of those, you know, I don't have the statistics right now how many are Group Supervisors or Youth Counselors, but how many women are we going to be able to move up through the system working on the lines, working with the people, becoming understanding of the problems in the institution, creating reform in the institution and getting positive feed-back and becoming positive managers in the institution. I think this is where the discrimination lies; that women are not allowed to enter and become functional and become promoted. I know for a fact the fact that I refused to sign my performance report because it wasn't fair to me as a professional worker and that I -- to do so, I felt, would inhibit me as far as the career, was the main reason, you know, I ended up undergoing the coercion, but the sad thing is that the coercion is there to keep the people, meaning the women and the minorities, in their place. And I think this is what we must work at providing -- inter-level opportunities and advancement opportunities.

SENATOR DYMALLY: Thank you very much. Before we adjourn for lunch, let me introduce Ms. Betty Stephens who is a member of the Commission on the Status of Women and a member, of course, of this Committee. We will adjourn for an hour and 15 minutes. Let's get back at quarter of 2 from lunch.

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SENATOR DYMALLY: The Joint Committee on Legal Equality is reconvened. Our first witness is ...

BARBARA JOHNSON: Barbara Johnson.

SENATOR DYMALLY: Ms. Barbara Johnson.

BARBARA JOHNSON: Is the microphone on so that you can hear?

SENATOR DYMALLY: Just an example of the type of buildings we construct. In this new building, we don't even have good acoustics. Fine, go ahead, Ms. Johnson. Name and affiliation for the record.

BARBARA JOHNSON: Yes, I am Barbara Jean Johnson. I'm a partner in the Pasadena law firm of Angel, Burford, Johnson, & Tuckey. I am testifying on behalf of the Women Lawyers' Association of Los Angeles, as one of its officers and board members.

My brief comments are based upon my personal experiences in trying to achieve the appointment of qualified women to governmental positions in general, and judicial appointments, in particular, during the last three years. Specifically, I have worked as a member of the Judicial Appointments Committee of the Women's Lawyers' Association of Los Angeles, the Women's Rights Committee of the California Trial Lawyers' Association, and the Los Angeles Trial Lawyers' Association, and the Los Velas Republican Women's Club. In that capacity, I have submitted resumes of numerous qualified, and I might say, often, over-qualified women lawyers to the Governor's office for consideration. And I might add many of these have been members of the Governor's own political party. I might also add that Nancy Watson and Joan Dempsey Klein were two of the numerous names

recommended, and those two names were recommended for elevation. Of these numerous names forwarded, not one has been appointed to the bench, not one has been elevated to higher court, and not one has been appointed to any position. In fact, during Governor Reagan's entire administration, he has appointed only one woman to the Superior Court bench and that is Evelle Younger's sister-in-law.

SENATOR DYMALLY: What's the name?

BARBARA JOHNSON: Evelle Younger's sister-in-law is Judge Ziegler. The result of this complete disregard for the capability of women is that highly qualified women, in order ever to achieve a Superior Court judgeship, must go to the enormous expense of running a campaign for election whenever a vacancy occurs. This happened to Judge Nancy Watson, and that is how she became a Superior Court judge. It is now happening to Judge Joan Klein, even though they are both extremely well-qualified and of the "right party." Judge Klein has no doubt already pointed out to you that there are only five women Superior Court judges in the entire State of California out of some 471 Superior Court positions. And at least two of those five I know of, of course, obtained that position by election rather than appointment. That's a ratio in its entirety of about one woman Superior Court judge to 100 male Superior Court judges in the State of California. Neither Governor Reagan nor Ned Hutchinson, his appointments secretary, has considered the appointment of females to be important. Governor Reagan has thus far been

too busy to provide time in his schedule to discuss the problem with the chairperson of the Women's Rights Committee of the California Trial Lawyers' Association. And this is a huge lawyers' organization in the State of California, the largest one. Ned Hutchinson's responses to our communications have been vague and unresponsive. In several articles which have been published regarding the manner in which judicial appointments are made, Ned Hutchinson has been interviewed. And he has explained his method of screening applicants and it includes this one: endorsement by a Republican legislator. By the dearth of female appointments, I would venture to say that Republican legislators have been less than supportive. Our Assembly representatives and State Senators, with a few exceptions, including the present company, excluding the present company from these Assembly representatives and State Senators I'm speaking of, do not have a better record than the Governor in their utilization of the brain power of the women of our state. You are familiar, I am sure, with the statistics regarding the number of females having positions of importance on the staff of our legislators, which Mr. Karabian announced last September. Because women are not being hired and appointed in large numbers to positions of sufficiently high levels of decision-making, a vicious cycle is created whereby the young girls growing up do not see female models in high positions to emulate and young boys do not see them so that they can later feel comfortable working with or for women in high positions. The vicious cycle is enforced in the educational process over which our state legislators have substantial influence.

We are all sufficiently familiar with curriculum texts, and practices in public schools to know. History books do not contain the history of women. As I was speaking at Arcadia High School today, in a class -- really, a surprising class because not too many high schools have one, that has to do with women, there were many students attending and they were very interested in this course, and the teacher was, in fact, teaching history of women though there weren't textbooks on this subject. And the students were interested in obtaining credit for a history course. The bright young woman who was teaching the course and highly motivated asked her supervisor within the particular high school if this could be included as a history credit, and his response was, "Of course not, there is no history of women."

Elementary school texts portray women in fewer and more menial roles. More taxpayer dollars are spent developing the talent and skills of boys in athletics than girls. In many schools, girls do not have equal access to training in skills leading to higher paying trades: auto shop, mechanical training, work programs and skill trades, for example. While this Committee is concerning itself with the 200-some sections of the law which discriminate on the basis of sex, it might be wise to consider the needed changes or enactments in the Education Code which would better prepare all children to participate fully and successfully in a society which does judge persons on their merits rather than the mere basis of the accident of sex.

SENATOR DYMALLY: Ms. Johnson, the sad fact about your testimony and Judge Klein's testimony is that the Democrats were as equally bad as the Republicans.

BARBARA JOHNSON: I agree. Had there been a Democratic administration, the same facts, I'm sure, would apply, and the statistics of the Democratic party are not better. It happens that it is one of the political realities that that party in administration at the time does have pretty much the control of the judicial appointments.

SENATOR DYMALLY: I hope we are going to demand of all of the candidates, Republican and Democrats, that I intend to take Judge Klein's statement and rewrite it as a Committee document and forward it to each one of them because I think it's an important document for them to digest as they campaign and tell you what great guys they are.

BARBARA JOHNSON: Yes, I do, and I think it's surprising in talking to many lawyers and legislators, that they do not realize these statistics. They are surprised that Governor Reagan has appointed only one woman to the Superior Court bench and that that is Evelle Younger's sister-in-law. They're surprised and they don't know. Yes?

SENATOR DYMALLY: Mr. Berman.

ASSEMBLYMAN BERMAN: Between the problem of curriculum and counseling at the elementary and high school levels and the predilections of the present Governor regarding appointments and the people who are making recommendations, is there anything in the institutional framework of law schools, law firms ...

SENATOR DYMALLY: The Bar.

ASSEMBLYMAN BERMAN: ... and the State Bar that contributes to the result that's been described by you and Judge Klein?

BARBARA JOHNSON: Well, of course, because institutions perpetuate the status quo. The most difficulty which a female attorney confronts is the difficulty in obtaining initial employment. She doesn't have trouble with her clients; she has trouble with law firms and governmental agencies. During my time at the University of Southern California, which is a major law school, and it's like fraternity rush week when the firms and the governmental agencies come there to employ juniors and seniors and it's a mad rush to get the biggest brain power. It's very interesting, when the district attorney's office of Los Angeles County came to interview, that there was one female on law review interested in working for the district attorney's office and this is great because it's very difficult to get most persons on the law review of a major law school. They invited several fellows back who were way at the bottom of a class; they did, in fact, hire them, and they didn't even invite her back to meet the other persons in that particular governmental agency. So initial employment is very -- is a very difficult obstacle. I am saying that it's improving slightly; certain of the governmental agencies are starting to respond. Two of the largest law firms in Los Angeles every year hire at least one female attorney. Of course, she's the editor of the law review or something like this and that doesn't make much of a dent in the employment market.

ASSEMBLYMAN BERMAN: Why doesn't, for instance, the Women Lawyers' Association at the next State Bar convention try and instrument some policy to direct the Board of Governors, to the extent that you can direct the Board of Governors about anything ...

BARBARA JOHNSON: Well, that's a good question. That's a predominately male institution too, and, in fact, each year the Women Lawyers' Association of Los Angeles, in addition to other lawyers' associations, does introduce resolutions, one of which during this immediately past convention, directed the Board of Governors to make certain inquiries and evaluations regarding sex discrimination. It was not supported. Another one had to do with ...

ASSEMBLYMAN BERMAN: Not supported by whom?

BARBARA JOHNSON: Not supported by the convention; in other words, it did not pass. The Women Lawyers' Associations are, in fact introducing constantly resolutions in this regard, and I will say something interesting. Three years ago at the convention in San Diego, when the Women Lawyers' Association discussed the possibility of joint or equal management and control of the community property, the audience were so rude and there was so much laughter that it was quickly disposed of. At the convention in Monterey, there was more laughter, but less laughter. At the convention last year at Anaheim, it was only one proposal of the issues of interest to women to which the audience or certain persons were rude, and that was in the

discussion respecting the resolution involving a woman's retention of her own name, if she wished to; this wasn't mandatory. It just simply said if she wished to, that she could. And there was a great deal of rudeness, I might say. A member of the Women Lawyers' Association of Los Angeles rose to the floor, asked that the member of the resolutions committee who so derided this particular resolution be admonished. And later the committee did make something in the way of an apology. So at least from an attitude of this being just a very frivolous thing that women wanted equal access to economic institutions, slowly this, too, kind of established status quo kind of institution is slowly becoming more serious that this problem really exists.

SENATOR DYMALLY: Thank you.

BETTY STEPHENS: May I ask a question?

SENATOR DYMALLY: Yes, of course.

BETTY STEPHENS: I believe I read in the paper this morning or last night that the Federation of Republican Women were having a convention. This is a political reality that women are at the mercy of male legislators. I don't really know when that's going to change; that's another good point. But why don't the women, as a whole, start thinking about boycotting legislators who don't represent us.

BARBARA JOHNSON: Well, I think ...

BETTY STEPHENS: We vote for them, we work for them, we raise the money, we get them elected, then they turn their backs on us. Why don't we start getting a commitment from our legis-

lators before they're elected instead of waiting til after they're elected to find out how they're going to support women?

BARBARA JOHNSON: I think we, in a collective sort of a way, are starting to do this, because women have found that they are not necessarily given the power of their numbers in their own political parties.

BETTY STEPHENS: Never.

BARBARA JOHNSON: And therefore, we are joining organizations like the National Women's Political Caucus in which women of both parties are joining to financially and otherwise promote good candidates.

BETTY STEPHENS: But you already have the best organization for doing exactly that without ...

BARBARA JOHNSON: All right, if your question is, why aren't the Republican women doing this, is that really your question?

BETTY STEPHENS: Exactly. In the Governor's upcoming race, they're going to rely on the women to get out the vote ...

BARBARA JOHNSON: To lick envelopes, yes.

BETTY STEPHENS: To run the campaigns, and to come out and vote.

BARBARA JOHNSON: And bake cookies.

BETTY STEPHENS: Exactly. To do all the traditional things. They ride into office on the backs of women and then they turn their backs on us, so why don't the political parties get a mandate from the women before the election?

BARBARA JOHNSON: Well, I think you sound like me. This is what I keep telling people in the Republican party that professional and educated women have no business being in a party that does not represent their interests.

BETTY STEPHENS: Exactly.

BARBARA JOHNSON: And because the Republican party tends to be more conservative, more status quo in its policies, the Democratic party is in effect giving more opportunities to women than the Republican party.

SENATOR DYMALLY: Not a whole lot, I want you to know that.

BARBARA JOHNSON: Not a whole lot, I'm not satisfied, I'm not saying that, but it is much behind and I think if they don't change their policies, they are not going to attract bright young women and I think the bright young women are going to go into another party.

BETTY STEPHENS: I think it would be a good idea to ask all the gubernatorial candidates out front on a sliding scale of 1 to 10, where do they place women's issues. And it would be interesting to see ...

SENATOR DYMALLY: It would all end up No. 1. Would you want to take a bet?

BARBARA JOHNSON: No, I've asked some of them, and their response is "We intend to appoint persons who are qualified and the mere fact that they're a woman doesn't mean that they will be appointed. We are going to appoint the most qualified persons", and this is what Governor Reagan said and this is what Ned Hutchinson says, but they never happen to be women.

BETTY STEPHENS: Fortunately, neither of them are candidates.

BARBARA JOHNSON: Yes, it is fortunate for women since their record is poor.

SENATOR DYMALLY: Thank you very much, Ms. Johnson.

BARBARA JOHNSON: You're welcome.

SENATOR DYMALLY: (Off the record, I want you to know that I have an all-female staff so I'm not riding on any women's backs.)  
Dr. Cross.

NANCY CROSS: My name is Dr. Nancy Jewell Cross. I'm from Menlo Park, up north, and I am -- I feel very honored to have the opportunity to address this body. I've been working on concerns that you're concerned of for a good many years as a people's advocate, and I'm sure that you realize that in addition to legislators, we need people's advocates that can work from the citizenship, or the, you might say, grass roots level, independently. There's some things that are precisely available from that means of approach. Before I get into the particular concerns for discussion today, I think that it might be helpful if I introduced myself a little, occupationally, and also in terms of representation.

I'm here as a people's advocate, and my personal capacity is that, and also representing National Women's Political Caucus of San Mateo County. I have also to report resolutions from the state convention of National Women's Political Caucus in 1973. We had a convention in Berkeley-Oakland at the Claremont Hotel and overwhelmingly endorsed at that convention were two resolutions: one for a commission on the courts and another for a commission for fair appointments in government. And I'm sure that you will find widespread support for approaches of this

kind and what we have in mind is a grass roots commission, not a commission appointed by the Governor, if you please.

And as far as the kind of work a people's advocate has done, I've worked on quite a range of matters, anywhere from highway route locations to public financing at the county level, and have had very considerable influence by doing the research and using ways and means to get the results out to people just before an election. And the people vote as I suggest until it makes the county fathers so violent that they violate election laws to repress the disclosure in the future. However, then I take them to court and sometimes I lay things on the record that the judge can't go along with me, but the bond attorneys read and they know they won't get their money back if they lend money on that kind of premise.

I have had results. One of the things I've done is to challenge the composition of grand juries in San Mateo County in 1957 and am responsible for the first dark person appointed to the county grand jury. From 19 -- from the beginning of time until 1958, there had never been a dark person other than white on the grand jury. I also have attempted to improve a situation on the disparity by sex, but have not succeeded in San Mateo County on that. I have -- I stood before the whole of the Superior Court judges en banc in Santa Clara County to challenge the composition of the grand jury panels there at the time when they were dismissing an old one and appointing a new one.

And I brought a petition and I -- tremendous security all around the Chairman of the Board of Supervisors, the sheriff, they were having Angela Davis trial in the criminal courts building a little ways away and everywhere there were deputy sheriffs. I walked up to the front of the courtroom where the judges and the jury boxes, along with the prospective jurors, and said, "I'd like to present a petition," and the Presiding Judge said "This is the wrong time and place." And I said, "This is the only place -- time and place I could figure out," and I said, "When is the right time?" "I don't know," he said, "ask the clerk." There was no time and place in which you could challenge a jury according to him. They had it all laid out, but I did challenge it, and I've been working on trying to improve the court in the composition of the jury and also on the composition of the judges.

I took on Pacific Telephone and within about six months, I secured their change from sex-segregated advertising jobs into integrated, uniform -- they sent out a notice throughout the state saying all jobs are open to both women and men.

I took on the City of Palo Alto and secured their change from sex-segregated advertising to integrated advertising. I took on the Palo Alto Times and several other papers. I wrote them a nice letter; they didn't answer the letter. I took them to court. During the court proceedings, they decided to change their ways.

I'm taking on Stanford University now and one of the things that I have to talk about is the relation of the courts and the universities. And I have a few things on the blackboard which

I can give you results of personal research and experience that I think -- and analyses and recommendations. If you have the interest, I will take each of them up.

I plan to start with the courts and the judiciary. I, too, have gathered statistics about the composition of the judiciary. And California Supreme Court, for example, the present Governor's had two chances and Governor Brown, eight. Ten appointments and no women. The State Court of Appeals, there are 50 places and as you know, one woman appointed way back -- oh, she started, I guess, appointed by Governor Warren and was elevated, maybe, by Governor Knight. In the Superior Court, I have five women, one each by governor -- I don't know whether they all -- it was the sister-in-law of the Attorney General in each case, but there's only one woman per governor in the Superior Court.

And the Municipal Courts -- I have figures on a pink page like this called "Help the Courts" and I plan to give this to the Committee. I also have copies enough probably for the people here who might -- anybody here who might like it, so that you don't need to take down specific figures. The consequences of a malapportioned jury by sex and race -- I mean, a malapportioned judiciary are very extensive. The -- when the jury -- when the judges are composed of all people of one sex and likely race too, they tend to -- their perceptions are altered, their value systems are altered and when they -- the ones that are collections are for the Committee and the ones that are single pages are to

pass out. I don't have a complete set of everything for -- to be passed out, but there's a pink and a yellow page to be passed out and a set for the Committee.

In 1913 to 1932, in San Mateo County, there's one Superior Court judge. And he managed to get grand juries at about half women and half men. As you increase the number of all white men in the county the proportion of women goes down, so now there are about three men to every woman. Now naturally in 1913 to '32, there are fewer women to chose from, but it seems that one judge could do it. But when you get more and more of the same, they see society through the screen of all the other judges and their perceptions are altered. I feel that they've acquired a certain social disability from working in all white male groups and all white male authority figures. It's like having one hand kept over one eye for years and years and years, and pretty soon, even if the hand is taken away, you can't see out of that eye.

And that's the way a lot of these men generally have been trained. You'll notice in Watergate, it's all men and it's all men attorneys -- white male attorneys. Now why is this? There's a definite reason, and you find out that these men characteristically have gone through college, universities and law schools with nary another soul as an authority figure other than a teacher or dean -- the white male. Not all white males are equal in authority, but only white males would be looked to, so the first process is to eliminate consideration of learning from anybody else.

These people have a definite educational disability. I call it "demo isolation disability." "Demo" is the people; people who have been isolated from other people are likely to develop this. Now the judiciary is very highly composed of these people that are disabled, and I think it's important to think in terms of disability rather than a moral issue. The reason they keep on segregating themselves and building segregated groups and dividing society in this way is a defense mechanism. They cannot reciprocate with other people as we conventionally do, and their mechanism is to avoid any possibility that they would have to carry on an intellectual conversation with somebody of different sex and race. Do you see? And they're frightened. And they arrange things to avoid testing of their disability. But if we recognize their disability and meet it just like we'd meet any other kind -- you know, the specific disability. There are means to handle it, so we have to look upon it as a disability.

Now the grand juries are misproportioned. In Santa Clara County, as well as San Mateo County, they have, like, one or two women to a grand jury panel and about 17 or 18 men. The motto of the San Mateo County Superior Court is "equal and exact justice to all men." And if you're familiar with the ways people learn law, you find in all the law code books, "the masculine includes the feminine and neuter." and you may think that's just like driving in the right side or the left side of the road, but it can get to a part of your own personality.

Everything that, well, that men know or do encompasses whatever is valued that women might know, you see, so you can just decide among men and you'll have the whole show. You see, you don't even need to consult women and a lot of men have thought that way and we need to, you might say, rewrite the law books.

And I'd say one of the things you legislators can do is to be sure that you include the feminine along with the masculine terms. And when you start doing it yourself and other people start reading it, they start feeling it and thinking it. They think women and men when you write women and men, but if you write men and he, well, there's never any provocations that they reconsider their premises.

The process of judge selection, I think, has a tremendous amount to do with the composition of the judiciary. In this, we talk about having more women law students now, but do you know, we're down at the bottom of the list. We're down like with Burma, India, and Iraq, just a few percent women in the law. That there are many other nations, Argentina, way back in '55, '56 had about 30 percent of their Bar was women. Ours was 3 percent. France is the same way. Italy had 15 percent when we had 3, that's back in '55, '56. We're measuring ourselves against a pretty poor record for the United States.

Now I mentioned about the universities, and I think I'll skip the State Bar for a moment. This has something to do with the Attorney General. You asked if you had any class action. I brought a class action for sex, race equality in education

and employment at Stanford University. And it came up in the Superior Court of Santa Clara County. The judge decided with an opinion that includes this: "It remains this court's feelings, homo sapiens is divided into two basic varieties -- the male and the female. What is given to the male species is sometimes withheld from the female. Since men basically do the governing, they should have preference in higher education and do the educating at higher levels. Case dismissed with prejudice without leave to amend." That man is presiding judge of the Santa Clara County Superior Court this year.

When I read his opinion, I could see that he did not consider -- dismissing a case. Now dismissing, you should consider most favorable light what the plaintiff has to say before you dismiss it. He didn't mention any of our claims. He didn't look at any of our citations, and I said to myself. "That's like, you know, he just can't see what maybe a woman advocate writes." And I had the opportunity during court session to ask the judge, "May I ask you a question?" And he looked kind of curious; he didn't commit himself whether he was going to answer it, but he allowed me to ask it, and I said, "During all of your university and college years, did you ever have a woman professor?" And he paused and his eyes rolled and pretty soon it came to rest, and he wasn't going to answer.

He graduated from the University of Santa Clara, and I called up the University of Santa Clara and I said, "I'd like to ask you a question about a former student. Could you tell me if he ever had a woman professor." And the person I was

talking to said, "Can't give you any information about an individual student, but he got his A.B. here and his law degree, and I can say that we didn't have any women professors or women teachers during the time he was here."

So, I mean, it fits together. And you'll find this characteristic, you know, when you run against these hard-core people that doesn't seem to be able to exchange on this matter of sex. Just find out about their education. And I think if you see this pattern, you'll realize that we have a remedy within our hands. It begins in trying to improve a perceptual disability; their perception is off and we need to work at it from that standpoint.

Now as far as this particular decision, I took it on appeal. Somebody said, well, "That's that judge; surely when it gets up, no higher court will think that's a proper decision." I took it to the State Court of Appeals. Before the opening brief was filed or due, on motion of Stanford defendants, the case was dismissed. I asked the judge why. He wouldn't give me any answer. I asked him whether I could argue against his dismissal. He wouldn't even let me argue. He just came to court -- I came to court with other people and he just read off that the appeal was dismissed. I went to the State Supreme Court and I asked them petition for hearing. Petition for hearing denied. I went to the United State Supreme Court. Petition for certiorari. Petition for certiorari denied last October 9.

Now you say, well, that's judges for you. But what can we do about it? There are some things that you might want to know. One is that Judge John Smith McInerny, who was a Superior Court judge, consulted with a woman on the Board of Visitors of Stanford Law School secretly out of court before his decision. A woman was -- who was formerly in his staff at the Attorney General's office where John Smith McInerny worked under Governor Brown ever since he went to law school and until he became Governor, and then worked as, I guess, appointments secretary or clemency secretary for Governor Brown until he was made a judge in 1966 -- a lame-duck judge.

Well, that's one item. Now what about the Court of Appeals and the Supreme Court. Well, during the pending of the case, the Supreme Court -- the Chief Justice of the Supreme Court accepted an appointment to the Board of Visitors of the Stanford Law School while the case was pending. I asked them for an impartial court. Motion denied. The man who is administrative presiding justice of the Court of Appeals, California Court of Appeals, First Appellate District in San Francisco, is former chairman of the Board of Visitors of Stanford Law School and former president of Stanford Law Society. I couldn't get out of that court setup. There's no place I can go, but what Stanford has done to get away with this kind of things that it does, and I can mention some more, is to, you might say, buy the judges. It puts the judges on their Board of Visitors or even on the Board of Trustees of the university. Judge Ben Dunaway is an example. He used to be in the California Court of Appeals,

First Appellate District, then he became a U. S. Court of Appeals Judge for the Ninth Circuit in San Francisco. And he was sitting on the Board of Trustees at the same time that the case was versus Stanford University. I couldn't go to federal court and get an impartial forum either.

Now one of the things I'd ask you legislators is to get some conflict of interest legislation that applies to judges. Stanford has specialized in judges in any court that it might be sued. But it's got some judges involved in every court -- Superior and intermediate and federal and state level. It has two judges of the United States Supreme Court on the Board of Visitors of its law school. Now what kind of impartial forum do you think anybody suing Stanford could ever get under those circumstances? Now Stanford University has maintained a quota limiting women to approximately a third of the class -- freshman class. Women are half of the most qualified applicants. Women are a little over half of the state scholarship winners.

ASSEMBLYMAN BERMAN: Could you just stop there? How do you know that? How do you know that Stanford has a quota that limits them to one-third of the class?

NANCY CROSS: There are different ways you can know it. Now, naturally, nobody that maintains it is going to say, "Here's our written statement," unless they're put to it. But I have a petition that asks Stanford -- this is one of the ways -- I have a petition that asks Stanford University to carry out the

charter provision, and I'll tell you what that is, and remove the quota that limits women to approximately a third of the freshman class. Hundreds of its own faculty and administrators have signed this petition. One dean told me, "At least five of the seven deans are with you on this," and the other two he hadn't talked with, so he didn't know their positions. They were relatively new. He was talking about the ones that he did know, their position was the Dean of School of Engineering and Earth Sciences and Business and Education and Humanities and Sciences. He said, "You have the second level, but you don't have the very top."

I have approximately 4,000 signatures largely around the Stanford area. I've talked to these people, and these people inside of Stanford are not going to sign something asking you to remove a quota if they don't know that there is a quota. I've talked to the long-time registrar of the university in 1957, and I said "What would happen if there was same standards of admission for women as there are for men at Stanford University?" And he said, "A quarter to two-ninths of the men wouldn't be here and their place would be taken by women with higher qualifications."

They use to publish public notice, a student directory that had grade point averages, as well as accumulated academic points in it, so that you could find out whether a person stood C+ or B- or what. And this was until about 1957. But it got very embarrassing because women averaged a B average and the men a C-. Now I would like to mention ...

ASSEMBLYMAN BERMAN: In my year, when I was at law school, in each of the years, in my year, the year ahead of me and the year behind me, a woman was No. 1 in the class and generally was in the top 10 to 15 percent of the class. Very few women were below that level. But one-third -- it was like 5 percent then. Does Stanford have one-third now even in the class?

NANCY CROSS: There are about -- let's see, 36 percent were admitted of the freshman class, but more women than men actually turned up, so it turned out to be 39 percent in the freshman class this year.

ASSEMBLYMAN BERMAN: At law school?

NANCY CROSS: No, this is ...

ASSEMBLYMAN BERMAN: Oh, this is undergraduate, I'm sorry.

NANCY CROSS: In the law school, it's 25 percent at this time. Now when I -- I talked with the Stanford trustees some years ago and I knew about the freshman quotas. Well, I guess about that time my earliest knowledge exactly of where the quota came from. I was talking to the chairman of the admissions committee. And I more or less charged admissions committee with a continuing disparity in the women and men, and he said "No, we don't do it. The Trustees tell us how many women and men to admit each year."

Now they use to brag about it in the local papers, the famed Stanford quota. But I've been working on the Stanford situation for about five years intensively, and they must be going underground. They don't brag about it anymore. In fact, they're reluctant to even give figures anymore. But they do

maintain this quota in the freshman class and they have quotas in law and business school -- law and medicine. Business school has been improving remarkably. The trustee that I talked to at that time told me not only in the freshman class, but also in the law school. At that time, I didn't know about the law school quota. The Stanford charter provides that the trustees shall have power and it shall be their duty to afford equal facilities and give equal advantages in the university to both the sexes. Mr. Chairman, did you hear that?

SENATOR DYMALLY: No, I'm sorry.

NANCY CROSS: The Stanford University charter that Jane Lathrop and Leland Stanford signed, setting up the university in 1885, says the trustees shall have power and it shall be their duty to afford equal facilities and give equal advantages in the university to both the sexes.

SENATOR DYMALLY: Ms. Cross, I don't mean to interrupt your testimony on Stanford, but we wanted to shift it back to the criminal justice system and even though I know you're talking about discrimination in the courts and its inability to respond to Stanford, I'd like you to, if you would, shift it to government or to cases of discrimination within the criminal justice system.

NANCY CROSS: Well, I don't know what you mean as far as limitation on the criminal justice. I have to do more -- I can tell you something about the State Bar ...

SENATOR DYMALLY: Yes.

NANCY CROSS: And I was going to tell you about the Legislative remedy on Stanford ...

SENATOR DYMALLY: Fine, very good.

NANCY CROSS: ... if I might do that. Now that Stanford -- you've talked about cutting off some of the agencies -- cutting off the grants, you know, criminal justice grants to places that discriminate -- Los Angeles Police Department, for instance. And I think that this is a powerful place for the legislators to act in relation to Stanford University. Stanford University's budget is over 80 percent funded by the taxes. And a good deal comes from the state. They set \$65 million and a subsidy of \$27,000 a year for the medical students per student involved, you see. Now if you say, "We're not going to give money to a school that has a quota against women," you could get them in line very fast.

Now that \$65 million comes through the state's scholarship commission, but does the Supreme court allow Virginia or Mississippi to feed its private schools by subsidies to students, by giving student grants? No, they say you can't do it that way either. Well, the State Legislature could cut off Stanford like that, if they wanted to. But Stanford is serving some people's purposes, and you have to know a good deal of the story to know why they've gotten away with breach of state and federal law that they have, as well as their own charter. This way of getting to the judges is important in that.

Now as far as the State Bar and its system, you assume that people say they're attorneys and see whether attorneys that seem to be well-qualified should get to be judges. But I think there's a very important point of who gets to be licensed as an attorney. And the kind of recognition that's given to prestigious law schools, white male law schools, white male faculty law schools as distinguished from the less prestigious unaccredited ones that you kind of bear a taint if you go there, or if you don't go to any law school at all.

Now I applied some years ago for admission to the State Bar. My application was turned down, I was just harassed. Eugene Krantz, who was chairman of the committee, said, "Well, you opposed us in the State Legislature" because I had taken a position that they shouldn't close the admission to the Bar examination to people who didn't go to law school. I mean, if you can pass it, what difference does it make whether you went to a certain law school or not, prestigious or not. The law school Dean Snodgrass at Hastings said, "The reason they won't let you -- admit you to the Bar examination is because they're afraid that you will pass it and spoil their statistics." They want to prove that, they wanted to persuade the Legislature to close this Bar examination to nongraduates of law schools because -- on the theory that they couldn't possibly pass the examination.

The Secretary of the Committee of Bar Examiners wrote to a law professor I had given for recommendation and told him a falsehood about me, defamatory. And I confronted this man with it, and he said, "I had to do it to protect myself and the committee." He didn't deny the fact that he had done it. They didn't admit me; I could never get any remedies. Now I think that a good source of independence in the Bar and independence of the Judiciary is being squelched at the point of not even permitting people to qualify in anyway except through a particular channel that is satisfying to the Committee of Bar Examiners. And as long as we have laws that require a license in law of a certain -- especially ones that are five or ten years ago, that this a very hostile to equal opportunity because practically all the members of the Bar are white males so that if you say you can't get a job with the Secretary of State unless you had a license in law five or ten years before, naturally this is going to close the door to women in general, but if you have a performance-type examination that shows whether you can talk and do and work in law, that's the kind of thing that makes sense to equal opportunity. So I'd like to urge you to remove the restrictions in law that require a particular license that is not validated in terms of fairness by sex and race. Now the state ...

