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# The accidental feminist: Iowa's breastfeeding firefighter and the national struggle for workplace equity

Sharon Marie Rose Killeen Lake  
*University of Iowa*

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THE ACCIDENTAL FEMINIST:  
IOWA'S BREASTFEEDING FIREFIGHTER AND THE NATIONAL STRUGGLE  
FOR WORKPLACE EQUITY

by  
Sharon Marie Rose Killeen Lake

An Abstract

Of a thesis submitted in partial fulfillment  
of the requirements for the Doctor of  
Philosophy degree in American Studies  
in the Graduate College of  
The University of Iowa

December 2010

Thesis Supervisors: Associate Professor Laura Rigal  
Professor Linda K. Kerber

## ABSTRACT

This dissertation is a social and legal history of one of Iowa's most controversial sex discrimination cases. The study examines the 1979 civil rights complaint of Linda Eaton, Iowa City's first woman firefighter—a white, working-class, single mother who did not consider herself a feminist. Eaton made national news and became the focus of an intense local debate when she was threatened with dismissal for breastfeeding her baby at the fire station. The president of La Leche League spoke out on her behalf, while the local chapter of NOW established a legal defense fund and spearheaded a year-long campaign of support. Mining the personal documents of community members, and using oral history interviews, manuscript collections, and legal documents, this study elevates the importance of grassroots action by demonstrating that local women's sex discrimination complaints and lawsuits were central to the dramatic transformation of workplace policies that began across the U.S. during the 1970s.

This study foregrounds the relationship of Eaton's case to Iowa City's vibrant 1970s feminist community, and to national politics. The controversy over Iowa's breastfeeding firefighter reflected and contributed to national struggles over the meaning of gender equality, particularly the complex debates about affirmative action and the Equal Rights Amendment. Because she drew support from both the feminists of NOW and the maternalists of LLL, Eaton's case highlights the problematic intersection of paid and domestic labor in women's lives, especially those of working-class women. Eaton's case critiques the masculine ideal worker standard and makes a bid for working conditions that accommodate women's biosocial role in reproductive labor.

This project draws upon previously unavailable records to offer an historical account of the first career women firefighters in the U.S. that identifies the resistance these women met as they encountered the masculine culture of firefighting in the 1970s. It highlights both the strengths and weaknesses of using law to eliminate sex discrimination in the workplace by constructing a vivid portrait of women's slow and painful struggle for full economic citizenship.

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Graduate College  
The University of Iowa  
Iowa City, Iowa

CERTIFICATE OF APPROVAL

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PH.D. THESIS

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This is to certify that the Ph.D. thesis of

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To the women who showed me the way—

My mother, Georgia Winston Killeen

and in memory of

my aunt, Lucella Ruth Hartwell



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DeGraff at DePaul University Archives, and Gail Malmgreen at the Tamiment Library and Robert F. Wagner Labor Archives. Carol Anderson helped me gain access to the records of Women in the Fire Service, which proved to be a goldmine; I am forever in her debt. I also am grateful to University of Iowa law professor Professor Patrick Bauer, who welcomed me to his office one afternoon for a valuable lesson in Iowa civil procedure.

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## ABSTRACT

This dissertation is a social and legal history of one of Iowa's most controversial sex discrimination cases. The study examines the 1979 civil rights complaint of Linda Eaton, Iowa City's first woman firefighter—a white, working-class, single mother who did not consider herself a feminist. Eaton made national news and became the focus of an intense local debate when she was threatened with dismissal for breastfeeding her baby at the fire station. The president of La Leche League spoke out on her behalf, while the local chapter of NOW established a legal defense fund and spearheaded a year-long campaign of support. Mining the personal documents of community members, and using oral history interviews, manuscript collections, and legal documents, this study elevates the importance of grassroots action by demonstrating that local women's sex discrimination complaints and lawsuits were central to the dramatic transformation of workplace policies that began across the U.S. during the 1970s.

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## INTRODUCTION: EQUAL AND DIFFERENT

Iowa City's manager Neal Berlin saw it coming. Pivoting quickly, he fled to an adjoining conference room as a cherry cream pie sailed through the air, hit the doorway behind him, and slid harmlessly to the floor. The young woman who had thrown the pie was arrested on charges of disorderly conduct as the mayor scornfully shouted, "You've done a lot for the cause of Linda Eaton!"<sup>1</sup> These events disrupted a press conference Berlin had called on Friday, January 26, 1979, to brief nearly fifty reporters from across the nation on the latest developments in a dispute between Iowa City and its only woman firefighter, Linda Eaton.

The "cause" that prompted the pie-throwing and drew a crowd of Eaton's supporters outside the press conference was gender equity. Eaton, a white, single woman returning to work from maternity leave, had requested permission to breastfeed her baby in the women's locker room at the fire station during her lunch and dinner breaks. Although firefighters engaged in all sorts of personal activities during their breaks, the fire chief had denied her request. When Eaton announced that she would nurse her baby in spite of his decision, the fire chief threatened to dismiss her. Eaton refused to back down. "I want to continue where I have been, on the job that I feel is still rightfully mine, and still be able to fit my son into my life," she told a reporter.<sup>2</sup>

A decade into the twenty-first century, working women in the U.S. continue to struggle to fit their caregiving responsibilities into their professional lives. "For men, having a family is an asset . . . for women, it is a complication," wrote journalist Lisa Belkin as she noted that both women nominated to the U.S. Supreme Court in the past

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<sup>1</sup> Curt Seifert, "Court order, fire call delay Eaton decision," *Iowa City Press-Citizen*, 26 January, 1979, 1A. Photograph and quotation in this story.

<sup>2</sup> KCRG Newsreel, 24 January 1979, No. 103, Counter 425-443, State Historical Society of Iowa, Iowa City, Iowa.

year have been single and childless.<sup>3</sup> In 2003, the *New York Times* reported that professional women (with high-earning partners) were choosing to leave the work force when they became mothers, suggesting that all that feminist fuss in the 1960s and 1970s had gotten it wrong: motherhood *was* a fulfilling career.<sup>4</sup> But a sociologist's study of professional white women who had left their jobs found that these women quit "as a last resort," and only because the limited choices their employers offered tended to marginalize them.<sup>5</sup> She discovered that many of these women missed their jobs, and concluded that if workplaces offered flexibility, mothers with professional careers would continue working.<sup>6</sup>

In 1979, the attempt of Iowa's breastfeeding firefighter to secure flexibility in her workplace drew national media attention to the Iowa City Fire Department. For nearly a week, Eaton and her fellow firefighters worked in the glare of television cameras that broadcast her confrontation with the chief—and the involvement of the local women's movement on her behalf—to a national audience. With her job on the line, Eaton turned to the law. Her case engulfed the town in controversy. The local chapter of the National Organization for Women (NOW) spearheaded a year-long campaign of support, the president of La Leche League spoke out on her behalf, and the fire department dug in its heels. A year later, with her sex discrimination complaint pending before the Iowa Civil

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<sup>3</sup> Lisa Belkin, "Judging Women: Is there a price to be paid for becoming a Supreme Court justice?" *New York Times Magazine*, 23 May 2010, 11-12.

<sup>4</sup> Lisa Belkin, "The Opt-Out Revolution," *New York Times Magazine*, 26 October 2003, 42-47.

<sup>5</sup> Pamela Stone, *Opting Out?: Why Women Really Quit Careers and Head Home* (Berkeley: University of California Press, 2007).

<sup>6</sup> A 1999 study of thirty-seven mothers working in female-dominated occupations in the field of health care also found that women gain a good deal of satisfaction from their work; their main complaint was that they needed more flexibility to accommodate their family responsibilities. See Anita Iltis Garey, *Weaving Work and Motherhood* (Philadelphia: Temple University, 1999).

Rights Commission, Iowa journalists named Linda Eaton's case one of the state's top ten stories of the year. The political and social implications of Eaton's decision to breastfeed her baby at the fire station, however, resonated far beyond Iowa.

Across the U.S., disputes about the meaning of equality—especially on the job—had grown more complex and intense during the late 1970s. Eaton's case unfolded in the context of a polarizing debate over the ratification of the Equal Rights Amendment and increasing resistance to affirmative action programs, and it became part of these contentious national struggles.<sup>7</sup> The most frequently discussed question about her case reflected contemporary concerns over national policy: was Eaton seeking equal treatment or special treatment? The bitter refrain heard across the country from Eaton's opponents was that she was making an illegitimate bid to have it both ways: equal treatment *and* special treatment.

This dissertation is a narrative history of Linda Eaton's controversial sex discrimination case that analyzes its complex relationship to the national movement for gender equity in the workplace. It explains how social and legal change unfolded from the local actions of a white, working-class, single mother (who did not consider herself part of the women's movement) and the activism of both a vibrant, grassroots feminist network and a traditional maternalist organization. Blending social history with legal

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<sup>7</sup> “The policy that has faced the most sustained and severe elite and public criticism has been the central, signature policy of the minority rights revolution—affirmative action.” John D. Skrentny, *The Minority Rights Revolution* (Cambridge and London: The Belknap Press of Harvard University Press, 2002), 340. For a contemporary analysis of the affirmative action debate, see Robert K. Fullinwider, *The Reverse Discrimination Controversy: A Moral and Legal Analysis* (Totowa, N.J.: Rowman & Allanheld, 1980).

On the ERA, see Jane J. Mansbridge, *Why We Lost the ERA*. (Chicago and London: University of Chicago Press, 1986); Donald G. Mathews and Jane Sherron De Hart. *Sex, Gender, and the Politics of ERA: A State and the Nation* (New York and Oxford: Oxford University Press, 1990); and Nancy Elizabeth Baker, “Too much to lose, too little to gain: The role of rescission movements in the Equal Rights Amendment battle, 1972-1982.” (PhD diss., Harvard University 2003), who argues that the ERA never gained support from a majority of Americans.

history, I follow the trajectory established by Nancy MacLean “to underscore what a vast difference reform legislation can make in the hands of those committed to effecting change on the ground.”<sup>8</sup> While that difference remains partial and imperfect, benefiting certain women more than others, historians agree that the landscape of economic opportunity shifted for U.S. women of all classes and races in the years following the passage of Title VII of the Civil Rights Act of 1964, which outlawed sex discrimination in the workplace.<sup>9</sup>

My central purpose is to show that women’s successes in “opening the American workplace”<sup>10</sup> during the 1970s came about, in large part, because of the efforts of local working women. The starring roles in this dissertation are filled by Iowa City women who filed sex discrimination complaints with state and federal agencies. Throughout the nation, working women used the new state and national laws in creative ways to address the specific forms of sex discrimination they experienced on the job. Using manuscript collections, legal and personal documents, and oral history interviews, I have uncovered

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<sup>8</sup> Nancy MacLean. “Response to Ken Mack—and New Questions for the History of African American Legal Liberalism in the Age of Obama,” *Law and History Review* 27, No. 3 (Fall 2009): 671-679, 673-4.

<sup>9</sup> Alice Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20<sup>th</sup>-Century America* (New York: Oxford University Press, 2001); Sara Evans, *Tidal Wave: How Women Changed America at Century’s End* (New York: Free Press, 2003); Nancy MacLean, *Freedom is Not Enough: The Opening of the American Workplace* (New York: Russell Sage Foundation and Cambridge: Harvard University Press, 2006); Dennis A. Deslippe, “Organized Labor, National Politics, and Second-Wave Feminism in the United States, 1965-1975,” *International Labor and Working-Class History* 49 (Spring 1996): 143-165; Dorothy Sue Cobble, “‘A Spontaneous Loss of Enthusiasm’: Workplace Feminism and the Transformation of Women’s Service Jobs in the 1970s,” *International Labor and Working-Class History* 56 (Fall 1999): 23-44.

<sup>10</sup> I borrow this term from the title of Nancy MacLean’s book in recognition of the fact that my work relies on hers and seeks to extend it.

the history of local campaigns for gender equity. These local struggles fueled the engine of national change.<sup>11</sup>

I also aim to put flesh and bones on the story of the fight against sex discrimination on the job. We still do not fully grasp what was required of the women who challenged employers' discriminatory practices in the 1970s—and what we owe them. Pioneering women such as Linda Eaton faced lengthy legal battles that were financially and emotionally draining. They endured the animosity of their co-workers, the hostility of their supervisors, and the pressure of unwanted media attention. They received hate mail. They feared for their physical safety on the job. Even their victories came at great personal cost. This dissertation is a testament to the courage of untold women who took up this difficult fight in all parts of the U.S., including the Midwest.

Iowa politics blends rural conservatism with a principled regard for civil liberties. In this political climate, Republicans tend to dominate, but, since the mid-1960s, Democrats have had a firm foothold.<sup>12</sup> This makes Iowa an interesting, and perhaps surprising, place to study women's activism within local, state, and national contexts. For most of the 1970s, Iowa's top state and national elected officials—both Republicans and Democrats—supported key women's rights issues such as the Equal Rights Amendment (ERA) and reproductive freedom, while the growing number of women in

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<sup>11</sup> “By exploring the interplay of top-down policy making and grassroots political activity, we can best explain the limitations and possibilities of American policy,” writes civil rights historian Thomas Sugrue. Thomas J. Sugrue, “All Politics is Local: The Persistence of Localism in Twentieth-Century America,” Ch 12 in *The Democratic Experiment: New Directions in American Political History*, eds. Meg Jacobs, William J. Novak, and Julian E. Zelizer (Princeton and Oxford: Princeton University Press, 2003), 302.

<sup>12</sup> This varies with the region of the state, however. Western Iowa is reliably conservative and Republican. Until 1988, Republicans won presidential elections in Iowa, although Gerald Ford's margin was very small in 1976. Since 1988, as social conservatives have come to power in the Republican Party, Iowans have voted for Democrats in presidential elections, with the exception of George W. Bush in 2004.

the Iowa legislature worked across the aisle to pass state legislation on women's issues.<sup>13</sup> The Iowa women's movement thrived in this environment.<sup>14</sup> The Iowa Women's Political Caucus, the largest state chapter of the National Women's Political Caucus (NWPC) for several years, lobbied successfully to pass many pieces of legislation on its ambitious agenda, and was cited within the NWPC as a model of bipartisan success.<sup>15</sup>

Iowa City, a university town situated on the Iowa River in southeast Iowa, had a population of approximately 60,000 people in 1979. The city has been home to the University of Iowa (UI) since 1847, and is still proud of its status as the first public university to admit women and men on an equal basis. The UI gives Iowa City a character that distinguishes it from the rest of the state. Iowa City residents overwhelmingly vote Democratic, for example, and many Iowa parents who sent their daughters and sons to the UI in the 1960s and 1970s expressed trepidation because of the town's reputation as a haven for hippies and radicals.<sup>16</sup> Alternative institutions

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<sup>13</sup> Republican Governor Robert Ray (1968-1982) was a strong supporter of women's rights. In the early 1970s, Iowa sent two liberal Democrats to the U.S. Senate, Dick Clark in 1972 and John C. Culver in 1974. (Both served one term only. Clark was defeated by Roger Jepsen, Culver by Charles Grassley. Jepsen was a very conservative Republican; Grassley was considered a moderate Republican when he was elected. Jepsen was defeated by liberal Democrat Tom Harkin after he served one term; Grassley remains in the U.S. Senate, as does Harkin.) Iowans sent members of both parties to Congress during the 1970s. Democrats had a majority in some years, and Republicans included some moderates like Jim Leach. On women in the Iowa legislature, see Suzanne O. Schenken, *Legislators and Politicians: Iowa's Women Lawmakers* (Ames: Iowa State University Press, 1995).

<sup>14</sup> Louise Noun, *More Strong-Minded Women: Iowa Feminists Tell Their Stories* (Ames: Iowa State University Press, 1992).

<sup>15</sup> On the Iowa Women's Political Caucus, see Barbara Louise Burrell, "A New Dimension in Political Participation: The Women's Political Caucus," Ch 14 in Marianne Githens and Jewel L. Prestage, eds., *A Portrait of Marginality: The Political Behavior of the American Woman* (New York: David McKay Company, Inc., 1977): 241-257. Burrell does not examine the accomplishments of the caucus, however, which are still to be found only in the Records of the Iowa Women's Political Caucus at the Iowa Women's Archives.

<sup>16</sup> A Republican presidential candidate has been hard-pressed to get more than 40% of the vote in Johnson County since the 1950s, when Johnson County gave strong support to Dwight D. Eisenhower. In 1972, Nixon received 41% of the vote; in 1976, Ford received 42%; and in 1980, Reagan received only 32% (with 19% voting for independent John Anderson).

flourished in Iowa City in the 1970s, including and especially those with a feminist orientation.<sup>17</sup> Even the late 1970s, best known today for the rise of conservative resistance to feminism, was an “extraordinarily active and intense” period of feminist activism in Iowa City, some of it driven by a new generation of young feminists who were energized by the national campaign to ratify the ERA.<sup>18</sup>

Although there are many excellent histories of the national women’s movement during this era, few analyze local struggles.<sup>19</sup> Scholarship on the civil rights movement is perhaps the best example of how historians have been unraveling the origins, development, and effects of a social movement by examining local flash points and communities. Scholars focusing on local civil rights movements have revealed the role of women, the centrality of the black church, the links to Black Power, and the very different trajectory of civil rights movements rooted in distinct geographic regions of the U.S.<sup>20</sup> No such rich and deep body of scholarship on the women’s movement exists.

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<sup>17</sup> See Linda J. Yanney, “The Practical Revolution: An Oral History of the Iowa City Feminist Community, 1965-1975,” (Ph.D. diss., University of Iowa, 1991).

<sup>18</sup> Quotation from interview with Sue Buckley, 14 August 2008, Iowa City, Iowa. Feminist activism in Iowa was by no means limited to Iowa City, however. While little has been written, archival documents at the Iowa Women’s Archives provide ample evidence of its existence.

<sup>19</sup> Scholarly works on the national 1960s and 1970s women’s movement that remain essential reading for the student of U.S. feminism include Sara Evans, *Personal Politics: The Roots of Women’s Liberation in the Civil Rights Movement and the New Left* (New York: Knopf, 1979); Jo Freeman, *The Politics of Women’s Liberation: A Case Study of an Emerging Social Movement and its Relation to the Policy Process* (New York: David McKay Company, Inc., 1975); Nancy F. Cott, *The Grounding of Modern Feminism* (New Haven and London: Yale University Press, 1987); Alice Echols, *Daring to be Bad Radical Feminism in America, 1967-1975* (Minneapolis and London: University of Minnesota Press, 1989); Barbara Ryan, *Feminism and the Women’s Movement: Dynamics of Change in Social Movement, Ideology, and Activism* (New York and London: Routledge, 1992); Cynthia Harrison, *On Account of Sex: The Politics of Women’s Issues, 1945-1968* (Berkeley: University of California Press, 1988); Susan M. Hartmann, *From Margin to Mainstream: American Women and Politics since 1960* (Philadelphia: Temple University Press, 1989); and Winifred Wandersee, *On the Move: American Women in the 1970s* (Boston: Twayne Publishers, 1988).

<sup>20</sup> Aldon Morris, *Origins of the Civil Rights Movement: Black Communities Organizing for Change* (New York: The Free Press, 1984); Charles Payne, *I’ve Got the Light of Freedom:*

This study of women's employment activism in Iowa City during the late 1970s builds upon scholarship emerging since 1998 that has begun to examine the women's movement through new geographical, demographical, ideological, and historical frameworks.<sup>21</sup> In her study of women's engagement with public spaces in Midwestern cities, Anna Enke finds that "feminism exceeded feminist identification."<sup>22</sup> Other recent research on non-white and working-class women reveals that their activism on issues of race and class often has feminist consequences, even if they do not consider themselves

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*The Organizing Tradition and the Mississippi Freedom Struggle* (Berkeley: University of California Press, 1995); Timothy Tyson, *Radio Free Dixie: Robert F. Williams and the Roots of Black Power* (Chapel Hill: University of North Carolina Press, 1999); Kozomi Woodard, *A Nation Within a Nation: Amiri Baraka (LeRoi Jones) & Black Power Politics* (Chapel Hill: University of North Carolina Press, 1998); Martha Biondi, *To Stand and Fight: The Struggle for Civil Rights in Postwar New York City* (Cambridge: Harvard University Press, 2003); Barbara Ransby, *Ella Baker and the Black Freedom Movement: A Radical Democratic Vision* (Chapel Hill: University of North Carolina, 2003); Chana Kai Lee, *For Freedom's Sake: The Life of Fannie Lou Hamer* (Urbana and Chicago: University of Illinois Press, 1999); Peter B. Levy, *Civil War on Race Street: The Civil Rights Movement in Cambridge, Maryland* (Gainesville: University Press of Florida, 2003); Bettye Collier-Thomas and V. P. Franklin, eds. *Sisters in the Struggle: African-American Women in the Civil Rights-Black Power Movement* (New York and London: New York University Press, 2001); and Hasan Kwame Jeffries, *Bloody Lowndes: Civil Rights and Black Power in Alabama's Black Belt* (New York and London: New York University Press, 2009).

<sup>21</sup> Kimberly Springer, *Living for the Revolution* (Durham: Duke University Press, 2004); Benita Roth, *Separate Roads to Feminism: Black, Chicana, and White Feminist Movements in America's Second Wave* (Cambridge: Cambridge University Press, 2004); Anne Valk, *Radical Sisters: Second-Wave Feminism and Black Liberation in Washington, D.C.* (Urbana-Champaign: University of Illinois Press, 2010); Judith Ezekiel, *Feminism in the Heartland* (Columbus: Ohio State University Press, 2002); Wini Breines, *The Trouble Between Us: An Uneasy History of White and Black Women in the Feminist Movement* (New York: Oxford University Press, 2006); Dorothy Sue Cobble, *The Other Women's Movement: Workplace Justice and Social Rights in Modern America* (Princeton, N.J.: Princeton University Press, 2004); Nancy Naples, ed. *Community Activism and Feminist Politics: Organizing Across Race, Class, and Gender* (New York and London: Routledge, 1998); Stephanie Gilmore, ed. *Feminist Coalitions: Historical Perspective on Second-Wave Feminism in the United States* (Urbana and Chicago: University of Illinois Press, 2008).

<sup>22</sup> Anna Enke, *Finding the Movement: Sexuality, Contested Space, and Feminist Activism* (Durham and London: Duke University Press, 2007), 5.



feminists.<sup>23</sup> By focusing on Linda Eaton, I aim to join these scholars in broadening our thinking about *who* has contributed to the women's movement.

The intersection of women's domestic and paid labor is a central theme in this dissertation. "I can nurse and fight fires," Eaton insisted. "That's not pushing feminism."<sup>24</sup> Eaton's assertion of her rights as a worker and a mother shifted the political dynamics of feminist activism in Iowa City. The case brought three organizations into alignment that usually did not work together—NOW, La Leche League, and the Iowa Socialist Party—by revealing what historian Nancy Naples has called the "false separation of productive work, socially reproductive work, and politics."<sup>25</sup> As a working-class woman, Eaton was uniquely situated to serve as a catalyst for this shift, since as Sherna Berger Gluck has argued, working-class women's activism tends to emerge from their "immediate needs"—not their "articulated gender or race or class analyses."<sup>26</sup>

Historians have demonstrated that middle- and working-class women's struggles for equity in the workplace have been central to the formation and strength of the second-

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<sup>23</sup> In addition to Enke, see Sherna Berger Gluck, "Whose Feminism, Whose History?: Reflections on Excavating the History of (the) U.S. Women's Movement(s)," Ch 1 in Nancy Naples, ed., *Community Activism and Feminist Politics: Organizing Across Race, Class, and Gender* (New York and London: Routledge, 1998): 31-56; and Janet Weaver, "Barrio Women: Community and Coalition in the Heartland," in Kathleen Laughlin and Jacqueline Castledine, eds., *Breaking the Wave: Women, Their Organizations, and Feminism, 1945-1985* (New York and London: Routledge, forthcoming 2010).

<sup>24</sup> Jerald Heth, "Firefighter told she can't nurse baby while on duty," *Des Moines Register*, 17 January 1979, 1.

<sup>25</sup> Nancy Naples, "Women's Community Activism and Feminist Activist Research," in Nancy Naples, ed., *Community Activism and Feminist Politics: Organizing Across Race, Class, and Gender* (New York and London: Routledge, 1998), 4.

<sup>26</sup> Gluck, "Whose Feminism, Whose History?" in Nancy Naples, ed. *Community Activism and Feminist Politics*, 33.

wave feminist movement.<sup>27</sup> Many scholars have analyzed working-class women's activism within trade unions, while a few have examined the use of Title VII by both middle-class and working-class women.<sup>28</sup> In this dissertation, I extend their work by examining the local case of a working-class woman who acted alone and outside the context of her labor union. My analysis gives particular attention to the relationship between middle-class and working-class activists, and to the ways in which family responsibilities complicate working women's quest for workplace equity.

Women have always been at a disadvantage in the U.S. workplace, but they have been especially penalized for their biosocial role in human reproduction. In search of a level playing field, working women and their allies have pursued two main legal strategies. Throughout the first half of the twentieth century, feminists emphasized women's difference from men and fought for protective legislation to ensure that women had sufficient time and energy to attend to family duties. With the passage of Title VII in 1964, the feminist strategy shifted to emphasizing women's similarity to men and seeking equal treatment in the workplace. This shift, however, did not represent a consensus on the merits of the equality strategy. As a result, unity between feminists for whom labor

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<sup>27</sup> Dorothy Sue Cobble, *The Other Women's Movement: Workplace Justice and Social Rights in Modern America* (Princeton and Oxford: Princeton University Press, 2004); and Nancy MacLean, *Freedom Is Not Enough: The Opening of the American Workplace* (New York: Russell Sage Foundation and Cambridge, Mass.: Harvard University Press, 2006).

<sup>28</sup> In addition to works cited in fn 27, see Ruth Milkman, ed. *Women, Work, and Protest: A Century of U.S. Women's Labor History* (Boston and London: Routledge & Kegan Paul, 1985); Nancy F. Gabin, *Feminism in the Labor Movement: Women and the United Auto Workers, 1935-1975* (Ithaca and London: Cornell University Press, 1990); Bruce Fehn, "Striking Women: Gender, Race, and Class in the United Packinghouse Workers of America (UPWA), 1938-1968" (Ph.D. diss., University of Wisconsin, 1991); and Dennis A. Deslippe, "*Rights, Not Roses: Unions and the Rise of Working-Class Feminism, 1945-1980*" (Urbana and Chicago: University of Illinois Press, 2000); Dorothy Sue Cobble, "'A Spontaneous Loss of Enthusiasm': Workplace Feminism and the Transformation of Women's Service Jobs in the 1970s," *International Labor and Working-Class History* 56 (Fall 1999): 23-44; Nancy MacLean, "The Hidden History of Affirmative Action: Working Women's Struggles in the 1970s and the Gender of Class," *Feminist Studies* 25 (Spring 1999): 43-78.

issues were a primary concern and those for whom constitutional equality was a primary concern continued to have fissures along race and class lines.

Neither protectionism nor equal rights, however, has accomplished the goal of providing equity for women in the workplace. Neither strategy addressed women's domestic and paid labor simultaneously. Protective legislation, Alice Kessler-Harris noted, had a paradoxical effect for working women. "The idea of motherhood became the object of protection in the workplace, while women who became mothers acquired no protection at all."<sup>29</sup> Women's campaigns for equality on the job also have fallen short. Although the workplace opened to women as never before during the 1960s and 1970s, formal equality benefited white, middle-class, and professional women much more than non-white women, working-class women, and single mothers. And the victories women have won in recognition of their caregiving responsibilities have been meager and few: universal child care was never funded; maternity leave remains mostly unpaid; and pregnancy was added to benefit policies reluctantly and only by analogizing childbirth to a temporary disability.

The campaign to ratify the ERA that began in 1972 heightened women's focus on the strategy of equality. Feminists across the nation downplayed women's difference from men, assuring employers that a woman was just like a man. But Eaton put women's maternal responsibilities on display and illustrated the drawbacks of this approach. Furthermore, her case showed that while the logic of the law has forced women to choose between either making claims based on equality or making claims based on difference, the reality of women's lived experience is that they are both equal to, and different from,

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<sup>29</sup> Alice Kessler-Harris, "The Paradox of Motherhood: Night-Work Restrictions in the United States," Ch 13 in *Gendering Labor History* (Urbana and Chicago: University of Illinois Press, 2007), 225. Originally published in *Protecting Women: Labor Legislation in Europe, the United States, and Australia, 1880-1920*, University of Illinois, 1995.

men. Eaton's assertion that she could "nurse and fight fires" expressed this reality succinctly and eloquently.<sup>30</sup>

Breastfeeding, an issue that was not on the agenda of women's employment rights activists during the 1970s, was on the rise in the U.S. after a long decline throughout the twentieth century.<sup>31</sup> The maternalist La Leche League, founded in 1956, had a significant role in this trend, as did the feminist women's health movement of the 1970s.<sup>32</sup> Although feminists and maternalists often disagreed on ideological questions about the role and nature of women, they shared a commitment to woman-centered and woman-controlled reproductive healthcare.<sup>33</sup> And the fact that both La Leche League and NOW supported Eaton—one because of motherhood and the other because of equality in the workplace—revealed with unusual clarity how completely domestic and paid labor are entwined in women's lives.

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<sup>30</sup> Scholars have emphasized that formal equality has never been the only strategy pursued by the second-wave women's movement. See Cobble, *The Other Women's Movement*; MacLean, *Freedom is Not Enough*; Hartmann, *The Other Feminists*; and Marisa Chappell, "Demanding a New Family Wage: Feminist Consensus in the 1970s Full Employment Campaign," Ch 12 in *Feminist Coalitions: Historical Perspective on Second-Wave Feminism in the United States*, ed. Stephanie Gilmore (Urbana and Chicago: University of Illinois Press, 2008): 252-284.

<sup>31</sup> Breastfeeding rates in the U.S. hit their all-time low in 1971, when only 24% of new mothers nursed their babies at birth. By the early 1980s, this figure had risen to nearly 60%.

<sup>32</sup> Scholars have described LLL as a maternalist organization because it promotes the work of mothering as a social good and encourages women to be full-time mothers by relying on the support of breadwinning husbands. For LLL, this sexual division of labor within nuclear families is both natural and practical. On LLL philosophy, see Bernice L. Hausman, *Mother's Milk: Breastfeeding Controversies in American Culture* (New York and London: Routledge, 2003); Jule DeJager Ward, *La Leche League: At the Crossroads of Medicine, Feminism, and Religion* (Chapel Hill and London: University of North Carolina Press, 2000); and Christina Bobel, *The Paradox of Natural Mothering* (Philadelphia: Temple University Press, 2002).

<sup>33</sup> On the vexed relationship between LLL and feminism, see Linda Blum and Elizabeth Vandewater. "Mother to Mother: A Maternalist Organization in Late Capitalist America." *Social Problems* 40, no. 3 (August 1993): 285-300; and Christina Bobel, "Bounded Liberation: A Focused Study of La Leche League International." *Gender & Society* 15, no. 1 (February 2001): 130-151.

In the U.S., working-class women and the practice of breastfeeding have both been shrouded in misperceptions about sex and sexuality. When middle-class feminists initiated fights for workplace justice in the mid-1960s, many thought of the issues surrounding sexuality as secondary to their struggle, and distinct from it. But men's control of women's economic resources is deeply linked to their control of women's sexuality. Eaton was subjected to attacks on her moral character by those who portrayed her as a prostitute, as a pervert who breastfed her baby for sexual gratification, and as a woman who sexually provoked men in her place of employment. Eaton's case reveals why the feminist fight for equality at work cannot be separated from women's fight to control their sexuality.