SENATOR DYMALLY: Now, Ms. Cross, I'm wondering if I could ...

NANCY CROSS: Put somebody else first?

SENATOR DYMALLY: Yes, because somebody had to get a plane and then come back later on to you. O.K.?

NANCY CROSS: All right. I'd be pleased to have that.

SENATOR DYMALLY: Thank you very much. The lady that wanted to leave and catch the plane? O.K., fine, come on. That was very kind of you to do that, Dr. Identification for the record, please.

ELINOR GRANT: I'm Elinor Grant. I represent CASE -- Clerical and Allied State Employees.

SENATOR DYMALLY: A little louder.

ELINOR GRANT: Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex. California ratified SJR 20 in November 1972, but now in February 1974, in San Luis Obispo where I work for the Department of Corrections, Parole and Community Service Division, I have noticed very little alleviation of sex discrimination in my employment.

I am a college graduate. I have worked for the State of California since December 1960, for the Department of Corrections since January 1963. I am a Senior Stenographer with a salary of \$776. I was a college graduate at the time I started working for the Department of Corrections as a File Clerk II in the Records Office at California Men's Colony, East Facility. The only really unusual fact in my case is that I am not still a file clerk. A woman I worked with had been there years before I came and is still there, as File Clerk II. I know many Stenographers II and Clerk-Typists II who have been held in those classifications for ten, 15 and 25 years. Their sisyphian task is to get their jobs properly classified so that their paychecks will reflect

their equal skill, equal effort, equal responsibility and similar working conditions. But like Sisyphus, they are doomed because, you see, they are not equal; they are women.

In Corrections, we dismiss sex discrimination with "In the Department of Corrections, equal opportunity -- employment opportunity has only to do with minorities; it has nothing to do with women", or, from a training officer, "I don't know what to do with the women." And his in-service training schedule bears him out.

Areas where sex discrimination is found in clerical classifications include, but not limited to, required duties and responsibilities and skills required in clerical classifications, positions principally filled by women, when compared to positions of like salary, principally filled by men, the lack of opportunity for advancement, clerical has long been considered a dead-end. The lack of access to training programs, seminars, conferences, educational programs, and the like, sick leave administration in regard to maternity leave, insurance, and retirement, State Personnel Board rules, personnel policies within agencies and departments, the state college and university system, and in the stereotypic and paternalistic attitudes of administrators and supervisors; in fact, in all conditions of employment, women are discriminated against because of their sex.

When we discuss classification of clerical positions with administrators, we do not hear that our jobs should not be reclassified to properly reflect our required duties and responsibilities in our classifications and our paychecks, but rather we

hear only that we are low priority. And indeed we are. We are not asking for promotions in that we already have in our required duties and responsibilities, the promotions. We are asking for salaries comparable to men's salaries at comparable level of duties and responsibilities, and recognition of our clerical experience to promote. This will necessitate new organization charts.

I do not feel that the Department of Corrections should be singled out. It is only that I work for Corrections, and I have seen:

Records Officer I, female, with 14-1/2 years of state service demoted in lieu of layoff while a Records Officer II, male, was given a temporary assignment with a different job title and at the same pay grade.

And an Administrator, male, given a red circle rate to retain his pay grade.

A Payroll Agent II, male, reclassified to Parole Agent III, which is his proper classification, while a Stenographer II in the same office retains her classification and pay grade as Steno II in spite of performing Senior Steno duties and responsibilities.

I have seen a Senior Steno pay her own fee and expenses to attend a one-day workshop on Women into Management because her male supervisor refused her request for training funds because "We don't have any women managers." He's right, of course. We don't.

District administrators, male, moved in the Los Angeles area to retain their classifications and pay grades as they assume essentially the same duties and responsibilities in their new location. But when my location of work was changed from institution to parole office, and I assumed essentially the same duties and responsibilities, I was demoted.

A Medical Technical Assistant, male, reclassified within about three days from first request, while it took me more than 2-1/2 years and a lot of hassle to get reclassification, and without CASE, I never would have made it.

A Senior Stenographer at the top of the Supervising Clerk I list whose job was surveyed and approved for reclassification to Supervising Clerk, watched the list expire and she is still a Senior Steno.

A Clerk-Typist II on maternity leave who delivered by caesarean section, submit the proper forms signed by her doctor only to be told that she will not be paid any sick leave until after she returns to work, and then for only ten days.

A Senior Stenographer demoted in lieu of layoff who had no lesser duties, only lesser pay, discover on retirement that her retirement is \$30 per month less because of the PERS rule that the three highest years must be consecutive. In my own case, my retirement is 12-1/2 percent less because of demotion, and we are talking about \$183.19 so you can see why I say the discrimination women face in hiring follows them into retirement.

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We can have equal employment and a merit system. We do not now. State Personnel Board examination announcements do not say "No women need apply." What they say is "Don't apply if your salary and/or classification is below a certain level." Very few women in California State service make it above the \$800-\$900 range, 10 percent as compared with 60 percent of the men.

ASSEMBLYMAN BERMAN: Are you saying 10 percent of the female employees for the state make over that amount or 10 percent of the people making that amount are male?

ELINOR GRANT: Ten percent of the women employed by the State of California make above the \$900, as compared with 60 percent of the men who are employed by the state. Incidentally, 99 percent of all women in state employment earn less than \$1,200 per month.

In an analysis to determine what particular practices are operating to exclude women from the better-paying classifications, I have yet to find any that are job-related for 99 percent or even 90 percent of women employed by the state. Not merit principles, but agency discriminatory practices, are in operation. Merit principles were not implemented to assure the rigid following of procedures which no longer serve their purpose. Every time a minority or a woman is excluded from recruitment, hiring, or promotion by the rigid operation of the system or a policy that does not in fact measure merit or job relatedness, the taxpayer is gypped and the principles of merit employment are sabotaged. What must be done is reevaluate all employment

practices and begin to eliminate the illegal ones with nondiscriminatory remedial practices.

There is a clear distinction between preferential treatment, which we do not advocate, and remedial treatment, which is necessary to eliminate sex discrimination. All things are not equal where discrimination exists. We must eliminate it -- all of it, and make certain it won't return, and develop a remedy for those who have been victims.

The victims are women, particularly women who are working in clerical classifications for the State of California. Rigid civil service job classification systems which freeze categories of employees into certain lines or job series are considered discriminatory since they limit rights to move from one series to another. Where failure to be assigned to that series in the first place was discriminatory, the failure to permit promotion out of that series or transfer into another series will simply perpetuate the discrimination and is therefore illegal.

The demand for validated employment tests does not mean an end to merit employment practices, but rather the opposite. It means a return to true merit. It means that you must be able to prove that you are in fact measuring merit in terms of ability to perform the job and that is the only merit that should be measured but not with Rule 200. The secretive selection process is operating, as Judge Klein documented this morning, with this process. Civil service rules and procedures themselves constitute systemic barriers to equal employment of minorities and women. Even those rules that are neutral on their face are

considered illegal when their impact effectively excludes women as with Rule 200. There is no difference, as has been said, between the person who robs you of your pocketbook and the person who robs you of your opportunity to get a decent job. They both violate the law, and what we are asking is that the State of California, as employer, obey the law. Nothing more than that and nothing less.

The moment of truth came, really, when it was discovered that almost half of the state clerical employees, most of whom are women, are below the poverty line, below \$605 a month. Forty-two point four percent are below \$600, 61.6 percent are below \$700 and 81 percent are below \$800. According to a national survey of professional, administrative, technical, and clerical pay, the cumulative rise in the average mean salaries of selected occupational groups from 1961 to 1973, the lowest percentage of increase was in the clericals.

I have come to the conclusion that the State Personnel Board analysts are sitting up there in an ivory tower in Sacramento, sorting out which positions we can apply for, like rearranging the deck chairs on the Titanic. I inquired of the State Personnel Board analyst, male, who came to do a desk audit concerning his background. He worked in a personnel office two years while in service and he has been an analyst for SPB for 16 months. He is a specialist in the stenographer series. Contrast that with a Clerk-Typist II, female, who spent four years in service in charge of the payroll office for a facility, who had to start at the

bottom of Clerk-Typist II, and after many years, is still Clerk-Typist II in a parole office. When she asked to get on a different track, out of clerical, the regional administrator said she would have to quit her job, wait 30 days and start in at the bottom of Parole Aide at about a \$100 cut in pay. This would be one of the federally funded programs like PEP or WIN. She was willing to do it, but he would make no commitment that she could even get on the other track. What he said was that, "You have to realize that if you're Black or white and a woman, you're not going to make it. That's the reality." Or something like that.

I am inclined to agree with him that it is the reality. He also says that, "What I am talking about will restructure the whole clerical system." and he is for it, but we are low priority. I guess we have always been low priority; certainly we still are. We do our work well, while we are cautioned not to rock the boat or make waves. The Personnel Analyst put it differently; he said I should be more careful whose toes I stepped on. Comparison of underclassified clerical positions with other underclassified positions is like saying, "We know that what we are doing to you is unfair and illegal, but look, we are even more unfair and illegal in Bakersfield and Sepulveda and Expo Park and LADO." We do not consider that justification valid.

I'm speaking particularly of the Clerk-Typist-Stenographer series, but as far as I know, the situation is the same throughout the clerical classes. We are banging our heads on the low, low ceiling, and we can't get out. They call it the merit system; I don't know why. What must be done is change the system;

change the whole clerical structure in the system because well-qualified women with long years of experience in clerical classifications are facing artificial barriers to equal employment in California state service because of sex discrimination in hiring, salary, promotion, training, sick leave, insurance, retirement, classification, working conditions, and in all conditions of employment.

Comparison of specifications for positions principally filled by women, particularly in the clerical classifications in California state service, with the specifications for positions principally filled by men, reveals higher qualifications required for the women, greater skills and responsibilities required for women, greater diversity of duties required for women and longer time in grade for women, than for positions of comparable pay in classifications principally filled by men.

Qualifying experience possessed by women is not recognized as qualifying for entrance to examinations when the experience is achieved within the clerical classes. The Hardester case is unusual only in that she stuck it out and insisted that she be recognized as qualified. After all, she had trained the last ten tax representatives who came to her office, and she wasn't about to let the Personnel Board tell her she wasn't qualified to take the examination for tax representative. Sex discrimination surfaced in waves; she was drowning in it. CASE supported her in her fight. It took nearly a year of concerted effort and that is too high a price. There was no question that she could do

the job. Now the interesting thing is that as tax rep, she finds the job less demanding than the lower paying Senior Account Clerk position she left.

Clerical employees who are women tell me that it is not difficult to perform as Administrative Assistants, but it is well nigh impossible to achieve the classification because it is considered a male job. One Superintendent is quoted as saying, that when he had the choice of Secretary I or Administrative Assistant, he always chose the Secretary I because you could get a really well-qualified woman to take Secretary I and for less salary, and they do the same work.

Experience required for entrance to promotional examinations is not available to women or not as available to women as such experience is to men. SPB examination information notes experience requirements for advancement from classes principally filled by men without noting possibilities for upward mobility from classes principally filled by women. Women who pass examinations are disqualified by the qualifications appraisal panel while less-qualified men are certified to entry level and promotional lists.

A Supervising Personnel Analyst from SPB with true blue stereotypic paternalism explained the memo on the subject "Male Only" and "Female Only" certifications to the Fong committee as helping women, when in fact it is being used to justify sex discrimination within agencies. The memo is clearly illegal and should be immediately rescinded.

Agencies and departments are still wiping women off of SPB lists. Nothing that I know of is being done to identify promotable women or to facilitate upward mobility of women. We are not even included in the Department of Corrections affirmative action policy that I have seen. I have asked for that and I also talked with George Jackson this morning again to ask for the Department of Corrections affirmative action policy. In July I was told they have a new one, but it's mythical.

Barely token effort or no effort at all is being made to eliminate the effects of past discriminatory policies as they relate to qualified women. In a meet-and-confer session with the career opportunities development at SPB we were treated to a sexist joke and the information that COD is principally for entry levels. We also heard that from the Department of Justice people this morning that this is all entry level. We are for that, of course, but it shouldn't stop there. Upward mobility for well-qualified women who are clerical employees is also mandated. We, too, are disadvantaged. The one bright spot was the Senior Analyst at COD who encouraged us to keep pushing. She has been a clerical; she knows.

Supervisors are still permitted to discriminate against clerical employees who are women in conditions of employment. Staff minutes tell us of added positions because of increased workload for -- these are principally male positions, but clerical positions at the same time are being cut and we are expected to work harder. QAP's set up by State Personnel Board are disqualifying clerical applicants, women, on the basis of lack of

experience even though that experience is not required for the classes being considered. There is the difference between ability to supervise, which may be required, and supervisory experience, which is not, for the classes of Supervising Clerk-Typist and Supervising Clerk I. Beyond that, the QAP noted that this woman is a Steno II and thought it unusual that she qualifies for the Supervising Clerk I exam. It is unusual, but it shouldn't be.

Lack of opportunity to get a decent job should not be disqualifying under the merit system. I would like to see some data on which examinations limit list length. The ones I've seen the information on are principally clerical, and it is my theory that the reason length limiting is possible is not that the work is not at the Senior and Supervising levels, but rather that agencies are wringing clerical employees through underclassified positions. If the clerical positions were properly classified, and we could move on beyond clerical, you could forget about limiting the length of the list.

It is my position and the position of CASE that there should be no supervision of others and no training below the Supervising Clerk I level. SPB specifications are too high for the pay grade when compared with specifications for principally -- positions principally filled by men. And how, if the test is to measure ability to do a specific job, can it make any difference who else takes the exam? If you obtain a qualifying score, you should make the list.

I have heard that men are judged on potential and women on experience. I am watching it happen. Merit system indeed. The merit system is in shambles. We are in a narrow hallway and the

door is shut. We can come in at the bottom of entry level and stay there while personnel lists are shortened, and even when we qualify, we can't get on the list. It is a terrible thing that we can't get out of clerical, but it is simply outrageous that we cannot rise even within the clerical classes because of the system.

It's illegal, of course, working above class and standard operating procedure statewide. Change the system that directs that. Promotional scores in clerical classes are specified as higher in some clerical classes than in other classes not principally filled by women. Whenever I see that the passing score for promotion is 74 or 78 and look at the top -- the only ones that I have seen this in are in the clerical classes. The others, 70 is passing.

Material from SPB produced for agency and department use is subtly discriminatory in the assumption that both the supervisor and the employee are male, except in the case of the clerical classes where different supervisory rules apply. The assistant board secretary from SPB put it differently in response to a question from the Fong committee on the number of women in professional classes, "The difficulty is," he said, "that we are talking about professional classes and most of the women are in clerical."

There are special rules for maternity leave that do not apply to other temporary medical disabilities. Training programs for clerical classes are for clerical classifications while training programs for supervisors and managers, principally men, can

lead to a wide variety of positions. Training programs at all for women are rare, but compare Secretarial Development School which says, "The role of the secretary is assisting the manager to enable maximum individual dedication and commitment, improve present typing or shorthand speed by an average of 20 percent with equivalent improvement in accuracy that future deficiency may be prevented." Compare that with the SPB management development services "Insight into Action" with seminar leaders listed that says, "To help participants to explore their own attitudes toward the advancement of women into technical and managerial positions, become more knowledgeable of the status of the employment of women on state and national levels, determine what action steps they can take to assist in the better utilization of women employees." I have been recommending that CASE employees apply to attend this. I think it looks like a very fine program and it's put on by SPB and it's the 14th of March in Sacramento.

Federally funded training programs for the disadvantaged are disproportionately filled with men and when well-qualified women are permitted to compete -- to complete such training programs, they are placed with "restricted duties."

Restructuring jobs is concerned principally with entry levels and no known provisions are made for ladders and lattices out of clerical classes for well-qualified women with outstanding clerical experience who are more than ready for advancement. When men are placed in clerical classes, they tend to advance faster than women within and from those clerical classes, and their clerical experience is considered qualifying for advancement out of clerical.

A woman who entered state service in 1956 worked for Corrections since 1958, as a Senior Clerk from '61 to '69 during which time she repeatedly took the Records Officer I exam just to stay on the list for eight years while she trained male Records Officers I. She was demoted in lieu of layoff in March 1971 to Personnel Assistant I and reinstated in 1972. No other Records Officer was demoted, and she was the only woman in the class at that institution. A further irony is that the Records Officer who bumped her, male, had also started in a clerk series, had less years of state experience, but because he had more years as a Records Officer I against her only two years, the way seniority points are figured, he barely edged her out. Even now, when it comes time for the annual Records Officer conference, she is the one who stays on the job, while the men go to the conference.

Recruiting material released by SPB notes that college graduates can expect, after four years in state service, to achieve salaries of \$13,000 to \$16,000, while in fact women who are college graduates with many years of state clerical experience find themselves frozen at the II or Senior level. Indeed it seems that if you have never worked or if you have never worked as a clerical, and if you are not female, advancement is more possible.

Well-qualified women clerical employees find that the reward for good work is twice as much work, and that as the years go on, they are given increasing responsibility and duties well into middle management and their classifications remain the same -- at the II or Senior level, while men, given increasing responsibilities

are promoted to higher paid classifications. The discriminatory promotional policies of SPB and of agencies and departments has caused an in-class compaction that at the Senior clerical level is dramatic. There is no place for women who are clericals to go. The layoff list for Senior Stenos at CMC on 3/71 is a real horror story. With 100 seniority points or less, Senior Stenos were demoted. Contrast that with Correctional Officers, all males at that time at that institution, with 25 points who could hold their positions, And the demoted Senior clericals, without exception, were not given lesser duties, only lesser pay.

Organization charts set by agencies and departments do not accurately reflect the required clerical work being performed. In Region III, for instance, there are no clerical positions above the Senior Steno level with the exception of Records Officer II and III, both male. In the 19 parole offices in that region, there are only seven Senior positions although it is not possible to run a parole office without someone performing Senior clerical work. In the six offices where there are only two clerical positions, both positions should be at the Senior level. That is, 18 women in field offices in Region III alone are working above class right now.

Not a single district office or region headquarters has a Supervising Clerk I, no Personnel Analyst I, no teletype operator, no Secretary I, and we are the largest region in the state, supervising almost half of the adult parolees who are felons. We are

not talking about additional positions. We are talking about work being performed in underclassified positions. There is no Senior Clerk in the Record Office and no Records Officer I.

Underclassification hurts in many ways: in salary, in admission to promotional examinations, in promotion, and on into retirement. Within the clerical classes, there is widespread abuse in requiring work far beyond routine clerical work but no adjustment is made in pay, when compared with comparable duties performed by males who have different job titles. The clerical worker finds herself stuck in the secretarial ghetto. Data on California Men's Colony that I have seen indicates a total of 592 classified positions of whom 48 or 8 percent are female. On the 48 positions held by women, 43 are clerical, and five are medical, paramedical or professional treatment categories. These statistics were taken from an SPB sheet which is identified in the agenda there. Although California Men's Colony has four or five women Correctional Officers now, they are very new and they are not noted in the statistics.

Another interesting thing I thought in listening to Mr. Jackson talk about the restricted duties that the women Correctional Officers or which positions they may be permitted to take, CASE's position is that the job should be open on the ability to do the job, that the pay should be equal, the responsibilities and the duties should also be equal. And as far as women Correctional Officers are concerned, institutions hire women doctors and I have never heard that there were restricted duties for the women doctors.

The needs and concerns of women employees, and particularly women employees in clerical classifications concerned about their jobs, are largely ignored or agreed with and nothing is done by male administrators, while male employees are listened to and adjustments are more promptly made.

Layoff procedures at CMC in 1971 were discriminatory, in that women were demoted while less senior men retained their classifications. Red-circle rates at department discretion were held to apply to men only. Adjustments were made for several male employees, but no adjustments were made for female employees. The thing that was told to me at the time was that the red-circle rate applied only to employees who had more than ten years of state service and the rank of Captain and above. And it was some little time before I recognized that the last phrase "and the rank of Captain and above" was a local rule that they had thought up to apply so that the women would be excluded.

Of 119,114 employees shown in the statistical sheets, more than 48,000 or 40 percent are women. More than 70,000 or 60 percent are men. The mode, the interval with the largest number for men, is 1,000 to 1,099; for women, 500 to 599. The median for men is 900 to 999; for women 600 to 699. The mean for men is \$1,021; for women \$687.

Federal statistics show that half of the working women are sole support or heads of families. From the samplings that I have taken of state clerical workers, closer to 75 percent are sole support or heads of families. Women who protest discrimination

in employment find themselves in threatening situations. Administrative positions are added and filled, while clerical positions are cut. We are told that the budget will not permit proper classification of our jobs. And I'd like to speak to that.

The budget is an administrator's estimate of what it takes to do the job. Priority is an administrative decision. Administrators must be educated to the fact that there are now legal priorities in hiring, salary, promotion; and training of women is a legal priority, especially where discrimination can be statistically shown, that in all conditions of employment, equality of rights under the law shall not be denied or abridged on account of sex.

As clerical employees, we are not complaining about the work we do. It is important work. It keeps the business of government running, and we do it well. We are not asking for restricted duties. We are asking for full equality under the law, in all conditions of employment. We are asking that the State of California obey the law. We are asking that the State Personnel Board, all agencies and departments, the state college and university system, have affirmative action policies, and let us see them, that clearly state from the highest levels of state government that equal employment opportunity includes women, that goals and timetables be set and good faith efforts be made that there be no harassment of individual employees or of the Clerical and Allied Union CASE, that administrators and supervisors with paternalistic and stereotypic ideas of men's work and women's work be turned around or moved out; that the entire clerical classification

system be revised to reflect our required skills, duties, and responsibilities; that upgrading be accomplished to reflect our required work and responsibility and skills; that incumbents in the upgraded positions be certified to the higher classification in the proper step to reflect the amount of time already spent in performing the duties and without probation; and that double standards not be applied; that agencies be restrained from removing duties from women's jobs to avoid proper classification; and that all new hires and all promotions be stopped until the proper pay grades for women and especially for women who are clerical employees, are effected; that persons who really don't know be restrained from making decisions concerning our jobs; that lines of progression within the clerical classes be established to permit movement upward freely and without rigidity; that all qualified persons be certified to promotional lists, according to ability to perform a specific job and not in comparison with others who take the same examination. Judge Klein spoke to that when she was talking with Assemblyman Karabian, stamped as qualified by the Bar -- they're qualified. And we say that when we pass these examinations, that we should make the list.

Interfiling of names on lists has already invalidated the in-comparison with others, and without limiting list length, that persons be admitted to examinations when they are given, and not according to the agency worked for or the location of work when the examined class is used by many agencies; that probationary employees -- probationary clerical employees be admitted to promotional

examinations. At the present time, you cannot even apply to take a promotional examination if you are on probation. Now, by the time that list comes out, the chances are you will have completed your probation -- probationary period, but you will not be on the list.

That the practice of hiring clerical employees almost always at the bottom step be revised to recognize qualifications in pay grade; that a name on a promotional list for one agency be transferred without prejudice to another agency when requested; that classified and exempt clerical positions permit incumbent interchange; that eligibility rules be the same for all employees; that higher qualifications not be required of one sex than the other; that more persistence not be required of one sex than the other; that examinations, oral and/or written be the same for all applicants.

ASSEMBLYMAN BERMAN: Do you think that things like veterans' preference should be abolished?

ELINOR GRANT: I don't know what the position of CASE is. I personally do not believe that veterans' points should be abolished, particularly as we are having more women go into service. I recognize that it has been discriminatory in that there are more men who are veterans than there are women, but my objection is that women who are veterans are not given the same consideration of their service and what they did in service in their qualifications that men are, as in the case of this woman who was in the army for four years and she still had to start at the bottom of Clerk-

Typist II. I recognize that there are a lot of angles on that thing of veterans' points, and I personally do not have veterans' points, but that's the way I feel about it.

That minimum salary and minimum classification requirements for entrance to examinations be rescinded as sex discriminatory because SPB statistics show that only 10 percent of the women employees, but 60 percent of the men employees, are at the \$900 range or above; that where present employment practices are statistically shown to have had an adverse effect on women employed by the State of California, such employment practices by SPB, agencies, departments, and the state college and university systems, be immediately revised to insure equal employment for women, and salary parity with men employees; that employment lists be held active until used up to avoid the costly and wasteful practice of repeated taking of the same examination just to stay on the list; that shorthand certificates be held valid as long as the certified employee is continuously employed and that the only reason for repeating any examination be to raise the score; that seniority be determined by length of state service and not length of time in class; that clerical classes be established on a ratio of 1:1 of journeyman level to Senior level; that there be no supervision of others and no training of others below the Supervising Clerk I, level that the phrase "may have lead responsibility" be struck from the II level specifications as it is the source of widespread abuse in the clerical classifications; that increased clerical duties and responsibilities be held to justify advanced classification

and more pay; that the clerical classes be so structured as to permit free movement within the classes, and also free movement beyond the clerical classes; that organization charts be revised to recognize the difficulty and diversity of our duties, responsibilities, and skills; that agencies be directed to stop using status titles for clerical positions unless they are matched by status salaries. I refer to the Business Service Assistant who is given that title and is at the clerk -- Senior Clerk pay.

That training programs, conferences, workshops, and seminars be available to female employees in whatever classification, including clerical, on the same basis as such programs are available to male employees. We are never going to make it as long as we are excluded from the training programs.

BETTY STEPHENS: An example, please, Elinor, of what you mean by seminars for males, for those of us who are not familiar ...

ELINOR GRANT: In the thing I ...

BETTY STEPHENS: You mean these are hinged to promotions as far as attending ...?

ELINOR GRANT: If you take a Clerk-Typist II, and she can pass the test, and if she promotes into middle management and she has never had any of the training that is given to the men who come up that way, she's not going to make it.

BETTY STEPHENS: But the men ... that's the point I'm making -- the men are given training?

ELINOR GRANT: Yes, for instance, and I have an example in the book where there was a seminar to be given on Management and Supervision by the SPB in the Los Angeles area, and it said who could

come in and it included clericals in the SPB information. But when the information came to our office it came with a covering memo where it said that district administrators and unit supervisors would be interested in going to this. Now in our area, those are all males.

BETTY STEPHENS: Thank you.

ELINOR GRANT: So that sometimes when you ask and I am rather inclined to ask, you're permitted to go, but the thing is that the material that comes to you is intimidating as far as clerical people are concerned. We have taken to recognizing that this doesn't mean us. My point is that we, too, are employees and that we must be treated as employees and not as something less than.

That reasonable workload formulas be established and clerical positions be filled in proper classifications; that the work itself establish the classification; that -- yesterday I was talking to a woman who has worked for 20 years as a state clerical. For the last about 15, her job has been underclassified as far as her duties are concerned. She is a Senior Stenographer. She is supervising four counties in what would amount to a district administrator or an area supervisor, but she is still a Senior Steno. If a man had that position, his job title and his pay would be different. She's doing the same work.

That affirmative action policies for all segments of state government be brought into compliance with EEO guidelines; that only those persons fully committed to compliance be appointed compliance officers and that they work with CASE and women's groups;

that they not be permitted to selectively say what they are going to be and enforce compliance on, as we heard this morning from the affirmative action man from the Justice Department who is -- with entry levels and with minorities.

That women who are knowledgeable in the women's movement be appointed as compliance officers and be given authority to enforce affirmative action policies, including the upward mobility of women; that administrators and supervisors be directed to encourage women to set goals and advance toward them. I think not nearly enough has been said about the not only active discouragement, but in some cases, simply no encouragement. And that women are led to feel that it is bad to want to advance. This is partly a cultural thing, but it is inches deep in offices.

That SPB be directed to send CASE complete information in ample time when any change in clerical position classification is contemplated; that agencies be directed to adjust from within, in remedial affirmative placement of clerical employees long excluded from promotion by rigidly enforced civil service rules now held to be invalid; that the Commission on the Status of Women be funded with such positions as necessary to monitor SPB's qualifications appraisal panels and certification of lists to insure that sex discrimination is removed as a condition of employment for women in California state service; that all state government employers be required to fully justify each case wherein a qualified woman is passed over on an employment list and that the woman be given a copy of such justification; that affirmative

remedial placement of women in positions they have been excluded from because of discriminatory practices be immediately effected; that SPB be directed to supply QAP tapes to applicants without the payment of the \$10 fee. That \$10 fee effectively prevents clerical employees who are at the bottom of the salary scale from finding out what it is. And they're very interesting to listen to. And ones that I have listened to, the first thing that I noticed is that this person is not selling herself well; that she is much more qualified than she sounds on this tape. The next thing is that they are still asking questions that are beyond the pale.

That FEPC be adequately funded to enforce fully and promptly the Fair Employment Practice Act; that legislation be enacted that ensures that women, including women who are clerical employees who speak out concerning inequities in their conditions of employment, be recognized as potential leaders and be encouraged to advance. When the Parole Division started the Human Relations Committee, and there was to be one agent and one clerical employee from each office, I'm the only clerical employee in our office. I indicated that I would be most happy to serve on that committee. Three days later, the unit supervisor called back and said that I couldn't be because it wouldn't be appropriate.

That such other remedies be enacted as may be found to be desirable to ensure full equal employment of women in California state service in hiring, salary, promotions, training, sick leave, retirement, insurance, and in all conditions of employment, either on an individual basis or for an affected class. All things are not

equal where sex discrimination exists. Eliminate it; all of it, and make certain it won't return. And develop a remedy for those who have been victims to ensure that equal employment becomes a fact for all State of California employees.

We ask that this Committee direct the State Personnel Board to provide CASE with quarterly and annual statistics showing male and female, white, and male and female, minority, by job classification and pay grade for state employees; that State Personnel Board affirmative action policy, the Department of Corrections clerical classification survey report, which -- the survey was done in the summer of 1972. We cannot get a hold of the report. Apparently it will show what we have been saying and it's -- I asked George Jackson again this morning for this report.

And to declare that affirmative action policies are public information. Budgets for all departments and agencies are developed through program management techniques; that is, what resources must be provided to do the job. Many positions are thus justified on the grounds that to teach so many FTE's we will need so many instructional positions. To provide for so many inmates we will need so many Correctional Officers. And in how many budgets is there a formula for clerical positions? Some, yes, but all? Each agency needs to make a thorough process analysis of just how many clerical positions are needed and why. Without such a formula, every time there is a budget change, the result is to make the savings by cutting out clerical positions. Good management practice demands that the clerical input in job completion be recognized and a defended formula.

In conclusion, I have spoken at some length and in detail to point out what is happening to women in state employment. I have spoken in detail because you must have concrete information if you are to seek a remedy. Some of the abuses are legal; most are interpretive and administrative. As you hear other testimony during your hearings, we hope that, first, you will recommend corrective legislative action to assure compliance with existing federal and state law. You will provide, second, necessary legislation to monitor and enforce compliance. Third, that you will provide necessary legislation to ensure state departments and agencies follow not only the letter of the law, but the spirit as well, and finally, that you will exert the influence of your Committee in encouraging the State Personnel Board and the personnel officers in all departments and agencies to interpret, administer, and enforce the regulations of affirmative action, fair employment and such other legislation as is now on the books, to provide equal treatment of minorities and women. Thank you.