Firefighting, a masculine culture steeped in a long history of sexually objectifying women, is also key to Linda Eaton's story. Since the nineteenth century the fire house has been a male domain, where the twenty-four hour shifts create a distinctive work environment in which strong male bonds form among firefighters. Women were not admitted to paid municipal fire departments in the U.S. until the mid-1970s, and the few who were hired were seen as disruptive of, and unassimilable to, the masculine culture of firefighting. While most blue-collar work sites that hired women in the 1970s did so grudgingly, women's entry into firefighting has been slower and even more contentious than their entry to other male professions such as police departments and the construction trades. As Ruth Milkman has noted, however, we cannot understand male resistance to women co-workers by relying on broad explanations of "hegemonic patriarchy;" rather, we must examine the specific historical circumstances that shaped the men's reactions.<sup>34</sup>

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<sup>34</sup> Ruth Milkman, *Gender at Work: The Dynamics of Job Segregation by Sex during World War II*, (Urbana and Chicago: University of Illinois Press, 1987), 158. "The interests of male workers, then, rather than being determined outside the workplace by a hegemonic patriarchy, can work for or against women workers depending upon the characteristics of the industrial setting. Thus, the analysis of distinct industrial structures not only helps explain why women were concentrated in particular occupations and industries, but also illuminates the dynamics of political struggles over the sexual division of labor, past and present." Although

Scholarly work on twentieth-century firefighting is limited and attention to women firefighters scarcely exists.<sup>35</sup> My dissertation examines women's entry to the fire service in relation to other historic changes in firefighting. In 1974, Congress established the National Fire Prevention and Control Administration (now the United States Fire Administration), and the U.S. fire service began to professionalize. New equipment, new firefighting techniques, new duties, new entry-level qualifications, and new co-workers brought enormous changes to the fire service. My analysis of the Iowa City firefighters' resistance to Linda Eaton includes examining the ways in which that resistance was bound up with national changes in the fire service as well as political dynamics in Iowa City.

Because fire departments across the nation have been sites of affirmative action struggles, (and because Linda Eaton's hiring was a direct result of Iowa City's affirmative action program), the Iowa City firefighters' resistance to her was also caught up in national campaigns against affirmative action programs. These campaigns heated up considerably following a landmark 1978 U.S. Supreme Court decision, the first to consider the legality of an affirmative action program. In that decision, the court found that the admissions policy of the University of California–Davis School of Medicine, which set aside a percentage of slots for minority students, was illegal.<sup>36</sup> Opponents of

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Milkman is speaking of industrial workplaces, I believe that her point applies to the public sector as well.

<sup>35</sup> See a sociologist's study of the Oakland Fire Department, Carol Chetkovich, *Real Heat: Gender and Race in the Urban Fire Service* (New Jersey: Rutgers University Press, 1997), and a national study of black women firefighters' experiences during the 1990s, Janice Yoder and Patricia Aniakudo. "Outsider Within' the Firehouse: Subordination and Difference in the Social Interactions of African-American Women Firefighters," *Gender & Society* 11, no. 3 (June 1997): 324-341. For the memoir of a San Francisco woman firefighter, see Caroline Paul, *Fighting Fire: A Personal Story* (New York: St. Martin's Press, 1998).

<sup>36</sup> *Regent of the University of California v. Bakke*, 438 U.S. 265 (1978). Six separate opinions were written in this "famously tortured" 5-4 ruling, demonstrating that the court was as divided as the nation on this issue.

affirmative action found this encouraging, and they redoubled their efforts to eliminate the use of gender or race from employment decisions.

My study seeks to make two contributions to the historical literature that examines these late 1970s affirmative action struggles. First, in contrast to most studies of affirmative action, which examine its administrative, legislative, and judicial history, I find that integrating social history with legal history helps us to understand better the adoption of, and the resistance to, affirmative action policies.<sup>37</sup> Second, by linking the affirmative action and ERA debates, Eaton's story illuminates the process by which the liberal tradition of equal rights became the banner of conservative resistance to initiatives on behalf of gender and racial justice.

The wider national ramifications of Eaton's case are intimately bound up with the development of sex discrimination law in Iowa. Historians have analyzed landmark sex discrimination cases handled by the U.S. Equal Employment Opportunity Commission, and explained the development of sex discrimination law at the national level.<sup>38</sup> These

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<sup>37</sup> For one of the few social histories of workplace resistance to affirmative action, see Dennis A. Deslippe, "'Do Whites Have Rights?': White Detroit Policemen and 'Reverse Discrimination' Protests in the 1970s," *The Journal of American History* 91, Issue 3 (December 2004): 932-960.

The studies of affirmative action that I have found most useful include John D. Skrentny, *The Ironies of Affirmative Action: Politics, Culture, and Justice in America* (Chicago and London: University of Chicago Press, 1996) and *The Minority Rights Revolution* (Cambridge and London: The Belknap Press of Harvard University Press, 2002); Terry H. Anderson, *The Pursuit of Fairness: A History of Affirmative Action* (Oxford and New York: Oxford University Press, 2004); Paul D. Moreno, *From Direct Action to Affirmative Action: Fair Employment Law and Policy in America, 1933-1972*. Baton Rouge: Louisiana State University Press, 1997); and Anthony S. Chen, *The Fifth Freedom: Jobs, Politics, and Civil Rights in the United States, 1941-1972* (Princeton and Oxford: Princeton University Press, 2009), which locates the origins of affirmative action policies in 1940s-1960s resistance to fair employment legislation.

<sup>38</sup> Marjorie A. Stockford, *The Bellwomen: The Story of the Landmark AT&T Sex Discrimination Case* (New Brunswick and London: Rutgers University Press, 2004); Lois Kathryn Herr, *Women, Power, and AT&T: Winning Rights in the Workplace* (Boston: Northeastern University Press, 2003); Emily Zuckerman, "The Cooperative Origins of *EEOC v. Sears*," Ch 11 in Stephanie Gilmore, ed. *Feminist Coalitions: 225-251*. On developments in sex discrimination law in the late twentieth century that were not in the employment area, see Chs 4

accounts do not include the pivotal role of local women and state law in this process, however. This dissertation examines the development of sex discrimination law in Iowa where, under the direction of a feminist assistant attorney general, it developed more quickly than federal law, and influenced changes in the federal law.

Research directed at the local level, moreover, allows us to identify the specific employment conditions that led women to create new remedies for the types of discrimination they encountered. Before the U.S. Supreme Court recognized disparate impact in 1971, before Congress outlawed pregnancy discrimination in 1978, before the comparable worth movement began in the early-1980s, and before the U.S. Supreme Court defined sexual harassment as illegal in 1986, women in Iowa City were filing claims based on these concepts. Because sex discrimination complaints are not made public, and files are discarded, the history of complaints that were never heard in a court of law—such as Eaton’s and those made by other women in Iowa City during the 1970s—is hard to document. It is out of this local history, however, that significant shifts in state and national law have come.

Local campaigns to eliminate sex discrimination also help us see that many women did not seek “formal equality” as such. In fact, in their struggle for gender equity, law was often a last ditch option that dictated the limited terms upon which working women could make their claims. Ultimately, research at the local level allows us to see how imperfect the law is as an instrument for fully addressing the forms of discrimination women faced.<sup>39</sup>

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and 5 in Linda K. Kerber, *No Constitutional Right to be Ladies: Women and the Obligations of Citizenship* (New York: Hill and Wang, 1998).

<sup>39</sup> “Law inadequately mirrors social life . . . When historians move from legislation and case law to social history, the law appears an imperfect instrument to adjudicate the complexity of experience and identity.” Eileen Boris, “The Gender of Discrimination: Race, Sex, and Fair Employment,” Ch 16 in Sibyl A. Schwarzenbach and Patricia Smith, eds. *Women and the United States Constitution: History, Interpretation, and Practice* (New York: Columbia University Press, 2003), 275.



Eaton's case showed the shape of the challenge still to come. Fairness for women in the workplace could not be gained through a strategy of legal equality alone because formal legal equality ignores women's distinct biological role in reproduction, and also ignores their ideologically and culturally shaped social role in caregiving. This is because the law takes what historian Joan Williams has called "the ideal worker" as the norm, and allows women an "equal opportunity" to participate and succeed within this category.<sup>40</sup> But the ideal worker is a masculine construct: he has a wife, he does not manage his personal life, and he is not responsible for childbearing or childrearing. The law's emphasis on formal equality made it difficult for Eaton and others to claim a right to breastfeed in the workplace.<sup>41</sup> But working women dare not relinquish their claims on equality either, for without it, Eaton would not have become a firefighter in the first place. From the vantage point of 2010, we can see Eaton's claim as an early, local example of family responsibility discrimination—a legal concept that is just beginning to gain national recognition—but which, in 1979, was truly a problem that had no name.<sup>42</sup>

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<sup>40</sup> Joan Williams, *Unbending Gender: Why Family and Work Conflict and What to Do About It* (Oxford and New York: Oxford University Press, 2000).

<sup>41</sup> In 1979, the same year Linda Eaton sought permission to breastfeed at the fire station, Janet Dike, a kindergarten teacher in Florida, was forced to take an unpaid leave of absence after her supervisor ordered her to cease nursing her baby during her lunch break in a private location. Dike sued. The district court dismissed her claim as frivolous, but the U.S. Fifth Circuit Court of Appeals reversed the lower court, finding that breastfeeding was a right that merited constitutional protection. It blunted that right, however, by noting it should be balanced against an employer's right to make reasonable rules. Back in district court, the judge applied the lowest form of scrutiny to find that the school district's restrictions on breastfeeding were reasonable, as have subsequent courts. What began as a hopeful ruling rendered Title VII useless as a way to fight breastfeeding restrictions at work. See *Dike v. School Board of Orange County Florida* 650 F.2d 783 (5<sup>th</sup> Cir. 1981).

<sup>42</sup> For information on family responsibility discrimination suits, see WorkLife Law at: <http://www.worklifelaw.org/>

Chapter One opens the study by introducing the conflict between Eaton and the fire chief, and the resulting rapid surge of support offered by local women's groups. In 1979, Iowa City's college-educated, white, middle-class feminists were engaged in the national effort to ratify the ERA; they were unwilling to tolerate what they considered to be a "blatant" example of sex discrimination in their backyard.<sup>43</sup> At the same time, the firefighters, aggrieved by the city's affirmative action policies, threatened to file a reverse discrimination lawsuit if the fire chief granted Eaton's request. I introduce Eaton with biographical details of her early life, seeking to explain the complicated path that led her to become a standard-bearer for a feminist cause. Although Eaton denied that she was a feminist, she came of age with a culture of expectations that had been created by the women's movement, and that offered new opportunities and new challenges for a working-class woman in a Midwestern college town.

Chapters Two and Three move inside the fire station to explore why the fire service was a particularly difficult place to negotiate issues of gender during the 1970s. In Chapter Two, I use previously unavailable records from a national organization of women firefighters to analyze the gender, race, and class assumptions underlying the masculine culture of firefighting that Eaton and other pioneering women encountered as they became the first career women firefighters in the U.S. Working-class job sites such as fire departments created particular tensions for women who, in such settings, sometimes felt forced to choose between their class and gender loyalties, and whose physical appearance, sexuality, and marital status were factors in their reception on the job.<sup>44</sup>

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<sup>43</sup> The population of Iowa City was nearly 98% white in 1970.

<sup>44</sup> Dennis A. Deslippe, "'We Had an Awful Time With Our Women': Iowa's United Packinghouse Workers of America, 1945-75," *Journal of Women's History*, Vol. 5, No. 1 (Spring 1993): 10-32; Interview with Betty Talkington in Louise Noun, *More Strong-Minded Women: Iowa Feminists tell Their Stories* (Ames: Iowa State University Press, 1992): 203-214. Talkington cites a specific example of when women in the Cedar Rapids local of the International

Chapter Three extends this analysis of gender, class, and firefighting as I examine how conflicting notions of equality played out in fire stations across the nation during the 1970s. I give special attention to the campaign waged by Local 610 of the International Association of Fire Fighters (IAFF)—the firefighters’ union in Iowa City—to have Eaton removed from the fire department.<sup>45</sup> As women firefighters across the nation used the law to overcome men’s resistance to their presence on the job, male firefighters clung to the physicality of their profession and stereotypes about women’s lack of physical strength to attempt to exclude women from the profession.

The employment activism of local women from late 1960s to late the 1970s changed working opportunities and conditions for women in Iowa City. Chapter Four examines this history, which preceded Eaton’s case and helps explain both her presence in the fire department and the support she received when she chose to breastfeed. Focusing on women’s employment activism reveals fully elaborated networks that linked feminists at the UI with those in the local community, and which were central to the size, scope, effectiveness, and organizational resourcefulness of the women’s movement in Iowa City. This analysis highlights the centrality of coalitions to the success of the local women’s movement. Eaton’s attorney, Clara Oleson, plays an especially significant role in the story. She was a leading advocate for working women at both the UI and the City of Iowa City. Oleson linked labor activists with feminist activists across the community, and helped shape the emerging sex discrimination law in Iowa.

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Brotherhood of Electrical Workers (IBEW) split over a pay raise plan—some supported a plan that benefited women workers, while others “fought for their husbands’ salaries.”

<sup>45</sup> Although the IAFF and Local 610 have a long history of advocating better pay and working conditions, firefighters’ unions resisted the changes introduced by the civil rights revolution in employment. Paul Rockwell, “Fighting the Fires of Racism: Blacks Challenge the I.A.F.F.,” *The Nation*, 11 December 1989, 714-717; Dennis A. Deslippe, “Organized Labor, National Politics, and Second Wave Feminism” *International Labor and Working-Class History* 49 (Spring 1996), 146. Deslippe notes that “craft unions excluded women in many cases and ignored most in their ranks.”

Local activists provided resources that allowed Eaton to wage her year-long battle with the city. In Chapter Five, I analyze the interlocking support of three very different organizations (NOW, La Leche League, and the Iowa Socialist Party), to reveal how the issue of breastfeeding at work brought them together. By linking Eaton's paid and domestic labor, her case bridged the ideological differences among feminists, maternalists, and socialists, while pointing to complexities that the legal category of equality could not reach. Indeed, the case offers an opportunity to study the larger importance and the challenging dynamics of political coalitions organized on behalf of working-class women, which are more visible at the local level because the struggles of working-class women often remain local.

And finally, in Chapter Six, I examine Eaton's case from a statewide perspective, tracing the history and development of the Iowa Civil Rights Act, which Eaton used to challenge sex discrimination on the job. Iowa law was several paces ahead of federal sex discrimination law, especially in the area of pregnancy discrimination, and helped fuel the grassroots effort that resulted in the passage of the Pregnancy Discrimination Act in 1978. Women's rights activism in Iowa is closely linked to earlier political developments such as the African American movement for racial justice and the fight for reapportionment, an important national civil rights issue of the 1950s and 1960s that gave urban residents—blue-collar workers, union members, African Americans, immigrants—the equitable voice in state politics that they had long been denied.<sup>46</sup>

My title, "The Accidental Feminist," has two meanings. First, Eaton's public announcement of her decision to disobey the fire chief transformed her into a visible advocate for working women's rights. But it was accidental in the sense that she had

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<sup>46</sup> In Iowa, women also reaped the benefits of reapportionment; several women were elected in the late 1960s to fill newly-created legislative seats in urban districts. These women did not have to face incumbents, giving them a much better chance of getting elected.

never participated in any women's rights organizations, rejected the term feminist, perceived herself to be fighting a personal battle for herself and her son, and was unprepared for the intense media attention she received. Second, Eaton's actions spurred a larger, distinctive political campaign for a women's issue that connected working mothers with stay-at-home mothers, social conservatives with explicitly political feminist women, and socialists with middle-class maternalists. By using legal tools to fight for gender equity in the workplace, Eaton became an accidental feminist as she ignited a grassroots feminist coalition of support. In the process, she struggled in a very public, political way to manage the contradiction between middle-class feminist values and working-class cultural commitments, and the paradox of being equal to, and different from, her male co-workers at the fire station.

The story of how feminism changed life in the U.S. has yet to be fully told. In particular, the grassroots activism of local women, which was responsible for the widespread social and legal change that transformed U.S. workplaces, remains largely unexamined. Local women relied on national resources, but they adapted them in response to the specific circumstances they confronted. Looking at the grassroots, we see that the women's movement unfolded, not as a grand plan, but through unexpected twists and decisive turns in women's lives. We see what those women saw—new possibilities within reach, the end result unknown. And we see why, in 1979, a breastfeeding firefighter brought the nation to the door of the Iowa City Fire Department: to see just how far and how fast the world was changing—and what might happen next.

CHAPTER ONE: LOCAL STORY/NATIONAL NEWS: IOWA'S  
BREASTFEEDING FIREFIGHTER

Reporters began gathering in front of the fire station in downtown Iowa City long before sunrise on the morning of January 22, 1979. The reporter for the ABC-affiliate television station in nearby Cedar Rapids, Iowa, knew the story must be big because her station, KCRG, had assigned an additional cameraman to accompany her. Even more surprising, KCRG put them both up in a hotel in Iowa City, only twenty miles away. The KCRG team was using video cameras, a new technology in the late 1970s, and the batteries did not hold their charge very well in low temperatures. The station, therefore, paid for two hotel rooms in Iowa City to shorten the time the batteries would be exposed to freezing temperatures on that snowy January morning. The reporter and cameraman charged the batteries all night long. They did not intend to miss the shot, since their footage might well run on ABC's evening news program, *World News Tonight*.<sup>1</sup> It was an opportunity a local reporter might wait for her entire career.<sup>2</sup>

The story that drew the network's attention was a showdown between Iowa City's only woman firefighter, Linda Eaton, and the fire chief, Robert Keating. Eaton, a single woman, was returning to active duty following the birth of her son, and she planned to breastfeed her baby at the fire station during lunch and dinner breaks. Chief Keating, however, with the support of Iowa City's administrative officials, had warned Eaton that she would lose her job if she breastfed her son in the fire station. Eaton had not backed down. She stated publicly that since the chief had not given her a good reason for his no-

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<sup>1</sup> The story did run on *World News Tonight*. It was reported by Chicago-based co-anchor Max Robinson, the first African American anchor of a national television news program.

<sup>2</sup> Information in this paragraph from interview with former KCRG reporter Aleda Feurbach and former KCRG cameraman Bob Hardy, conducted by author on 4 September 2007 in Iowa City, Iowa; and from interview with former KCRG reporter Doug Krile conducted by author on 3 January 2008 via telephone. All interviews cited in this dissertation were conducted by author and are in possession of author unless otherwise noted.

nursing rule, she intended to breastfeed her son during her lunch break at the station. Although some complained that Eaton was “pushing feminism” on the Iowa City Fire Department, she denied the charge. She simply wanted to provide her child with the best nutrition possible, she stated, and keep her good-paying job with the fire department. She didn’t see why she should be forced to choose between the two. Firefighters have unassigned time during their twenty-four hour work shifts, which they use for many sorts of personal activities such as reading or watching television, she pointed out. She wanted to use hers for breastfeeding.<sup>3</sup>

The dispute between Eaton and Chief Keating quickly became a larger battle. After the chief informed her that she could not breastfeed at work, Eaton sought legal assistance. The Women’s Resource and Action Center (WRAC), a local organization at the heart of Iowa City’s active feminist community, referred Eaton to an attorney who did pro bono work for the local chapter of the National Organization for Women (NOW), and both organizations immediately began generating support for Eaton within their extensive networks.<sup>4</sup> Iowa City’s firefighters, meanwhile, announced that they were “behind the

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<sup>3</sup> Jerald Heth, “Firefighter told she can’t nurse baby while on duty,” *Des Moines Register*, 17 January 1979, 1A; “Woman firefighter can’t nurse her child,” *Iowa City Press-Citizen*, 17 January 1979; Jerald Heth, “Working Mom Again Told No Nursing,” *Des Moines Register*, 18 January 1979, 3B; and Rod Boshart and Roger Thurow, “Firefighter rejects city’s job ultimatum,” *The Daily Iowan*, 19 January 1979, 1.

<sup>4</sup> Minutes of Johnson County/Iowa City National Organization for Women (JC/IC NOW) Board meeting, 17 January 1979, Records of JC/IC NOW, Box 1, Iowa Women’s Archives, University of Iowa Libraries, University of Iowa, Iowa City, Iowa (cited hereafter as IWA).

The Women’s Resource and Action Center (WRAC) was the first women’s organization housed in a physical location in Iowa City. (Originally named The Women’s Center, it opened in a quonset hut in Finkbine Park in 1971.) WRAC is associated with the University of Iowa, but has always served the broader community as well, and continues, to this day, to be a major local feminist center. Local women involved in WRAC during the late 1970s and 1980s include Linda McGuire who served as coordinator from 1976-1980 (now a dean at UI College of Law) and Sue Buckley who served as coordinator from 1983-1989 (now vice-president for human resources). The Johnson County/Iowa City chapter of National Organization for Women (JC/IC NOW), in contrast, had been revived just before the Eaton situation arose, and, after an active decade, again fell into a moribund state. Some of the active members of JC/IC NOW from that time have gone on to positions of prominence, such as Johnson County Attorney Janet Lyness.

chief 100 per cent as far as the nursing is concerned.”<sup>5</sup> Eaton’s attempt to breastfeed at work, complained the secretary of the Iowa City Association of Professional Firefighters (Local 610 of the International Association of Fire Fighters), “is making a mockery of our profession.”<sup>6</sup> Firefighters’ wives spoke out. If Eaton could breastfeed at the fire station, one firefighter’s wife reasoned, the wives should “be allowed the same privacy to enjoy the company of our husbands” at the fire station.<sup>7</sup> Before Eaton had even returned to work, both sides believed the issue was worth fighting for.

The fire department claimed that Eaton was seeking special privileges by asking to breastfeed in the fire station, while Eaton claimed that she was seeking an equal right to use her unscheduled time for a personal activity. In 1979, the term “special privileges” signaled opposition to the principles of affirmative action. As the economy worsened and the fight for jobs increased, white males increasingly attacked affirmative action policies that were bringing women and minorities into workplaces, such as fire departments, for the first time. Affirmative action programs did not promote equality, they charged; instead, affirmative action policies discriminated against white males by granting special privileges to women and minorities.<sup>8</sup> The Eaton story raised these pressing issues in an unlikely tale about “Iowa, boobs, and firefighting” that, ABC believed, was worth covering.<sup>9</sup>

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<sup>5</sup> Statement made by the secretary of the firefighters’ union, Richard Craig. See Ford Clark “Confrontation seen as support grows for Iowa City firewoman,” *The Cedar Rapids Gazette*, 19 January 1979, 3A and Boshart and Thurow, “Firefighter rejects city’s job ultimatum,” *The Daily Iowan*, 19 January 1979, 1.

<sup>6</sup> Ibid.

<sup>7</sup> Clark, *Cedar Rapids Gazette*, 19 January 1979.

<sup>8</sup> For a good general history of affirmative action, see Terry H. Anderson, *The Pursuit of Fairness: A History of Affirmative Action* (Oxford and New York: Oxford University Press, 2004).

<sup>9</sup> Interview with Hardy and Feurbach, 4 September 2007.



When the KCRG news team arrived at the fire station in the frigid, pre-dawn hours of January 22, they encountered a handful of picketers and at least two dozen reporters milling about. The temperature was only 14° Fahrenheit that morning, the air was icy cold, and snow was piled six feet high. A blizzard the previous week had dumped nearly eighteen inches of snow on Iowa City and surrounding areas. Schools and businesses had closed, Iowa's governor asked for federal assistance clearing roads and dropping feed to livestock, and the county engineer stated that rural roads might have only one lane open until spring. Now, just as Iowa City had finished clearing the streets, another snowstorm was predicted for Monday night. Undaunted by the harsh weather, however, picketers marched in front of the fire station to show support for Eaton, while the KCRG reporter and cameraman took shelter in a doorway on the north side of the station and waited, in the dark.<sup>10</sup>

The local cameraman eventually struck up a conversation with ABC's national field producer. To his surprise, he discovered that the producer knew what time Eaton would be arriving, what kind of car she would be in, and what direction she would be coming from. Armed with this information, he now knew when and where to set up his camera. Eaton arrived as predicted just before seven o'clock and while other reporters scrambled to get into position for a good shot, KCRG was ready to go. Reporters wielding microphones and cameras crowded around Eaton as she walked briskly from the car to the station. They called out questions, but Eaton kept walking, disappearing through the side door of the fire station.<sup>11</sup>

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<sup>10</sup> Interview with Hardy and Feurbach, 4 September 2007. Details about the weather from *Iowa City Press-Citizen*, 17 January 1979 and 22 January 1979; and *Cedar Rapids Gazette*, 25 January 1979.

<sup>11</sup> Interview with Hardy and Feurbach, 4 September 2007; KCRG newsclips, January 22, 1979, Tape number 103, State Historical Society of Iowa, Iowa City, Iowa.

Now the reporters had to wait for the main event—the arrival of baby Ian for his feeding. As they waited in the bitter cold, the KCRG team worried that the batteries would lose their charge, so the cameraman kept taking them to the car to warm them up. But would they miss the shot of the baby going in? Back and forth he went all morning with one thought in mind: “These suckers can’t fail us!”<sup>12</sup> At long last, around 11:30 A.M., Eaton’s father pulled up in front of the station and her sister, carrying a big bundle of blankets in which baby Ian was deeply nestled, got out of the car and headed toward the fire station. KCRG’s cameraman stayed right with her. As she entered the fire station, however, a firefighter put his hand on the cameraman’s chest and shoved him back. Some thirty minutes later, Eaton’s sister and the baby emerged from the station and the KCRG team prepared to shoot their news spot. The cameraman lifted the reporter up and put her on top of a nearby snow bank, and she reported the news from there. Then they rushed up to Cedar Rapids so the tapes could be sent to the network in New York for the evening news. Finally, it was time to get some breakfast.<sup>13</sup>

#### Working Women in the 1970s

The story of a breastfeeding firefighter in the heartland drew ABC’s attention because it dealt with the topic of working women. During the 1970s, policy-makers, journalists, scholars, advertisers, feminists, and conservatives—each for their own reasons—took notice of the fact that U.S. women were joining the paid workforce in record numbers. The implications of this change for women, families, and society were explored in countless magazine and newspaper articles, as well as in movies, television shows, novels, classrooms, board rooms, and state legislatures.<sup>14</sup> Eaton’s story,

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<sup>12</sup> Bob Hardy in interview with Feurbach and Hardy, 4 September 2007.

<sup>13</sup> Interview with Feurbach and Hardy, 4 September 2007.

<sup>14</sup> Scholarly work such as Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States* (New York: Oxford University Press, 1982) and Ralph E. Smith, ed. *The Subtle Revolution: Women and Work* (Washington, D.C.: The Urban Institute,

furthermore, went to the very heart of the concerns about working women: can a woman manage a career and her family at the same time? What happens when duty pulls in two directions at once? Who is going to take care of America's kids? The Eaton story reflected the anxieties as well as the possibilities that U.S. women and their families were experiencing in the 1970s.<sup>15</sup> Women in the workforce were nothing new, but the growing number of wives and mothers from white middle class families who were working outside the home represented a historic shift.

Women's participation in the workforce had risen steadily throughout the twentieth century, and by 1978, half of all U.S. women aged sixteen and over were working for wages. The biggest single factor that accounted for this change was the increased participation of married women in the workforce. In 1890, only 4.5 percent of married women worked for wages.<sup>16</sup> At the end of World War II, 20 percent of married women were in the paid workforce, and by the mid-1970s, this figure had risen to a whopping 48 percent and was still trending upward.<sup>17</sup> Mothers, even those with preschoolers, were working outside the home as well. In 1950, 18 percent of women with children under eighteen, and 12 percent of women with children under six, were in

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1979) examined historical and contemporary issues; popular magazines (such as *McCalls*, *Redbook*, and *Parenting*) were full of tips for working women; movies like *Kramer v Kramer* (1979) showed what happened to families when women rejected their traditional role; the popular television show *All in the Family* contrasted a traditional working-class housewife with her more modern daughter; and *Maude* and *The Mary Tyler Moore Show* focused on career women.

<sup>15</sup> The Association of Campus Ministers at the University of Iowa issued a statement supporting Eaton that said Eaton's case was "a prime example of the real problem facing American families today . . . [Families are] caught in the dilemma of meeting the economic crunch and wanting to be good parents." "Ministers support firefighter's cause," *Iowa City Press-Citizen*, 25 January 1979.

<sup>16</sup> Ralph E. Smith, "The Movement of Women Into the Labor Force," in *The Subtle Revolution: Women and Work*, Ralph E. Smith, ed. (Washington D.C.: The Urban Institute, 1979), 3.

<sup>17</sup> *Ibid.*, 4.

the workforce.<sup>18</sup> By 1976, 46 percent of women with children under eighteen, and 37 percent of women with children under six, were in the workforce.<sup>19</sup> In other words, nearly half of married women with children worked outside the home by the mid-1970s (see Figure 1.1).

TABLE II.—LABOR FORCE PARTICIPATION RATES OF WOMEN, BY MARITAL STATUS, IN MARCH 1950, 1975, AND 1976 AND PERCENT CHANGE, 1950-76

Marital status	1950	1975	1976	Percent change, 1950-76
Married women, husband present.....	23.8	44.4	45.0	+89.1
With children under 18 yr.....	18.4	44.9	46.1	+150.5
With children under 6 yr.....	11.9	36.6	37.4	+214.3
With no children under 18 yr.....	30.3	43.9	43.8	+44.6
Other ever-married women.....	37.8	40.7	40.9	+8.2
With children under 18 yr.....	54.9	62.4	63.8	+16.2
With children under 6 yr.....	41.4	55.0	56.2	+35.7
With no children under 18 yr.....	33.7	33.2	32.8	-2.7
Single women.....	50.5	56.7	58.9	+16.6

Source: U.S. Department of Commerce, Bureau of the Census, "Current Population Reports," series P-50, No. 29; and U.S. Department of Labor, Bureau of Labor Statistics, "Special Labor Force Reports," Nos. 13, 130, and 183 and BLS unpublished data for 1976.

Figure 1.1. Table showing increased participation of married women with children in the workforce, 1950-1976. Source: U.S. Department of Labor. Reprinted in Keyserling, "Women's Stake in Full Employment," in *Women in the U.S. Labor Force*, 27.

More single women joined the ranks of working women during the 1960s and 1970s as well, although single women have always worked in the paid workforce in much larger percentages than married women, so the rates of growth were not as large as

<sup>18</sup> Mary Dublin Keyserling, "Women's Stake in Full Employment: Their Disadvantaged Role in the Economy—Challenges to Action," in *Women in the U.S. Labor Force*, Ann Foote Cahn, ed. (New York: Praeger Publishers, 1979), 27.

<sup>19</sup> *Ibid.*

those of married women.<sup>20</sup> A sharply rising divorce rate in the 1960s and 1970s swelled the ranks of the “ever-married” women, who returned to work whether they had small children or not.<sup>21</sup> Other social changes increased the number of single women in the U.S. population: women were marrying later and the number of households composed of either unmarried couples or single mothers was on the rise. In 1978, the U.S. Bureau of Labor Statistics announced that it was developing new terms to tabulate family data that would not include the use of the term “head of household.”<sup>22</sup> The U.S. economy underwent dramatic shifts in the 1970s as well and families found they could no longer survive on one income. By 1979, families composed of a husband who supported his wife and children accounted for only 15.9 percent of U.S. households.<sup>23</sup> In sum, by the late 1970s, girls of all races and classes expected to be wage-earners; marriage was no longer the sole means through which middle or even upper class women ensured their financial security.

This rise in the number of women entering the workforce was entwined with the rise of the second-wave U.S. women’s movement. Every segment of the women’s movement, from liberal to radical, addressed the needs of working women. Using the 1963 report of the President’s Commission on the Status of Women as a springboard for action, women organized, demanded, and received better employment opportunities. At

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<sup>20</sup> In 1950, 50% of single women worked, and in 1976, the rate was 59%. Similarly, 38% of “ever” married women worked in 1950 compared with 41% in 1976. Mary Dublin Keyserling, “Women’s Stake in Full Employment: Their Disadvantaged Role in the Economy—Challenges to Action,” in *Women in the U.S. Labor Force*, Ann Foote Cahn, ed. (New York: Praeger Publishers, 1979), 27.