SENATOR DYMALLY: I want to instruct the staff to forward a copy of this brief to the Health and Welfare Agency, the Department of Corrections, and the State Personnel Board, with a request for a response to this brief.

BETTY STEPHENS: Mr. Chairman, may I ask a question?

ELINOR GRANT: And I hope you will send a copy of the response to CASE.

SENATOR DYMALLY: Indeed.

BETTY STEPHENS: Can I ask a question?

SENATOR DYMALLY: Ms. Stephens.

BETTY STEPHENS: Elinor, I gather that you're not exactly the fair haired girl at CMC?

ELINOR GRANT: Well, as a matter of fact, I have been for sometime on the top of the enemies list, but suddenly when I meet an administrator and I introduce myself, you know, I say, "I'm Elinor Grant," and he says, "I know you are." However, that has alleviated and at the present time, I do feel that -- one thing that we must recognize is that administrators, too, have their problems. Our grief is that we have been and still are low priority, and we would like to have that changed.

BETTY STEPHENS: You've testified before to the Commission on the Status of Women and ...

ELINOR GRANT: Yes.

BETTY STEPHENS: ... I've always been impressed with your presentation, the amount of work that goes into it, and there's one question I wanted to ask, in particular, and that is, whose responsibility is it for changing the classifications of the varied positions? Who actually is responsible for changing the classifications?

ELINOR GRANT: There is a thing in the State Personnel Board pay scale book that is called MCR which is Modified Classification Review, and in most of the instances of the clerical classifications, they can be changed within the agency. They have to be listed in that thing in order to do it. But the other day I saw in the minutes that an administrator in San Francisco, a parole administrator was saying that he had wanted to get a clerical

position reclassified to Secretary I and he thought that they couldn't do it and so he was going to try for Supervising Clerk I. One of the problems is that the people who are making the decisions have absolutely no conception of what is going on in these jobs, and you can write it up and give it to them, as in the case of the analyst who came to my office, and I said, "I think it's difficult when you are looking at this, to know just what it is," and he admitted that he had no idea. I had three pages, you know, of what I do, and he can read that and has no idea, but when I submitted it, it was rejected and I think I -- I hope I have the stuff in there in which they said that it's not, and if I wanted to talk to them, that they would talk to me, but that from everything they could see, that it wasn't. And it wasn't Senior clerical classification on three bases. One is that my supervisor is not -- doesn't have a high enough salary classification in order to rate a Senior Steno. Now, we are getting into the "My secretary outranks your secretary" thing. The other was that ...

BETTY STEPHENS: But there is someone within your institution ...

ELINOR GRANT: Yes, it could be done. But they've passed the buck; they say we can't do it without going to the Personnel Board. Now eventually I did go to the Personnel Board with CASE and with -- really terrible things happened. Two administrators -- are you interested in what happened?

SENATOR DYMALLY: Yes.

ELINOR GRANT: Two administrators came to our office. I was there on the 17th. On the 31st of July, they came to our office and they didn't say anything to me. Now this is usual; administrators don't usually speak to clerks. When they come to our office now, they all speak to me. They told the agent in charge that he is being moved to Oxnard because he is not adequately running our office and so he's going to be moved there for staff development, and that the reason and evidence of his lack of properly running the office is that he can't control me. So that was pretty scary, really. The agents are great in that office, and they -- the agent said he's not moving.

ASSEMBLYMAN BERMAN: You're taking nice guys down with you.

ELINOR GRANT: Yes, he said -- that's the idea. That if anyone supports you -- and he didn't -- I don't mean he supported me except that he recommended the change, you see. And also he permitted me to go to Sacramento. That was a very interesting day.

SENATOR DYMALLY: Did you get state permission to come down here today?

ELINOR GRANT: Yes, and I'm on state time at state expense. And I didn't ask for it.

BETTY STEPHENS: But you weren't before when you came to Sacramento?

ELINOR GRANT: No, no, I ...

BETTY STEPHENS: I remember I asked you if you were going to get any flack from that, and you -- I believe you answered that yes, that you were ...

ELINOR GRANT: Yes, I went at my own expense. But on this trip to Sacramento, Felix -- the agent in charge said, "Well, I'll have to, you know, call down and get permission." And I said, "Felix, it's perfectly all right with me for you to tell them that I'm going but do not ask them whether I can go."

BETTY STEPHENS: Good for you.

ELINOR GRANT: And so he called down and you know the entire afternoon, we were supposed to be cutting down on the phone budget, the entire afternoon was spent with administrators calling from San Luis to Santa Barbara to West L.A. to West Santa Barbara to up here, and they all -- they couldn't decide. And finally they thought that I could have the time, but they didn't know about the money. And I said, "Felix, don't worry about it, Felix, because if Howard Miller, the district administrator, goes to Sacramento about his job, if he goes at his own expense on his own time, I'll do the same." They paid.

SENATOR DYMALLY: How did you get permission to come down here? Did you seek that permission?

ELINOR GRANT: Judy called me and asked because I had been up the meeting at Sacramento or San Francisco, at my own expense, and turned in some stuff there, so she asked me to come. So when I said, -- I said to Felix, "I'm not going through that hassel. I'll go at my own expense and time." Then the minutes came out from the district and it said that this was being held and anybody who wanted to go about a legal question, could go. And I asked Felix if this meant me, and he said, "No, he didn't think so." So I let it go.

BETTY STEPHENS: You didn't ask why? That's not like you, Elinor, you must be getting ...

ELINOR GRANT: I don't want to put Felix in any worse spot than he is in. I really -- it's a nice civilized office to work in and I like it. So a couple of days ago, the unit supervisor called and said that there's this meeting in Los Angeles, and that Bill said anybody who wants to, can go. And -- on state time and at state expense. And I said fine, because I'm going to testify. And he said, "Oh, you are?" As if he hadn't already heard from the other way around. Anyhow ...

SENATOR DYMALLY: Howard.

ASSEMBLYMAN BERMAN: Would that ...

ELINOR GRANT: It is a dangerous thing though, it really is. And I admit that I am -- even several years ago that I would still have been cowed, but there comes a time when you've had enough. And I insist on being treated as an employee.

Last summer, they said there was no training funds so I went to two training meetings at my own expense. Then a student came in our office and he submitted his bills for training and he's male. And so I sent mine right along with it, and that's when the flack came about, how Felix can't control me. And they lost those, then they said they didn't have them or that they were forwarded to Sacramento -- the answers you get are really fascinating. They didn't receive them, they received them and they approved them, they received them and they approved them and sent them to Sacramento, why don't I call Sacramento? "No, I'm

not going to call Sacramento, I want to look in your basket and I want to look in John's basket." And they couldn't find them and along in November, I said, "John, you've got to either approve them or send them back because that is a tax -- a business expense for me if you're not going to allow it. But when you send them back, not paid, I want on there -- I want you to refer to the specific thing that says that this cannot be paid." And you know what? He signed them, and they were forwarded to Sacramento and paid. But it took six months.

ASSEMBLYMAN BERMAN: CASE -- is that an affiliated union of any kind or is just an association?

ELINOR GRANT: No, it is a ...

SENATOR DYMALLY: Elinor, in the microphone for the tape, please.

ELINOR GRANT: It is a union that is fully recognized by the state. Our dues are -- we can have payroll deduction for our dues and it is -- as the president, I should be able to tell you about the charter.

SENATOR DYMALLY: Are you affiliated with AFL-CIO or CSEA?

ELINOR GRANT: Neither. Neither, we are a separate union.

SENATOR DYMALLY: Independent.

ELINOR GRANT: Yes, and we are a small union, but we are active and getting more active all the time. I'm the President this year.

ASSEMBLYMAN BERMAN: Do you have a legislative representative in Sacramento?

ELINOR GRANT: Hugh McColl. He's not full-time, but Hugh McColl goes up there. We also have -- do you know Hugh?

SENATOR DYMALLY: Yes, very well. I introduced the first bill in collective bargaining for teachers for Hugh.

ELINOR GRANT: Yes, he was with teachers. I presume that you note my educational background in here. I come from a family of teachers. Our daughters both have masters from Stanford and they are both teachers. Our -- they had no difficulty getting in. And my husband has a Ph.D. from Stanford.

ASSEMBLYMAN BERMAN: Does the California State Employees' Association, in your opinion, represent the various problems of -- that only people with expertise in state government can really understand well. Do they represent those interests in Sacramento and before the State Personnel Board adequately, in your opinion?

ELINOR GRANT: In my opinion, they do not adequately or at all represent the clerical employee. I have belonged to CSEA for many, many years, and they have -- they were no help at all the time that the West Facility closed when the women were really shafted. And they were no help at all -- very little help -- when I was trying to get my job reclassified. The basis that I was using in requesting for classification is that my duties and responsibilities were the same or maybe higher in the parole office than they had been in the institution, and that the only difference was, beside the location of work, was that the pay was less. And so that it was not easy to talk me into the idea that because these other jobs are that way, it's all right, or

because you really don't know what Senior level duties are, you see.

SENATOR DYMALLY: Our next hearing is with the State Personnel Board. We will be extending to you an invitation.

ELINOR GRANT: I would very much like to -- let me know, I would very much like to come.

SENATOR DYMALLY: Thank you very much. Ms. Cone.

GENE CONE: My name is Gene Cone. I'm presently an Information Officer II, employed by the California Air Resources Board. I'm been so impressed by what she said. I'm afraid that some things I say may seem to contradict, and they don't. I endorse everything she says, and I've been trying to encourage clerical people that I work with to work in her direction.

SENATOR DYMALLY: Ms. Cone, you're not with the Highway Patrol?

GENE CONE: I'm no longer.

SENATOR DYMALLY: O.k., fine.

GENE CONE: I worked for the California Highway Patrol as a Information Officer I from June 1968 to December 1971. I was the first woman to be employed as an Information Officer by the Highway Patrol. Previous to my employment with the Highway Patrol, I had been managing editor of a small daily paper for 12 years. I had a total of 20 years' experience in newspaper and broadcasting work. In my earliest working years I was a bank clerk in San Francisco and a stress computer in the engineering department of Consolidated Vultee Aircraft in San Diego.

In all of my jobs, I had been the first woman -- bank clerk, engineering aid, reporter, radio time salesman, city editor, managing editor, California Highway Patrol information officer, and more recently Information Officer II. I didn't plan my life that way, but the pattern is so firmly established that I accept it now. The jobs I have wanted have always been ones previously held by men, so I've been regarded as a pioneer sometimes or an experiment, more often. "We are trying women," I've been told each and every time. The same spirit as some of the people said, "we're trying computers." I think that now both women and computers have proved successful when used by banks and aircraft engineering departments and newspapers. I do not think they're in an experimental stage any longer.

When I came to Sacramento in 1968, the information office was staffed by one Information Officer II, two male Information Officers I, two clerk-typists and myself. I want to point out and emphasize that there were attitudes and beliefs and fears, perhaps a better word is myths, which confronted me when I arrived in Sacramento. But the myths are like mists -- they're easy to pass through and had no substance of significance. However, they can be viewed with fear because they are mysterious and can come between the viewer and a clear view of reality.

It takes a small amount of courage, guts or what some people regard as nerve or brassiness to ignore the myth or myths and continue in your chosen direction. My boss at the Highway Patrol, a male civilian, discouraged me at my first employment

interview. I drove home to Santa Clara Valley convinced I would not get the job. He called me two days later, however, and said I had been selected. I learned that he had in the interim polled the men information officers and the two women clerk-typists to find out if they could work with a woman information officer. He had great concern about the attitudes of the two women in the office who were both more than five years my senior and of their feelings in doing clerical work under my direction. He worried about the attitude of the men who would have to work with me as equal. He also warned me about how difficult it would be for a woman to be accepted by the uniformed men of the Highway Patrol. I assured him that I had always worked with men; I had always worked for men and I had supervised both men and women. I intended to cope if the Highway Patrol would let me.

I am happy to report that the California Highway Patrol not only allowed me to cope, but it enabled me to advance in my career. I am certain that it is because of my employment by the Highway Patrol that I was able to prepare myself for additional responsibilities of the Information Officer II position and to become the first female Information Officer II in California civil service.

SENATOR DYMALLY: The first one?

GENE CONE: Pardon me?

SENATOR DYMALLY: The first one?

GENE CONE: The first woman Information Officer II, yes.

I'm one of that 1 percent apparently by her statistics that's over that. If I was still a I, I'd still be in the 99 percentile.

The Highway Patrol operates by the book. There are many books that determine the actions of the Highway Patrol: the Vehicle Code, the California Administrative Code, and SAM, the State Administrative Manual, to top the list. Additionally, there are procedural manuals. And these procedural manuals, I think, are the secret to the high quality of performance for which the Highway Patrol is famous throughout the world.

A woman who is employed by the California Highway Patrol must learn to live by the book, but that's not a discriminatory statement. That's a condition of a particular class that may derive from a much broader general statement; to wit, anyone employed by the California Highway Patrol must learn to live by the book. For this reason, because this rule is so uniformly and constantly and even-handedly applied, I believe that the Highway Patrol is a better place for the professional woman to work than any other organization in state government. When the book says a traffic officer must be 5'8" tall, he must be 5'8" tall. Five feet seven and seven-eighths won't do. When the book says sideburns may come to the midpoint between the top of the ear and the bottom of the lobe of the ear, that's where they may be grown. And when the book is amended to say that they may be extended to the bottom of the lobe of the ear, that's okay. And no one will be hassled for extending their sideburns to that point.

So when the book says that a position is open to all applicants, regardless of sex, that rule is fairly applied. There is no discrimination because of sex, when sex is not the issue. And if the book says sex is not the issue, from my experience, it was not the issue.

The California Highway Patrol places a great value on education -- continuing education, education for uniformed men of all ranks from traffic officer to supervising inspector. I was at first amazed and finally continuously impressed when working for the patrol, that the men who were advancing in rank were serious students. They had not entered the patrol with more than a high school or a junior college education, most of them, but they were busy completing their bachelor's degree in law enforcement or public administration or their master's degree in business or public administration. Their studying never stopped. They studied on their own time. The most sought-after assignments were in locations near colleges and universities, so that study could be pursued more easily.

This part-time study is really a long-time endeavor. It requires great dedication and commitment. The men who are moving through the leadership ranks in the patrol are not unfamiliar to the campuses of the state because that's where they spend many of their off-duty hours. I personally benefited from this respect for education which the patrol possesses, not because I'm an educated woman; I'm not. But because the patrol encouraged me in my educational pursuits. I applied for and received CHP funding for my study.

During my three and a half years with the patrol, I completed 18 units in program management at UC Davis extension. The final three units comprised a program management seminar in which I was required to prepare a study and analysis of some problem of the

department in which I was employed. It was required that this problem not be directly related to my normal work with the department. I conferred with Walter Pudinski, who was then Deputy Commissioner of the patrol, about the assignment. And I had some trepidation about this because I didn't know how he would feel my going outside the information office. But he suggested that I do a study of the problem of the distribution of manpower of the Highway Patrol. He cleared the way for me to obtain whatever data and information I required and he asked that I not be limited by existing conditions in my thinking, but that I evaluate whatever alternatives I could discover.

I put intensive effort into that study which I accomplished in my free time. I learned a great deal and I received a great deal of praise for my effort from my instructors. I don't know whether the commissioner's office has incorporated any of the concepts contained in that report in its evolving management policies, but that's not the question that concerns me today.

What concerns me today is communicating to you the idea that a woman who's employed by the Highway Patrol has an equal opportunity with men to gain respect if she attempts to perform to the same standards as a man. This means that she respects the books by which the Highway Patrol is administered, that she seeks no special dispensations because of her sex, that she has the same respect for continuous education and contemporary management practices and emerging technology that the men have, that she sets high performance standards for herself, that she understands

the importance of completed staff work, that she's able to communicate in concise and precise memoranda, that she understands the principles of chain of command, that she respects herself and the men and women she works with, that she demands of herself creative thinking, that she has the courage to present logical arguments for cost effective alternatives to her superiors, and that she expects to advance in her profession.

The Highway Patrol tested my abilities fairly and objectively. They gave me assignments which banished the myth and myths, not only for me but for people who worked with me, uniformed and nonuniformed. I did find when I came to the patrol that many people, uniformed and nonuniformed, were waiting to warn me that I'd be resented and it would be difficult to work within the patrol. I think that these careful and fearful worriers learned along with me to separate myth from reality.

I'd like to mention a few of the assignments I was given that demonstrate the trust and respect which the patrol offers all its employees and which it withdraws only if the employee proves to be unworthy. During the first week I went to work for the patrol I was assigned to handle the public information aspects of a national seminar on auto theft which the patrol was hosting. I took the advanced texts of the speeches by the participants from throughout the United States and made up a press packet of stories about each of the seminar sessions. This was during the period when I first went there that -- uniformed men really did scare me a little. I always had my eye out the back on my

mirror watching because I like to drive fast, and I couldn't get used to working in the atmosphere of uniformed men. So these myths and all the warnings I was getting about the poor reception I would get from the men and how I would not be treated equally with men, did get through to me. But I did what I thought I should do, and contacted the local newspaper and television stations, arranged press contacts with the speakers, prepared home town news releases, prepared for press conferences, and photographic coverage. But I did all these things in conformance with a written plan which I had prepared and given to my supervisor, the Information Officer II, and he got the Commissioner's approval for the plan and from there on, I was on my own. The draft of the stories that I wrote went up to the head office and back with an okay for release.

The patrol was satisfied with my performance on that first assignment, and I believe they did one thing that was typical, that they did continuously throughout. They send a letter of commendation to you for good work. So this was one of the first things that I found out the newspapers never did for their employees, but the Highway Patrol does. You get your letter of commendation to go into your folder, and that happened very soon after I was there. The vehicle theft people were satisfied and I was satisfied and I was on my way to winning the respect of the people in the patrol. I was being judged by my performance, not my sex.

Later assignments included writing the motorcycle riders' handbook, writing articles for trucking magazines, Police Chief magazine, FBI magazine, California School Board magazine, and

others, all for the byline of uniformed officers of the patrol, planning and coordinating helicopter press days in Sacramento and the Bay area and Indio. This included all the plans for personnel and physical resources and time needed to accomplish our goals, handling all the public information work in connection with the western meeting of the National Association of Motor Vehicle Administrators, working with other uniformed and nonuniformed personnel on the information related aspects of accident reduction programs in various CHP areas, and planning the curriculum and even teaching at classes for uniformed information traffic officers at the Highway Patrol Academy.

All of these assignments required working with uniformed men at all levels, open communications with these men, mutual trust and respect, understanding the goals of the Highway Patrol, performance at the highest level of which I am capable, and understanding of some of the problems of the uniformed officers.

When a person works for an organization that lives by the book, you have to learn to communicate in terms of the needs, goals, and objectives of that organization. One does not wheedle, weasel, or in any way be coy. I learned to communicate within the patrol by defining the purpose of my assignment, its goals and its need in writing. Whether the need was for assignment of three traffic officers and a sergeant, for a typewriter at an airport, for transportation, for a microphone and a camera, for uniformed patrolmen on a motorcycle at a school for television footage, the Highway Patrol was ready, willing, and able to provide what was needed as long as the goals as I defined them conformed to CHP policy.

In some ways, I found there is more red tape at the Highway Patrol than in other departments. But that red tape does move rapidly and assures accomplishments of goals. People in the Highway Patrol know what to do because it's written in the book and the book is right. There is no time wasted on rediscovering the wheel. Procedural manuals know all about that wheel and the book can be changed.

SENATOR DYMALLY: Ms. Cone, I share your view about the efficiency of the Highway Patrol, but obviously the book doesn't include women, in uniform.

GENE CONE: In uniform. Not uniformed women, no.

BETTY STEPHENS: Assuming that a woman is 5'8" and her sideburns only come to the middle of her ear, don't you think a woman could be an officer?

GENE CONE: I believe so. This is not the thing -- I was talking about how they're treating the women who are working there now and professional women, women in other ranks. And I believe that if the book were changed, despite whatever policy they had previously, that if it were changed, I believe that the Highway Patrol would treat women officers equally with men. I think this is true.

SENATOR DYMALLY: But it was changed in '64 by the Civil Rights Act.

GENE CONE: I'm not arguing. I didn't prepare this in conjunction with the Highway Patrol, I can't speak for ...

SENATOR DYMALLY: Our concern is, as we indicated to the -- to Officer Adams, I have great respect and admiration for the CHP, you know.

GENE CONE: I don't think Mr. Adams is an officer; he's a nonuniformed employee.

SENATOR DYMALLY: Yes. The manner in which they handle their clients or whatever, very courteous and most polite. I think police departments around the state and country could take a great lesson from them. But our area of concern right now is the absence of any women in uniform at the CHP.

GENE CONE: I didn't realize this because I was speaking about how women who are within the CHP and I've listened to Elinor's presentation. I do feel that a woman clerical employee there -- I was going to get to the educational part here, would have a better chance than she would in other departments of state in getting training if she went to the training department and made a training plan for herself and got training to move into accounting work or to some other classification that more of the men are in, to get the management training. This is one thing they gave me, was a lot of management training. This is one thing I wanted to say ...

SENATOR DYMALLY: There are two points that bother us. First is the attitudinal one. And second, this is an obvious violation of the law. And I know you can't address yourself to that.

GENE CONE: Oh, I can't address that. I can understand some of the feelings of the Highway Patrol on this, and I think that some of the -- some feelings that -- if you'd just want my personal view as to being there and maybe absorbing some of the

attitudes. I think the same thing as the women attorneys were talking about is that when you see people in, and it's always males, whether your college instructors in law, or the judges, or the Highway Patrolmen, I think there's an assumption that women can't do things. And I say -- every job I've ever had has been one where they've said, "Well, in the engineering department at Consolidated Vultee, we've never had women doing this kind of work," and when it came to raises, they actually went -- carried that through. They said, "Yes, you are working at a higher level than a man, but you're a woman." That was many years ago and I don't think they would dare say that anymore, so they didn't give as high a raise because they had a policy about not giving raises.

I think this has been everywhere and I -- when I left the Highway Patrol and my last assignment was a press conference out at the Academy, and I said to one of the Deputy Commissioners at that time, "Where -- you haven't got any of the dorms for the women here, because you should have facilities for the women because by the time this is built, you're going to have women officers," and they just laughed at me because I was joking partly when I said it.

But I think that it'll take some testing to find out whether women -- certainly I was impressed when I was at the Highway Patrol with the heroism the men did. Now I wonder on those things, although this is not a major part of their work, rescuing people from burning vehicles, I wonder if I could do that. I worked on these things with the men. I don't know how anybody

can pull a body out a window from a burning -- or any vehicle, just pull a body out of a window whether it's burning or not. I don't think that the courage is the thing. Women would have equal courage with men, whether they would have an equal strength. But of course that is a small part of the duties, is this the rescue work.

SENATOR DYMALLY: It's a difficult job for men also. But you know, I think a nurse is faced with greater danger in a hospital for the criminally insane than she is driving for the Highway Patrol because she's subject to sexual attack and to being strangled to death so she runs a risk when she becomes an R.N.

Well, I don't mean to cut you short, but we've got six more witnesses.

GENE CONE: I understand that.

SENATOR DYMALLY: I hope we get out of here by 4:30.

GENE CONE: I would be happy to ... All I would like to say -- what I really -- when I talked to Judy ahead of time -- the point I'd like to make when I thought back on the Highway Patrol was that they are much freer and much more trusting in giving education to women in management subjects, I believe, in helping women move ahead in their career even though it is not directly related to the job they're doing, and I would hope that women could be considered in all departments more like maybe some minorities that you could say these people have not been encouraged in their years in school to get this kind of education or that for some reason they've been deprived, identify

women who can move ahead and subsidize them if necessary in their education so that we can have women with potential moving into positions of greater responsibility in all departments.

SENATOR DYMALLY: Thank you very much. One question, Judge.

JUDGE SPENCER: Thank you. Ms. Cone, with reference to your experience with the CHP, how many other women did you observe being given comparable opportunities?

GENE CONE: Several, and particularly among the younger women coming in as a -- who whether they were daring to apply or ... There weren't many older women or many women of my age group. There are some, Marge Lawson is about my age and she is, I believe, the assistant to the head of the administrative services department. And she also is taking management training, she's completing this management seminar and she has a very responsible job. And there was a young girl, Jane, I can't remember her last name. Very pretty mini-skirted young gal who came in the accounting department. She's an accountant and was the same way -- well received. There's now a woman working in the information office who is going to be moving on up. The only reason she hasn't progressed further is because she didn't take the right tests at the right time, but I think they moved her up to an analyst position in order to get her into a higher level out of -- she came in as a clerical and they got her to take the analyst job to -- so they could give her a higher salary and they intend to get her back into the information line, I think, at a higher level.

So I -- the women who wanted it -- and all these girls also, women, applied for educational funding and got complete 100 percent funding for all the classes they wanted to take. And they're very enthusiastically received, and my -- the biggest surprise in the Highway Patrol was going out working with the captains, and the inspectors and supervising inspectors, and going to planning meetings where they would -- when they gave you responsibility and if that responsibility meant determining how many men you had to use and what they should be assigned and how they should be done -- they gave it to you and there was no put-down because you were a woman, and I must say that in some other organizations that I worked with throughout my career, there's always been that little reserve and a little laugh. The laugh that the attorney talks about when you talk about a woman wanting to retain her own name or something. They laugh -- condescending laugh sometimes because a woman thinks that she's equal.

But that never happened in the Highway Patrol and that's what I really wanted to say is -- Judy asked me about it, I don't know that I ever thought it out so well, but their attitude is good toward women. And I'm sure if the book were changed, that their attitude would still be good toward women.

SENATOR DYMALLY: Thank you very much.

NANCY CROSS: May I finish?

SENATOR DYMALLY: I've got, Dr., I've got six more witnesses, believe it or not. I was wondering if you could submit your testimony in writing?

NANCY CROSS: I don't think I could put any more in writing, but there are things that are pertinent to the discussion.

SENATOR DYMALLY: Well, I've got to continue with some more witnesses and I'll get back to you. Mr. Norris.

NANCY CROSS: I'm afraid I'll have to leave.

SENATOR DYMALLY: We're having a ...

NANCY CROSS: May I finish in five minutes?

SENATOR DYMALLY: O.K., after Mr. Norris. Do you want to postpone your further testimony until we come to San Jose? We'll be there next month. Would you prefer that?

NANCY CROSS: Well, it certainly is close, but I wonder how I wasn't told that you would be there.

SENATOR DYMALLY: Well, we haven't settled on the place and the time and everything, but we are coming so you'll soon get the notice.

NANCY CROSS: Is it on the same subject matter?

SENATOR DYMALLY: No, but we will take your testimony. It's on child support. But we'll take further testimony on this so you'll have an option to conclude your testimony.

NANCY CROSS: I think that I wouldn't care to be at that one.

SENATOR DYMALLY: All right. Well, let's take some other witness, then we'll get back to you. Mr. Norris.

WILLIAM NORRIS: Mr. Chairman, members of the Committee, thank you, Mr. Chairman, for recognizing me. I'll be very brief. My name is William Norris. I'm an attorney. I recently resigned as President of the Los Angeles Police Commission. I, as the

Chairman knows very well, I have a long-standing commitment to principle of legal equality. I have a commitment to the principle that the law should be used as a positive force to create equality of opportunity -- equal treatment for every individual. I'm not going to dwell on that. I thought I would comment only briefly on the existing practice and policy of the Los Angeles Police Department with respect to women.

Progress has been made. Previously there was a dual classification system; policeman and police woman. There's a single classification now: police officer, and I do believe that is progress. However, we have to -- we can't rest. We have to be very cautious. We have to be concerned as to whether the standards then that are adopted are really fair in terms of providing equal opportunity or whether the standards themselves are inherently discriminatory. Whether the minimum height requirement, for example, is reasonable, or whether it tends to unnecessarily screen out too many women who otherwise would be qualified. I might add that that particular requirement may also tend to discriminate against Orientals, for example, if it's not very carefully applied.

Now there's a question as to whether a uniform requirement that every applicant for position on a police department must be able to have the physical agility and skill to get over a wall of a certain height -- if that is a mandatory requirement, for example, that too could tend to screen out someone who otherwise could make an important contribution to law enforcement

over a long period of time. The question as to whether or not the requirement that some extensive patrol duty is essential to being promoted to lieutenant or captain or even chief. As of now, there is no police officer in the Los Angeles Police Department who is both a woman and any rank above a sergeant because of that requirement. I'm just making that point. I think unisex is an important concept, but I think it has to be watched in its administration.

Mr. Chairman, I won't take any more of your time. I understand that the Chairman asked a question this morning and if he were inclined to ask me the question, I'd be pleased to answer it. And that is, whether or not it is the duty of the Attorney General of this state to defend an agency even when it is the opinion of the Attorney General that legally the position of the agency is indefensible. If that was the Chairman's question?

SENATOR DYMALLY: Indeed it was. It was whether the Attorney General is going to represent the people or represent a department that is violating the law?

WILLIAM NORRIS: Yes. It is my opinion that under the laws and the Constitution of the State of California that the Attorney General is an independent, constitutional officer accountable directly to the people. And above all, he is the lawyer for the people. I think he has a duty to provide legal services to the agencies of the State of California; however, because he is accountable directly to the people, he is not required to represent them when their position is indefensible, from a legal or constitutional standpoint.

SENATOR DYMALLY: Thank you very much.

WILLIAM NORRIS: Thank you.

SENATOR DYMALLY: Dr., can you wrap up your testimony in five minutes because I still have ...?

NANCY CROSS: I will take just a few highlights of things that are of concern and I think that you might be wanting to act on. One is the considerable discussion about discrimination in the State Personnel Board.

I wonder if your legislators have ever considered amending the statute that expressly permits the sex discrimination to exist in the state civil service. Are you aware of that statute? This is under Government Code 19702, and while the first part of the sentence looks toward nondiscrimination, the second part says "... except that positions which in the opinion of the appointing power and the board require the services of a specific sex, may be reserved to that sex." Now that is simply mutual accommodation that they can carry it out with the benefit of statute. It's within your power to amend that statute.

SENATOR DYMALLY: We'll make a note of that fact.

NANCY CROSS: All right. I would like to say that several recommendations that I have in mind and then I would like to speak briefly about the Fair Employment Practice Commission which I feel ...

SENATOR DYMALLY: Dr., I don't want to interrupt you, but -- and I know you have important testimony, but I have before me six more witnesses. It's 4:20. We'll have one hearing on the State Personnel Board. I think your testimony would be very

pertinent there in Sacramento or I could extend to you an invitation to continue your testimony in San Jose. The transcript will not be published until your testimony is completed.

NANCY CROSS: Well, would your hearing in San Jose also include the title of something relating to employment in the state.

SENATOR DYMALLY: No, but we'll reserve some time to give you a chance to complete your testimony.

NANCY CROSS: Well, I have come down here at my own expense, very considerable expense to speak to you on a subject at which there's been considerable discussion today. And I will -- I thought perhaps you would give me five minutes more ...

SENATOR DYMALLY: Fine, I'll let you have five minutes.

NANCY CROSS: ... to finish. the recommendation that I would suggest as far as specifically relating to the courts, I have indicated some of the reasoning in the papers that I've handed out, and I'm not going to go through the reasoning, but I would like to specify the recommendations so that everyone will know.