<sup>21</sup> Beverly L. Johnson, “Women who head families, 1970-77: their numbers rose, income lagged,” *Monthly Labor Review*, U.S. Department of Labor Bureau of Labor Statistics, February 1978: 32-37. “The rise in the divorce rate has been unprecedented.”

<sup>22</sup> *Monthly Labor Review*, U.S. Department of Labor, Bureau of Labor Statistics, February 1978, 33.

<sup>23</sup> *Cedar Rapids Gazette*, 28 January 1979.

the national, state, and local levels, women used the executive, legislative, and judicial branches of government to work towards the goal of economic parity for women in the workplace.<sup>24</sup>

As feminists analyzed women's participation in the labor market, they brought attention to two troubling facts about women's paid work. First, work was segregated by sex: women, for the most part, worked in service and clerical positions, and in the professions of nursing and teaching.<sup>25</sup> Second, women's jobs paid less than men's jobs. In 1977, well over 50 percent of fulltime women workers earned less than \$10,000, compared with 19 percent of men. Conversely, only 10 percent of women earned over \$15,000, compared to 48 percent of men (see Figure 1.2).<sup>26</sup> Because women earned less than men, and because women, increasingly, were dependent on their own labor to support themselves and their children, feminists gave serious attention to the "feminization of poverty," which left one out of three female-headed households in the U.S. living below the poverty line in the late 1970s and early 1980s.<sup>27</sup>

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<sup>24</sup> Major national legislative milestones include the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, the Equal Rights Amendment in 1972 (although it was never ratified), and the Pregnancy Discrimination Act of 1978. U.S. Supreme Court rulings on gender equality in the workplace include *Phillips v. Martin-Marietta Corporation* in 1971 (that a company violated Title VII by refusing to hire a woman with young children while hiring men with young children), and *Dothard v. Rawlinson* in 1977, (that height and weight requirements had disparate impact on women and violated Title VII). The executive branch of the federal government helped women fight sex discrimination through Executive Order 11375 issued by LBJ in 1967 (amending 11246 by adding sex) ordering the federal government and federal contractors to take affirmative action to ensure equal opportunity for women, and the 1973 out-of-court settlement between the EEOC and AT&T. On the passage and development of sex discrimination law in Iowa, see Chapter Five.

<sup>25</sup> This conclusion is documented in many studies on women and work using statistics from the Bureau of the Census such as Nancy S. Barrett, "Women in the Job Market: Occupations, Earnings, and Career Opportunities," in *The Subtle Revolution: Women at Work*, Ralph E. Smith, ed. (Washington D.C.: The Urban Institute, 1979), 31-61.

<sup>26</sup> *Ibid.*

<sup>27</sup> "The 1970s have seen a tremendous increase in the number of American families in which women have the main economic and social responsibilities." Beverly L. Johnson, "Women who head families, 1970-77: their numbers rose, income lagged," *Monthly Labor Review*, U.S. Department of Labor Bureau of Labor Statistics, February 1978: 32-37.

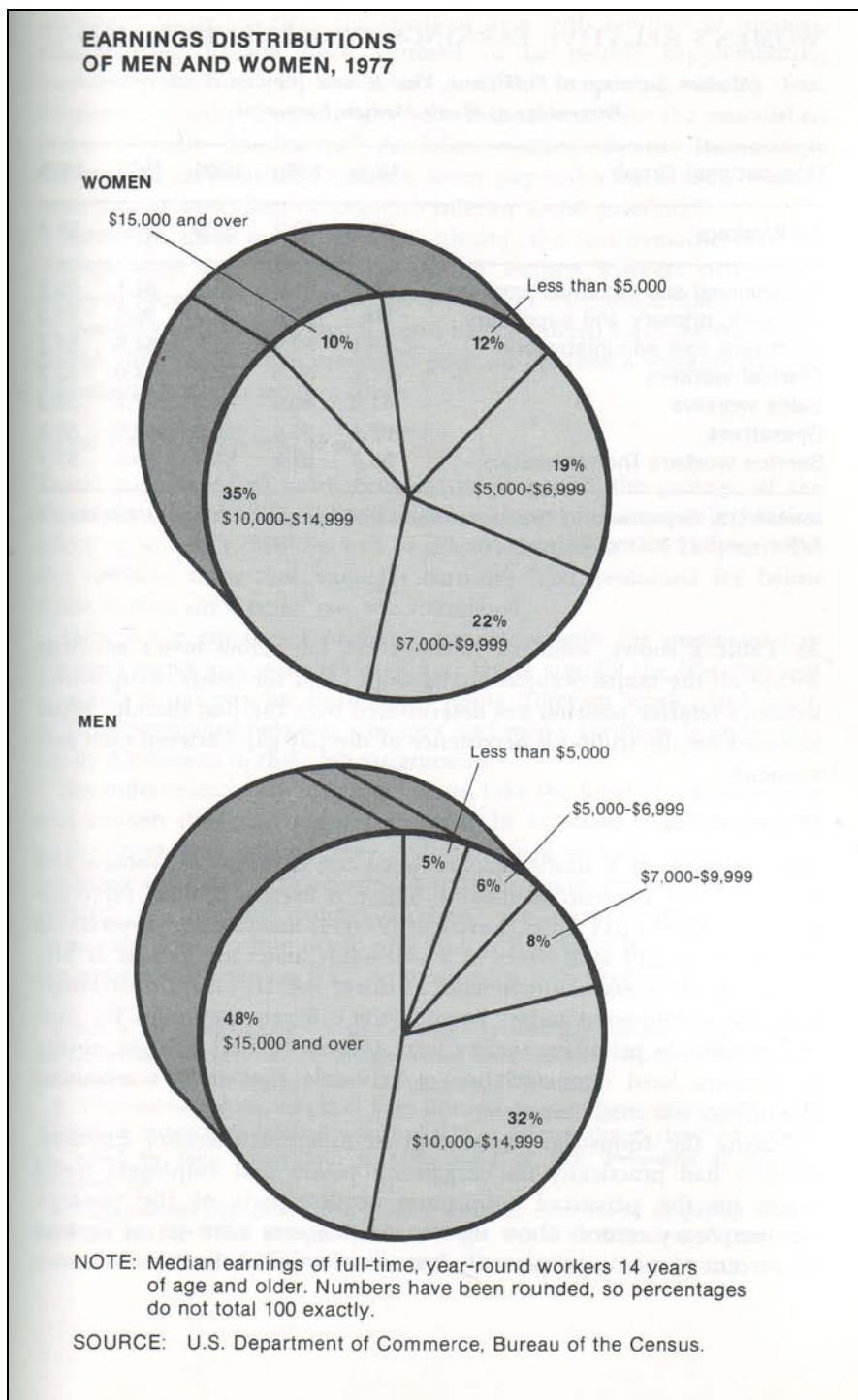


Figure 1.2. Graphs showing difference between earnings of men and women, 1977.  
 Source: U.S. Department of Commerce. Reprinted in Barrett, "Women in the Job Market," in *The Subtle Revolution*, 33.

The work patterns of women in Iowa contributed to these national trends. Fifty percent of Iowa women were in the paid workforce in 1980. In addition, 60 percent of married women in Iowa were working outside the home, as well as nearly 60 percent of women with children under the age of six and 68 percent of women with children between the ages of six and seventeen.<sup>28</sup> A study conducted by the Iowa Commission on the Status of Women in 1976 revealed that Iowa's working women shared another very important characteristic with women nationally: their low pay. "The most important single factor contributing to the difference in pay between men and women . . . was the clustering of women in lower paying occupations," the study concluded.<sup>29</sup>

The Iowa women's movement worked to close the wage gap between the state's male and female workers.<sup>30</sup> In 1978, the Iowa Commission on the Status of Women launched an initiative to promote women in the trades, reasoning that the best way for women to achieve economic parity with men was to gain access to male-dominated job categories. The commission also funded a study on the economic problems facing women in Iowa, especially women who supported themselves and their children. The study found that individuals in woman-headed households accounted for 41% of poor Iowans. The reason, the study concluded, was because "unlike the vast majority of men, who merely become single after the break-up of a marriage, women become single

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<sup>28</sup> Sandra Charvat Burke and Willis Goudy, "Women in Iowa: 1980 and a Century of Perspective" (Ames, Iowa: Cooperative Extension Service of Iowa State University, Pm-1270, June 1986).

<sup>29</sup> Iowa Commission on the Status of Women, "A Study of the Underemployment and Underutilization of Women in Iowa," 1976, 26.

<sup>30</sup> See, for example, the newspaper clippings in the Records of the Iowa Women's Political Caucus (IWPC) at the Iowa Women's Archives. They document many activities such as complaints by the Dubuque Women's Political Caucus about Dubuque's hiring practices in September 1975 and a legislative proposal by the IWPC in September 1974 to upgrade the salaries of female state employees and pay back wages to women who have been underpaid in the past.



parents . . . [and] face the awesome burden of raising an out-of-wedlock child.”<sup>31</sup>

Coupled with “women’s typically low wages,” sex discrimination, job segregation, the lack of child care, and the physical, economic, and emotional responsibility for their children, women needed more than “just a job” to stay out of poverty, the study concluded.<sup>32</sup>

Linda Eaton, precisely the kind of woman the commission sought to help, seemed to have beaten the odds. With only a high school education, no husband, and a son to support, she was a prime candidate to join the ranks of Iowa’s impoverished women. But in firefighting, Eaton had found a path out of the ghetto of low-paid female work, and she was not about to give it up without a fight. In her public statements, she repeatedly pleaded that she needed a good-paying job to support herself and her son. Eaton earned over \$11,000 a year as a firefighter, a salary that placed her among the top 45 percent of female wage earners nationally and the top 25 percent in Iowa.<sup>33</sup> In addition, she could look forward to regular raises, good benefits, lifelong employment, and an excellent pension. Not bad for a 26-year-old woman without a college degree. The question was: could she keep the job now that she also needed to care for her son?

“The week that was, in Iowa City”<sup>34</sup>

Linda Eaton joined the Iowa City Fire Department in August 1977. She notified the department of her pregnancy in April 1978 and was transferred to a maintenance

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<sup>31</sup> Iowa Commission on the Status of Women, “The Feminization of Poverty . . . Is This Happening in Iowa?” February, 1984. 2.

<sup>32</sup> Ibid., 2-6.

<sup>33</sup> Iowa statistics in Sandra Charvat Burke and Willis Goudy, “Women in Iowa: 1980 and a Century of Perspective” (Ames, Iowa: Cooperative Extension Service of Iowa State University, Pm-1270, June 1986), Figure 27A. National statistics in Nancy S. Barrett, “Women in the Job Market: Occupations, Earnings, and Career Opportunities,” in *The Subtle Revolution: Women at Work*, Ralph E. Smith, ed. (Washington DC: The Urban Institute, 1979), 33.

<sup>34</sup> Caption of article by columnist Donald Kaul, *Des Moines Register*, 4 February 1979.

department where she worked until the day her son, Ian, was born on October 2, 1978. Three months later, Iowa City's staff physician notified the personnel specialist in the city's human relations department that Eaton was ready to return to work as a firefighter. During this conversation, the personnel specialist learned that Eaton was breastfeeding.<sup>35</sup> She became concerned. "Would Eaton be weaning the infant before returning to work?" she wondered aloud. The doctor did not know. "How was Eaton planning to breastfeed the baby during her 24-hour work shifts?" Again, the doctor did not know. He did say, however, that Eaton had mentioned something about having Ian brought to the fire station. The personnel specialist's concern deepened. "I didn't see how it could be done," she recalled.<sup>36</sup> Furthermore, she did not think that it *should* be done.<sup>37</sup>

The personnel specialist immediately got in touch with the fire chief, and the two agreed that Eaton should not breastfeed at the fire station. Over the course of the next few days, they conferred with the city's civil rights specialist, the assistant city manager, and the city manager; all these city officials agreed that Eaton should not be allowed to breastfeed her son at the fire station.<sup>38</sup> Eaton and the fire chief had two conversations

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<sup>35</sup> The conversation took place on January 10, 1979. The civil rights specialist, Sophie Zukrowski, had been told in early December 1978 that Eaton was breastfeeding her son, but honored the request of her former boss, Candy Morgan, to keep the information confidential. Testimony of Candy Morgan in the hearing before the Iowa Civil Rights Commission, *Thomas J. Miller, Attorney General of Iowa and Linda Eaton, complainants, vs. City of Iowa City and Iowa City Fire Department, respondents*, Consolidated CP #5630 (hereafter referred to as ICRC hearing), 828-832; testimony of Sophie Zukrowski, ICRC hearing, 375-77. Transcripts of this hearing in the Linda Eaton Papers (hereafter LEP) at the State Historical Society of Iowa, Iowa City, Iowa (hereafter SHSI).

<sup>36</sup> Testimony of June Higdon, ICRC hearing, 200.

<sup>37</sup> *Ibid.*, 260.

<sup>38</sup> The human relations department of the City of Iowa City was restructured several times during the 1970s, partly in response to the development of affirmative action programs at the city. When Eaton returned from her maternity leave, the department consisted of a personnel specialist, June Higdon, a civil rights specialist, Sophie Zukrowski, a clerk, and the city's assistant manager, Dale Helling, who was filling in as interim department director. Higdon was hired by the city as a clerk in 1970, then worked as principal account clerk in the treasurer's office, and in 1975, became the personnel specialist. Her responsibilities included working with employee recruitment, placement, transfers, promotions, benefits, testing, training, and safety.

about her return date to the fire department—one on Friday, January 12 and the other on Monday, January 15. During one of these conversations, Eaton asked for permission to have her son brought to the station so she could continue breastfeeding. On January 15, the chief told Eaton she could not bring her son to the fire station to nurse. When Eaton asked why, he did not offer any specific reason. He stated that he had spoken with personnel and they decided it could not be allowed.<sup>39</sup>

Eaton felt dissatisfied with Chief Keating's response. She wanted to know why her request had been denied so that she could propose a solution to whatever problem it might pose. She realized that her request to breastfeed at the fire station presented the fire department with a new situation, but she felt certain it could work.<sup>40</sup> Without knowing the reason why the chief would not permit her to breastfeed at the fire station, however, she could not formulate a suggestion to address it. Months later, the fire chief would acknowledge that his reasons for denying Eaton's request included his concern that the male firefighters would believe that Eaton was being granted a special privilege,

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Zukrowski was hired by the city in June 1977; she was not a lawyer. Her position had been created in 1974 because the Iowa City Civil Rights Commission had been requesting a staff person for a long time, and because the city had recently entered into an affirmative action agreement. Zukrowski's duties included staffing the Iowa City Human Rights Commission and serving as the chief affirmative action representative for the city. Assistant City Manager Dale Helling was fairly new to city administration. He had been a police officer in Iowa City for three years and got the job as assistant city manager in August 1978. He was asked to serve as the interim human relations director from October 1978 to March 1979. The city manager, Neal Berlin, had been hired in late 1974. He had been on the job for close to four years when this controversy erupted. Fire Chief Robert Keating was the senior person of the group. He had served 23 years on the ICFD, six of them as chief.

<sup>39</sup> Testimony of Linda Eaton and Robert Keating, ICRC hearing. There is one major discrepancy in the testimony. Keating says that Eaton first raised the issue of breastfeeding with him in a phone conversation on Friday, January 12. She denies this in her testimony. She says breastfeeding did not come up until the conversation on Monday, January 15. Both agree that Keating told her "no nursing" in the January 15 conversation. Eaton's attorneys tried to show that her request had been denied with little, if any, real consideration, and for that reason they wanted to pinpoint how much time elapsed between Eaton's request and Chief Keating's denial.

<sup>40</sup> Testimony of Linda Eaton, ICRC hearing, 904.

which might result in a reverse discrimination lawsuit by the firefighters' union.<sup>41</sup> At the time, however, he only told Eaton that nursing would not be allowed at the fire station: she would either have to give up nursing her son or give up her job.<sup>42</sup>

The day after Chief Keating told Eaton she could not nurse at the fire station, the assistant city manager, in his capacity as the interim human relations director, wrote a letter to Eaton confirming what the chief had told her on the phone. He explained the city's reason for denying permission to breastfeed at the fire station this way: "[T]here are both functional and legal implications which would render the granting of your request totally inadvisable."<sup>43</sup> Eaton continued to complain, publicly, that the reasons were vague and unpersuasive.<sup>44</sup>

On the Friday before Eaton returned to work at the fire department, Iowa City's civil rights specialist spoke with an official in the U.S. Equal Employment Opportunity Commission's regional office in Kansas City. Their conversation included a discussion of a "neutral rule."<sup>45</sup> City officials soon became more specific when asked why they denied Eaton's request: the fire department had an unwritten rule against regular family visits.

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<sup>41</sup> Testimony of Robert Keating, ICRC hearing, 705.

<sup>42</sup> Testimony of Linda Eaton, Johnson County District Court, January 29-30, 1979. *Linda Eaton vs. City of Iowa City et al.* No. 44750, (herein District Court hearing), 141-142, transcripts in LEP, SHSI; Boshart and Thurow, "Firefighter rejects city's job ultimatum," *The Daily Iowan*, 19 January 1979, 1.

<sup>43</sup> Dale Helling to Linda Eaton, 16 January 1979. Quoted in the Iowa Civil Rights Commission Findings of Fact, Conclusions of Law, Rulings on Motions and Decision and Order in Thomas J. Miller, Attorney General of Iowa, Complainant vs. City of Iowa City and City of Iowa City Fire Department, Respondents, CP# 01-79-5630 and Linda Eaton, Complainant vs. City of Iowa City and City of Iowa City Fire Department, Respondents, CP# 06-79-6031 reported in *Iowa Civil Rights Commission Case Reports, Vol. IV, 1979-1980*, (hereafter ICRC Ruling), 90.

<sup>44</sup> Heth, "Working Mom Again Told No Nursing," *Des Moines Register*, 18 January 1979, 3B; *Daily Iowan*, 19 January 1979.

<sup>45</sup> Testimony of Sophie Zukrowski, ICRC hearing, 374; ICRC Ruling, 93. In her testimony, Zukrowski says the conversation occurred on January 22, but the Civil Rights Commission's Ruling says it occurred on Friday, January 19.

Monday, January 22, 1979

Linda Eaton's refusal to choose between her role as a mother and her role as a firefighter set the stage for one of the most dramatic and widely reported weeks in Iowa City's history. Events unfolded rapidly and publicly. Close to fifty local and national reporters camped out at city hall most of the week. Articles about Eaton flooded local newspapers, while dozens of newspapers across the nation picked up the story, as well as photographs, from both the AP and UPI wires.<sup>46</sup> The ABC evening news covered it on Monday, and within a week, both NBC and CBS had run stories on their national evening news broadcasts. Soon, Linda Eaton would not be the only one who questioned the city's reasons for its ban on breastfeeding.

Shortly after Eaton arrived at the main fire station in downtown Iowa City on Monday morning, she met with the fire chief, the assistant city manager, and the civil rights specialist behind closed doors. The purpose of the meeting was for city officials to convey to her in explicit terms that there would be no nursing at the fire station.<sup>47</sup> The assistant manager delivered the message. He explained to Eaton that there were three reasons why she could not breastfeed at work. First, having a baby in the fire station was a potential legal liability for the department. Second, nursing would interfere with her ability to perform her duties by delaying her response time. And third, regular family visits were against city policy.<sup>48</sup> This was the first time the city raised the issue of regular family visits with Eaton.

Despite the stern warning, Eaton's sister arrived at the fire station with the baby around lunch time and Eaton retired with them to the women's locker room. But was she

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<sup>46</sup> Published in *NY Times*, *Atlanta Constitution*, *Milwaukee Herald*, *St. Petersburg Chronicle*, *LA Times*, *Chicago Times* and dozens more.

<sup>47</sup> Testimony of Sophie Zukrowski, ICRC hearing, 382-3.

<sup>48</sup> ICRC Ruling, 90.

actually breastfeeding? Was she violating the chief's order against nursing? The secretary at the fire station—the only other woman employed by the Iowa City Fire Department—feared that she would be asked to go to the women's locker room and check on what Eaton was doing. “And I had made up my mind,” she recalled, “that I was not going to do it. I was going to tell them that that was not in my job description.”<sup>49</sup> As it turned out, the civil rights specialist, at the request of the fire chief, paid a visit to the locker room. She confirmed that Eaton was breastfeeding and reported this information back to the chief.<sup>50</sup>

Eaton's sister emerged from the fire station with baby Ian about thirty minutes after she had entered. Reporters besieged her as she made her way to the car where her dad sat waiting. “How did it go in there?” called out a reporter. “Fine. Everyone was very nice to us,” she replied.<sup>51</sup> Soon afterwards, Chief Keating called Eaton into his office. Because she had “disregarded the city administration's decision on nursing while on duty,” he explained in a written reprimand, he was dismissing her without pay for the rest of her shift. He ordered her to report for duty on Wednesday, her next regularly-scheduled shift, and stated that she would face more serious disciplinary action if she breastfed again.<sup>52</sup> As far as Eaton was concerned, however, the nursing had gone very well. “Ian was glad to see me and went to sleep before he got home.”<sup>53</sup> From her point of view, breastfeeding had not created any problem with her ability to do her job. “I'll do it again,” she announced.<sup>54</sup>

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<sup>49</sup> Interview with Daphne Fuhrmeister, 29 August 2007, Iowa City, Iowa.

<sup>50</sup> Testimony of Sophie Zukrowski, District Court hearing, 176-77.

<sup>51</sup> KCRG news reel, No. 103, January 22, 1979, Counter number 166-206, SHSI.

<sup>52</sup> To M. Linda Eaton from R. Keating, quoted in ICRC Ruling, 91.

<sup>53</sup> Jerald Heth, “On-duty firefighter nurses baby; suspended for a day,” *Des Moines Register*, 23 January 1979, 1A.

<sup>54</sup> *Ibid.*

Later that afternoon, the assistant city manager held a press conference at Iowa City's Civic Center.<sup>55</sup> He distributed a press release that described what had occurred that day and explained the reasons for the city's no-nursing rule. It was the first comprehensive public statement made by the city that explained why they were denying Linda Eaton's request to breastfeed her baby at the fire station. The reasons were similar to those given to Eaton that morning: the city did not want to set a precedent of allowing employees to attend to personal business on company time; city officials feared a negative impact on Eaton's job performance; and regular visits by family members violated fire department policy.<sup>56</sup>

The city's explanation for prohibiting breastfeeding rang hollow to local feminists, however. Chief Keating did not tell Eaton on that Monday that she was being disciplined for violating the department's policy on family visits. He told her that she was being sent home without pay for "nursing while on duty."<sup>57</sup> The civil rights specialist's trip to the locker room to verify the breastfeeding further muddied the water on exactly what rule Eaton was breaking. It raised questions about whether Eaton was being punished for having a regular family visitor or if, in fact, she was really being punished for breastfeeding her baby. After all, what was the intent of asking a city official to enter the women's locker room? If she was being disciplined for breaking the policy against regular family visitors, why was it necessary to confirm the fact that she was breastfeeding? Most local feminists concluded that the city objected to breastfeeding itself, and was discriminating against Eaton based on her sex.

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<sup>55</sup> Iowa City's Civic Center, located on Gilbert and Washington Streets, houses the offices of city officials as well as the police and fire departments. It also includes the chambers of city council. The Civic Center is sometimes called "city hall."

<sup>56</sup> Text of press release quoted in ICRC Ruling, 91-92.

<sup>57</sup> Memo quoted in ICRC Ruling, 91.

Members of the Iowa City women's community mobilized support for Eaton immediately. The newly reorganized local chapter NOW took the lead and announced that it was going to raise money to assist Eaton with her legal expenses.<sup>58</sup> NOW's fundraising was essential to Eaton's fight because without funds to mount a legal challenge to the fire department, she was sure to lose her job. NOW also publicly rejected the city's contention that Eaton was requesting "extraordinary accommodations."<sup>59</sup> Linda Eaton was "not asking for any special privilege," asserted the president of the local NOW chapter. She was seeking the right to use her personal time as she saw fit, in the same way all the other firefighters did.<sup>60</sup>

Members of the Iowa Socialist Party (ISP), an organization with a strong commitment to feminism, also took action on Eaton's first day back to work. "We *had* to take on that issue," stated one ISP member. "It was local. It was a worker's rights issue. It was a women's issue. There was no question of taking that on."<sup>61</sup> Several ISP members were at the fire station with the reporters in the early morning vigil, bundled up and carrying signs reading "Support Motherhood," "Breaktime Rights for All Workers," and "Natural Food is a Right" (See Figure 1.3). Most ISP members believed that direct action was a powerful political tool.<sup>62</sup> "We feel our being here will put a little more pressure on the city not to fire her," an ISP member told a reporter.<sup>63</sup>

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<sup>58</sup> This occurred at a press conference commemorating the sixth anniversary of *Roe v. Wade*, which had already been scheduled.

<sup>59</sup> From city's press release quoted in ICRC Ruling, 91-92.

<sup>60</sup> Curt Seifert and Jim Mullendore, "Eaton defies no-nursing rule," *Iowa City Press-Citizen*, 22 January 1979, 1A.

<sup>61</sup> Interview with Jean Hagen, 25 June 2007, Iowa City, Iowa.

<sup>62</sup> Interview with Bill Douglas, 1 August 2007, Des Moines, Iowa.

<sup>63</sup> Boshart and Thurow, "Eaton nurses, is sent home; battle to resume," *The Daily Iowan*, 23 January 1979, 1.



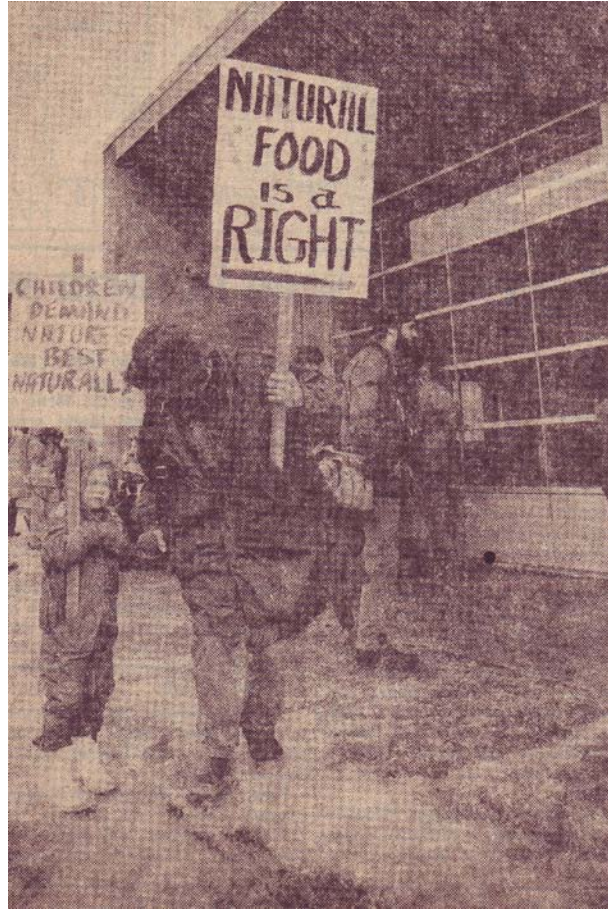


Figure 1.3. *Des Moines Register*, 27 January 1979. Iowa Socialist Party member Joe Grant pickets the fire station with his daughter Charity.

The University of Iowa's campus newspaper, *The Daily Iowan*, also cried foul on the city. An editorial titled "No reasonable objections offered to nursing firefighter" ran in Monday's paper and offered a careful analysis of the "misleading truth" that underlay the claim that Eaton was asking for special privileges. Her request, the authors noted, was only special in the sense that it reflected the biological differences between men and women. And since fire departments had relied on those differences to exclude women in

the past, the rule against breastfeeding could only be seen as yet another way to continue discriminating against women.<sup>64</sup>

Tuesday, January 23, 1979

The next day was her day off, and Eaton used it to take legal action to save her job. Through her attorney, Jane Eikleberry, Eaton filed a motion in state district court asking for a temporary injunction to prohibit the city from firing her for breastfeeding.<sup>65</sup> Eaton explained that breastfeeding would have long-term health benefits for her son and that, in order to maintain her milk supply, she needed to nurse him twice during her twenty-four hour work shifts.<sup>66</sup> Eaton was pumping her breasts, but she could not express enough milk to provide a twenty-four hour milk supply for her infant. She stated in her petition that she wished to nurse her son during her personal time, which firefighters generally use for “eating, resting, studying, exercising, showering, and visiting with family members, including children.”<sup>67</sup> The city’s rule prohibiting her from breastfeeding during this time, Eaton claimed, violated her rights to “due process, privacy, equal protection and non-discrimination on the basis of gender” under the U.S. and the Iowa Constitutions.<sup>68</sup> Furthermore, she argued, she had no internal channels

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<sup>64</sup> Winston Barclay and Michael Humes, “No reasonable objections offered to nursing firefighter,” *The Daily Iowan*, 22 January 1979.

<sup>65</sup> Eikleberry practiced law in a small firm with well-known local feminist attorney Clara Oleson. Oleson and Eikleberry collaborated on the case and Oleson’s role will be discussed in later chapters. In the initial stages, Eikleberry took the lead in public.

<sup>66</sup> Plaintiff’s Affidavit in Support of Writ of Temporary Injunction, Equity No. 44750. In the matter of *Linda Eaton vs. The City of Iowa City et al.*, in the Iowa District Court for Johnson County, filed on January 23, 1979, LEP, SHSI.

<sup>67</sup> Petition for Temporary Writ of Injunction, Equity No. 44750 in the matter of *Linda Eaton vs. The City of Iowa City; Robert Keating, Iowa City Fire Chief; Sophie Zukrowski, Iowa City Civil Rights Specialist; Dale Helling, Iowa City Assistant City Manager; and Neil [sic] Berlin, Iowa City City Manager*, filed in the Iowa District Court for Johnson County, January 23, 1979, LEP, SHSI.

<sup>68</sup> *Ibid.*

through which to pursue a remedy because the firefighters' union "has not represented [Eaton] fairly in the past," and because the "Defendants have contested Linda Eaton's right to file any grievance."<sup>69</sup> There was "no known adequate remedy at law" to address her specific situation, Eaton's attorney argued, and without an injunction, Eaton would be forced to give up her job or discontinue breastfeeding, either of which would injure her. The court set a hearing date on the injunction for the following Monday, January 29.

By this time, the Iowa Civil Liberties Union (ICLU) and the Iowa City Human Rights Commission had reproached the city for its treatment of Eaton. Both organizations had strong ties to the Iowa City women's community.<sup>70</sup> The ICLU urged the city to "amend its decision," and pointed out that the case raised "serious equal protection, due process, and employment discrimination questions."<sup>71</sup> The Iowa City Human Rights Commission, meanwhile, adopted a resolution calling upon the city to "provide work conditions and requirements conducive for women in non-traditional jobs. . . . [and] refrain from precipitous actions in the Linda Eaton firefighter case." The city should investigate the legal aspects of the Eaton case very thoroughly, the Human Rights Commission warned, in order to "avoid discriminatory practices."<sup>72</sup>

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<sup>69</sup> Eaton's probationary status most likely prevented her from having access to the union's grievance procedure. However, had the union supported her, it could have taken some sort of action on her behalf.

<sup>70</sup> Members of the Iowa City Human Rights Commission included Linda McGuire, who was the coordinator of WRAC at the time, and Mori Costantino, longtime local activist on many human rights issues. Both women knew Clara Oleson, Eaton's attorney. Des Moines feminist Louise Noun headed the ICLU for many years and remained active in that organization.

<sup>71</sup> Jerald Heth, "Nursing Mom's Hearing Set," *Des Moines Register*, 24 January 1979; Letter from Charles Nadler, President of the ICLU to the Iowa City City Council Members, Neal Berlin, and Fire Chief Keaton [sic] 21 January 1979, in 1/30/79 packet for city council meeting, Document 193 on microfiche at the office of the city clerk, Iowa City.