1. To list the occupations in -- to the list of occupations in the Consumer Affairs Act Section 133, add lawyer, comprehending judge or attorney or separately judge and attorney. Omit licensing steps by the State Bar. I feel that the State Bar is adversely interested to the consumers, and the consumers are the reason for the licensing, and that regularity would be favored by putting the lawyers or the judges or the attorneys under the consumer agency, Consumer Affairs Act to which Senator Dymally was a party on the Legislation.

I'd like to suggest, secondly, that the legislators provide a practical and efficient remedy for persons particularly other than white men who have been refused examination for license in law. To tend to facilitate our having judges, we have to have people recognized as qualified. Now there are examinations given for Justice Court judges and women are admitted to these examinations and there are a larger proportion of that category of judges. That's the very lowest judge. But as long as we depend for our higher court judges on people who are licensed ten years ago and 90 percent are white men, naturally we're not going to get much more than white men as judges for indefinite time to come. So we have to have some way of removing that durational requirement of a license or getting some people licensed that are -- can speak and act law but were not given a license by sexist, racist Committee of Bar Examiners in the Supreme Court.

Third recommendation, I'd like to have repealed all conditions for occupation or position, of duration of license in law including California Constitution Article 6, Section 15. That would require a Constitutional amendment. That refers to the judges.

4. Make persons of any sex, or sex-race overrepresented on a court of a county or district, board or commission, or grand jury, people who are drawn, ineligible for appointment or naming thereto. That the Governor would be restricted to appointing people who are not already overrepresented by sex or sex-race.

5. I'd like to have a prohibition of issue of warrant or payment of salary to any judge who at the time is a trustee or director or appointee thereof to any institution within her or his jurisdiction as a judge of the court. That would be conflict of interest legislation.

Now the situation on the Fair Employment Practice Commission I think is bearing very urgent redress by the Senate -- State Senate. In appointments to the Fair Employment Practice Commission, of the -- the Fair Employment Practice Commission is systematically refusing to beneficially process the complaints of white women -- we're just given the runaround in a series of form letters.

Now the top nine positions of that agency are filled by four Black men, four white men, and one Chicano. No women -- no white women. The seven members of the agency are three white men, one Black woman, one Black man, one Chicano, one Chicana. White women are some 40 percent of the people working -- employed people in this state and the -- we're not going to have a fairly operating Fair Employment Practice Commission unless white women are also included on the commission. And I think that the Senate, having the power, either of consent or not consent to the Governor's appointments, can do something about this. Now I urge that this be done. And I think that this is the real key to progress in the state agencies. It's a proper conduct of the Fair Employment Practice Commission. If it isn't operating fairly, and it's the monitor of all the private employers, an example for the state, we're not going to have these problems solved. And I think if that is operating rightly, a lot of these other problems will disappear.

SENATOR DYMALLY: We're going to include them in our next hearing: The State Personnel Board and the FEPC.

NANCY CROSS: Now, I didn't -- what?

SENATOR DYMALLY: We'll include the FEPC in our hearing next time.

NANCY CROSS: You will?

SENATOR DYMALLY: Yes.

NANCY CROSS: All right.

SENATOR DYMALLY: Fine. Thank you very much.

NANCY CROSS: Will you expressly include it, I mean, in your title? It won't be just a state ...

SENATOR DYMALLY: We're going to invite the Fair Employment Practice Commission to testify before the Committee, along with the State Personnel Board.

NANCY CROSS: I see. Will that be in Sacramento?

SENATOR DYMALLY: Sacramento.

NANCY CROSS: I see. Thank you very much for your time and I appreciated hearing the other people.

SENATOR DYMALLY: Fine, thank you. Ms. Cruz.

CHRISTINA CRUZ: My name is Christina Cruz. I have a brief statement here I'd like to read to you. It's about my experience with the Department of Corrections as a PEP worker, which will be terminated next month.

In February of 1972, I secured a job as a Parole Agent Trainee with the Parole Division of the Department of Corrections under the Public Employment Program. Although I was never interviewed for the opening, I was told by the coordinator that

even though I didn't live in L.A., the target area, since I'm of Mexican descent, they would hire me to improve their minority statistics.

I was assigned to the East L.A. office where I soon began to supervise a caseload. I had a standard working caseload of 40 adult males. To my knowledge, I was the only woman in the state in such a capacity. As the Acting Parole Officer, I was responsible for prerelease planning, report writing and antinarcotic testing, field calls, jail calls; in short, all Parole Agent duties.

During the year I worked as a Parole Agent, the State Personnel Board scheduled an examination for the position of Parole Agent I, adult parole, the position I filled as a PEP worker. In January of '73, I passed the written exam for the position. On April 12 I appeared for the oral interview before a panel of three white males. I was briefly questioned on my background and work. Although the interview was scheduled for 20 minutes, mine was completed in ten. I felt, since I was filling the position, there would be no real question of my abilities. The scores were 100 percent weighted on the qualification appraisal panel. My score was 78. Since a minimum passing was 70, I placed very low on the eligibility list. The score I received was not based on my ability to supervise parolees, but because I'm a female and a Chicana.

A few months after the exam, I took the exam for Parole Agent I with the Youth Authority. That's separate. Again the oral interview was 100 percent weighted. Although my work

experience and ability had not changed, in the YA exam, I scored 92, a disparity of 14 points.

After I nearly failed the exam for adult parole, the department, determined to continue its policy of hiring men only to supervise male parolees, changed my duties. I was no longer allowed to supervise parolees. I became the committee liaison. The parole administration had no women in the capacity I filled and they wished to continue with the discriminatory practice. When unit supervisors began to hire from the eligibility list on which my name appeared, since the State Personnel Board could no longer justify male only and female only lists for the positions, they were told to bypass all females, not to even interview them since the department didn't wish to hire women. I, as well as other women on the list, have filed complaints with the FEPC and EEOC.

I believe it is because of this and mounting political pressure, the department has altered its position slightly. A few months ago the parole division promoted three women in the department and gave them selected male caseloads. They were small; they weren't the standard caseloads to supervise. They have not yet hired one woman from the list to work with a male caseload.

Not only is this a sexist department, it's also a racist one. In the L.A. area, Region III, with 204 administrators and agents, only 15 are Spanish-surnamed. On a statewide basis, the ratio falls lower. In East L.A., the office where I worked, whose clientele is 90 percent Chicano, there's one Chicano agent. None of the others even speak Spanish. At the parole division

there's no Chicano administrator. Just last year they appointed the first Chicano unit supervisor which is merely a III. The women's Board of Terms and Paroles, whose administration is the same as the Parole Division, employs 18 women parole agents. None are Chicano or even of Spanish-surname. In the entire state, there's only one Chicana agent and she is with Narcotic Addict Out-patient Program, not the parole division or women's parole. Neither are there any Chicano administrators, either in paroles or in the institutions. The highest ranking Chicano is the one in Narcotic Addict Outpatient Program and she is at entry level -- Parole Agent I.

The department discriminates against women and Chicanos quite blatantly. The whitewash on the discriminatory practices is usual. There are no qualified Chicanos, they say. But I'm the perfect example of the racist, sexist discrimination. At the time I was hired as a PEP worker, they also hired a white male in the same capacity in the same office. We're the same age with comparable education. We assumed Parole Agent duties at the same time. At the exam we appeared before the same panel, but he scored 96.

SENATOR DYMALLY: This was purely an oral exam?

CHRISTINA CRUZ: Yes, it's an oral exam.

SENATOR DYMALLY: No written at all?

CHRISTINA CRUZ: Oh, we had the written and the written was pass-fail.

SENATOR DYMALLY: I see. And you passed the written.

CHRISTINA CRUZ: I passed the written, but the oral, that's what determines the whole thing.

SENATOR DYMALLY: That's what you call a qualifying exam, not a point exam.

CHRISTINA CRUZ: Right. It's just pass-fail.

SENATOR DYMALLY: So everything was weighted in the oral?

CHRISTINA CRUZ: In the oral. And the oral I appeared for, there were white males. And the department had the policy, so they knew what they had to do.

BETTY STEPHENS: Before you continue, could I just ask you what again was the make-up of the board that you appeared before?

CHRISTINA CRUZ: For the oral interview?

BETTY STEPHENS: Right.

CHRISTINA CRUZ: It was three white males.

BETTY STEPHENS: Three white males? What were some of the kinds of questions they asked you?

CHRISTINA CRUZ: Well, it's been about two years, but the things they asked me, I was surprised that it was really such a poor examination. They asked me, oh, about the school I had gone to, about some of my previous work experience. You see, the work experience that qualified me was the work of the PEP worker which I did Parole Agent duties for a year which was what the whole thing was supposed to be about. But it was prior experience to that, about some of my attitudes about paroles and this and that. And what they had done before, they had arranged like a mock oral so -- well, they had a priority. They wanted all the PEP workers to score high so they could absorb us into the agencies, so we more or less knew what kind of questions they were going to ask and what was going to happen. So I did

it according to what they had told me to do, to say the things I was supposed to say, about the importance of protecting the community and this and that.

BETTY STEPHENS: But they only interviewed you for about 10 minutes.

CHRISTINA CRUZ: Ten minutes.

BETTY STEPHENS: And they didn't really touch on your experience, but more your attitude toward parole and that sort of thing?

CHRISTINA CRUZ: Well, I ....

BETTY STEPHENS: Was that a practice or was this just a slanted ...?

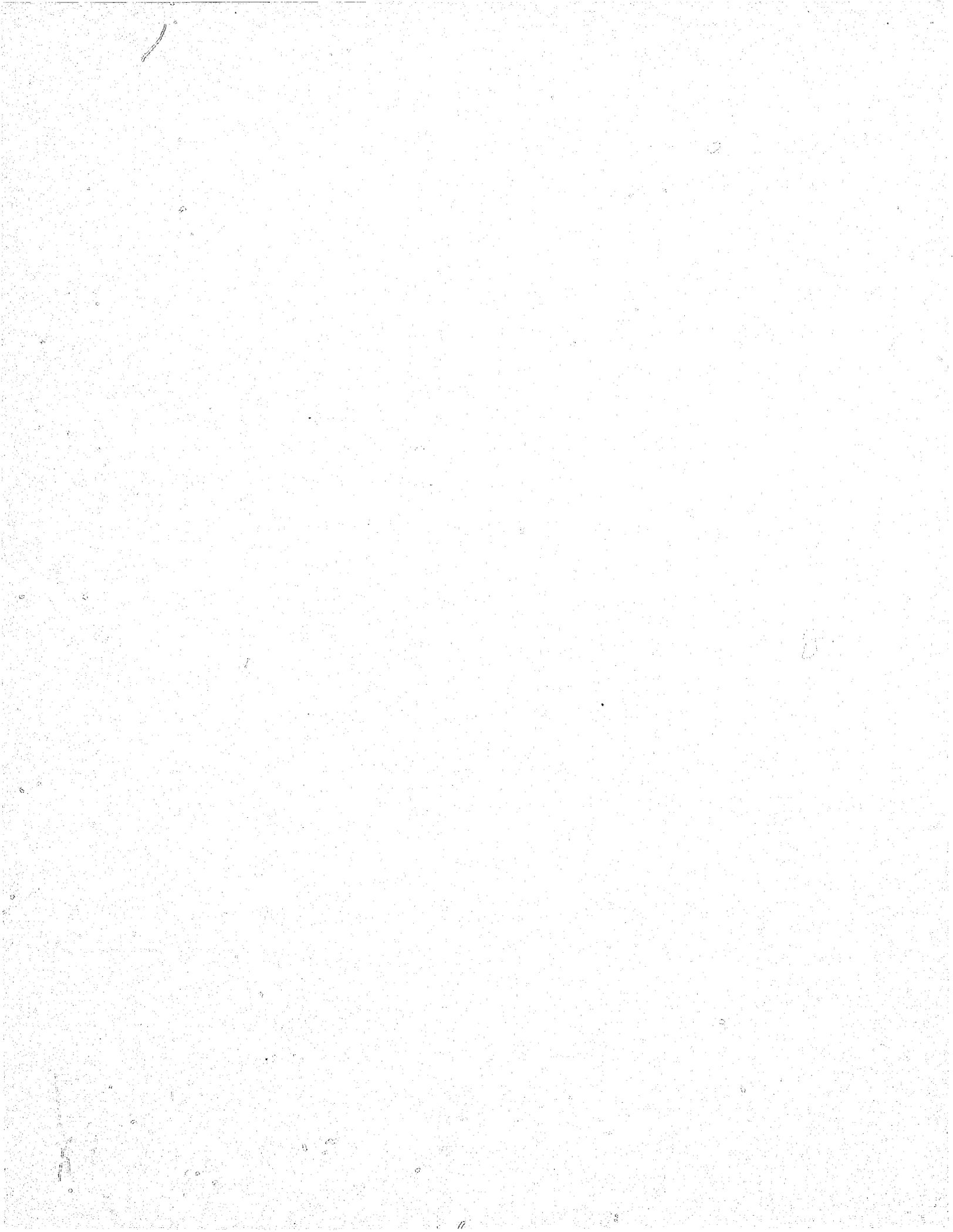
CHRISTINA CRUZ: Well, see, going into the interview they had -- there was this feeling in the department that -- at least they told us openly that they were going to absorb the PEP workers and that the parole representative knew that if people are PEP workers, you're supposed to be given higher scores because otherwise you wouldn't be taking the examination because they've been doing good work as PEP workers. And the person from State Personnel Board was supposedly also aware of that.

SENATOR DYMALLY: And they'd lose their federal funds. That's why they had PEP workers. All right, go ahead.

CHRISTINA CRUZ: O.K.

SENATOR DYMALLY: Which goes to show that, you know, state bureaucrats will do anything to preserve those federal grants.

CHRISTINA CRUZ: Right. Since the Department of Corrections feels no internal pressure to change its policy, there is no reason why women -- they will not change. There's no reason



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why women cannot supervise males. I did this successfully for a year. There's no reason why Chicanos cannot be parole officers. We are not inferior. It is time for Department of Corrections to change. It's time to allow women to occupy the jobs they can successfully handle, especially minority women like myself. And that was it.

SENATOR DYMALLY: Thank you very much, Ms. Cruz. May we have Ms. Midge Lennert? If you have any lengthy written testimony, may I suggest you summarize it.

MIDGE LENNERT: I don't. My name is Midge Lennert. I've been an employee for the California Department of Corrections for seven years and I'm right now working in the classification of Parole Agent I. And as Christina and Elinor both pointed out, when a woman in the system opposes the system or she has any complaints that she's being passed over or has been a victim of some kind of discrimination, she is a victim of repercussions from middle management and upper management.

A year ago March, I took a test for Correctional Captain. And I have been a correctional officer, a sergeant and a lieutenant, but I filed for Correctional Captain's test in a male institution. And it was the first time women had been able to apply, and I am active in the women's movement and I had this -- in the system, we call it a jacket. They know I'm a feminist so the first question when I walked in the oral panel and it was -- I believe there was one Black man and four white -- and one of the men said, "Are you a woman's libber?" And I said, "Well, I'm a feminist." And he smiled broadly and he said, "Is that the

opposite?" And I said, "No, it's just a term I prefer." Well, I didn't make the list. There were five women who applied for this test and one made No. 19 out of a 20-person list.

I had another experience a year ago. I was working at the California Institution for Men in the present classification that I'm in now, as a Parole Agent. And I was working with adult male felons and I was processing them through for Morrissey-Gagnon decisions for revocation proceedings in regard to their parole rights. I was asked by the administrator of that program, who was also the administrator of the program at San Quentin which does the same thing for male felons in the northern part of the state, if I would be interested in a transfer to do the same job at San Quentin because he knew I wanted to move up to the San Francisco area. I said, "Yes I would be interested." He gave me San Quentin's number to call and I did and I was scheduled to appear May 4 at 9 a.m. at San Quentin for an interview. I appeared. I was told by the Parole Agent III in charge of the unit that I would not be interviewed. I asked why. He said, "Well, I was told to give you some reason but I will tell you the truth. The truth is I got the word last night from the Associate Warden via the Warden that we're not hiring any more women at San Quentin and you will not be interviewed."

So I left and about two weeks after I went to Sacramento and I happened to see George Jackson and I said, "Mr. Jackson, this is what happened to me. What recourses do I have?" And he gave me a very nice apology and said that he was sorry that I had been inconvenienced. No one at that point told me about any grievance procedures or any kind of committees. He apologized,

he said, "We're sorry, but according to State Personnel Board rules, there is nothing we can do. They didn't have to interview you."

About a month after that I came to Los Angeles. I contacted the Equal Employment Opportunity Commission. They said -- you know, I told them what had happened. They said, "It looks like your rights have been violated." And they gave me the form to fill out. And I did not fill it out and I did not fill it out because I was afraid to fill it out. I have about 25 more years to work and I've got seven in the Department of Corrections and I would like some promotions some time.

Then I went back -- I kept my job then at CIM. In November of 1973 I found out that two women had gotten promotions in Los Angeles in parole so I called the regional office here in the State Building and asked about these vacancies. I got a call back and said "Are you interested in carrying an all-male felon caseload?" I said, "Yes, I am." I was given a reporting date of December 1, 1973, to report to the Eagle Rock Parole Office. I reported.

I worked that job, carrying an all-male felon caseload, until the 17th of January of this year. The District Administrator came over to my home in the evening and said "I have bad news for you. The Director of Corrections is removing you from the job; you can't do any more field work. Now you can go back to CIM in Chino or you can find another job somewhere in the department." I waited for them to try to resolve this with the Director of Corrections for about three days -- actually about

two -- it was Monday the 21st of January I was told officially, you know, forget it, he's not going to let you keep this position ...

BETTY STEPHENS: Did he say why?

MIDGE LENNERT: Yes. The reason why was that he had to personally approve each woman before she could be given a male caseload.

BETTY STEPHENS: But you had already been working for a year right in the ...

MIDGE LENNERT: I had been working on that job for almost two months. I had worked with male felons for over a year, right, but not in the field as a parole agent -- in the institution as a parole agent.

BETTY STEPHENS: O.k. Thank you.

MIDGE LENNERT: And I asked if this policy was written and they told me no. Well, the same day, January 21 of this year, I went down to FEPC and filed a complaint. And they advised me there that they couldn't do this to me. And I said, "Well, they've done it, I can't do any work. They're letting me hang around for about ten days so I can find another job."

I went for an interview for an addict caseload on the civil addict program in Montebello, and it was kind of an administrative arrangement that they would have to accept me because I was awkward; they didn't know where to put me at this point. All the administrators that I talked to said, "It's nothing against your abilities; it's nothing against you personally. Please don't take this personally," and I said, "Oh, all right, I won't take it personally, I did file a complaint."

At FEPC they told me probably what would happen is that within a few weeks this misunderstanding would be ironed out. Approximately four days on the job in Montebello, I was called by the same administrator who hired me and said you can report back to Eagle Rock and have your male caseload back. I said, "What's the explanation?" He said, "You know, it doesn't really make too much difference, do you want the job still?" I said, "Yes, I still want the job." So I am now back in Eagle Rock with a male caseload.

Since these experiences all happened to me in the last year, it's made me interested in just what's happening to women in the system. There was -- February 5, and I have a copy of it, is the latest departmental policy on women carrying male caseloads, cross-sexual supervision. As Christine said, it's been going for a long time but unofficially. And then I did some checking with just where women are in the adult felon parole system, and I found out that the highest position a woman holds is Parole Agent II. Three of these women were just promoted in 1973. And the system runs something like this -- there's Parole Agent I, Parole Agent II, Parole Agent III. The highest position is Parole Agent II [sic]. Above that goes District Administrator, Assistant Regional Administrator, Regional Administrator, Assistant Chief, and the Chief. Now women only go to PA II which is the next from the bottom step. Out of 52 parole offices in the State of California in the adult program, not one woman is a unit supervisor and only four are assistant -- are Parole Agent II's and three of these are new appointments.

So I happen to get a copy of the current list -- promotional list -- and these were both recently given; these are both the active lists in adult paroles right now and the latest one is Parole Agent III. Out of 56 people on the list, three are women and this test was given in August. Out of the Parole Agent II current list, there's 51 people on the list and six are women. So you see, the higher you go, the less women make the list.

Then I started contacting women in the system to see if they were taking the test. And they all, you know, gave me a horse laugh, "Yeah, we've been taking the test." Some of them had been taken these same tests two and three and four times and have had years and years of experience. So it's obvious to me that what they're saying, you know, when I listened to Mr. Jackson talk today about all the progress the Department of Corrections is making, I would like to ask him about these lists. These are the lists that they're using right now and only on the newest PA III list, only one woman is what you would call reachable. The rest are on the back page, which means this list will be dissolved before ...

SENATOR DYMALLY: You have to take the exam over again?

MIDGE LENNERT: Yes, it'll be given again before these women are ever reachable.

SENATOR DYMALLY: But after that list becomes inoperative, do you have to take the exam over again?

MIDGE LENNERT: Right. That's why the women have taken the test over and over and over again.

SENATOR DYMALLY: You know, I'm kind of sorry that more members are not here because the testimony is so distressing that administrators come and tell you what the statistics -- 45 percent in the last two years -- we've done so much -- when you really get down to it, people -- women are not there in the administrative jobs at all.

MIDGE LENNERT: There are no women in the Department of Corrections in administrative positions in parole. Even in institutions, and I spent five years and three months working in the institutions, and one year of that was in a men's institution. There are only two women program administrators, and they're at Frontera -- at the women's institution.

I asked for an organizational chart of the whole correctional system, and I got the chart and I had the names. And there's one woman that I know of in Sacramento and her name didn't even appear on the organizational chart. There are no women in administrative positions in the Department of Corrections and I would challenge the State Personnel Board or any administrator in Sacramento to show me one who is.

SENATOR DYMALLY: Finished? I'm convinced after this hearing that we are basically governed by emotions, because I am so angry with what's being heard today as compared to when I had a hearing last week on child abuse prevention when I was very calm and was complimented for the way I handled myself. I mean, I just can't control my anger. I'm just instructing the Committee staff to proceed with deliberate speed doing a

staff study, when the Committee is not able to meet or the chairman is not able to meet, on these departments. And we're going to have some public hearings in Sacramento.

MIDGE LENNERT: I would just like to say one thing. I appreciate the fact that you asked Mr. Jackson if there would be any problem with people who testified and I heard him say no, and I realize that he made a public statement that there would not be any repercussions; however, I do not believe it. That has not been my experience so far, and I think any woman who testifies is setting herself up beautifully to either -- they'll start finding fault with her work and -- or like Christine, she'll never make a list, she'll never get promoted.

SENATOR DYMALLY: I'll tell you one thing. I'm going to guarantee you that, that if anyone is singled out for discrimination because of testimony that this Committee intends to go after that department -- I don't care who it is.

MIDGE LENNERT: Well, it's not news to me that there's discrimination against women in the department, but it is good to know after all this time that we might have some recourse or we have somebody there.

BETTY STEPHENS: Mr. Chairman, may I ask a question please? Do you feel that this is -- your problem, in particular -- do you feel that this is -- does this emanate from your own division in the department or is this coming from a higher source?

MIDGE LENNERT: You know, it's hard to tell and the reason why it's hard to tell is that everybody you talk to, no matter what level they're on, tell you what you want to hear and that

is that they are going to try to promote women and train women and provide some kind of equal opportunity for women.

SENATOR DYMALLY: That's what they tell the Committee.

MIDGE LENNERT: Everybody says that, from Sacramento to my immediate supervisor, yet it never happens. It never happens.

BETTY STEPHENS: Who is your immediate supervisor?

MIDGE LENNERT: My Parole Agent III? Is that who you mean?

BETTY STEPHENS: Yes.

MIDGE LENNERT: The Regional Administrator for Los Angeles is Glen Smith.

BETTY STEPHENS: Well, I've always known Glen Smith to be a very reasonable ...

MIDGE LENNERT: Well, he's the one who hired me and I was the first woman PA I to officially have a male caseload and he thought it was all right. And he got reprimanded.

BETTY STEPHENS: I've always had the feeling that this is the kind of thing that Glen has tried to promote and ...

SENATOR DYMALLY: But, Betty, you know, that's Glen, then he has some other people ...

BETTY STEPHENS: That's what I'm trying to find out.

MIDGE LENNERT: Above and below him they don't want to.

SENATOR DYMALLY: But it's the whole system.

BETTY STEPHENS: Exactly.

SENATOR DYMALLY: The whole system -- especially in law enforcement, women are not ...

MARI GOLDMAN: Attitude starts at the top and seeps all the way down.

MIDGE LENNERT: I've had women tell me -- I've only met the Director of Corrections on two occasions and I have had them tell me and come back very hurt -- sometimes incensed at his derogatory remarks about women.

When I was working on the civil addicts program in the institution, he had a meeting with the staff of that institution and a young woman asked him why it is the qualifications are higher for women for -- they're called Women Correctional Supervisors, men are called Correctional Officers, and why isn't the pay the same. He refused to answer three times. The third time he said, "I'm not going to talk to you about women, I don't even like women," and that was it. And this isn't -- this is hearsay to me, but it's come back to me so many years that he makes these kinds of remarks all the time about women.

BETTY STEPHENS: I've heard that kind of statement myself. I find that the problems that you're experiencing are the same that people experience in a volunteer way, trying to work within the area of the criminal justice system. Even as a volunteer, you run into that same kind of attitude -- what are you -- you know, what's your game -- what are you trying to do? What's a woman doing even working as a volunteer with young people, particularly young people ...

MIDGE LENNERT: You know, the attitude -- I don't want to take up too much time, but the attitude toward women is so blatant -- you're treated so blatantly bad to your face. When I

went to work at CIM they had women on the trashcans that were nude, with a little saying, "I'm Betty, use me; I'm Mary, use me" and also pregnant women with exaggerated breasts and nipples with signs that said, "I'm Betty, I've been used"; "I'm Mary, I've been used." And when some of the women at the institution went and objected to this, we were laughed at.

BETTY STEPHENS: Some of the institutions now even have a policy that married women cannot come into the institution to do any kind of volunteer work without notes from their husbands.

MIDGE LENNERT: I can believe that.

BETTY STEPHENS: It's the truth. In order for a woman to go in with a group to do volunteer work inside a male institution, you have to have a note from your husband saying that it's okay with him.

MIDGE LENNERT: You're so belittled. I can believe that because you know that what happens is that we get so demoralized when we face the opposition ...

BETTY STEPHENS: Exactly.

MIDGE LENNERT: ... that our presentations probably aren't good.

BETTY STEPHENS: There's a great deal of good that women can do in this area. It needs a woman's touch badly.

MIDGE LENNERT: I agree.

BETTY STEPHENS: I think we can bring a certain philosophy and attitude to it that would be a breath of fresh air and of all the areas that I think that we discussed and talked about

in the Commission on Status of Women and on this Legal Equality Committee, I think this is far and away the most oppressive area for women that we so far ...

MIDGE LENNERT: You know, in the year and a half that I've work with adult male felons I have not found any objections from any of them regardless of their ethnic background.

BETTY STEPHENS: Most of the arguments ...

MIDGE LENNERT: They respect me.

BETTY STEPHENS: ... that they use against women working with males are ridiculous, absolutely ridiculous.

MIDGE LENNERT: It's the administrators who don't want to open up their positions because they don't have an example to show of women who've worked with men that it can't be done. And Christine's done it and other women throughout the state have done it unofficially for years. And yet, you know, the barriers are still there. And as long as we can't supervise males, you see, it's a separate program.

The female program is just small compared to the male program. So everytime we go before an oral board, and they say, "Oh, you've only worked with women; you don't understand the Adult Authority; you don't understand the major parole system or the major institutional system, which is all male oriented." And that's true because we never get a chance to work in those places.

SENATOR DYMALLY: Well, we thank you very much for coming. And we're going to be in touch with your director, I'll tell you that. Ms. Rosenthal? Ms. Wolfe? Is someone here from CASE? That was Elinor? I wanted to be sure about that.

JEAN WOLFE: My name is Jean Wolfe and I'm a research analyst. I've been one for two years with the Department of Corrections. I'm also a social psychologist. I'm finishing my doctorate at the University of California this year.

I guess what I'm going to talk about is an entirely different aspect of the kind of problems that women run into in the Department of Corrections. And I'm wondering now if perhaps because I'm a psychologist that these have been so salient to me, has to do with the attitude of the men toward the women. I want to tell you about some of the experiences that I've had personally.

I had been an assistant research analyst for a year -- more than a year -- and I was eligible then to be an associate. I took the civil service test and I came out second in the state, which is very high. I applied for a job at the California Rehabilitation Center which is where they have the narcotics addicts at Norco. The senior researcher there told me that he was debating whether to hire a person or to buy a computer with the money instead. There was a one-year position open. I -- he said that if I would come to that office and he would give me an office and I should work there for a month or so until he could get to know me, know my work and see if I would fit into his office. And so I did that.

One night he invited the entire research staff and a few other employees over there to have a drink right after work at the naval officers' club. He was trying to promote some rapport with the department; he was new. He began immediately bringing

me drinks, he sat beside me even though it was very uncomfortable. People even remarked to him why he was sitting there when there was a more comfortable place.

As the evening went on, it got very bad. At one point, he was sitting very closely on one side of me, the data processor was sitting very closely on the other side, and one asked the other, "She's had an awful lot to drink, why is she still acting like a lady?" And the other asked me, "Yes, what does it take to get you to stop acting like a lady?" The evening continued, ending with a lot of things -- trying to kiss me, that's the flavor of it. A few days later at work, he told me that if I was interested, he could tell me how I might compete with a computer and be successful and that if I wanted, I could be the next senior researcher -- a job which pays about \$20,000 a year.

Needless to say, I had a lot of conflict. I had depended on this job to get me through my last year of getting my doctorate and I became rather anxious about it. I tried different strategies; I tried to adopt a strategy that would let me remain there. It didn't work out; I took all my things and I left there and I've never gone back.

This is just one incident with one person, but in my job as a research analyst I have a lot of mobility. I've attended many, many meetings of the men and I felt -- the men because I have noticed that in my times of going to these meetings that they are always men. The only women who are ever there are the secretaries. At these meetings, I have noticed that the

saliency of my sex identity seems to dictate the way I'm treated. Nothing I have to say seems to be heard. They are too busy smiling at each other and making remarks about me. I noticed the secretaries have had to find some way to adapt to this and they kind of giggle like teen-agers to these remarks.

I mean, how do you handle this kind of thing? Some examples. When I first had a new supervisor, another male came over to him very seriously and shook his hand and said "Congratulations", and he said, "What do you mean?" He said, "Well, you always said you were going to wait until you could find an attractive woman." When I'm giving research reports, very frequently when I've been trying to, on a one-to-one basis, give a report to an administrator, they'll say things to me like interrupting me, saying, "Why are you so serious; you're too serious." Or they become more engrossed in the scent of my perfume or in my eyes than in what I'm trying to say. It's long, long, long past the time I was flattered by that, particularly late in the afternoon when I'm dead tired and trying very desperately to find out what kind of data would help this administrator.

I'm touched a lot. I've been at business luncheons where one of the supervisors would take my hair and just put his face in it and smell it -- much in the same way that children get touched, as though they have no right to say, "Don't touch me." It's truly woman as an object, and I feel that way. Most of the men that are doing these things are not the stereotypic lechers; these are men that have never learned how to relate to a woman on a professional basis. They only have one mode of

relating to women and that's in a sexual way, and they don't seem to realize that it's inappropriate to relate to a woman who is acting in a professional capacity in a sexual way. They're very unconscious of what they're doing, most of them. At this point I really feel I can sympathize with women who are desexing themselves, that are dressing down.