<sup>72</sup> Jerald Heth, "Nursing Mom's Hearing Set," *Des Moines Register*, 24 January 1979; Minutes, Human Rights Commission, January 22, 1979, Document 361 on microfiche at the city's clerk office, Iowa City. The minutes note that the adoption of this resolution was preceded by a lengthy conversation that included the assistant city attorney handling the Eaton case, who reiterated that the city's Human Rights Commission ought not investigate complaints brought by city employees because that made them both the investigator and the investigatee. Minutes note

The city's reasons for the no-nursing rule continued to draw speculation.<sup>73</sup> Jesse King, the only firefighter who supported Eaton publicly and the only African American on the force, sent a letter to the editor of Iowa City's daily newspaper, *Iowa City Press-Citizen*, offering a "minority opinion" from the fire department. Because he did not understand their opposition, King wrote, he had asked several of his fellow firefighters why they objected to Eaton breastfeeding at work. In response, firefighters told him "because it's not right," or "it will lead to a moral decline," or "people will want to bring their wives in." King found all these reasons unconvincing. "My gut feeling," he concluded, "is that the city and fire personnel who oppose breastfeeding on the job are threatened by its presence. The act of breastfeeding knocks a hole in the macho fantasy of firefighting."<sup>74</sup> King repeated these statements during an interview that aired on the local television news.<sup>75</sup>

The *Press-Citizen*, meanwhile, came out in support of Chief Keating and the city. Eaton's case was not about breastfeeding, women firefighters, mothers on the job, or sex discrimination, the editor argued: "The issue comes down to whether the city government, as an employer, can adopt work rules and expect employees to abide by them. The answer, it seems here, is yes."<sup>76</sup> Characterizing Eaton's case as an individual problem, the editor argued that Eaton, "like other mothers who also are employed outside

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that Clara Oleson was in attendance at the meeting and that she urged the commission to support Eaton.

<sup>73</sup> "We don't understand why the city is opposed to her nursing on duty," said the spokesperson for the Association of Campus Ministers at the UI. "We think it's high time employers and other public institutions try to accommodate to better meet the needs of families." See "Ministers support firefighter's cause," *Iowa City Press-Citizen*, 25 January 1979. Some of these points reiterated in letter-to-editor, *Daily Iowan*, 26 January 1979.

<sup>74</sup> Letter to the editor by Jesse P. King, *Iowa City Press-Citizen*, 23 January 1979.

<sup>75</sup> KCRG newsreel, Tape No. 103, January 24, 1979, Counter No. 425-443, SHSI.

<sup>76</sup> "Issue of work rules," *Iowa City Press-Citizen*, 23 January 1979, 4A.

the home, must make some choices about occupation and personal life.” In other words, as far as the *Press-Citizen* was concerned, Eaton’s supporters were bringing gender politics into the case in order to distract attention from the real issue: management’s authority.

Wednesday, January 24, 1979

Eaton reported for duty again on Wednesday morning and the events of Monday repeated themselves. Blizzard-like conditions late Monday night had closed roads throughout the Iowa City area, and schools were still closed on Wednesday, another cold day during which the temperature never rose above 9° Fahrenheit. But once again, reporters and picketers braved the snow and cold to greet Eaton as she arrived. And once again, Eaton breastfed her baby at the fire station over the noon hour and the civil rights specialist made a trip to the women’s locker room to verify that Eaton was, indeed, breastfeeding her baby. The chief then suspended Eaton without pay for the rest of her shift and told her that if she nursed on duty again, she would be fired. One thing was very different about the reprimand, however. This time, the chief wrote that Eaton was being suspended for disregarding the city’s decision forbidding “regularly scheduled visits during duty hours.”<sup>77</sup>

Something else had changed as well; now it wasn’t just the city’s motives that were under question, but Eaton’s as well. Some people believed that Eaton was up to some kind of feminist publicity stunt. “Who does she think she is?” demanded an exasperated woman from nearby Lone Tree, Iowa, “And what else is she trying to prove?”<sup>78</sup> Wednesday afternoon, Eaton and NOW held a press conference to give Eaton

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<sup>77</sup> ICRC Ruling, 91.

<sup>78</sup> Velma Kasper to the editor, *Iowa City Press-Citizen*, 23 January 1979. Two days later an Iowa City man addressed Eaton directly: “Linda, why did you become a firefighter? Was it . . . to be the first woman firefighter in Iowa City . . . ? Perhaps you will soon tire of this lark and move on to bigger and better things,” Len Winkle to the editor of *The Daily Iowan*, 26 January 1979.

a chance to explain herself. Dressed in her firefighter's uniform, Eaton told reporters, "This all began as my own personal wish to provide the best care I can for my son."<sup>79</sup> She also expressed the hope that other nursing mothers might benefit from her actions. When asked how the firefighters were treating her, she reported that they cooperated well with her on the job.

The firefighter's union, meanwhile, clarified its position on the controversy. Union secretary Richard Craig had been quoted in the newspaper saying, "She [Eaton] does not have the support of her fellow firefighters. She's making a mockery of our profession."<sup>80</sup> NOW, and others, interpreted these comments as the union's position. But on Wednesday, the Iowa City Association of Professional Firefighters (Local 610 of the International Association of Fire Fighters), placed a display ad in the local newspaper stating that the union was a neutral party in this dispute (see Figure 1.4). The ad explained that Iowa law required Local 610 to take this position for two reasons. First, Eaton was not a member of the union (since she was still on probationary status) and therefore it could not represent her; and second, the city had "exclusive rights to hire, discipline, and dismiss."<sup>81</sup> Any further inquiries, the ad stated, should be taken up with the International Association of Fire Fighters in Washington, D.C. When reporters reached the union president, he confirmed what the firefighters had said: they had no power in the situation. But his comments also indicated that the union was far from neutral. "She is really overdoing it," he stated. "The fire chief should stick by his guns now. If we go this far, what's next?"<sup>82</sup>

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<sup>79</sup> Curt Seifert and Jim Mullendore, "Firefighter Eaton 'suspended' without pay," *Iowa City Press-Citizen*, 25 January 1979. 5A.

<sup>80</sup> Ford Clark, "Confrontation seen as support grows for Iowa City firewoman," *Cedar Rapids Gazette*, 19 January, 1979, 3A.

<sup>81</sup> *Iowa City Press-Citizen*, 25 January 1979.

<sup>82</sup> Boshart and Thurow, "Firefighters union takes no stance in Eaton case," *The Daily Iowan*, 24 January 1979, 1. Comments of Howard McClennan, president of the International

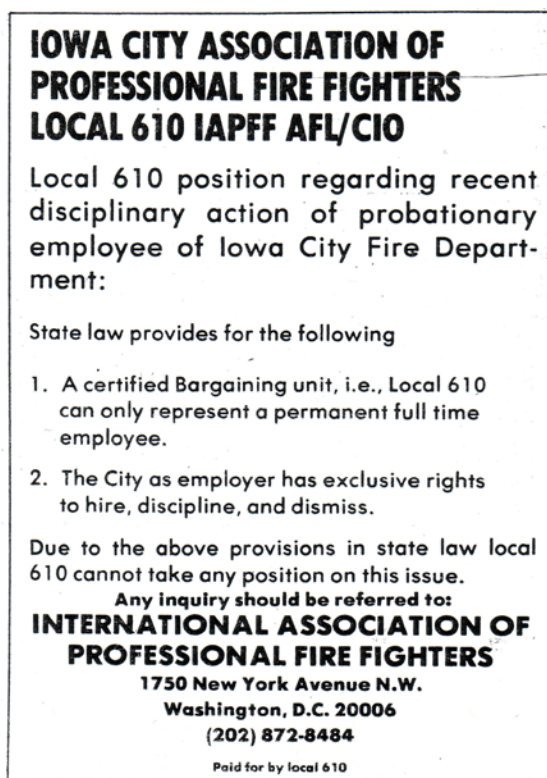


Figure 1.4. *Iowa City Press-Citizen*, 25 January 1979. Local 610's official position on Eaton's sex discrimination claim.

The firefighters and the city continued to receive criticism over the Eaton affair. The *Des Moines Register* ridiculed them by publishing an editorial stating that “we hope Iowa City is more adept at fighting fires that it is at stemming the flow of mother’s milk on city property.” The *Register* also chastised the civil rights specialist for “peeking” in the women’s locker room, and claimed that Iowa City had become “a national laughingstock.”<sup>83</sup> And if that wasn’t enough, that evening, nationally known defense attorney and civil rights advocate William Kunstler, who had represented the Chicago 7 and Angela Davis among others, denounced the city and the firefighters’ union during his

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Association of Firefighters, which represented 175,000 firefighters, of whom possibly 500 were women.

<sup>83</sup> “What Linda Eaton did!” *Des Moines Register*, 24 January 1979.

lecture sponsored by the Black American Law Students Association at McBride Hall on the campus of the University of Iowa. The city and union officials are simply “chauvinists” he charged. Calling the case “extremely vital,” Kunstler advocated turning it into a political trial. The city could easily fight against one woman alone, he stated “but if it is made into an issue—and it is a woman’s issue—then something can be done.”<sup>84</sup> Kunstler then gave Eaton’s attorney some advice: get as much media attention as you can. “The more politics, the better for the client. The more hoopla, the more publicity—it’s always better,” he concluded.<sup>85</sup>

Thursday, January 25, 1979

Publicity and hoopla were, in fact, exactly what the case was getting, whether Eaton’s attorney sought it or not. The fire station was inundated with calls from reporters all over the world, and cards and letters addressed to Eaton, the chief, and the department poured into the station.<sup>86</sup> The fire chief of Moraga Fire District in Moraga, California, sent Chief Keating a copy of his letter to the editor, typed on Moraga Fire District letterhead, for the local Moraga newspaper. The Moraga fire chief excoriated the “Women’s Liberation Movement” for trying to change the fire department, and, similar to the wives of Iowa City’s firefighters, he raised the question: “If she is to have visitors (family), the male firefighters are certainly entitled to theirs. (How about conjugal visits at noon?)” At the bottom of the page he added a handwritten note, strictly chief to chief, “For your information—get rid of the broad.”<sup>87</sup>

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<sup>84</sup> Neil Brown, “Rights lawyer Kunstler defends Eaton,” *The Daily Iowan*, 25 January 1979, 3.

<sup>85</sup> *Ibid.*

<sup>86</sup> The fire station received calls from Los Angeles, Pennsylvania, Canada, London, Texas, Michigan, Montreal, Chicago, San Jose, Phil Donahue’s secretary, *Time*, *Newsweek*, NBC, ABC, the BBC, and more. Papers of Daphne Fuhrmeister, in possession of author.

<sup>87</sup> Skinner to *Contra Costa Times*, 25 January 1979. Papers of Daphne Fuhrmeister, Folder 1, in possession of author. The newspaper printed a second letter to the editor along with



The legal process, meanwhile, moved forward. Iowa City’s attorney responded to Eaton’s motion for an injunction by asking the court to dismiss her petition on the grounds that the district court “lacks jurisdiction of the subject matter of this cause.”<sup>88</sup> The city’s brief, written by Assistant City Attorney Angela Ryan, focused on the final request in Eaton’s petition, which asked the court to prohibit the city from “enforcing any neutral rule against plaintiff which will have a disparate impact or effect on her because of her gender.”<sup>89</sup> This request proved that Eaton was basing her case on sex discrimination, the city argued, and Iowa law required cases of sex discrimination to be handled, initially, by the Iowa Civil Rights Commission (ICRC).<sup>90</sup> The city’s brief further noted that the ICRC had the power to seek injunctions. The proper legal forum for Eaton’s complaint, Ryan argued, was the Iowa Civil Rights Commission—not district court.

The city’s attorney was correct about one thing: the Iowa Civil Rights Commission did have original jurisdiction over complaints that alleged violations of the Iowa Civil Rights Act. But Eaton had not claimed that the city was violating the Iowa

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Skinner’s. It was from a nurse who stated that many mothers nurse longer than they should because nursing provides sensual gratification for the mother. “In the case of the unmarried Linda Eaton, she is possibly using her baby as a ‘husband substitute,’ she wrote. “If Eaton wins her case, think of the hundreds of nursing mothers . . . who will demand nursing time and a special room where mothers can get together for the purpose of getting sensual gratification—en masse.” (Mrs. J.A. Wood to editor of *The Contra Costa Times*, date unknown but it was published prior to Feb. 7, 1979. This letter in Folder titled “Letters to Eaton and fire station.)

<sup>88</sup> Equity No. 44750 Special Appearance, *Eaton vs. The City of Iowa City et al.*, filed 24 January 1979 at the Johnson County Courthouse, LEP, SHSI.

<sup>89</sup> Memorandum Brief Equity No. 44705, *Linda Eaton vs. The City of Iowa City et al.*, filed 24 January 1979 in the Iowa District Court in and for Johnson County, Johnson County courthouse in Iowa City, Iowa, in possession of author.

<sup>90</sup> The brief cited *City of Iowa City v. Westinghouse Learning Corporation*, 264 NW2d 771-772 (Iowa 1978), in which the court stated that “Chapter 601A disclosed the clear legislative intent to vest in an administrative body the original duty and power to determine the existence of discriminatory practices, removing that function from the courts except for review purposes.” Memorandum Brief Equity No. 44750 *Eaton v. City of Iowa City et al.*, filed 24 January 1979, LEP, SHSI.

Civil Rights Act. She claimed that the city was violating the U.S. and Iowa Constitutions. Eaton's attorney decided on this legal strategy because preserving her job was of paramount importance, and the mere filing of a complaint with the ICRC would not prevent the city from firing her. Often, in fact, employees were fired after filing such complaints, and although the employee might be reinstated after a favorable ruling, that process could take a year or more. Eaton could not afford to be out of work that long, and while it was true that the commission had the power to seek an injunction, there was no guarantee that they would do so in this case. Therefore, Eaton asked an Iowa judge to protect her constitutional rights to due process and equal protection by "preserv[ing] the employment situation so that an effective decision for either party can be made in the future."<sup>91</sup>

The city's motion for dismissal was unlikely to succeed, which the city's attorney surely knew. But the city filed it anyway, indicating that it took the case very seriously and intended to fight Eaton every step of the way.

Friday, January 26, 1979

On Friday morning, the downtown fire station was the place to be in Iowa City. Snow had fallen again Thursday evening and it was still as cold as it could be. A full contingent of reporters was on hand to see whether Eaton would be fired.<sup>92</sup> Eaton supporters were there, too. "Support Linda Eaton," said a handwritten flyer that encouraged people to attend a 10:00 A.M. rally at the Civic Center. "Neal Berlin may attempt to fire Linda Eaton . . . the city will attempt to justify it's [sic] position before all

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<sup>91</sup> Petition for Temporary Writ of Injunction, Equity No. 44750, filed in the Iowa District Court for Johnson County, 23 January 1979, LEP, SHSI.

<sup>92</sup> Jerald Heth, "Firefighter leaves early to nurse son in peace," *Des Moines Register*, 27 January 1979.

major media. Please, show up and voice your support.”<sup>93</sup> Picketers, avant-garde artists, and activists of all sorts milled about in the cold, waiting to see if Eaton would be fired, and not sure what they would do if she were.<sup>94</sup>

Eaton’s attorney, Jane Eikleberry, outflanked the city, however. “I owned a car, which was surprising, but I don’t think I could even get it out of the snow drift. So I walked. I walked from my apartment to work and to the court house,” she recalled.<sup>95</sup> With newspaper clippings in hand, Eikleberry explained to the judge that the city intended to fire Eaton that day, and that by January 29—the date of the hearing on her petition for an injunction—Eaton would no longer have her job. Eikleberry asked, therefore, for a temporary injunction forbidding the fire department from firing Eaton until the January 29 hearing. The judge issued the order, *ex parte*, at 9:30 A.M.<sup>96</sup> “The rights of all parties and the integrity of the judicial process requires the maintenance of the status quo,” he wrote.<sup>97</sup> Eaton could not be fired on January 26. The order “caught the city by surprise,” according to the newspapers.<sup>98</sup>

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<sup>93</sup> “Support Linda Eaton” flyer signed by “Just Another Crypto-Anarchist Cell Group” and mimeographed on the back of an Iowa Socialist Party flyer. Probably the work of political artist Scott Morgan who was part of the Monos’ labs, a street performance group started by Iowa City art student Thomascyne Buckley. The group showed up in their egg costumes at city hall that morning. Flyer from Papers of Daphne Fuhrmeister in possession of author.