I've talked with other women about what kind of strategies we can adapt and I tend to come on soft and I get walked on. Yet I've talked with other women who come on hard and they get killed. There seems to be no successful way -- no alternative that we have to really cope with this.

I turned to two researchers -- two male researchers that were colleagues of mine who had never treated me this way and was confiding in them about this. And the response was "Men need love, too, Jean," "Have you seen what his wife looks like?" And as I continued to try to explain to them because I thought sure they would understand, they just looked blank and I said, "Can't you men relate to this at all?" And the response was, "No, my boss has never tried to kiss me." I was very discouraged by their response.

I had been in the University system for ten years and it is nothing like this. I have never had such frustration in trying to just simply do what I'm supposed to be doing seriously. I feel that I've worked an awfully long time and very hard and am now ready to enter the public world. But I feel like I'm still being kept in the boudoir. I've suggested doing a research project on the attitudes of the men toward the women. That

would be appropriate for me as a researcher. I have been highly discouraged from doing this because it's too touchy a subject.

SENATOR DYMALLY: Are you still with the Department of Corrections?

JEAN WOLFE: Yes, I am.

SENATOR DYMALLY: What happened after you quit that job -- you went back to your old job?

JEAN WOLFE: I didn't quit. I was still in the capacity of an assistant research analyst. My supervisor said I could work -- I was with the women's division and he said you could work over there -- I'm also PEP. So he said I could go over there and work. After I walked out I just went back to where I was from.

SENATOR DYMALLY: Are you in Sacramento?

JEAN WOLFE: No, right now I'm with the Parole Division in West Covina out of the West Covina office.

SENATOR DYMALLY: I see. What type of research work do you do?

JEAN WOLFE: I've been working on the assumption that they're basing their treatment plan on.

SENATOR DYMALLY: I see. Any further questions? Thank you very much. Any other witnesses? We want to thank you for your patience and your testimony. The meeting is adjourned.

IN CHAMBERS  
MUNICIPAL COURT  
LOS ANGELES JUDICIAL DISTRICT  
JOAN DEMPSEY KLEIN, PRESIDING JUDGE

APPENDIX A  
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Material Prepared For:  
Joint Committee on Legal Equality Hearing on:  
Status of Women in the Judicial System, by  
Hon. Joan Dempsey Klein, Presiding Judge  
Los Angeles Municipal Court

Los Angeles, California  
February 22, 1974

Honorable Chairman, and Honorable Committee members, I am both honored and grateful to have been requested by this ambitious Committee to appear here today and to present any relevant information I may have on the subject of the status of women in the judicial system for your consideration.

The women of our State can be thankful to you, Senator Dymally, and to Speaker Bob Moretti, for the creation of this Committee, with its mandate to examine laws that discriminate, and to recommend changes.

Ratification by only five more states will cause the 27th Amendment, the Equal Rights Amendment, to become effective in every state in the Nation. As a result of the work of your Committee, California laws should be able to withstand any constitutional scrutiny.

Today's subject of inquiry is a proper one, and I hope the information that is forthcoming will raise some questions and issues, disclosing the need for further study and recommendations.

As the current Presiding Judge of the Los Angeles Municipal Court, and a member thereof since 1963, I consider myself qualified to speak to today's subject.

Pertinent statistics are hard to come by for many reasons, but a number of us have tried to compile data adequate to present a picture of women in the judiciary.

If any of my information is incorrect, I certainly welcome anyone coming forward to so represent.

Since Los Angeles County is the population center of the State, and the Los Angeles County Superior Court the largest, it seems appropriate to review its judiciary over recent years.

The first woman to serve on the Los Angeles Superior Court was the Honorable Georgia Bullock, presiding from 1931 to 1955.

Since 1949, a period of approximately 25 years, only 3 women have been appointed to the Los Angeles Superior Court, Justice Mildred Lillie in 1949, Justice Shirley Hufstedler in 1961, and Judge Elizabeth Ziegler in 1968. Justice

Lillie was appointed to the Court of Appeal, and Justice Hufstedler, to the U.S. Circuit Court of Appeals, leaving Judge Ziegler the only present appointee.

The other 2 women presently serving on the Los Angeles Superior Court, Judges Kathleen Parker and Nancy B. Watson, were elected thereto in a county-wide election.

From January, 1964 to December 31, 1973, approximately 145 judges were appointed to the Los Angeles Superior Court. This figure would include the single woman, Judge Ziegler.

The attached chart indicates the current status, and is self-explanatory. But for emphasis, I should like to point out that of the total 919 judges state-wide, only 26 are women, or, less than 3%. Justice Lillie sits on the Appellate Court. Justice Shirley Hufstedler was the only other women in the State ever to so serve. Five women preside on the superior courts state-wide.

Of the 26, 20 are confined to the municipal court. I use the word "confined" advisedly, because women judges do not get elevated from the municipal court to the superior court as men judges do.

To submit the Los Angeles Municipal Court, a 64-judge court, as an example, and taking the period 1963 to 1973, 42 judges were elevated to the Los Angeles Superior Court. The only woman among those elevated was the Honorable Elizabeth Ziegler. The situation is the same in those few counties that even have women judges.

I would suppose that many persons do not know how an attorney becomes a judge in the first instance. It is important in this presentation to understand that over 95% of all judges are appointed by the governor.

During his term from 1959 to 1966, Governor Brown appointed 620 judges, including about 10 women, a total number equivalent to two-thirds of the entire judiciary.

Governor Reagan to date has appointed about 565 judges, again including about 10 women state-wide.

The above-cited figures need to be further compared and analyzed to become significant to your Committee.

The number of women lawyers from which women judges could be selected is an important factor. Of the approximate 40,000 lawyers in the State, the number of women is reasonably estimated at 1600, or about 4% thereof, many of whom are competent and qualified to serve as judges.

The question in the minds of many women judges, attorneys and other interested observers, is the manner in which women are appointed to the

Bench. Failure to get reasonable answers to repeated inquiries has led to considerable speculation.

In response to a letter sent to the Governor's office by a woman lawyer last year, the following information was received:

"... Your reference to 'obvious discrimination' is subjectively inaccurate. The facts are that, next to Negroes, women have done better in judicial appointments under Governor Reagan than any other single category. This is based on the number of women who have been appointed in relationship to the number who have applied..."

This information tends to confirm the speculation that women were in the same "category" as minorities.

Assuming several "single categories", it is appropriate to look at minority representation on the Bench.

The Blacks in California with about 7-1/2% of the total population, and approximately 375 to 400 lawyers, have 14 representatives on the Bench.

Persons of Mexican-American ancestry make up about 17-1/2% of the State's population, and have an estimated 130 number of the lawyers. There are 20 Spanish surname judges state-wide.

Women make up more than half of the State's population, and women lawyers number approximately 1600, and yet only 26 women are in the judicial system.

Conclusions that can be drawn from these statistics will undoubtedly vary.

The method by which judges are selected in this State is relevant to this subject of inquiry. There is no "merit system" in operation in California. The State Bar has an "agreement" with governors, there being no requirement therefor, that names of judicial candidates will be submitted to its Board of Bar Governors for their investigation prior to an appointment being made. Pursuant to the "agreement", no candidate is to be appointed who has not been passed upon as "qualified".

Calls are then made to the legal and judicial community about the candidate. "Judicial temperament", intelligence, education, experience, health, work habits, and age are among the areas of inquiry.

Results of the investigation are forwarded to the Governor's office. The names are then run through other "committees" that have been set up to screen candidates. The successful candidate is thereafter appointed if and/or when a vacancy exists.

The entire process is confidential; so confidential in fact that some candidates have been unaware that they were under consideration.

The confidentiality is deemed essential allegedly to "protect" the candidate. However, as a result of this confidential procedure, a candidate found to be "unqualified" has absolutely no recourse, and that candidate's judicial career has thus been terminated. The law has demanded "due process" hearings in situations where considerably less is at stake!

This entire process is in the control of a group some would characterize as "establishment-white-males".

To reiterate the most basic and important aspects of the judicial selection process: the candidate's name must first be submitted to the State Bar by a governor, and in the final analysis, it is a governor who makes the appointment.

The process is also highly political, the majority of judges appointed being Democrat or Republican, depending on the party affiliation of the governor at a given time.

Judgeships are also highly sought after, particularly Superior and Appellate positions, and the competition for each position is keen. Maximum pressures are brought to bear on the Governor's office.

Occasionally, a judge is elected to the trial Bench in the first instance when a timely opening occurs. Thereafter, all judges stand for election every 6 years.

Perhaps the reason why so few women hold the exalted positions is that women do not as yet constitute an identifiable, articulate, organized, affluent, "pressure group" or "voting bloc" whose demands need be taken seriously. Women do not constitute a "threat", and we are all familiar with the "squeaky wheel" priorities of governmental action.

Much of what I have said thus far is probably known to some of you; to others, it may come as a revelation or surprise. To me, it is a sad commentary on existing realities.

However, I have not discussed a part of this subject which is very difficult to put into words, and that is the feelings and the psyche of those women judges who have been "passed over" or ignored.

One incident serves as a most poignant reminder of that overwhelming sense of frustration felt by us all. This particular woman judge, of considerable experience and dedication, watching over the years the newly appointed male judges getting elevated after short terms on the Municipal Court and being "passed over" time and time again said, "I must have "REJECT" stamped on my forehead."

Status of Women in the Judicial System  
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I thought it a rather humorous comment at the time, but as the years have passed, and upon reflection, tears seem a more appropriate reaction of sentiment.

Some in our society still refuse to recognize that women too have sensitive egos, and that they take pride in doing a job well, and that they also enjoy a new challenge. These same people think that women will be satisfied with the more menial of tasks in whatever field of endeavor, including the judiciary. They are wrong, and I am here today to say so.

I might say I appear before you with some trepidation because of my professional career which I greatly cherish. I do not wish to alienate those powerful persons who may one day sit in judgment on my advancement. My intention is to make a presentation hopefully designed to stimulate constructive thinking and change.

California has an outstanding judiciary; one of the best in the Nation and composed of honorable men and women. But we women want our fair share of the "honorables", and what I said had to be said by at least one of us.

I might add in closing, that in carefully considering the factual data submitted here today, I have decided my best prospect of getting to the Superior Court is to take my case to the people, and so I am going to run for election to the Los Angeles County Superior Court this year.

Thank you.

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 JUDGESHIPS IN CALIFORNIA AS OF JANUARY 1, 1974
 

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Appellate Courts	57
Superior Courts	478
Municipal Courts	384
	<hr/> 919

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 WOMEN JUDGES AS OF JANUARY 1, 1974
 

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COURT OF APPEAL

1. Hon. Mildred L. Lillie Second Appellate District, Div. 1

SUPERIOR COURTS

2.	Hon. Margaret J. Morris	San Bernardino
3.	Hon. Cecil Mosbacher	Alameda
4.	Hon. Kathleen Parker	Los Angeles
5.	Hon. Nancy B. Watson	Los Angeles
6.	Hon. Elisabeth E. Zeigler	Los Angeles

MUNICIPAL COURTSLOCATIONDATE APPOINTED

7.	Hon. Leila F. Bulgrin	Los Angeles	1960
8.	Hon. Roberta Butzbach	Los Cerritos	1952
9.	Hon. Noel Cannon	Los Angeles	1963
10.	Hon. Marie Bertillion Collins	Oakland-Piedmont	1970
11.	Hon. Bessie P. Dreibelbis	Richmond	1973
12.	Hon. Rosemary M. Dunbar	Los Angeles	1968
13.	Hon. Priscilla H. Haynes	Southern San Joaquin County	1956
14.	Hon. Artemis Henderson	San Diego	1973
15.	Hon. Patricia J. Hofstetter	Whittier	1963
16.	Hon. Joan Dempsey Klein	Los Angeles	1963
17.	Hon. Bonnie Lee Martin	Los Angeles	1968
18.	Hon. Marion L. Obera	Los Angeles	1970
19.	Hon. Mary Moran Pajalich	San Francisco	1972
20.	Hon. Betsy FitzGerald Rahn	Walnut Creek-Danville	1960
21.	Hon. Mary G. Rogan	Burbank	1965
22.	Hon. Betty Jo Sheldon	Los Angeles	1967
23.	Hon. Agnes O'Brien Smith	San Francisco	1971
24.	Hon. Vaino H. Spencer	Los Angeles	1961
25.	Hon. Jacqueline Taber	Oakland-Piedmont	1965
26.	Hon. Mary Elizabeth Waters	Los Angeles	1965

TOTAL = 26

February 22, 1974

## Proposed Legislation

No. 1

Whereas judicial offices are statutorily to be filled by elected persons, and,  
Whereas judges are appointed by the governor of California whenever a vacancy occurs, and  
Whereas vacancies seem never to occur simultaneously with elections, and  
Whereas a tacit agreement exists among attorneys never to run against an incumbent judge, and  
Whereas there is always an incumbent by virtue of appointment, and  
Whereas these appointments do not accurately reflect the make-up of the community  
jurisdiction by sex, and  
Whereas this situation is exclusionary to women

Be it resolved:

That appointments to fill vacancies for judgeships be mandatorily submitted to the legislature for approval and that the legislature take steps to insure that these positions be filled on a percentage basis in accordance with the male-female population distribution.

That where a qualified female be available she shall take precedence for appointment until such time as each jurisdiction appropriately and accurately reflects the female-male population distribution.

No. 2

Whereas family law is separate from all other law in that it neither follows the rules of contract law, tort law, nor criminal law, and  
Whereas a rotating court system has judges concerned with these various kinds of law presiding over family cases, and  
Whereas dissolution is oftentimes highly emotional in scope and requires a different kind of expertise than that needed for black letter law,

Be it resolved that a domestic relations court be established in all jurisdictions with at least two presiding judges.

That these judges be separated from the regular court calendars.

That the distribution of judges be equally male and female when appointed.

That only five years of law practice be required of such judges.

That the judge shall have a general background in law with at least two years in dissolution and other family law problems.

3. That failing these first two proposals, the legislature consider:

That all future appointments to fill vacancies in the judiciary be interim appointments only, to be held by persons who will agree not to stand for election to the office so appointed.

A brief outline of my experience in working in the criminal justice field is as follows:

- 1953-1954 Deputy Probation Officer, San Bernardino County
- 1955 Parole Agent, California Youth Authority
- 1955-1957 Supervising Probation Officer, San Bernardino County Probation Department
- 1957-1960 Director of the Las Amigas Girls' Residence, San Bernardino County Probation Department
- 1960-1962 Head Group Supervisor, Ventura School for Girls, California Youth Authority
- 1962-1970 Assistant Superintendent, Los Guadaluces School for Girls, California Youth Authority
- 1970-1971 Special assignment, Office of the Deputy Director, Rehabilitation Services, California Youth Authority
- 1971--to- Regional Supervisor of Parole, California Youth Authority.  
date

It is my opinion that despite recent efforts of the Youth Authority that I have been the subject of discrimination in promotions within the criminal justice field to the extent that it is almost a way of life. I feel that I have prepared myself adequately, both in terms of my education, training, and job experience, to be competent in any position that exists, either in probation services or in the California Youth Authority or in the Department of Corrections. I have accepted, except in the past two years, every job offer that was a promotion for me, as well as in-grade transfers that offered different experiences. I have willingly moved my family back and forth across the state in order to accept those responsibilities. I feel that in the years when I was a line officer that I had to be much better and invest more time and effort to just stay even. In the past two years, I have had three offers of a position of superintendent of an institution in the Youth Authority. One of these was at the younger boys' institution at Stockton, one was the only remaining girls' institution at Ventura, and the other was the reception center and clinic in Southern California.

During the period of time that I was an assistant superintendent (which you will note was for eight years) even though I had been on a civil service list for superintendent since 1963 and many appointments were made to superintendencies, I was not offered a job as superintendent until 1973. My reasons for not accepting the positions in 1973 and 1974, when they were offered to me, were both personal and professional. Professionally, I had been ready to be a superintendent several years ago and wanted to be at that time. I am now in parole again and felt there are some specific things I wanted to accomplish out here before I went back into an institution.

Over the years, and I am not able to pinpoint specific dates, there have been many exams that I have taken where I felt the oral examining board was discriminatory against me because of my sex. In all but one of those exams, the oral panel gave me a 70, which is the bureaucratic way of making sure that they do not have to answer any charges or questions about why you didn't pass, since passing scores are not subject to that kind of review. Giving somebody a 70 on the oral, at the same time, effectively rules them out of being hired. Some specific examples of oral panels that I felt came as close to being openly discriminatory in their questioning of me, but stopping just short of the kind of question that could be found to be formally discriminating, I can recall:

1. a position that was assistant deputy chief in the Division of Institutions. At that time, one of the job duties of this position was to supervise the superintendents of the Youth Authority forestry camps. The question that the oral board made quite an issue with me was how could I, a woman, supervise a fireline? I am sure it doesn't take me to point out to you that the assistant chief of a bureau in state government does not actively work the fireline in his supervision of the superintendent.
2. In taking the exam for board hearing representative the first time (this was several years ago) I was given a score that was so low that it was below the cutoff point, even though my breadth of experience and the abilities that I had demonstrated to the department over a period of years were, in my opinion, better than those persons who were chosen. In the last exam, given a few years ago for this same position, I was scored down but passed, but I am aware of the reason for that, and it was related to some alleged differences that I had with the Youth Authority Board. At that time, it was more understandable to me that it was not the fact that I was a woman, but the fact that I had been judged to be not in concert with Youth Authority Board policy, this even on top of the fact that I am an administrator of the department.
3. Within the last year, in 1973, I took an exam for parole administrator II for the Department of Corrections. I was subjected to an oral interview that is a part of the exam process which lasted for one hour and forty-five minutes. I did not pass that exam. They are again giving this exam, and I am again filing for it.

I feel that I am accepted by my peers, my subordinates, and by the administration of the department, as being a competent administrator. I am also aware that I am seen as a somewhat controversial figure. I feel that I am prepared and can administer any program within our department or within the Department of Corrections. The department has made use of me on many task forces and have listened to many of the ideas that I have had and to the concerns that I have had, not only those matters related to employees and to the management of our correctional system but also, and probably more specific, to the needs of the young people that we serve. I have made known to the administration of our department that I object to the fact that the only woman on the director's cabinet is his secretary, that there is

no woman in the cabinet of the deputy director of the Division of Rehabilitation Services. Both high-level, decision-making groups, therefore, function on a day-to-day basis without a woman. The chiefs of Rehabilitation Services, both north and south, are men, their deputy chiefs are men, there is one woman superintendent of a Youth Authority institution that is co-educational, and I am one of six parole administrators. This says to me that women are under-represented in administrative positions, and are not present or included in the major decision-making processes. In fairness, I have to add that I am given opportunities to make input to both the director and his cabinet, to the deputy director and his cabinet, and to my supervisor, the chief, Rehabilitation Services-North. All of them make me feel that my input is worthwhile and seek out my opinions. This does not substitute for a woman actually being in a position to take part in the day-to-day top administrative level of operations. There is no woman in the position of Youth Authority Board Representative.

There are some practices within the department that single out discrimination against the wards that, to many of the women in the department, need investigating. For example, the department has recently relented and in some male institutions they are permitting a limited number of women to work as youth counselors on the unit. In parole, we still have a policy on the books that states, "When transporting a female ward, a female staff member must be present." The change that is being considered by the department in this policy will probably provide that female wards may be transported by male staff if any responsible adult female is present. This may be the mother or another female relative of the ward. This policy clearly singles out differential treatment of both the male staff member and the female ward. We have mixed caseloads; that is, assignments are made to parole agents based on the appropriate person to supervise the ward, so that we have male agents supervising female wards and female agents supervising male wards. Any limitation imposed on us that prohibits a staff member from transporting a ward on his caseload is obviously discriminatory. There is no similar policy that relates to the transportation of male wards by female staff.

These are just a few instances of differential handling of female wards. Another area that might need examination is whether or not young women offenders in our institutions have their basic rights violated. For example, there is a ban on sexual relations while on day pass for our young women in institutions. This includes a young woman confined to an institution when she goes on a day pass with her husband so that there is a ban on sexual relations between that married couple. Urinalyses administered in some situations that reveal whether or not a young woman has had sexual relations while on an off-campus, approved visit is another area where parole agents have expressed some concern to me about institution procedures. These are examples and not meant to be all inclusive.

I feel that the department values me and what I am able to do. I also feel that I was neglected and passed over for a long number of years. It has to be evident, as well, that there are too few women in the Youth Authority who are being developed as top administrators.

# HELP THE COURTS!

Should men, exclusively, judge controversies between women and men?

The first constitution of California under united states government is product of agreement of 48 white men in 1849 ratified exclusively by white men 12,061 to 811. They said other people were not citizens and have kept themselves in control of and by the judiciary and access to it ever since!

In 1913-32 the one superior court judge averaged 1:1! In Santa Clara County each superior court judge (24 in 1974) appoints one or two persons to the grand jury panel. Average 1968-74 was 2w & 17m! in the grand juries ensuing! Judge-appointed grand jury leaders were all foremen. San Mateo County superior court judges have formally dedicated themselves and their staffs to "Equal and exact justice to all men."

Appointments, rules, customs, and decrees deny women equal benefits of court and government. Peonage of women is spoken according to the canard of law codes:  
"The masculine includes the feminine and neuter."

It takes--balanced--two legs to walk and dance, two hands to clap and coordinate manipulation, two eyes and two ears to see and hear, stereo; and people of both sexes, in like balance, to effect quality, stereo quality in courts and government.

How does process of judge designation effect sexism in the judiciary and operation of the courts? Consider: In the USSR all judges are elected. Women are about one third of professional advocates. In Leningrad, pop. 7 million, 70% of judges are women. In California all of the highest and most other judges are appointed by president and governor. Instead of law determined by the people, those aspiring judgeship and higher judgeship in California need pursue fealties and special privilege by sex, Catholic schooling, and/or genuflection in others' private ambitions.

Since 1849 how many women have been judges of courts of San Mateo and Santa Clara Counties and of courts above, been members of Congress and/or of the State Legislature from these counties, or exercised power on any commission passing on nominations or appointments to these courts? None!

The distribution of judgeships in the State as a whole follows, with the numbers in order referring to women, men, positions authorized, vacancies, positions filled in terms of 12 years except 6 years for the superior court by E. G. Brown in the 8 years 1959-66, and the same by R. Reagan in the 7 years 1967-73. Anyone made a federal judge gets full salary for lifetime, and the salaries of State appellate (2 highest) court judges escalates by law with cost of living!

California Supreme Court 0, 7, 7, 0, 8, 2  
State Court of Appeal 1 (appointed by Warren), 45, 50, 4, 47, 31  
Superior Courts 5 (One each by Warren, Knight, Brown, and Reagan, and one originally elected to office), 470, 478, 3, 262, 262  
Municipal Courts 20, 353, 384, 11, 304, 266  
Total of above 26, 875, 919, 18, 621, 561  
Justice Courts (appointed by boards of supervisors to remote areas) 11, 199, 216, 6.

Men as judges require women to fair-share petit (ordinary) jury service. Do they fair-share high court staff and grand jury appointments between women and men? Choices for 30-member grand jury panels from which 19 names are drawn by lot for the county grand jury are rotated in San Mateo County among superior court judges, now 13. The panels 1964-74 averaged 1 woman : 3 men.

Women in the Justice System February 22, 1974

Courts of California are minority courts. See Exhibits A, B, and C, following. This causes social injury and denies the very premises to justify the institution. Minoritization comes from a combination of closed shop and closed union.

A. The State Supreme Court

California Rules of Court, like State Bar Rules, are determined without provision for notice to and hearing of the public.

Calif. Rule of Court 952 Review of State Bar Proceedings

(a) Review of Recommendation of Disbarment or Suspension

A petition to the Supreme Court to review a decision of The State Bar recommending disbarment or suspension from practice of a member of The State Bar shall be filed within 60 days after the filing with the clerk of the Supreme Court of a certified copy of the decision complained of. The petition shall be verified, shall be based on the record, and shall specify the grounds relied on and shall be accompanied by petitioner's brief and proof of service of three copies of the petition and of the brief on The State Bar. If a review is ordered by the Supreme Court The State Bar shall file a respondent's brief within 45 days after the filing of the order. Within 15 days after service of such brief the petitioner may file a reply brief of which 3 copies shall have been served on The State Bar.

(b) Review of State Bar Recommendation to Set Aside Stay of Suspension

...

(c) Review of Other Decisions

A petition to the Supreme Court to review any other action of The State Bar, or of any board or committee appointed by it and authorized to make a determination pursuant to the provisions of the State Bar Act, shall be filed within 60 days after written notice of the action complained of is mailed, postage prepaid, to the petitioner, addressed to him at his last known address appearing on the records of The State Bar. The petition shall be verified, shall specify the grounds relied on and shall be accompanied by the petitioner's brief and proof of service on The State Bar of three copies of the petition and the brief. Within 10 days after service of the petition, The State Bar may serve and file an answer and brief. Within five days after service of the answer the petitioner may serve and file a reply. If a review is ordered by the Supreme Court The State Bar within 45 days after the filing of the order, may serve and file a supplemental brief. Within 15 days after service of such brief the petitioner may file a reply brief, of which three copies shall have been served on The State Bar.

(d) Application for Readmission or Reinstatement . . .

(e) Service on State Bar

Any petition or other matter to be served on or filed with The State Bar under this rule shall be served on or filed with The State Bar at its San Francisco office.

Authority cited for CRC 952 is Calif. Business and Professions

B & P Code, Section 6052 Review by Supreme Court

Any person complained against and any person whose reinstatement the board may refuse to recommend may have the action of the board, or of any committee authorized by it to make a determination on its behalf, pursuant to the provisions of this chapter, reviewed by the Supreme Court in accordance with the procedure prescribed by the court.

‡ Observe that while CRC 952 subdivisions (a), (b), (d), and (e) are fairly within the scope of the statute above, CRC 952 subdivision (c) applied to applicants for a license refused admission to examination, "merely", not "complained against", is not. CRC 952, subdivision (d) is ultra vires, in legal latin. The State Supreme Court has without authority presumed jurisdiction by means of a rule, ostensibly, of procedure. California Constitution points to statute as the measure of exception to original jurisdiction in the Superior Court.

## Article VI, Section 10

The Supreme Court, courts of appeal, superior courts, and their judges have original jurisdiction in habeas corpus proceedings. Those courts also have original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition.

Superior courts have original jurisdiction in all causes except those given by statute to other trial courts.

The court may make such comment on the evidence and the testimony and credibility of any witness as in its opinion is necessary for the proper determination of the cause.

What prejudice to the applicant exists by rule for application for relief from the State Supreme Court rather than the Superior Court of California? In contrast with the Superior Court which hears cases filed as of course, i.e. as a general rule, the State Supreme Court exercises discretionary jurisdiction; that is, it picks and chooses a few cases to which to give its audience and decision on the law. Its orders are mostly, "Petition for hearing denied," without any reason stated or, in fact, necessary. Practice of the California Supreme Court is (1) To refuse hearing and relief to a woman whom The State Bar refuses to examine for license in law, (2) To discount for benefits court actions not subscribed by licensees.

B. State Bar Denies Due Process of Law and Is Interested Adversely To Consumers in the Licensing of Lawyers

Validity in law of act such as refusal of a license which is condition precedent to otherwise lawful practice of an occupation, business, or profession, requires not only vitality of all direct ascendants of law applied to particular facts, but jurisdiction in its several aspects in the agency and due process of law.

California Supreme Court held the State Bar Act conferred no jurisdiction over a man in office of judge because he was not a member of the State Bar. State Bar v. Superior Court (1929) 207 C 323 at 340-341, 278 P 432. Why, therefore, should it have any jurisdiction over a woman applicant for a license to practice law?

Conduct of the State Bar in assuming, or, rather, presuming with approval of the State Supreme Court, jurisdiction, is arbitrary and disrespecting of due process of law and statutory specifications. On three occasions I sought acknowledgement in admission to examination and license<sup>of</sup> my having met statutory requirements. There was no showing to the contrary, just refusal of admission to examination and refusal of inspection of the file and other process fairly due: full hearing on my applications, with chance to present evidence, to know the administrative record, to cross-examine on any claims adverse to me, and to have answers from the committee determining to my proper questions concerning my applications and the committee's consideration thereof. My requests for hearing on my most recent application, of November 24-25, 1958 were ignored.

In 1954 Ralph N. Kleps, Legislative Counsel, by Roger H. Wood, deputy, in Opinion, No. 614 (1954), concluded after analysis that

Minutes of the Board of Governors of the State Bar and Committee of Bar Examiners, and the names and addresses of licensees and registered law students on file were public records, public writings, or other matters open and available to reasonable public inspection, with the possible exception of minutes which would reveal the detailed content of examinations before the administration of such examinations. The State Bar denied me benefit of law due in open government and fair process on my applications.

Why did the State Bar refuse to admit me to examination? Was it in private interest, or consumer interest? Consider the following:

a. Eugene Prince, chairman of the committee acting on my application said, in substance,

"You opposed our bill in the State Legislature," that is, a bill which would have prevented anyone not a graduate of a law school from taking the bar examination.

b. An argument used by the committee of bar examiners for the aforesaid proposed law was that no one not a graduate of a law school could pass it. They attempted to prove this by recording "0" on number of non-graduates who were passed. On a state civil service examination statewide-competitive, which was open to all persons who had within the past five years completed law study, to fill positions now known as Counsel (then called Junior Counsel), and nearly all of the examinees of which had or shortly thereafter passed the state bar examination, I qualified in the top 10%. In a conversation with Dean Snedgrass of Hastings College of the Law, during which he looked at some of my law papers, he commented, in substance,

"The reason they won't let you take the bar examination is that they're afraid that you will spoil their statistics."

c. In opposing my petition for certiorari to the United States Supreme Court, counsel for the State Bar argued, in substance, "anyway, we have a right to exclude her on the basis of sex."

d. Goscoe O. Farley, then Secretary of the committee of bar examiners, used the name and address of one of the references I was required on my application to provide, to defame me by statement he knew to be false and manifestly intended to be prejudicial to me. When on December 14, 1953 I confronted him with his libel, he did not deny the facts and said,

"I was defending myself. . . I had to defend the committee.

Being a licensee, Mr. Farley was eligible, and therefore shortly thereafter appointed judge of the municipal court, then judge of the superior court, and then to the state judicial council.

Reaction of the State Bar to the Legislative Counsel's opinion declaring public access to its minutes and files was to seek amendment to the State Bar Act, in 1957 secured as follows:

"No law of this State restricting, or prescribing a mode of procedure for the exercise of powers of state public bodies or state agencies, or classes thereof, including, but not by way of limitation, . . . shall be applicable to the State Bar, unless the Legislature expressly so declares." (Section 6001, Bus. & Prof. Code)

Also of interest here is this from the State Bar Act:

"The board may aid in all matters pertaining to . . . , including but not by way of limitation, all matters that may advance the professional interests of the members of the State Bar and such matters as concern the relations of the bar with the public." (B & P C. §6031)

Consider, for comparison, the Consumer Affairs Act, Section 301, Legislative Intent. The Act was introduced by Assemblymen Hays and Sieroty as AB 2366 (1970), with Senator Song as co-author, and adopted on Conference Report of Assemblymen Hays, Priolo, and Ralph, and Senators Song, Dymally, and Carpenter.

### C. Recommendations

1. To the list of occupations in the Consumer Affairs Act, Section 130, add lawyer, comprehending judge and attorney, or, separately judge and attorney. Omit licensing steps by the State Bar.
2. Provide practical and efficient remedy for persons, particularly other than white men, who have been refused examination for license in law.
3. Repeal all conditions for occupation or position of duration of license in law, including California Constitution, Article VI, sec. 15.
4. Make persons of any sex or sex-race overrepresented on a court (of a county or district), board, commission, or grand jury drawees ineligible for appointment or naming thereto.
5. Prohibit issue of warrant or payment of salary to any judge who is at the time a trustee or director or appointee thereof to any institution within her or his jurisdiction as judge of a court.

# JUDGE IT YOURSELF AND SPEAK OUT!

"We, LELAND STANFORD and JANE LATHROP STANFORD, husband and wife, grantors, desiring to promote the public welfare by founding, endowing, and having maintained upon our estate known as the Palo Alto Farm, . . . a university for both sexes . . . to that end, and for that purpose, do hereby grant . . .

"Fourth, That the Trustees . . . shall have power, and it shall be their duty: . . . 15. To have taught in the University the right and advantages of association and cooperation.

16. To afford equal facilities and give equal advantages in the University to both the sexes."

--Stanford University Charter, subscribed November 11, 1885.

In a suit to effect sex-race equality in education and employment at Stanford University, filed April 7, 1971 in Santa Clara County Superior, John Smith McInerney dismissed the action with opinion:

"This remains the Court's feelings . . . Homo Sapiens comes in two basic varieties--male and female. What has been given to the male species has sometimes been denied the female, and vice-versa. . . (S)ince the male basically did the governing. . . (s)ociety accepted that he should be given preference in being educated, and also in doing the educating at the higher levels. . . The Court finds the answers to such questions beyond its limited skills. . . For all the foregoing reasons the general demurrer filed by the Stanford defendants is sustained without leave to amend. It is so ordered."

How come such court conduct and dismissal of appeal therefrom with every court higher denying both hearing and opinion? (USSCT No. 72-6706, Oct. 9, 1973.) A Stanford Law School Visitor appointed by the board of trustees visited with the judge before his decision, secretly. Judges of all federal and state courts, including two USSCT justices and the chief justice of California, where the trustees could be sued have been appointed trustees or SIS visitors.

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Jane Lathrop Stanford led in education for joint achievement. She knew: "When I take two steps toward my objective, my objective comes to meet me."

In 1899 40% of Stanford students were women; in 1973-74 31%. Why?

The trustees, all men, in 1899 decided the university--chartered to the people--should advance their own sex-race relative to others. Now over 90% of high administrators and full professors are white men. Women comprise half of the most qualified applicants at university entrance, but 2/3 of general admissions and 3/4 of law and MD-program admissions, approximately, go to men.

SU operation is over 80% tax funded. Consolidated budgeted per student is over 3x that of Univ. of California!

1. Should public employees whose work touches Stanford University sit on the institution's boards?

2. Should conflicts of interest and function here involved be terminated by law?

## Menlo Presbyterian Church centennial

The Menlo Park Presbyterian Church -- known as the "Church of the Pioneers" -- is starting its second century.

Mrs. Jane Stanford, wife of Leland Stanford, founder of Stanford University, organized the church's first choir. The Stanfords built the first minister's residence on land they donated. . . .

Palo Alto Times  
Nov. 17, 1973, p. 11r

Until 1947 Stanford had no Admissions Office,

This led to several trends which became characteristic of Stanford, some of them unfavorable. More women applied than men.

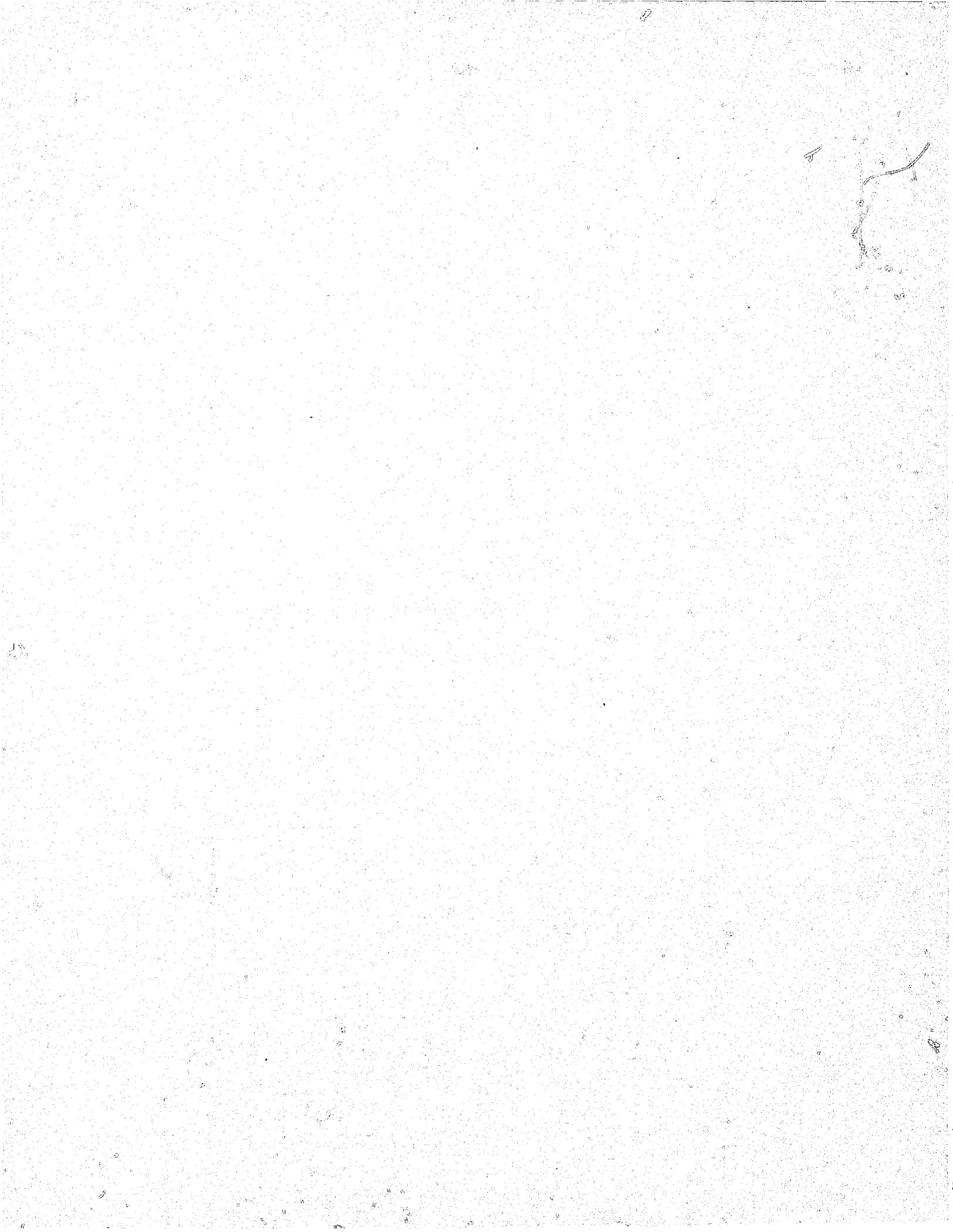
Stanford Today  
February 15, 1958, p. 2

3. Should an institution federal tax subsidized at rate of about \$100 million a year have on its board of trustees (1) U.S. President's staff attorney & (2) U.S. Senate Committee on Armed Services's general counsel, and on the board of visitors of its law school the Representative in Congress from the district who, consistently with will of the trustees, voted to require others to foot the bill in taxes to support donations to the institution and to exempt the institution as recipient of federal financial assistance from need to be fair by sex?

4. Should SU trustees respect the university's charter, U.S. and State constitutions, and civil rights and fair employment laws, and forthwith make sex-race fairness university policy?

**INQUIRE! SPEAK OUT!**

November 25, 1973

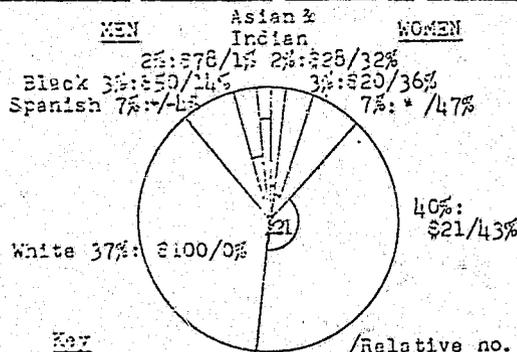


Fair(?) Employment Practice Commission

# Affirmative Action — for what?

Economic basis for independent citizenship--"liberty", is access to diverse sources of full-time all-year income, fairly, and options incident to participate in policy-making. California FEPC systematically refuses to beneficially process employment complaints for white women--in contrived exercise of "affirmative action" to serve white men economically interested to continue patronage of especially white women, with bribe for their help in covin of subreption to black and chicana/os agreeable to exchange of endeavor for their special privilege at expense of white woman.

CALIFORNIA EMPLOYMENT PROFILE BY SEX RACE



Key  
California population: Relative incomeless occupationally, 1970, 16y. full-time and older, all-year occupational income, U.S., 1971  
Relative no. Californians incomeless occupationally, 1970, excl. persons < 16 y. & inmates of inst'ns, schools, & military.

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California Labor Code - Part 4.5

1410. This part may be referred to as the "California Fair Employment Practice Act."

1411. It is hereby declared as the public policy of this state that it is necessary to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgment on account of race, religious creed, color, national origin, ancestry, or sex.

1413. As used in this part:

(a) "Person" includes one or more individuals, partnerships, associations or corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(b) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(c) "Labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(d) "Employer," except as hereinafter provided, includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly; the state or any political or civil subdivision thereof and cities.

"Employer" does not include a social club, fraternal, charitable, educational or religious association or corporation not organized for private profit.

(e) "Employee" does not include any individual employed by his parents, spouse or child, or in the domestic service of any person in his home.

(f) "Commission," unless a different meaning clearly appears from the context, means the State Fair Employment Practice Commission created by this part.

(g) "Affirmative actions" means any educational activity for the purpose of securing greater employment opportunities for members of racial, religious, or nationality minority groups and any promotional activity designed to secure greater employment opportunities for the members of such groups on a voluntary basis.

1412. The provisions of this part shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this act shall be deemed to repeal any of the provisions of the Civil Rights Law or of any other law of this state relating to discrimination because of race, religious creed, color, national origin or ancestry.

1413. If any clause, sentence, paragraph, or part of this part or the application thereof to any person or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this part and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved.

March 17, 1973

1. Governor State Senate  
Ronald Reagan  
m-w

State Department of Industrial Relations  
2. H. Edward White,  
m-w, director 1972--

Division of Fair Employment Practices  
3. Paul A. Meaney,  
m-w, asst. ch 1967-,  
chief 1969--

-- Roger A. Taylor,  
m-b, asst. chief  
10-73 on

Fair Employment Practice Commission  
4. Pier A. Gherini,  
1967--, ch. m-w.  
5. C. L. Dellums,  
1959--, m-b.  
6. Mark Guerra,  
1967--, m-s.  
7. Stella C. Sandcval,  
1967--, w-s.  
8. J. W. Stucken,  
1968--, m-w.  
9. Catherine L. Montgomery,  
1969--, w-b.  
10. Donald E. Eiers,  
1970--, m-w

So. C Str Legal Inf & Ed'n Comm. W. C Str  
Erwin Section Section Ralls S. George  
Feiertag Charles Lloyd John Moore  
m-w E. Wilson Zimpel Thompson m-w

Review Officer In S.F. all front office Officer  
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Anaya Robinson  
m-s m-b

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4. 1807 Mira Vista, Santa Barbara (805) 966-4155, office 966-4155.
5. 829 Brockhurst St., Oakland 94605 (415) 654-7399, office (415) 893-2894.
6. 490 Sunnyeaks Ave., Campbell 95008, (408) 378-4414, at Campbell HS, SJ 374-3080.
7. 224 Evelyn Dr., Anaheim 92805, 714-535-4477.
8. 1114 Wallace Rd., Beverly Hills 90210, 213-275-1661, office 213-879-1161.
9. 5171 Roswell St., San Diego 92114, 714-264-1738.
10. 562 Esplanade St., Orange 92669, 714-633-7849, mgr. of admn., El Segundo Div., Hughes Aircraft, 2060 E. Imperial Hwy, ES 90215.

D-219

CASE

Elinor B. Grant  
290 Chaplin Lane  
San Luis Obispo 93401  
ATSS 629-3251

SEX DISCRIMINATION in California State Service

Testimony of Elinor Grant, Senior Stenographer  
Clerical and Allied State Employees, before the

Joint Committee on Legal Equality, Senator Mervyn M. Dymally, Chm  
107 S Broadway Room 1138 Los Angeles February 22, 1974

Equality of rights under the law shall not be denied or  
abridged by the United States or by any state on account of  
sex.

California ratified SJR 20 (Dymally) in November 1972.  
But now, in February 1974, in San Luis Obispo where I work  
for the Department of Corrections, Parole and Community  
Service Division, I have noticed very little alleviation of  
sex discrimination in my employment. I am a college graduate.  
I have worked for the State of California since December 1960,  
for the Department of Corrections since January 1963. I am  
a senior stenographer with a salary of \$776. I was a college  
graduate at the time I started working for the Department of  
Corrections as a File Clerk II in the Records Office at  
California Mens Colony-East Facility. (A)\*

The only really unusual fact in my case is that I am not  
still a file clerk. A woman I worked with had been there  
years before I came, and is still there, as File Clerk II.  
I know many Stenographers II and Clerk Typists II who have  
been held in those classifications for 10, 15, and 25 years.  
Their sisyphian task is to get their jobs properly classified  
so their pay checks will reflect their equal skill, equal  
effort, equal responsibility, and similar working conditions;  
but like Sisyphus, they are doomed, because, you see they  
are not equal, they are women.

In Corrections we dismiss sex discrimination with, "In the  
Department of Corrections, equal employment opportunity has  
only to do with minorities. It has nothing to do with women."  
Or, from a training officer, "I don't know what to do with  
the women." His in-service training schedule bears him out. (B)

\*Letters in parentheses refer to documentation to be found in  
the Appendix. /NOTE: This appendix is on file in the offices of the  
Joint Committee on Legal Equality, Suite 64, 1116 Ninth Street,  
Sacramento, California, and can be examined at any time. /

Areas where sex discrimination is found in clerical classifications include (but not limited to) required duties and responsibilities and skills required in clerical classifications --positions principally filled by women, when compared to positions of like salary principally filled by men; the lack of opportunity for advancement--clerical has long been considered a dead end; the lack of access to training programs, seminars, conferences, educational programs, and the like; sick leave administration in regard to maternity leave; insurance, and retirement; State Personnel Board rules; personnel policies within agencies, departments, the state college and university systems; and in the stereotypic and paternalistic attitudes of administrators and supervisors--in fact, in all conditions of employment, women are discriminated against because of their sex.

When we discuss classification of clerical positions with administrators, we do not hear that our jobs should not be reclassified to properly reflect our required duties and responsibilities in our classifications and our pay checks, but rather, we hear only that we are "low priority." And indeed we are.

I do not feel that the Department of Corrections should be singled out--it is only that I work for Corrections and I have seen:

1. A Records Officer I (female) with 14 1/2 years of state service demoted in lieu of layoff while a Records Officer II (male) was given a temporary assignment with a different job title and the same pay grade, and an administrator (male) given a red circle rate to retain his pay grade.(C)
2. A Parole Agent II (male) reclassified to Parole Agent III which is his proper classification, while the Steno II (female) in the same office retains her classification and pay grade of Steno II in spite of performing Senior Steno duties and responsibilities.
3. A Senior Steno pay her own fee and expenses to attend a one day workshop on "Women into Management" because her supervisor (male) refused her request for training funds because "We don't have any women managers." He's right, of course, we don't.
4. District Administrators (male) moved in the Los Angeles area retain their classifications and pay grades as they assume essentially the same duties and responsibilities in their new locations, but when my location of work was changed from institution to parole office, and I assumed essentially the same duties and responsibilities, I was demoted.

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5. An MTA (Medical Technical Assistant - male) reclassified within about three days from first request, while it took me more than 2 1/2 years and a lot of hassle to get reclassification. Without CASE I never would have made it.

6. A senior stenographer at the top of the Supervising Clerk I list, whose job was surveyed and approved for reclassification, watch the list expire and she is still a senior steno. (D)

7. A Clerk typist II on maternity leave, who delivered by cesarean section, submit the proper forms signed by her doctor, only to be told that she will not be paid any sick leave until after she returns to work, and then for only 10 days. As she prepares to return to work March 1, she has been told that she is being moved to another office--nearly 40 miles from her home although less senior clerks are retained in her office.(D)

8. A senior steno, demoted in lieu of layoff, who had no "lesser duties," only lesser pay, discover on retirement that retirement is \$30. per month less because of the PERS rule that the "three highest years" must be consecutive. In my own case, my retirement is 12 1/2% less because of demotion and when we are talking about \$183.19 you can see why I say the discrimination women face in hiring follows them into retirement. (D)

We can have equal employment and a merit system. We do not now. State Personnel Board examination announcements do not say "No women need apply." What they say is don't apply if your salary and/or your classification is below certain levels. Very few women in California state service make it above the \$800-\$900 range. 10%, compared with 60% male. Incidentally, 99% of all women in state employment earn less than \$1200 p/mo. (E)

In an analysis to determine what particular practices are operating to exclude women from the better paying classifications, I have yet to find any that are job related for 99% - or even 90% of the women employed by the state. Not merit principles, but agency discriminatory practices are in operation. Merit principles were not implemented to assure the rigid following of procedures which no longer serve their purpose. Everytime a minority, or a woman is excluded from recruitment, hiring or promotion by the rigid operation of the system or a policy that does not in fact measure merit or job relatedness, the taxpayer is gyped and the

principles of merit employment are sabotaged. What must be done is reevaluate all employment practices and begin to eliminate the illegal ones with non-discriminatory remedial practices. There is a clear distinction between preferential treatment--which we do not advocate--and remedial treatment, which is necessary to eliminate sex discrimination.

All things are not equal where discrimination exists. We must eliminate it, all of it, and make certain it won't return, and develop a remedy for those who have been victims. The victims are women, particularly women who are working in clerical classifications for the State of California. Rigid civil service job classification systems which freeze categories of employees into certain lines or job series are considered discriminatory since they limit rights to move from one series to another. Where failure to be assigned to that series in the first place was discriminatory, the failure to permit promotion out of that series or transfer into another series will simply perpetuate the discrimination, and is therefore illegal.

The demand for validated employment tests does not mean an end to "merit" employment principles, but rather the opposite. It means return to true merit. It means that you must be able to prove that you are in fact measuring "merit" in terms of the ability to perform the job. And that is the only "merit" which should be measured. But not with Rule 200. (E)

Civil service rules and procedures themselves constitute systemic barriers to equal employment of minorities and women. Even those rules that are neutral on their face are considered illegal when their impact effectively excludes women, as with Rule 200. There is no difference, as has been said, between the person who robs you of your pocketbook and the person who robs you of your opportunity to get a decent job. They both violate the law. And what we are asking is that the State of California as employer obey the law. Nothing more than that, and nothing less. The moment of truth came, really, when it was discovered that approximately half of the state clerical employees, most of whom are women, are below the poverty line - below \$605 p/mo - 42.4% are below \$600, 61.6% are below \$700, 81% are below \$800. (F)

I have come to the conclusion that the State Personnel Board analysts are sitting up there in an ivory tower in Sacramento sorting out which positions we can apply for--like rearranging the deck chairs on the Titanic. I inquired of the SPB analyst (male) who came to do a desk audit, concerning his background. He worked in a personnel office two years while in service,

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and has been an analyst with SPB for 16 months (8-73). He is a specialist in the Stenographer series. Contrast that with a Clerk Typist II (female) who spent four years in service in charge of a payroll office for a facility, who had to start at the bottom of CT II and after many years is still CT II in a parole office. When she asked to get on a different track, out of clerical, the Regional Administrator said she would have to quit her job, wait 30 days and start in at the bottom of Parole Aid, about \$100. cut in pay. She was willing to do it, but he would make no commitment that she could even get on on the other track. What he said was that you have to realize that if you're black (she is) or white, and a woman-- you're not going to make it, that's the reality, or something like that. He also says that what I am talking about will restructure the whole clerical system, and he is for it, but we are "low priority."

I guess we have always been low priority. Certainly we still are. We do our work well while we are cautioned not to rock the boat or make waves. The personnel analyst put it differently. He said I should be more careful whose toes I stepped on.

Comparison of underclassified clerical positions with other underclassified positions is like saying, "We know that what we are doing to you is unfair and illegal, but look, we are even more unfair and illegal in Bakersfield, and Sepulveda, and Expo Park, and LADO. We donot consider that justification valid. I am speaking particularly of the Clerk Typist, Stenographer series, but as far as I know, the situation is the same throughout the clerical classes. We are banging our heads on the low, low ceiling, and we can't get out. They call it the "merit" system, I don't know why.

#### CHANGE THE SYSTEM

What must be done is change the system. Change the whole clerical structure in the system because:

1. Well qualified women with long years of experience in clerical classifications are facing artificial barriers to equal employment in California state service because of sex discrimination in hiring, salary, promotion, training, sick leave, insurance, retirement, classification, working conditions, and in all conditions of employment.
2. Comparison of specifications for positions principally filled by women, particularly the clerical classifications,

in California state service, with the specifications for positions principally filled by men, reveals higher qualifications required for women, greater skills and responsibilities required for women, greater diversity of duties required for women, and longer time in grade required for women than for positions of comparable pay in classifications principally filled by men. (Three sheets of numerical and percentage by sex distribution and by monthly salary of state employees will be found in the Appendix.(F))

3. Qualifying experience possessed by women is not recognized as qualifying for entrance to examinations when the experience is achieved within clerical classes. The Hardester case is unusual only in that she stuck it out and insisted that she be recognized as qualified. After all, she had trained the last 10 Tax Representatives who came to her office, and she wasn't about to let the Personnel Board tell her she wasn't qualified to take the examination. Sex discrimination surfaced in waves, she was drowning in it. CASE supported her in her fight, it took nearly a year of concerted effort, and that is too high a price. There was no question that she could do the job. Now the interesting thing is that as Tax Rep she finds the job less demanding than the lower paying Senior Account Clerk position she left. (G) Clerical employees who are women tell me that it is not difficult to perform as Administrative Assistant, but it is well nigh impossible to achieve the classification because it is considered a male job. One superintendent is quoted as saying that when he had the choice of a Secretary I or an Administrative Assistant he always chose the Secretary I because you could get a really well qualified woman to take Secretary I and for less salary-- and they do the same work.

4. Experience required for entrance to promotional examinations is not available to women, or not as available to women as such experience is to men. (G)

5. SPB examination information notes experience requirements for advancement from classes principally filled by men without noting possibilities for upward mobility from classes principally filled by women. (E)

6. Women who pass examinations are disqualified by the Qualifications Appraisal Panel while less qualified men are certified to entry level and promotional lists. (SPB memo # 73-16 dated 3-9-73) A Supervising Personnel Analyst from SPB, with true blue stereotypic paternalism explained this

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memo on the subject: "'Male Only' and 'Female Only' Certifications" to the Fong Committee as helping women, when, in fact, it is being used to justify sex discrimination within agencies. The memo is clearly illegal and should be immediately rescinded. Agencies and departments are still wiping women off SPB lists. (H)

7. Nothing that I know of is being done to identify promotable women, or to facilitate upward mobility of women. We are not even included in the Department of Corrections Affirmative Action Policy that I have seen. A personnel officer told me in July 73 that we have a new AAP and I have twice asked him to send it.

8. Barely token effort or no effort at all is being made to eliminate the effects of past discriminatory policies as they relate to qualified women. In a meet and confer session with Career Opportunities Development at SPB (1-21-74) we were treated to a sexist joke and the information that COD is principally for entry level. We are for that, of course, but it shouldn't stop there. Upward mobility for well qualified women who are clerical employees is also mandated. We, too, are disadvantaged. The one bright spot was the Junior Analyst who encouraged us to keep pushing. She has been a clerical. She knows.

9. Supervisors are still permitted to discriminate against clerical employees who are women in conditions of employment. (I)

10. QAP's set up by SPB are disqualifying clerical applicants (women) on the basis of lack of experience, even though that experience is not required for the classes being considered. (J) There is a difference between "ability to supervise" which may be required, and supervisory experience, which is not, for the classes of Supervising Clerk Typist and Supervising Clerk I. Beyond that, the QAP noted that this woman is a Steno II and thought it unusual she qualified for the Supervising Clerk I exam. It is unusual, but it shouldn't be. Lack of opportunity to get a decent job should not be disqualifying under the merit system. I would like to see some data on which examinations limit list length. The ones I've seen the information on are principally clerical and it is my theory that the reason length limiting is possible is not that the work is not at the senior and supervising level, but rather that agencies are wringing clerical employees through underclassified positions; if the clerical positions were properly classified and we could move on beyond clerical, you could forget about limiting the length of the list. It is my contention, and the position of CASE, that there should be no supervision of others and no training

below the Supervising Clerk I level. SPB specifications are too high for the pay grade when compared with specifications for positions principally filled with men. And how, if the test is to measure ability to do a specific job, can it make any difference who else takes the exam. If you obtain a qualifying score, you should make the list. I have heard that men are judged on potential and women on experience. I am watching it happen. Merit system, indeed. The merit system is in shambles. We are in a narrow hallway and the door is shut. We can come in at the bottom of entry level and stay there while promotional lists are shortened and even when we qualify we can't get on the list. It is a terrible thing that we can't get out of clerical but it is simply outrageous that we cannot rise even within the clerical classes because of the system. It's illegal, of course--working above class--and standard operating procedure state-wide. Change the system that directs that. (Camilli 1-3-73) (E)

11. Promotional scores in clerical classes are specified as higher (74%) in some clerical classes than in other classes not principally filled by women. (K)

12. Material from SPB produced for agency and department use is subtly discriminatory in the assumption that both the supervisor and the employee are male (SPB Supv Manual) except in the case of the clerical classes where different supervisory rules apply. The Assistant Board Secretary from SPB put it differently in response to a question from the Fong Committee on the number of women in professional classes, "The difficulty is that we are talking about professional classes and most of the women are in clerical."

13. There are special rules for maternity leave that donot apply to other temporary medical disabilities. (SPB Sick Leave Administration Manual) (D)

14. Training programs for clerical classes (principally women) are for clerical classifications while training programs for supervisors and managers (principally men) can lead to a wide variety of positions. Training programs at all for women are rare, but compare Secretarial Development School:

"The role of the secretary in assisting the manager to enable maximum individual dedication and commitment. Improve present typing or shorthand speed by an average of 20% with equivalent improvement in accuracy. . . . that future deficiency can be prevented. . . ."

with SPB Management Development Services "Insight into Action" with seminar leaders listed:

"To help participants to explore their own attitudes

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toward the advancement of women into technical and managerial positions; become more knowledgeable of the status of the employment of women on State and National levels; determine what action steps they can take to assist in the better utilization of women employees. . . ." (L)

15. Federally funded training programs for the disadvantaged are disproportionately filled with men, and when well qualified women are permitted to complete such training programs, they are placed with "restricted duties." (M)

16. Restructuring jobs is concerned principally with entry level and no known provisions are made for ladders and lattices out of the clerical classes for well qualified women with outstanding clerical experience who are more than ready for advancement.

17. When men are placed in clerical classes, they tend to advance faster than women within and from those clerical classes, and their clerical experience is considered qualifying for advancement out of clerical. A woman who entered state service 9-56, worked for Corrections since 8-58, as Senior Clerk 10-61 to 3-69, during which time she repeatedly took the Records Officer I exam to stay on the list for eight years while she trained male RO I's, was demoted in lieu of layoff 3-71 to Personnel Assistant I, and reinstated as RO I 8-72. No other RO was demoted, and she was the only woman in the class at that institution. A further irony is that the RO I who "bumped" her (male) has also started in the Clerk series, had less years of state service, but because he had more years as RO I against her only 2 years, the way seniority points are figured (1 point per month in present classification 1/2 point per month for previous classes or something like that) he barely edged her out. Even now, when it comes time for the annual RO conference, she is the one who stays on the job while the men go to the conference. (See memo Ovesen to Grant 12-13-72) (C)

18. Recruiting material released by SPB noted that college graduates can expect, after four years in state service, to achieve salaries of \$13,000 to \$16,000, while in fact, women who are college graduates with many years of state clerical experience find themselves frozen at the II or Sr level. Indeed, it seems that if you have never worked, or have never worked as a clerical, and if you are not female, advancement is more possible. (N)

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19. Well qualified women clerical employees find that the reward for good work is twice as much work--that as the years go on they are given increasing responsibility and duties well into middle management, and their classifications remain the same: II or Sr level; while men, given increasing responsibilities are promoted to higher pay classifications.

20. The discriminatory promotional policies of SPB and of agencies and departments have caused in-class compaction that at the senior clerical level is dramatic. (P) There is no place for women who are clericals to go. The layoff list for senior stenos at CMC 3-71 is a real horror story. With 100 seniority points or less, senior stenos were demoted. Contrast that with Correctional Officers (all males at that time) with 25 points who could hold their positions. And the demoted senior clericals, without exception, were not given lesser duties, only lesser pay.

21. Organization charts, set by agencies and departments, donot accurately reflect the required clerical work being performed. In Region III, for instance, there are no clerical positions above the Sr Steno level with the exception of Records Officer II and III, both male. In the 19 parole offices there are only 7 senior positions although it is not possible to run a parole office without someone's performing senior level clerical work. In the six offices where there are only two clerical positions, both positions should be at the senior level. That is, 18 women in field offices in Region III alone, are working above class right now. Not a single district office or region headquarters has a Supervising Clerk I, no Personnel Assistant I, no Teletype Operator, no Secretary I, and we are the largest region in the state supervising almost half of the adult parolees who are felons. I am not talking about additional positions, I'm talking about work being performed in underclassified positions. There is no senior clerk in the Records Office, and no RO I. Underclassification hurts in many ways; in salary, in admission to promotional examinations, in promotion and on into retirement. (Q)

22. Within the clerical classes there is widespread abuse in requiring work far beyond routine clerical work, but no adjustment is made in pay when compared with comparable duties performed by males who have different job titles. The clerical worker finds herself stuck in the secretarial ghetto. Data on California Mens Colony that I have seen indicates a total of 592 classified employees of whom 48 (8%) are female. Of the 48 positions held by women, 43 are clerical and 5 are

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medical, paramedical, or professional treatment categories. (T)

23. The needs and concerns of women employees and particularly women employees in clerical classifications concerned about their jobs are largely ignored, or agreed to and nothing is done by administrators (men) while male employees are listened to and adjustments are more promptly made. (Kubes - Grace) Guy - Grant)

24. Layoff procedures (CMC 3-71) were discriminatory in that women were demoted while less senior men retained their classifications. Red circle rates, at department discretion, were held to apply to men only. Adjustments were made for several male employees, but no adjustments were made for female employees. (C)

25. Of 119,114 employees shown on the statistical sheets (F). 48,419 or 40% are women, 70,695 or 60% are men. The mode (interval with the largest number) for men is \$1,000 - \$1,099, for women \$500-599; the median for men is 900 - 999, for women 600-699; the mean for men is 1,021.21 for women 687.23. Federal statistics show that half the working women are sole support or heads of families, from the sampling I have taken of state clerical workers, closer to 75% are sole support or heads of families.

26. SPB and administrators with paternalistic and stereotypic ideas of "men's work" and "women's work" are enforcing sex discrimination within their agencies and departments, and in the state college and university system, and the university system. (R)

27. Women who protest this discrimination in employment find themselves in threatening situations. (DA-US SLO 7-31-73) (S) (E)

28. Administrative positions are added and filled while clerical positions are cut. (Ex Staff Min)

29. We are told that the budget will not permit proper classification of our jobs. I'd like to speak to that. The budget is an administrator's estimate of what it takes to do the job. Priority is an administrative decision. Administrators must be educated to the fact that there are now legal priorities and hiring, salary, promotion, and training of women is a legal priority, especially where discrimination can be statistically shown, that in all conditions of employment equality of rights under the law shall not be denied or abridged. . .on account of sex.

## REMEDIES

As clerical employees we are not complaining about the work we do. It is important work, it keeps the business of government running, and we do it well. We are not asking for restricted duties. We are asking for full equality under the law in all conditions of employment. We are asking that the State of California obey the law.

We are asking that:

The State Personnel Board, all agencies and departments, the state college and university system, and the university system have affirmative action policies--and let us see them--that clearly state from the highest levels of state government that equal employment opportunity includes women; that goals and timetables be set and good faith efforts be made; that there be no harassment of individual employees or of the Clerical and Allied union CASE; that administrators and supervisors with paternalistic and stereotypic ideas of "men's work" and "women's work" be turned around or moved out.

That the entire clerical classification system be revised to reflect our required skills, duties, and responsibilities; that upgrading be accomplished to reflect our required work and responsibility and skills; that incumbents in the upgraded positions be certified to the higher classification in the proper step to reflect the amount of time already spent in performing the duties, and without probation.

That agencies be restrained from removing duties from women's jobs to avoid proper classification; that all new hires and all promotions be stopped until the proper pay grades for women and especially for women who are clerical employees are effected; that persons who really don't know be restrained from making decisions concerning our jobs; that lines of progression within the clerical classes be established to permit movement upward freely and without rigidity.

That all qualified persons be certified to promotional lists according to ability to perform a specific job and not in comparison with others who take the same examination (interfiling of names on lists has already invalidated the "in comparison with others") and without limiting list length; that persons be admitted to examinations when they are given and not according to the agency worked for or the location of work, when the examined class is used by many agencies; that probationary employees be admitted to promotional

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examinations; that the practice of hiring clerical employees almost always at the bottom step be revised to recognize qualifications in pay grade; that a name on a promotional list for one agency be transferred without prejudice to another agency when requested (U); that classified and exempt clerical positions permit incumbent interchange; that eligibility rules be the same for all employees; that higher qualifications not be required of one sex than the other; that more persistence not be required of one sex than the other; that examinations, oral and/or written be the same for all applicants.

That minimum salary and minimum classification requirements for entrance to examinations be rescinded as sex discriminatory because SPB statistics show that only 10% of the women employees, but 60% of the men employees are at the \$900 range or above; that where present employment practices are statistically shown to have had an adverse effect on women employed by the State of California, such employment practices by SPB, agencies, departments, and the state college and university systems be immediately revised to ensure equal employment for women and salary parity with men employees.

That employment lists be held active until used up to avoid the costly and wasteful practice of repeated taking of the same examination just to stay on the list; that shorthand certificates be held valid as long as the certified employee is continuously employed and that the only reason for repeating any examination be to raise the score.

That seniority be determined by length of state service and not length of time in class; that clerical classes be established on a ratio of 1:1 of journeyman (excuse the word) level : senior level; that there be no supervision of others and no training of others below the Supervising Clerk I level; that the phrase "may have lead responsibility" be struck from the II level specifications as it is the source of widespread abuse in clerical classifications; that increased clerical duties and responsibilities be held to justify advanced classification and more pay; that the clerical classes be so structured as to permit free movement within the classes and also free movement beyond the clerical classes; that organization charts be revised to recognize the difficulty and diversity of our duties, responsibilities and skills.

That agencies be directed to stop using status titles for clerical positions unless matched with status salaries.

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That training programs, conferences, workshops, and seminars be available to female employees in whatever classification, including clerical, on the same basis as such programs are available to male employees; that reasonable workload formulas be established and clerical positions be filled in proper classifications. That the work itself establish the classification.

That affirmative action policies for all segments of state government be brought into compliance with EEO guidelines; that only those persons fully committed to compliance be appointed compliance officers and that they work with CASE and women's groups; that women who are knowledgeable in the women's movement be appointed as compliance officers and be given authority to enforce affirmative action policies, including the upward mobility of women; that administrators and supervisors be directed to encourage women to set goals and advance toward them.

That SPB be directed to send CASE complete information in ample time when any change in clerical positions classification is contemplated. That agencies be directed to adjust from within in remedial affirmative placement of clerical employees long excluded from promotion by rigidly enforced Civil Service rules now held to be invalid.

That the Commission on the Status of Women be funded with such positions as necessary to monitor SPB QAF's and certification of lists to ensure that sex discrimination is removed as a condition of employment for women in California state service; that all state government employers be required to fully justify each case wherein a qualified woman is passed over on an employment list and that the woman be given a copy of such justification; that affirmative remedial placement of women in positions they have been excluded from because of discriminatory practices be immediately effected; that SPB be directed to supply QAF tapes to applicants without the payment of the \$10. fee.

That FEPC be adequately funded to enforce fully and promptly the Fair Employment Practice Act.

That legislation be enacted that ensures that women, including women who are clerical employees, who speak out concerning inequities in their conditions of employment be recognized as potential leaders and be encouraged to advance.

That such other remedies be enacted as may be found to be desirable to ensure full equal employment of women in California state service in hiring, salary, promotion, training, sick leave, retirement, insurance, and in all conditions of employment, either on an individual basis or for an affected class.

All things are not equal where sex discrimination exists. Eliminate it, all of it, make certain it won't return, and develop a remedy for those who have been victims to ensure that equal employment becomes a fact for all State of California employees.

We ask that this committee direct the State Personnel Board to provide CASE with quarterly and annual statistics showing M/F white and M/F minority by job classification and pay grade for state employees, the SPB Affirmative Action Policy, the Department of Corrections Clerical Classification Survey Report (Hoig-Harmon), and to declare that Affirmative Action Policies are public information.

Budgets for all departments and agencies are developed through program management techniques, that is, what resources must be provided to do the job? Many positions are thus justified on the grounds that to teach so many FTE's we will need so many instructional positions, to provide for so many inmates we will need so many correctional officers, etc. But in how many budgets is there a formula for clerical positions? Some, yes, but all? Each agency needs to make a thorough process analysis of just how many clerical positions are needed and why. Without such a formula, every time there is a budget change the result is to make the savings by cutting out clerical positions. Good management practice demands that the clerical input in job completion be a recognized and defended formula.

CONCLUSION

I have spoken at some length and in detail to point out what is happening to women in state employment. I have spoken in detail because you must have concrete information if you are to seek a remedy. Some of the abuses are legal, most are interpretive and administrative.

As you hear other testimony during your hearings, we hope that

1. You will recommend corrective legislative action to assure compliance with existing Federal and State law,
2. You will provide necessary legislation to monitor and enforce compliance,
3. You will provide necessary legislation to ensure state departments and agencies follow not only the letter of the law but the spirit as well, and finally,
4. You will exert the influence of your committee in encouraging the State Personnel Board and the personnel officers in all departments and agencies to interpret, administer, and enforce the regulations of Affirmative Action, Fair Employment, and such other legislation as is now on the books to provide equal treatment of minorities and women.

TESTIMONY BY GENE CONE  
PREPARED FOR PRESENTATION  
FRIDAY, FEBRUARY 22, AT 1:30 P.M.  
AT MEETING OF  
JOINT LEGISLATIVE COMMITTEE ON STATUS OF WOMEN  
ROOM 1138, 107 SOUTH BROADWAY, LOS ANGELES

My name is Gene Cone. I am presently an Information Officer II, employed by the California Air Resources Board.

I worked for the California Highway Patrol as an Information Officer I from June, 1968, to December, 1971. I was the first woman to be employed as an Information Officer by the Highway Patrol.

Previous to my employment with the Highway Patrol I had been managing editor of a small daily paper for 12 years. I had a total of 20 years experience in newspaper and broadcasting work. In my earliest working years I was a bank clerk in San Francisco and a stress computer in the engineering department of Consolidated Vultee Aircraft in San Diego. In all of my jobs, I have been the "first woman"--bank clerk, engineering aide, reporter, radio times salesman, city editor, managing editor, California Highway Patrol Information Officer, and more recently Information Officer II for the Air Resources Board.

I didn't plan my life this way, but the pattern is now so firmly established that I accept it--the jobs I have wanted have always been ones previously held by men, and I have been regarded as a pioneer in a personal sense or as an "experiment" in a less personal sense. "We'

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are trying women", I have been told each time--in the same spirit that some of the same people said "We are trying computers".

Incidentally, I think both women and computers have proved successful in use by banks, aircraft engineering departments, and newspapers. I do not think they are in the experimental stage any longer.

When I came to Sacramento in 1968, the Information Office was staffed by one Information Officer II, two male Information Officers I, two clerk-typists, and myself.

I would like to point out, and to emphasize, that there were attitudes, beliefs, fears,--perhaps a better word is myths--which confronted me when I arrived in Sacramento. But myths are like mists--they are easy to pass through; they have no substance of significance. But they can be viewed with fear because they are mysterious and can come between the viewer and a clear view of reality. It takes a small amount of courage--guts--or what some people might regard as nerve, brassiness or chutzpah to ignore the myths or mists and continue in one's chosen direction.

My boss, a male civilian, discouraged me at my first employment interview. I drove home to Santa Clara Valley convinced I would not get the job. He called me two days later, however, and said I had been selected. I learned that he had polled the men Information Officers and the two women clerk typists to find out if they could work with a woman Information Officer. He had great concern about the attitude of the two women in the office, both more than five years my senior, and of their feelings in doing clerical work under my direction. He worried about the attitude of the men who would have to work with me as an equal. He also warned me about how difficult it would be for a woman to be accepted by the uniformed men of the Highway Patrol. I assured him I had always worked for men, and I had supervised both men and women. I intended to cope if the Highway Patrol would let me.

I am happy to report that the California Highway Patrol not only allowed me to cope, but it enabled me to advance in my career. I am certain that it is because of my employment by the Highway Patrol that I was able to prepare myself for the additional responsibilities

of the Information Officer II position and to become the first female Information Officer II in California Civil Service.

Gentlemen--the California Highway Patrol operates "by the book". There are many "books" that determine the actions of the Highway Patrol--the Vehicle Code, the California Administrative Code, and SAM, the State Administrative Manual--to top the list. Additionally, there are procedural manuals that are, I believe, the secret to the high quality of performance for which the Highway Patrol is famous throughout the world.

A woman who is employed by the California Highway Patrol must learn to live by the book. That is not a discriminatory statement. That is a condition of a particular class that can be derived from a much broader general statement to wit, anyone employed by the California Highway Patrol must learn to live by the book.

For this reason--because this rule is applied so uniformly, constantly, and even-handedly--I believe that Highway Patrol is a better place for the professional woman to work than any other organization in State government.

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When the book says the traffic officer must be 5 feet 8 inches tall, he must be 5 feet 8 inches tall. Five feet 7 and 7/8 inches won't do. When the book says sideburns may come to the mid-point between the top of the ear and the bottom of the lobe of the ear-- that is where sideburns may be grown. When the book says traffic officers must be male--they must be male. But--and this is important-- when the book is amended to provide that sideburns may extend to the bottom of the lobe of the ear, that is okay, and no one will be hassled for extending his sideburns to that point.

When the book says that a position is open to all applicants regardless of sex, that rule is fairly applied. There is no discrimination because of sex when sex is not the issue. If the book says sex is not the issue--believe me, it is not the issue.

The California Highway Patrol places a great value on education-- continuing education--education for uniformed men of all ranks from traffic officer to supervising inspector. I was at first amazed and finally continuously impressed when working for the Patrol that the men who were advancing in rank were serious students. They had not entered the Patrol with more than a high school or junior college

education--most of them--but they were busy completing their bachelor's degree in law enforcement or public administration or their master's degree in business or public administration. The studying never stopped. They studied on their own time. The most sought after assignments were in locations near colleges and universities, so that study could be pursued more easily.

This part-time study is a long-time endeavor. It requires great dedication and commitment. The men who are moving through the leadership ranks in the Patrol are not unfamiliar to the campuses of the State. That is where they spend many of their off-duty hours.

I benefitted from this respect for education which the Patrol possesses--not because I am an educated woman--I am not. But because the Patrol encouraged me in my educational pursuits. I applied for and received CHP funding for my study. During my three and a half years with the Patrol I completed 18 units in program management at U. C. Davis extension. The final three units comprised a program management seminar in which I was required to prepare a study and analysis of some problem of the Department in which I was employed.

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It was required that this problem not be directly related to my normal work with the Department.

I conferred with Walter Pudinski, then Deputy Commissioner of the Patrol, about the assignment. Commissioner Pudinski suggested that I do a study of the problem of Distribution of Manpower of the Highway Patrol. He cleared the way for me to obtain whatever data and information I required, and he asked that I not be limited by existing conditions in my thinking but that I evaluate whatever alternatives I could discover.

I put intensive effort into that study--which I accomplished in my free time, not on State time--I learned a great deal--I received a great deal of praise for my effort from my instructors. I do not know whether the Commissioner's office has incorporated any of the concepts contained in that report in its evolving management policies. That is not the question that concerns me today.

What concerns me today is the communication of the idea that a woman who is employed by the Highway Patrol has an equal opportunity with men to gain respect if she attempts to perform to the same standards as the men. This means that she respects the books by

which the Highway Patrol is administered; that she seeks no special dispensations because of her sex; that she has the same respect for continuous education and contemporary management practices and emerging technology that the men have; that she sets high performance standards for herself; that she understands the importance of completed staff work; that she is able to communicate in concise and precise memoranda; that she understands the principles of chain of command; that she respects herself and the men and women she works with; that she demands of herself creative thinking; that she has the courage to present logical arguments for cost-effective alternatives to her superiors; and that she expects to advance in her profession.

The Highway Patrol tested my abilities fairly and objectively. The Patrol gave me assignments which banished the myths and mists not only for me but for people who worked with me--uniformed and non-uniformed.

I found when I came to the Patrol that many people, uniformed and non-uniformed--were waiting to warn me that I would be resented, and that it would be difficult to work within the Patrol. I think

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these people, these careful, fearful worriers, learned along with me. They learned to separate myth from reality.

I would like to mention a few of the assignments I was given that demonstrate the trust and respect which the Patrol offers all its employees, and which it withdraws only if the employe proves to be unworthy.

The first week I went to work for the Patrol I was assigned to handle the public information aspects of a national seminar on auto theft which the Patrol was hosting.

I took the advance text of speeches by participants from throughout the United States and made up a press packet of stories about each of the seminar sessions. I contacted local newspapers and television stations. I arranged press contacts with speakers. I prepared hometown news releases for the participants' from throughout the United States and Canada. I arranged for photographic coverage of the seminar.

All these things I accomplished in conformance with a written plan which I had prepared and given to my supervisor--the Information Officer II--for approval. He got the Commissioner's approval for my

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plan, and from there on I was on my own. The drafts of the stories I wrote went up to the head office and back with an ok for release.

The Patrol was satisfied with my performance on that first assignment. The Vehicle Theft people were satisfied. I was satisfied. And I was on my way to winning the respect of the people of the Patrol. I was being judged by my performance, not my sex.

Later assignments included writing the Motorcycle Riders Handbook; writing articles for trucking magazines, Police Chief magazine, FBI magazine, California School Board magazine, and others--all for the by-line of uniformed officials of the Patrol; planning and coordinating helicopter press days in Sacramento, the Bay Area and Indio--including all plans for personnel and physical resources and time needed to accomplish our goals; handling all public information work in connection with the Western meeting of the National Association of Motor Vehicle Administrators; working with other uniformed and non-uniformed personnel on the information-related aspects of accident reduction programs in various CHP Areas; and planning the curriculum and teaching

at classes for uniformed information traffic officers at the CHP Academy.

All of these assignments required working with uniformed men at all levels; open communication with these men; mutual trust and respect; understanding of the goals of the Highway Patrol; performance at the highest level of which I am capable; and an understanding of some of the problems of the uniformed officers.

When one works for an organization that lives by the book, one learns to communicate in terms of needs, goals and objectives. One does not wheedle, weazle, or in any way be coy.

I learned to communicate within the Patrol by defining the purpose of my assignment, its goals, and its needs. Whether the need was for assignment of three traffic officers and a sergeant, for a typewriter at an airport, for transportation, for a microphone and a camera at a remote location, or for a uniformed patrolman on a motorcycle to be at a school to appear in television footage, the Highway Patrol was ready, willing and able to provide what was needed--as long as the goals conformed to CHP policy.

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In some ways there is more red tape at Highway Patrol than in other Departments. But that red tape moves rapidly, and it assures accomplishment of goals. People in the Highway Patrol know what to do because it is written in the book. And the book is right. There is no time wasted on rediscovering the wheel; procedural manuals know all about that wheel.

In summary, I believe that a non-uniformed woman has an excellent chance for success in her career in the Highway Patrol--because the Highway Patrol lives by the book, and the book says there will be no discrimination.

She will be given no special privilege, but there will be no special barriers put in her way. If she wants to study and grow, and if she is willing to be innovative and creative, to look for better ways of doing things and to think in terms of cost-benefits of alternatives, she will advance with the Highway Patrol. If she has a problem with sexism, I think that problem will be with a myth or a mist in her own mind.

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The lessons I learned about the importance of continuing education and contemporary management practices carry over into all working assignments for the State of California in whatever Department with which one is associated. They are important to men as well as women. They are basic to success and are not sex-oriented.

If I were to make recommendations for change, they would not concern change in Highway Patrol policies.

They would be recommendations which would allow other Departments to emulate the Patrol policy of encouraging continuing education.

There are several groups of people who tend to enter State service with less than a complete professional education but who often possess the intelligence and native ability to succeed at executive levels if they obtain the necessary education. These groups include law enforcement officers, blacks, Spanish speaking minorities, people from impoverished environments, and women who were not encouraged during their school years to prepare for administrative posts.

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I believe that the State does a disservice to the people of the State and to the individuals involved when promotions are granted because of minority status without adequate educational preparation. And I also believe that the State wastes its assets if it forfeits the leadership potential of these groups because of lack of proper education. I believe that increased state subsidies for education of all disadvantaged groups--including women--would yield great benefits to the State, and to the groups, and to the individuals.

I think identification of women with a potential for leadership, and preparation of these women for leadership positions, should be a concern of all Departments of the State, and that educational funding should be available not only in law enforcement agencies but throughout the State to maximize the potential of this special group of State employees.

Feb 21, 1974

APPENDIX G  
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Joint Committee  
on Legal Equality

My name is Elizabeth Cannady. I am a first-year law student and I was an employee of the state department of justice for over eleven years, from October, 1962 to January 1974.

I advanced from a junior clerk to an Associate Data Processing Systems Analyst, so I probably shouldn't complain on my own behalf, but I could have progressed farther, but for the subconscious attitudes toward women that exist at the Department of Justice.

Much of this feeling is not realized, but it is so prevalent on all sides, that a person starting to work there, may be fairly liberal and open-minded, but find encouragement from fellow workers to become less broadminded shortly thereafter.

For instance, I was once asked why I wanted to be promoted again, I already made more money than most women. And, another time, I was told by a supervisor, that if I were considered along with a man, the

man should get the job because he was the wage-earner of the family. On still another occasion, I was told by a supervising analyst that he would not hire a woman to work for him, because a woman could not communicate effectively with law enforcement personnel in the field. My own supervisor once said he would not assign a woman to units requiring overtime, because women don't like to work over-time.

In my own case, at first I was told I needed more experience, or a man with more seniority should get the assignment, so I waited to get the experience and seniority to qualify; by that time I was hearing things like seniority and experience were no longer the criteria used, and I still didn't get the challenging assignments. I was by this time in a position that I could not qualify before an Oral Panel to be promoted on the basis of my past experience in the department. I felt helpless to combat the situation.

A woman, even an extra bright one finds, at the very least, full filling chances given to the men, or at the

worst, all initiative within her  
destroyed until she finally becomes  
the incompetent mediocre employee  
the men have always said she was.

Respectively submitted  
Elizabeth Cannady

December 28, 1973

To: Joint Committee on Legal Equality

It was brought to my attention that you were interested in experiences that women in the corrections field have had in regard to discrimination they may have encountered due to being women.

While I do not feel that I have been personally grossly discriminated against, I do not feel that over the years the women in my department have had equal treatment with men.

I have been a deputy probation officer for Fresno County for approximately 16 yrs. At the time I came to the department, there was one female senior D.P.O. She supervised the "Girls' Division". When she retired I took her job. Boys and girls services were entirely separate at that time. The men wanted no part of that unit, which explains the one senior female spot.

Since that time the system has changed and I have supervised both men and women. I am still, however, the only female senior D.P.O. in the county. We have a male chief, male asst. chief, 3 male supervising D.P.O.s, approx. 14 male senior D.P.O.s, one male director of Family Court Services and a Juvenile Hall and Youth Center run by men. I am the only female above a grade level of DPO 3, and I would be surprised if there are any female deputies elevated above that level in the near future.

Another area of concern to me has been the hiring interview. In my own interview and during many I took part in,

the woman applicant was questioned as to her plans for marriage, child bearing and child care. I have not witnessed similar interrogation of male applicants. This is of more concern to me since in my experience as a unit supervisor I have found the men in my unit to be absent with more frequency due to such things as illness, family emergencies, and even routine family duties such as accompanying spouses and offspring to doctor or school.

I also have some feeling about hiring interviews in which a strong type man is looked on favorably as being decisive, forceful and self-confident, whereas a similar type woman is looked on as overly aggressive and "coming on too strong". One very fine juvenile hall counselor was passed over for just that reason when she was interviewed for a D.P.O. position.

One last area I want to mention. I attend a lot of meetings in which I am the only female. I am constantly expected to act as secretary, minute taker, spokesman - you name it! I'm it! Although I possess absolutely no clerical skills (which should be obvious to you). It is only because I'm a woman and men expect this sort of thing to be handled by a woman.

I hope this is of some use to you and good luck!

Sincerely

/s/Mrs. C. W. (Virginia) Cornett  
1944 E. Simpson  
Fresno, Cal. 93703

I have worked for the State of California, Department of the Youth Authority, for 26 years, following 9 years of work experience in private industry. Most of that time I held various clerical positions, ranging from the entry level class of Stenographer II to the rather exalted but comparatively low salaried class of Secretary I. In late 1969, a combination of circumstances and the good will of my supervisor gave me the opportunity, rare for a clerical employee, to go into a 2-year training assignment in the class of Administrative Assistant, a substantially higher-paying class, I have been certified to that class and receiving the higher salary.

I should point out that under the civil service system, as determined by the State Personnel Board, it is practically impossible for a clerical employee, regardless of length of service or ability, to make a promotional step out of the clerical classes without being given an opportunity by her department to gain out-of-class experience through a training assignment, which not only assures recognition of qualifying experience for promotional examinations, but implies support from within one's department and from one's supervisor.

Therefore, when compared to my peers, many of whom I consider to be qualified, dedicated and experienced clerical employees, I cannot say that I have personally been singled out for discrimination either by my department or by my supervisor. I can say, however, and I do say, that the road to even this modicum of success is not an easy one to pursue; that ability, dedication to one's job, ambition and self-actualization are not enough for a clerical to succeed; that there are far too few opportunities for women to leave the clerical ghetto via the promotional route, or even by transfer out-of-class; and that management views clerical staff as a distinctly different class of people and from the narrowest viewpoint, rather than seeing them as trainee material for various staff and technician roles. I believe that this attitude primarily reflects a biased attitude of men in management toward women in general, which is expressed by keeping women (clericals) in their place (low status, low salary, no future.)

I believe that my opportunity to leave the clerical classes via promotion was partly due to being in the right job at the right time, partly due to my supervisor's faith in my durability if not my talents, and partly due to my own considerable efforts. These efforts included taking college level courses on my own time, evening and weekend study and reading agency literature, persistent examination-taking and using all means at my command to justify my qualifications to the Personnel Board at every turn.

Why are there so many women in clerical classifications? Why, indeed? Where else are they to go in the State civil service if they lack a college degree and therefore cannot qualify for such jobs as teacher, social worker, or parole agent? Many of them are capable women whose abilities and practical experience should certainly qualify them eventually for other roles that offer better remuneration and greater challenge. Clericals in the State service are expected to have a variety of skills and to perform a wide variety of services, sometimes requiring a high degree of intelligence, concentration, and tact. Whether they perform these services poorly or excellently, they are destined to remain forever within a highly compacted and depressed salary structure. The only reward for good clerical work is more work, more responsibility, but no promotion and no more money. Many of them are expected to be "office wives" or "office servants"; since they are the lowest class in the pecking order they are expected to make, fetch and serve the coffee, to take the blame when an error is made, and to be subjected to insults to their intelligence because they are not given adequate information.

Promotions within the clerical classes are extremely limited. There is little incentive for them to try. I know a number of clerical staff who continue to perform above standard year after year in the same classification. If they want to stay on the eligible list for a senior clerical position, they are required to take an examination every year--a written test and an oral interview--which requires two trips to Sacramento for each examination. Every four years they must renew their shorthand certificate if applicable to their promotional class.

In-service training is very low priority for clerical staff, and that which is offered is generally uninspired and may be grudgingly given. Clericals are rarely encouraged to participate in training sessions which pertain to the vital concerns of the department, and are more often specifically excluded.

Clerical employees become quite accustomed to being treated as nonpersons. Some of them simply accept it unquestioningly. Personally, I always resented those memos addressed to "all staff" that didn't include clerical personnel at all when it came right down to it. In fact, there are a number of double standards for clericals as compared to other classes. Just review some of the specification sheets for upper-level clerical classes. For example, the specification sheet for Secretary I reads: "Persons in the classes of Secretary I and II perform a variety of administrative tasks with a minimum of supervision in addition to the usual clerical and stenographic duties required of a secretarial position." This certainly implies that the incumbent in such a class is doing some things that are beyond the expectations of rank-and-file clerical routines. Yet if such an incumbent files to take the Administrative Assistant examination, for example, unless she has a college degree she will have her application rejected on the basis of "lack of combined education and experience." The fact that her work experience has been solely within the clerical field, regardless of how pertinent some of her duties may have been to the promotional position, disqualifies her.

When the time of year when annual raises are considered comes around, it becomes obvious that clericals have a poor image and an even poorer lobby. Often they get the lowest percentage raise given, and when the percentage is applied to the lowest salary scale, it is just as obvious that within several years they are left in the dust. This is unfair when raises are based on increased costs of living. I know darn few grocery stores that charge a lower price to clerical customers, for example, for bread.

It is time that the whole clerical system is looked at very carefully, and I believe it is most appropriate to do so in conjunction with an investigation into equal employment and promotional opportunities for women.

1/1-1968

Re: Carmen V. Riggs  
Senior Probation Officer  
Sonoma County Probation

To Whom it May Concern:

Insofar as my thirteen years with the Probation Department are concerned, the discrimination I have encountered has been mainly subtle and annoying rather than blatant or essentially serious. The more blatant forms, I encountered prior to my entry into the casework field. For example I was employed shortly after college graduation by James Lees and Sons, Carpet Company in San Francisco as a biller. I was the chief biller for the carpet division. A young man held the position of chief biller for the yarn division. We were approximately the same age, both held Bachelor's degrees, were hired within weeks of each other and did identical work except that I had six girls under my supervision while he supervised only four. After a few months I discovered that his salary was \$150 per month more than mine. I immediately inquired of my employer the reasons for this rather gross discrepancy. He explained that the young man was of more value to the company because he could eventually become a carpet salesman and it was not company policy to hire saleswomen. My irritation with this was such that I resigned after a few months and went to work for Harbor Plywood Corporation as a receptionist and biller. Unfortunately history soon repeated itself. After a year I had learned a considerable amount about plywood and formica and when one of the young countermen was promoted to a field position, I applied for the vacancy. Again I was informed that it was against company policy to place women in the sales positions. Incidentally I was the only person in the entire organization with a college degree.

My experiences in the casework field have been entirely different. I was promoted to a supervisory position in Probation on the basis of experience and merit. Although I am the only woman supervisor among seven supervisors, I cannot say that this is a result of discriminatory practice or tokenism. There have been very few openings and those that have occurred were filled by men who had both the necessary qualifications and the seniority to merit the positions.

I supervise a unit which consists of three men and four women. Because I am aware that men are often quite sensitive about working for women, I have leaned over backwards

in my efforts to avoid stepping on their delicate egos. However in spite of my efforts to be pleasant and fair in my dealings with the men in my unit, I have been "stabbed in the back" several times in the following manner. Several of the men were eventually transferred or promoted to other positions in the department and I have received feedback that they consider me to be an "agressive bitch"- "would never work for a woman again if possible"etc. One of these men was almost fired by the Chief for some misconduct and only holds his position today through my efforts on his behalf. These incidents are painful and certainly unfair, but apparently, are what a woman "boss" has to expect and learn to tolerate.

The word aggressive when applied to a man is a compliment, but quite the reverse when applied to a woman. I could not possibly do my job adequately in this kind of work if I were not, at times, fairly strong and aggressive. Some of the other supervisors would happily walk on my face and my unit would suffer accordingly if I did not speak up at appropriate moments and "hold my own" with the other supervisors. There are some who respect me for this and consider me competent and others who are quite resentful if I disagree with them on anything. This too, is apparently something which a woman "boss" must learn to tolerate. Fortunately I am self confident enough not to get ulcers over the occasional remarks I overhear or which are gleefully repeated to me.

Women in Probation generally tend to maintain a dignified manner and handle their jobs without requesting undue assistance from male co-workers. The exceptions to this are usually the very young female officers who are still playing the "feminine" game they have been taught since childhood. These officers either eventually leave the profession or slowly change as they begin to perceive that while they may receive considerable flirtatious attention from the male Probation staff, there is a contemptuous attitude running just below the surface. My pet peeve, I guess, is the "girl PO", who bursts into tears every time a client insults her and stands surrounded by clucking males offering solace for her tender, hurt feelings. If these girls could only overhear some of the comments of these same males regarding them, to the effect that the poor little thing ought to get herself a nice husband and stay home and raise kids, she might do her crying at home and maintain a dignified front in the office. One cannot have it both ways, and if one wants professional respect the so-called "feminine" wiles should be saved for the after

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hours social life. It is not necessary nor in any way desirable that women in this field become hard or masculine in manner, and I hope my remarks are not so construed. It is possible to be attractive and feminine, but one must also show strength and independence if one is to gain equal status with one's male co-workers.

It is not possible to be either the office sex-pot or a weeping willow and obtain this status. These roles should be reserved for the boudoir - not a Probation Office. The woman who cannot be satisfied unless she is desirable to every man she encounters should better settle for a non-professional type job where equal status is not an issue.

*Carmer V. King*  
*Senior Probation Officer*

JOINT COMMITTEE ON LEGAL EQUALITY

Testimony for Hearings Concerning Employment Discrimination of California State Criminal Justice Agencies

FRANCINE J. BERKOWITZ  
Criminal Justice Specialist  
Office of Criminal Justice Planning

TO: JOINT COMMITTEE ON LEGAL EQUALITY  
FROM: FRANCINE J. BERKOWITZ, Criminal Justice Specialist,  
Office of Criminal Justice Planning  
SUBJECT: Testimony for Hearings Concerning Employment Dis-  
crimination of California State Criminal Justice  
Agencies

I have been employed by the Office of Criminal Justice Planning (formerly known as the California Council on Criminal Justice) since January 17, 1972. My title is Criminal Justice Specialist and I am currently assigned to the Office's Standards and Evaluation Division. My specific duties involve management of several large contracts for evaluation of criminal justice demonstration projects and review of evaluation designs for projects.

When I began employment with the Office of Criminal Justice Planning in 1972, the Office employed approximately 100 employees. Of these 100 employees, approximately 40 were clerical staff; 60 employees were professionals whose duties involved substantive knowledge of the criminal justice system. Of these 60 professional employees, only four were female. The specific duties performed by these four female professionals included management analysis, public information, manpower and training, and research and development. It is important to note that none of these four female professionals were acting in a policy-making or administrative role. Nor were any of them given major responsibility for the development of crime control programs. Of these four female professionals, at least two had a master's degree, whereas the entire agency probably did not have more than seven professionals with master's degrees.

As of February 15, 1974 the Office of Criminal Justice Planning employs approximately 68 professional employees, four of which are

female. One of these females (a new employee; our public information person has left the agency) has a Ph.D. and is the only employee with a doctorate. Essentially, these facts suggest that the female professionals employed by the Office are well qualified. (It is my understanding that Mrs. Wallach, the person in charge of Manpower and Training has had approximately 20 years of experience in the field of criminal justice.)

In September of 1971, I took the civil service examination for my current position. Over 200 people took the examination in Sacramento, as I did. I observed at least 13 women applicants for a position with the Office. Several hundred other applicants took the examination for Criminal Justice Specialist in San Francisco and Los Angeles. I do not know how many of these applicants were women. To my knowledge, I was the only female hired as a result of administration of this examination. I attribute my high rank on the civil service list for the job to the facts that (1) my past experience working for the New York State Criminal Justice Planning Agency was directly relevant to the job, and (2) I have a master's degree in criminal justice.

It is clear to me that prior to January of this year, the Office of Criminal Justice Planning did not actively recruit female professional employees. Moreover, I believe that the image of my agency as male-dominated may have discouraged many potential female employees from seeking employment with the agency. There is no lack of qualified women in the field of criminal justice however--for example, the School of Criminology at Berkeley has a graduate program which involves many female students (about half of the students in the criminology program are female).

It is my understanding that the Office of Criminal Justice Planning is currently developing an affirmative action plan. I have not seen any versions of this plan and have been barely aware of any efforts to produce this plan. However, it is my hope that those

responsible for development of the affirmative action plan will deal with professional positions as a separate statistical entity, since statistics on the total number of female employees of the Office would not accurately represent the number of females in professional positions.

The civil service process itself is extremely discouraging to female applicants for positions in state criminal justice agencies. Few females in California have been given an opportunity to work within law enforcement agencies, yet the composition of oral boards for civil service positions, such as those for Criminal Justice Specialist positions, are dominated by male law enforcement personnel. To my knowledge, none of the oral boards has ever involved a female employee in California's criminal justice system, although occasionally female employees of the State Personnel Board are involved. It is not uncommon for a female applicant for a professional position to be verbally intimidated by oral board members with reference to her lack of actual law enforcement experience. How can a female applicant defend her qualifications if she has been denied an opportunity to gain experience in a law enforcement agency?! I have personally experienced such intimidation during an oral interview for a promotional examination within my department.

I find it rather ironic that female professionals are relegated to relatively passive roles within an organization and then are chided for their lack of responsible experience in the field of criminal justice.

WOMEN AS "OUTSIDERS" IN LAW ENFORCEMENT

by

Carla L. Foreman

Submitted to the Joint Committee on Legal Equality

The main thesis of this paper is that women are systematically discriminated against and kept out of the public law enforcement field<sup>1</sup> and that this non-participation of women in law enforcement is detrimental both to the profession and the public it serves.

When I speak about women in law enforcement in the context of this paper, I am generally referring to police-women or female deputy sheriffs: in other words "sworn" officers charged with enforcing state laws and municipal codes. I am not referring to "matrons" (who may or may not have sworn status) whose duties are of a custodial nature relating to the care of female prisoners and maintenance of female holding facilities. Nor am I referring to the large numbers of "non-sworn" or civilian workers who staff the bookkeeping and records departments, the secretarial services, the dispatchers unit and the personnel department. In a typical urban law enforcement agency, the vast majority of these civilian workers will be female. Their pay and fringe benefits are low; they do not receive educational incentive bonuses. Yet they are often better educated than many sworn employees.<sup>2</sup> In fact it is relatively easy for females to enter civilian jobs in law enforcement; but once they are in, there is no place for them to go. Promotional exams are given to males

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<sup>1</sup>Private police are an exception--more on this later.

<sup>2</sup>For example, in the Sacramento Sheriff's Dept., 85-93% of non-sworn employees are female. See footnote 5 for sources for much of above data.

from all departments. There is horizontal as well as vertical mobility for men. Not so for women; they may test only for positions that are specifically allocated by sex. Naturally there are very few positions that specifically require females. So the female civilian workers stay right where they are-- often for their entire working experience. (In the Sacramento County Sheriff's Dept. there are female dispatchers who have been on the job for 10-15 years.)

The greatest stumbling block for women, however, is patrol duty. Patrol experience is almost an absolute necessity for upward mobility in police work. For a man or a woman to be transferred out of a non-sworn position into a sworn position without patrol experience is a handicap. It will be difficult for them to command the respect of their fellow workers. They have not "paid their dues."<sup>3</sup> Yet, it is almost impossible for a woman to get patrol experience. Only a handful of police departments in the U. S. allow women on regular patrol duty. There are many reasons for this; chief among them being the prevailing attitude among male police that women are not emotionally or physically equipped to handle patrol situations.<sup>4</sup> This rationale springs from the "police ethic" discussed by researchers such as Neiderhoffer and Chevigny. The police ethic is in part the attitude of the

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<sup>3</sup>The patrol experience members of the police force have in common accounts for the extreme solidarity and secrecy at all levels. See Paul Chevigny, Police Power, New York, Vintage Books, 1969, pp. 272-73.

<sup>4</sup>This attitude completely ignores the fact that women are extensively used in private police work, i.e. as store

policemen towards any action he interprets as a threat to his authority, as requiring him to use force to compel respect for that authority he represents. Furthermore, if he does not use force to compel obedience or respect, he believes he will be jeopardizing his position and the position of all other officers who work his territory. The key factor in the police ethic is force, i. e. coercion by physical means. Women, it is argued, cannot command respect because they do not have the physical strength to exercise the force necessary to command respect. Male police feel that females would not be able to back them up in a threatening situation; that they would have to "protect" the female. The second most prevailing attitude impeding the entrance of women into patrol work is the feeling that women are emotionally unstable and therefore will be unable to stand up to the pressures of the job. Other widespread beliefs are that women's primary allegiance is to home and family, not career. After a long and costly training period, she will leave the job because of family duties, pregnancy, or husband's transfer. When confronted with the empirical evidence against these beliefs, the final argument will be brought in. "The public cannot accept women on regular patrol duty."<sup>5</sup> There

detectives. In my year of work as a store detective, I confronted and arrested all types of people, including large men who outweighed me by more than 100 lbs. Although male store employees were supposed to act as backups, they were often several hundred feet behind me and were in no way able to assist until after the subject was returned to the store.

<sup>5</sup>My information about male police attitudes toward females on patrol comes from the following sources: the female informant in the sheriff's dept., the administrative aide to the Sheriff, and an article by Theresa M. Melchionne, "Current Status and Problems of Women Police", The Journal of Criminal Law, Criminology and Police Science, Vol. 58, no.2, 1967, pp. 257-260.

is simply no appeal to this endless circle of arguments. How is the public to accept women in uniform if it never sees women in uniform? How are women to prove they can handle patrol if they are never allowed to try it? Without patrol experience, how can women enter other areas of law enforcement in substantial numbers; areas such as the investigative function, supervisory capacity, administration, training, etc.

My interview with an administrative aide to the Sheriff of Sacramento County generally reinforced what I have stated so far concerning the pattern of discrimination against women. It corroborates the information given to me by a female employee of the Sheriff's Department. The lieutenant (aide) agreed that the utilization of women in law enforcement had been very poor in the past, but emphasized that things were changing. When pressed for specific examples of how the situation was going to be improved in Sacramento, he could give few details. He claimed this was in part due to the fact that the civil service specifications for the position of female deputy sheriff had just been revised and were still at the civil service board for review. Agreeing that we could not discuss job requirements, I questioned him in other areas. He claimed that all jobs are open to women except patrol and that women would be allowed to test for any job. But he admitted that women would still be hired only for positions that specifically required a female. When I asked him how more women could be added to the dept., he said there were two ways. One way was to ask specifically that women fill

certain positions when the department next asked for additional manpower. When I asked him in what ratio women were to be added to the department, he replied that it would probably be the same ratio as at present (22 females out of 603 sworn employees). The only other way women could be added would be to turn a position formerly held by a man into a woman's job. This had been done in the case of the single female detective in the department.

As far as promotion was concerned, the lieutenant did not feel that lack of patrol experience was the main factor in holding women back. He thought it was the limited number of positions available that specified females. He emphasized that both men and women enter on the level of security services or custody work. After 2-6 months, men are transferred to patrol and training. He admitted however, that women are more likely to remain in custody and security for an extended period of time because there is no place for them to go.

Throughout our talk he emphasized that attitudes in law enforcement are changing and that the professional attitude of intellectual rather than physical confrontation is becoming the order of the day. He spoke of the decreasing importance of physical requirements for males and when I said that the professional attitude certainly reinforced the contention that females could handle patrol work as well as males, he agreed and said that the department's position on females in patrol duty could conceivably change in the next ten years or so.

In general, he seemed ill at ease in discussing the subject. He preferred to talk about law enforcement in general when speculating on changes in the status of female police, rather than admitting that there was or was not any chance for a change on the local level. When I asked him if he thought the greatest obstacle to the increased participation of women was the attitude of the male employees in the department or the attitude of the public--he answered "both." At the end of the interview, I asked him if he felt that the position of female sworn employees in the Sacramento County Sheriff Department was generally representative of women in urban law enforcement, he said "yes."

At this point, having discussed the pattern of discrimination against women in law enforcement, it would seem proper to consider the second part of my thesis; the claim that the lack of women in law enforcement is not in the best interests of society or the profession. First of all it might be appropriate to begin with the question, why should there be more women in law enforcement? I believe that a strong prima facie case can be made for the necessity for a large influx of women into the civil police force just by considering the available crime statistics contrasted with police employment figures.

## TOTAL ARREST TRENDS BY SEX 1960-70

MALE - total		FEMALE - total	
1960 --	3,156,811	1960 --	387,073
1970 --	3,968,794 +25.7% change	1970 --	675,212 +74.4% change
MALE - under 18		FEMALE - under 18	
1960 --	439,929	1960 --	77,110
1970 --	870,460 +97.9% change	1970 --	234,483 +204.1% change

It is obvious from the above data, that the crime rate for females, while still below that of males, is increasing far more rapidly. The largest increase in the female-under-18 group. Moreover, female crime is showing spectacular increases in what was formerly considered "male crime areas", i.e. the areas of violent crime--murder, robbery and aggravated assault; and the areas of property crime--burglary, larceny and auto theft. The arrest rate for females-under-18 in violent crime areas was up 276.3%. The total female rate was up 69.2%. In property crime the arrest rate in the last decade was up 255.3% for females under 18. Total female arrests were up 238.6%.<sup>6</sup>

It would seem a modest and reasonable demand to ask for some approximate correlation of sex ratios between arrest rates and police employment. If sex ratios had been established in 1960 there should have been approximately 25,634 women police out of the total of 233,034 police employed. In reality there were only 5,617 women police.<sup>7</sup> Expressed as percentages the figures would be 11% as opposed to the actual 2.4% females

<sup>6</sup> Arrest figures are from the United States Federal Bureau of Investigation, Uniform Crime Reports, 1960-70.

<sup>7</sup> Police employment figures were quoted from 1960 U. S. Census of Population in the President's Commission on Law Enforcement and the Administration of Justice, Task Force Report on the Police, Wash., Government Printing Office, 1967, p. 10.

employed.

Although no specific figures on recent employment by sex will be available until the 1970 census reports are released, the U. S. Dept. of Labor, Occupational Outlook Handbook, states that "An estimated 285,000 full-time policemen and policewomen were employed in 1968 by local government police departments. The great majority--well over 95%--were men." The handbook goes on to state "Most top ranking positions are occupied by men. Opportunities for women to advance beyond the rank of sergeant are mainly in the few police departments which have separate bureaus for women and juveniles."<sup>8</sup> It is obvious, even from the inadequate data available, that employment discrimination against women in law enforcement has continued at the same level of intensity during the past decade.

A study of the employment patterns of policewomen done by the International Association of Chiefs of Police was discussed in the Melchionne article (see footnote 5).

In a study conducted prior to the Workshop, the I.A.C.P. surveyed 161 police departments of the largest cities in 47 states. These cities serve a total population of some 70 million, or approximately one-third of the people in our nation. Yet, it was found that there were only 1,792 female police officers with full police powers employed in these jurisdictions. Many sizable cities were found to have no women police at all. Moreover, from one jurisdiction to another, there appeared to be no discernable pattern of use of women, nor any consistency in the ratio of female to male officers. As a matter of fact,

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<sup>8</sup>U. S. Dept. of Labor, U. S. Bureau of Labor Statistics, Occupational Outlook Handbook, 1970?71 ed., pp.333-334.

the percentage of policewomen to male officers in ten of the larger cities of the country ranged from a high of 24% to a low of 1/20 of 1% of the force. Very significantly, it was also found that most policewomen are supervised by male officers, and that few women have command positions at any level. (p. 257)

Moreover the case for more policewomen can be strengthened if we remind ourselves that arrests constitute a very small percentage of police working time. Studies have shown that approximately 90% of patrol time is involved in handling citizen complaints and situations of a non-criminal nature.<sup>9</sup> In most of these situations, there is a 50% chance that the citizen involved will be a female. For example, 10 out of the 14 calls observed in a 23 hour period, as described in the Cumming article on police practice, involved one or more females.<sup>10</sup> Robert Austin, a Sacramento police officer, lecturing on the CSUS campus, stated that "40% of all calls are family disturbances." Again, families are composed of males and females, yet generally only male police answer calls for assistance in family disputes.

The above data would suggest there is a crying need for a large influx of women into law enforcement just to deal with females alone. A special committee studying the young female offender (16-24 years) in California obviously did not think law enforcement agencies had an adequate grasp of the difficulties encountered in the handling and disposition of

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<sup>9</sup>Elaine Cumming et al., "Policeman as Philosopher, Guide and Friend," in Crime, Criminology, and Contemporary Society. R. D. Knudten, ed., p. 211 ff.

<sup>10</sup>Ibid.

female offenders. Among their recommendations were the following:

It is recommended that the California Association of Police Chiefs and Sheriffs, the California State Juvenile Officers' Association and the Women Peace Officers Association of California, in conferences and in service training activities provide opportunities for all police officers to have information concerning the special problems of the young female offender, since it is the regular patrol officer who must usually initiate action. . . . Police Chiefs and Sheriffs be encouraged in the development of women officers to work with the young female offender and that referral practices be strengthened.<sup>11</sup>

As for female citizens--suffice it to say that the police are under fire for their handling of the populace in general; and I hardly think their record for female citizens in particular would look any better than their general performance. Chevigny, in his investigation of police abuse in New York City, finds himself in complete agreement with McNamara's view that investigators were--

. . . struck by the extent to which the handling of relatively minor incidents such as traffic violations or disorderly disputes between husbands and wives seemed to create a more serious situation than existed prior to the police attempt to control the situation.<sup>12</sup>

Chevigny then adds, "In many of our cases, the police have gone further and caused a situation to degenerate into an argument when it was scarcely a dispute at all to begin with." These researchers agree that it is the police ethic (discussed on pages 2-3) that produces the effect of rela-

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<sup>11</sup>California Committee on the Older Girl and the Law, Summary Report 1960, p.9.

<sup>12</sup>Quoted from John H. McNamara, "Uncertainties in Police Work," The Police: Six Sociological Essays, ed. by David J. Bordua, by Chevigny, op. cit., p.137.

tively minor incidents "snowballing" into confrontations with resultant arrests and criminal charges. There is simply no available data to tell us if women fare better or worse in certain confrontations with the police, but there is evidence that the police attitude towards women, as a group, is complex. Neiderhoffer, in his discussion of the authoritarian police personality says,

While policemen have the greatest affection for women, as women, they react with hostility and resigned despair when they must face women as police clientele. . . . Women involved in police incidents are generally considered to be unreasonable, quick to take offense, even dangerous. . . . This distrust of women seems to be historical and institutionalized among men working with the law.<sup>13</sup>

This evidence of police distrust and suspicion of women, as a group, indicates that it is likely the police react to women on the basis of stereotypes just as they react to minority groups. For example, a woman walking alone at night may be suspected of being a prostitute, simply because she is a woman and alone.

It is this same ambivalent attitude that is at the base of the discrimination against women as employees. It has been reported that in the Sacramento Sheriff's Department, the widespread opinion of male employees is that a man and woman could not work on assignment as a team (for instance on patrol) without there necessarily being sexual overtones to the relationship, especially if the woman is unmarried.

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<sup>13</sup>Arthur Neiderhoffer, Behind the Shield, pp.127-128.

Any woman employee is looked upon as a potential sexual threat or as a corrupting influence on the male officer's morale.<sup>14</sup>

But I think that nowhere is the complex nature of the police attitude towards women more apparent than in the handling of rape victims. While the attitude of the police towards perpetrators of sex crimes in general is extremely harsh, there is by no means a corresponding sympathy for the victims of rape. The few victims willing to talk, report that the police interview comes close to being as humiliating and emotionally devastating as the rape experience itself. Last year there were 37,270 cases of rape reported in the U. S., according to an article in the California Living Magazine. Experts estimate that less than 20% of all rape attacks are reported to the police. The article suggests that the treatment of the victim by the police is a significant factor in the under-reporting of rape. The article documents the methods used by bay area police departments.<sup>15</sup> But from what I have been able to ascertain, the procedure and attitude of Sacramento law enforcement agencies is essentially the same. The outstanding points are these: victims are interrogated for long periods of time before being allowed to receive medical attention. There are generally no females present.<sup>16</sup> Parents are discouraged from remaining with

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<sup>14</sup>Reported by an informant in the Sheriff's Dept.

<sup>15</sup>Gail Bernice Sullivan, "Rape and its Neglected Victims," San Francisco Sunday Examiner and Chronicle, California Living Magazine, April 9, 1972, pp. 8-13.

<sup>16</sup>There is a female lieutenant assigned to homicide/rape.



**CONTINUED**

**3 OF 4**

juveniles during questioning. Victims are treated with suspicion. Details of previous sex experience are demanded. Always there is the suggestion, overt or implied, that the victim somehow "was asking for it."

Police contend that they must ask embarrassing questions to determine if there really was a rape and to prepare the victim for courtroom interrogation. But in reports in feminist literature, in rap sessions (such as those in CSUS Women's Studies classes), and in symposiums on rape, the victims are claiming that the police go much farther than an objective--detailed investigation. Women in Sacramento have reported that they have been subjected to off-color remarks, insulting suggestions about their chastity (or lack of it) and outright disbelief, especially when there was no sign of physical trauma, i.e. bleeding, abrasions, bruises, etc.<sup>17</sup> Germaine Greer held a 1½ hour symposium on rape, on nationwide television, when she hosted the Dick Cavett Show in the Fall of 1971. She brought together rape victims, criminologists, detectives, and lawyers who presented a nationwide profile of the treatment of rape victims which is in complete agreement with the situations described in the California Living article.

The questioning of rape victims is one of the most obvious duties that ought to be assigned to policewomen, and when a police agency hires women, they are often assigned to investigation who is available for questioning of rape victims in the Sacramento County Sheriff Dept.

<sup>17</sup>Reported in rap sessions in Women's Studies classes, California State University, Sacramento.

rape investigation. Other traditional areas of assignment on the investigative level are juvenile, narcotics, special details of homicide and felony assault investigation where they often act as decoys. Women are almost never assigned to arson and explosives, fugitive, auto theft, robbery or burglary departments.<sup>18</sup> Some are being used in community relations work, for example, in New York City. Traffic control or regular patrol duty is out of the question except for a handful of ultra-progressive police agencies.

To complete the discussion of my claim that the non-utilization of women in most areas of law enforcement is detrimental to both law enforcement and the public it serves, I would like to make the following assertions. Women in law enforcement would improve the public attitude towards the police. Secondly, more women in law enforcement would change the police attitude of themselves and thus improve their relations with the public. What can be said in defense of these two claims?

Let us take the first claim. Women in law enforcement would improve the public attitude. I have stated earlier in this paper that it is impossible for the public to accept women in law enforcement if it never sees women, in uniform, enforcing the law. This is the key concept to the public image problem. Half of the population in our country is female

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<sup>18</sup>Information on assignments comes largely from the Melchionne article and an article by Felicia Shpritzer, "A Case for the Promotion of Policewomen in the City of New York," Police, vol.5 no.6, July-Aug. 1961, p.57 ff. This was re-enforced by interviews with female employee and administrative aide to the Sheriff in the Sacramento County Sheriff Dept.

and this half has no way of identifying with the police. The average urban or metropolitan police agency has between one and two officers to serve each 1,000 residents.<sup>19</sup> Therefore, effective law enforcement must depend upon citizen cooperation. Citizens must report suspicious activities and crimes that are witnessed. Yet when citizens come into contact with the police, they are always male police. Who lectures on drugs in the high schools? Who lectures on traffic and safety in the grammar schools? Who gives talks to women's groups and organizations? Male police do. Where is the female police figure with which young women can identify? Women as well as men must serve as figures of authority in our society. All-male police simply re-enforce the attitude that females should stay out of things; keep to themselves. "Don't get involved--let the men handle the situation."<sup>20</sup>

The support for my second claim that women would change attitudes within law enforcement and thereby improve relations with the public comes from Chevigny's discussion of "outsiders". Chevigny sees as a partial solution "to the problem of police abuses, an attempt to bring "outsiders" into administrative positions and specialized jobs in law enforcement. Outsiders are people "with new orientation who cannot be so easily molded to the police ethic."<sup>21</sup> Although Chevigny did not suggest this, the most obvious outsider to the police ethic, I can think of,

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<sup>19</sup>U.S. President's Comm. on Law Enforcement and the Adm. of Justice, op. cit., p.9.

<sup>20</sup>I was greatly aided in developing this point by my interview with the female employee in the sheriff's dept.

<sup>21</sup>Chevigny, op. cit., p.273.

would be a woman. The police ethic is enforced by the practice of having almost all people in positions of authority rise from the ranks. Neiderhoffer has clearly shown that it is in patrol where the ethic is learned and allegiance to it is enforced.<sup>22</sup> As men move up through the ranks, they take this ethic of internal solidarity and distrust and suspicion of outsiders with them. Women as outsiders would help to break this solidarity. Men and women with specialized skills should be brought in to do specialized jobs according to the President's Commission Report on the Police.

There are critical needs in police departments for skilled specialists in such fields as fiscal planning, personnel management, law, research and planning, and science and technology. Many departments now utilize sworn personnel for all staff and technical positions, even when such personnel do not possess the requisite skill for these positions. Police administrations and operations will suffer as long as this continues to be the case. (p.124)

In addition the commission called for increasing the role women play in law enforcement.

Policewomen can be an invaluable asset to modern law enforcement, and their present role should be broadened. Qualified women should be utilized in such important staff service units as planning and research, training, intelligence, inspection, public information, community relations, and as legal advisors. Women could also serve in such units as computer programming and laboratory analyses and communications. Their value should not be considered as limited to staff functions or police work with juveniles; women should also serve regularly in patrol, vice and investigative divisions. Finally, as more and more well-qualified women enter the service, they could assume administrative responsibilities. (p.125)

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<sup>22</sup>Niederhoffer, op. cit., see especially chapters 2 and 3.

## CONCLUSION

I believe, from the information supplied in this paper, there can be no doubt but that women are discriminated against and kept out of law enforcement. What is not so obvious is the effect of this non-participation of women in law enforcement. I have tried to indicate some of the ways in which the male police ethic affects females in our society. I have also attempted to speculate on possible effects on the police if large numbers of females were ever to be introduced into the ranks. It is possible, however, that what I have proposed might not be the case if women do ever enter law enforcement in significant numbers. Women are not immune to cynicism or anomie. I know this from personal experience.

In my year as a store detective, I suffered from the same kind of disillusionment and cynicism that the rookie cop encounters in his first years on the force (detailed by Niederhoffer in Behind the Shield). Arresting shoplifters every day is not so different from some aspects of patrol work. You very soon fall into the habit of distrusting and disliking people in general. All strangers, especially in certain situations, are regarded as possible suspects. Even when you go into a store on your off-duty time, you can't help looking at people suspiciously; certain movements, certain attitudes trigger alarms in your head. You tense up. Your adrenalin starts to rise in spite of yourself. Even after two years after I had stopped detective work, I would

still get the same reaction in a store, in certain situations.

It is because of this experience that I must agree with Chevigny that patrol duty will inevitably corrupt normal liberal and humanitarian tendencies in any policeman. I believe that some gradually regain their their former natures after leaving patrol, but for the majority this is probably impossible--and what about those who never get off patrol.

So if women are to change police practices, it seems to me that it will have to be done in the manner suggested by Chevigny and the Task Force Report on the Police--through avoidance of patrol; entrance into law enforcement as outsiders.

## POSTSCRIPT

This paper was completed shortly before the release of a highly significant national study in 1972, of sex discrimination in public law enforcement, by the Police Foundation under a grant from the Ford Foundation. But I believe that the findings of the Police Foundation Study have reinforced the points I have tried to emphasize in this paper; namely, that women are initially discriminated against in hiring and once in police work, they have no upward or horizontal mobility. The needs of female criminals and victims are not being met due to present police attitudes. There has been little significant change in the status of female police in the last decade or more.

On the local level, it is interesting to note that despite the inspiring comments made about the new professional attitude of the modern police officer (e.g., brain is more important than brawn) in my interview with the aide to the Sacramento Sheriff more than two years ago, the new civil service requirements for the position of deputy sheriff adopted this year emphasize physical strength more than ever. Although testing is now open to women, these new requirements have effectively eliminated all female applicants for the academy who managed to pass the oral and written exams. It has been argued by critics of the new requirements, that well qualified male and female applicants are being eliminated by physical ability standards that many presently employed members of the Sheriff's Department could not hope to pass. Is it not possible

that the new standards were designed and adopted with the idea that they would serve as an effective barrier to virtually all future female applicants?

Carla L. Foreman  
Sacramento, California  
August 1974

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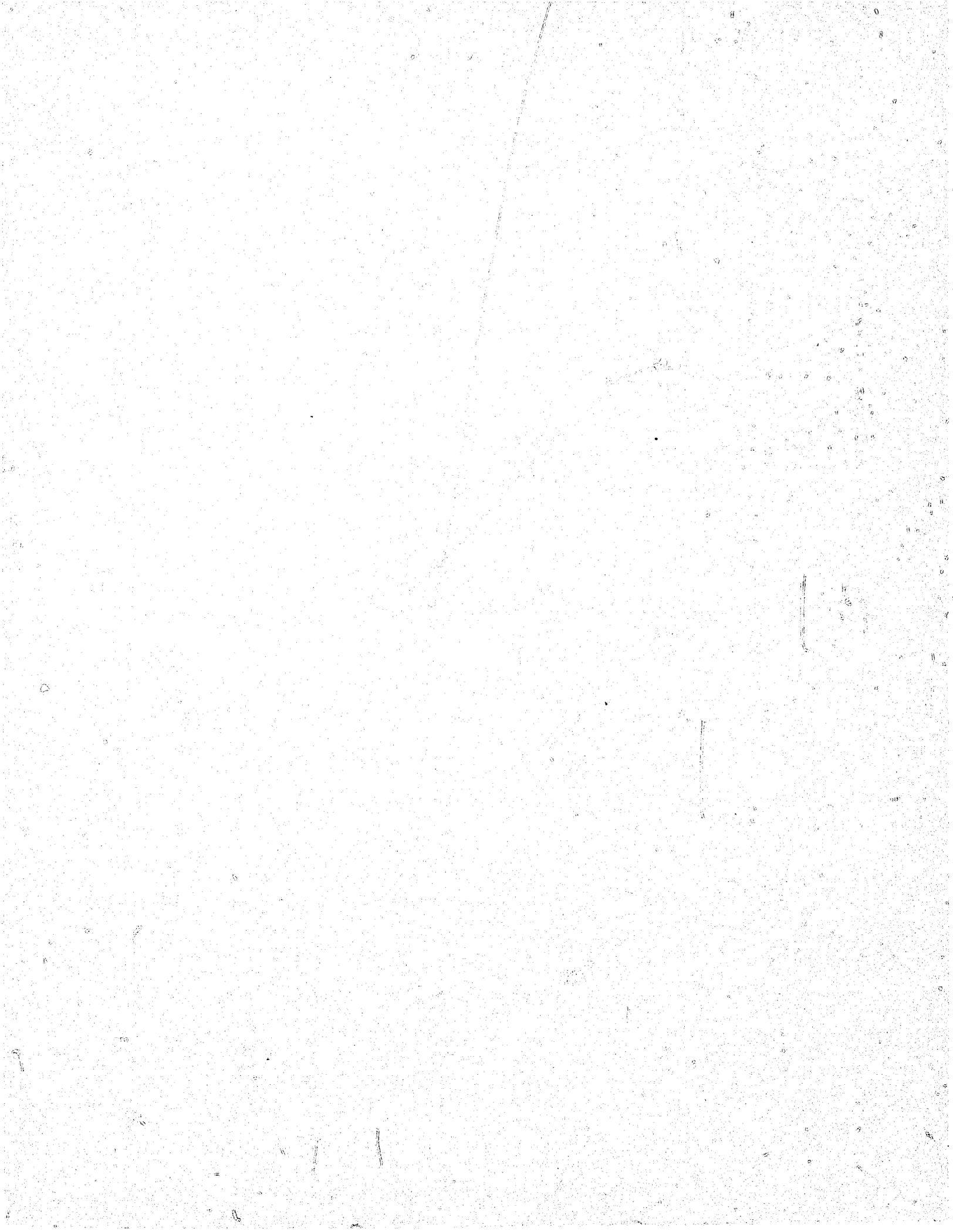
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## INTERVIEWS

Ms. \_\_\_\_\_, (name withheld), Dispatcher, Sacramento County Sheriff Department.

Lieutenant Hendrickson, Administrative Aide to the Sheriff, Sacramento County Sheriff Department



**END**