<sup>94</sup> Including local folk singer Jeffrey Morgan, a member of ISP, singing his own rendition of Loudon Wainwright III’s humorous ode to breastfeeding “Rufus is a Tit Man” with lyrics improvised for the occasion; see Morgan’s letter to the editor in *Daily Iowan*, 2 February 1979.

<sup>95</sup> Interview with Jane Eikleberry, 15 June 2007, via telephone from Arizona.

<sup>96</sup> An *ex parte* injunction is an injunction that is granted without the other party having had notice of its application. It is granted only under the most pressing conditions, therefore, such as those that Eikleberry described to the judge.

<sup>97</sup> Order, Equity No. 44740, *Linda Eaton vs. The City of Iowa City et al.*, filed on 26 January 1979, signed by Judge Ansel J. Chapman, LEP, SHSI.

<sup>98</sup> Thurow and Boshart, “Commission to open probe,” *The Daily Iowan*, 29 January 1979, 1; Curt Seifert, “Court order, fire call delay Eaton decision,” *Iowa City-Press Citizen*, 26 January 1979, 1.

Later that morning, City Manager Neal Berlin held a press conference to brief nearly fifty reporters on the status of the Eaton situation. His four-page press release began with the city's main point. The "rhetoric of emotion," Berlin stated, has obscured the real issue in the case, which is "the right and obligation of the City to establish non-discriminating work rules and to direct the work of employees."<sup>99</sup> To avoid "an emotional debate which will be detrimental to the City and the Fire Department," Berlin stated, he had proposed that the case be submitted to a third party for binding arbitration, but Eaton's attorney had declined the offer.<sup>100</sup>

As Berlin spoke in the city council chambers at the Iowa City Civic Center, a woman moved to the front of the crowd with a cherry cream pie in her hand. Before she hurled it at Berlin, however, the mayor yelled, "Watch it! There's a kook," and a reporter made a grab for the woman's arm.<sup>101</sup> Berlin quickly ducked into an adjacent room and the pie hit the doorway behind him, where it slowly slid to the floor. Police arrested a twenty-five year old law student on disorderly conduct charges and as they led her away, the mayor shouted at her, "You're a real sweetie. You've done a lot for the

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<sup>99</sup> Press release statement by Neal G. Berlin, City Manager, 26 January 1979, in the packet of the Iowa City City Council meeting for 1/30/79, Document no. 217 on microfiche at the office of the city clerk, Iowa City.

<sup>100</sup> *Daily Iowan*, 29 January 1979; *Iowa City Press-Citizen*, 26 January, 1979. A member of NOW, Linda Schuppener, was handling press relations for Eaton. She told the *Daily Iowan* that the reason Eaton turned down the offer was because arbitration could take months and limit Eaton's legal remedies.

<sup>101</sup> The mayor's shout reported by Jerald Heth, "Firefighter leaves early to nurse son in peace," *Des Moines Register*, 27 January 1979. The reporter's intervention reported by Ford Clark, "Judge blocks Eaton firing," *Cedar Rapids Gazette*, 26 January 1979, 1A.

cause of Linda Eaton.”<sup>102</sup> That afternoon, the local newspaper featured a front-page photograph of Berlin taking cover from a pie in mid-flight.<sup>103</sup>

The biggest excitement of the day, however, and the most important development as far as Eaton was concerned, was still to come. Eaton’s mother brought baby Ian to the station around noon, and shortly after Eaton began nursing him in her locker room, a fire call came in. Eaton handed the infant to her mother as she listened to the information coming in over the speaker: an aquarium motor was burning in a house on Rochester Court in Iowa City. Eaton hurried up the steps to respond to the call.<sup>104</sup> News cameras filmed Eaton boarding the fire truck ahead of most of the men, and then followed the truck to the call, where the fire had already been extinguished by the time the fire department arrived (see Figure 1.5). “Eaton was second on truck” read the headlines the next day.<sup>105</sup> The call was a stroke of good fortune for Eaton because it proved her claim that breastfeeding would not delay her response time.

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<sup>102</sup> Mayor Bob Vevera, a former police officer, was known for his short temper. He had lost his job with the police department after a physical altercation with a fellow officer. Law student Bar Blevins, who threw the pie, was a member of the Iowa Socialist Party; some ISP members did not approve of her action.

<sup>103</sup> Curt Seifert, “Court order, fire call delay Eaton decision,” *Iowa City Press-Citizen*, 26 January, 1979, 1A.

<sup>104</sup> Testimony of Linda Eaton, District Court hearing, 30 January 1979.

<sup>105</sup> Boshart and Thurow, “Eaton was second on truck,” *Daily Iowan*, 29 January 1979, 1; Heth, “Eaton hands baby to mom, is second on fire truck,” *Des Moines Register*, 28 January 1979, (this headline appears over the continuation of the story on inside pages.)

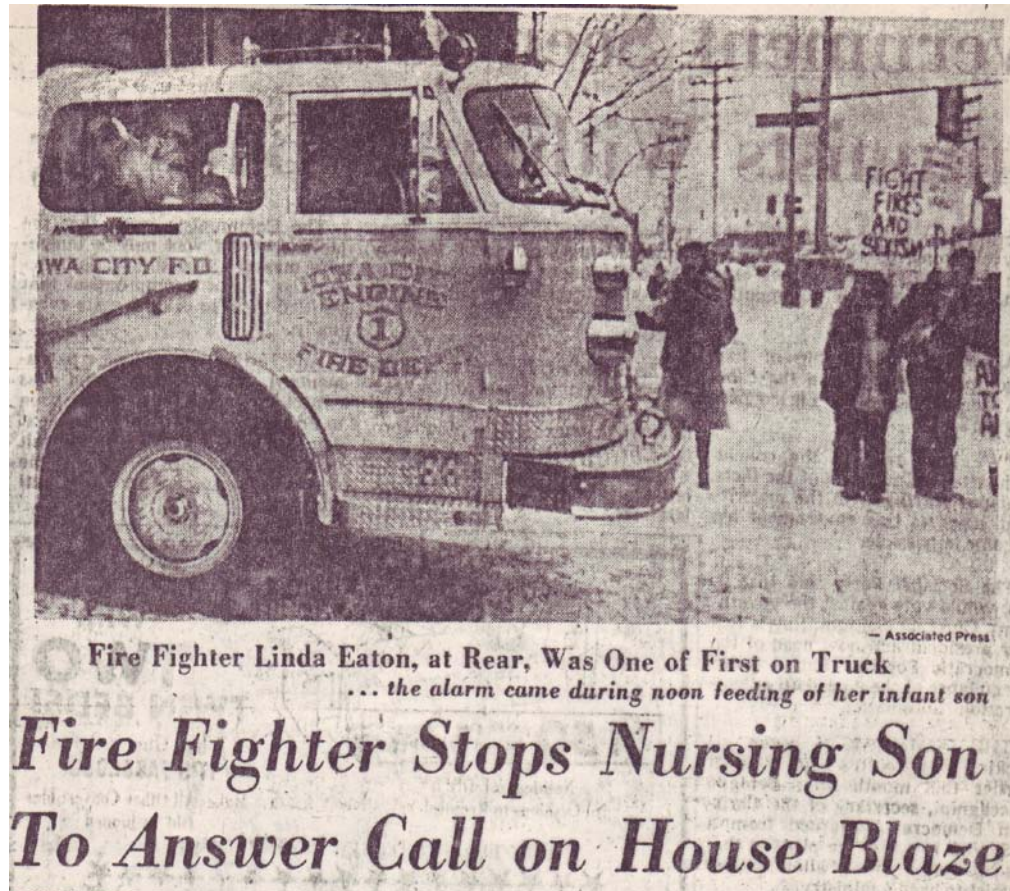


Figure 1.5. *The Miami Herald*, 27 January 1979. Eaton was one of the first on the truck, despite the fact that she was nursing when the call came in.

By mid-afternoon, the city felt the need to “calm a carnival-like atmosphere at city hall.”<sup>106</sup> Chief Keating, fearing that the crush of reporters and protestors would remain at the fire station until Ian’s feeding at dinnertime, asked Eaton to leave work, voluntarily, for the remainder of the day. She was not being sent home as a disciplinary action, city officials emphasized, but because the city had concluded that “it would be

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<sup>106</sup> Heth, ‘Firefighter leaves early to nurse son in peace,’ *Des Moines Register*, 27 January 1979.

better for safety and efficiency of the fire department if she would go.”<sup>107</sup> Eaton complied.

But the day’s events had not yet concluded. Late Friday afternoon, Iowa’s attorney general entered the legal arena on Eaton’s behalf by filing a complaint with the Iowa Civil Rights Commission in which he charged the Iowa City Fire Department with “sex discrimination in employment,” a violation of the Iowa Civil Rights Act.<sup>108</sup> Under Iowa law, the Iowa Civil Rights Commission was now an interested party in Eaton’s case, and the commission intervened as an ally in Eaton’s petition for a temporary injunction.<sup>109</sup> The city’s motion for dismissal was now moot. Even if, by some remote chance, the judge had agreed with the city that Eaton could not request an injunction, the Iowa Civil Rights Commission had the legal authority to request one. This did not mean that Eaton would get the injunction, but she was now guaranteed a hearing.

The *Daily Iowan* continued to insist that there was no good reason to prohibit Eaton from breastfeeding. Friday’s paper ran a story about two University of Iowa employees—the director of a student organization and a secretary in the School of Social Work—who had breastfed their babies on the job. The article implied that breastfeeding at work was not a problem unless the employer made it into one.<sup>110</sup>

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<sup>107</sup> Assistant city manager Dale Helling quoted in “Firefighter Eaton goes home in temporary truce with city,” *Iowa City Press-Citizen*, 27 January 1979.

<sup>108</sup> Complaint of *Thomas J. Miller, Attorney General of Iowa vs. City of Iowa City and City of Iowa City Fire Department*, received by the Iowa Civil Rights Commission on January 26, 1979. The complaint cited Chapter 601A.6 of the 1977 Code of Iowa as the law the fire department had violated. LEP, Box 4, Folder 19, SHSI.

<sup>109</sup> Petition of Intervention for Temporary Injunction, Equity No. 44750, *Linda Eaton vs. City of Iowa City et al.*, Iowa Civil Rights Commission, Intervenor, filed on 26 January, 1979, in possession of author.

<sup>110</sup> Rod Boshart, “Nursing on the job ‘worked’ at UI,” *Daily Iowan*, 26 January 1979. Susie Graff had her infant daughter in a crib in her office at the School of Social Work from March to May 1977. Shelley Lowenberg-DeBoer, director of student organization Free Environment, nursed her son at her desk in the IMU Student Activities Center.

The city remained committed to its position that breastfeeding would not be permitted. “We’re firm in our stance, and we feel we are right. We won’t consider any compromise,” vowed the assistant city manager.<sup>111</sup> But the city had underestimated the fight that was shaping up. The local women’s movement was strong and influential. Eaton had a pledge of financial support and the legal talents of an experienced civil rights attorney at her disposal. Many university organizations supported Eaton, and although editorials and letters-to-the-editor were mixed, a poll taken by the *Des Moines Register* showed that most Iowa City residents sided with Eaton.<sup>112</sup> In truth, the city had bungled the job by failing to offer a persuasive reason for denying Eaton’s request. Friday’s events then undermined their claim that breastfeeding would interfere with Eaton’s ability to respond promptly to an alarm. Since the city could no longer claim that breastfeeding would interfere with Eaton’s job, it increasingly emphasized that the ban on breastfeeding was based on its commitment to equality.

#### The Equal Rights Amendment in Iowa

The proposed Equal Rights Amendment (ERA) to the U.S. Constitution was a major issue in Iowa and the nation in 1979, the year Linda Eaton sought to breastfeed her baby at the fire station. Eaton’s case was discussed during a public debate on the ERA

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<sup>111</sup> Dale Helling quoted in Boshart and Thurow, “Eaton nurses, is sent home; battle to resume,” *Daily Iowan*, 23 January 1979, 1. Professor Anthony Sinicropi, director of the University of Iowa Industrial Relations Institute facilitated a mediation session with Neal Berlin, Chief Keating, Jane Eikleberry, and Clara Oleson on Sunday, January 28, 1979 (the day before the hearing on the injunction began), but the parties were unable to reach an agreement. See Thurow and Boshart, “Eaton-city negotiations unfruitful,” *Daily Iowan*, 31 January 1979, 1. Jane Eikleberry provides some details in a Motion for Continuance Equity No. 44750 that was, apparently, never filed. Eikleberry notes that the parties reached “substantive agreement,” but that Angela Ryan, “who was not personally present at any mediation telephoned Plaintiff Attorney and withdrew agreement on all issues except one.” Document in author’s possession.

<sup>112</sup> Arnold Garson, “Poll shows support for woman firefighter: Iowa City’s views on nursing baby,” *Des Moines Register*, 28 January 1979, 1. Aggregate figures showed 48% supported; 42% opposed; and 10% undecided. 50% of women and 38% of men supported Eaton. Age the biggest factor, however, 66% of under-30 age group supported Eaton.



held in Iowa City in March 1979 between Phyllis Schlafly, founder and president of STOP-ERA, and Karen DeCrow, former president of NOW. The comments the women made about the case that evening reiterated what Iowa City officials already seemed to know: Eaton's case, like the ERA, was a struggle over the meaning of gender equality. The fight over the ERA shaped the political context in which Eaton's case occurred and influenced the public responses to her claim.

The Equal Rights Amendment was nearly fifty years old when the resurgent women's movement gave it new life in the early 1970s. The ERA had first been introduced in Congress in 1923, but most women's organizations had not supported it. Some believed it was not necessary, while others feared losing hard-won labor laws that protected women workers.<sup>113</sup> The ERA, therefore, languished for many years. But following the passage of Title VII in 1964, which outlawed discrimination on the basis of sex in employment, courts began striking down protective labor laws, and in 1969, the Equal Employment Opportunity Commission ruled that they violated Title VII.<sup>114</sup> In the face of these developments, all branches of the expanding second-wave women's movement united behind the goal of passing the ERA. Congress passed the Equal Rights Amendment in March 1972 with strong bipartisan support, and it was ratified by twenty-two of the required thirty-eight states, including Iowa, within the year.<sup>115</sup> Eight more states ratified the ERA in 1973, leaving only eight to go in order to make the ERA the

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<sup>113</sup> These included minimum-wage and maximum-hours laws. They were known as "protective" legislation because it was assumed that women needed the law's protection from employers, whereas men had the resources to negotiate suitable working conditions and wages.

<sup>114</sup> See Alice Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20<sup>th</sup>-Century America* (Oxford and New York: Oxford University Press, 2001), 267.

<sup>115</sup> The U.S. House of Representatives passed the ERA in the spring of 1971 by a vote of 354-23. The Senate passed the ERA in March 1972 by a vote of 84-8.

27<sup>th</sup> Amendment to the U.S. Constitution. Since the ratification deadline was still six years away, the ERA seemed certain to become the law of the land.<sup>116</sup>

After this quick start, however, the campaign to ratify the ERA began to founder. In late 1972, conservative activist Phyllis Schlafly of Illinois launched STOP-ERA, a national organization to defeat the ERA that quickly sprouted local affiliates in all fifty states.<sup>117</sup> Schlafly, an intelligent and articulate conservative activist, soon became the leading voice against the ERA.<sup>118</sup> Her widely circulating monthly newsletter provided ERA opponents across the nation with information and arguments to use in their local anti-ERA campaigns.<sup>119</sup> Schlafly contended that the ERA was bad for women. If the law treated men and women equally, she argued, women would no longer be entitled to male protection. Schlafly urged women not to give up the legal benefits that their gender conferred on them, such as a husband's obligation to support his wife and exemption from military service. In addition, Schlafly objected to the ERA on cultural grounds. She argued that the ERA was part of a radical feminist agenda aimed at undermining American families, promoting homosexuality, and providing abortions on demand. The

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<sup>116</sup> Congress placed a seven-year ratification deadline on an amendment to the US Constitution for the first time with the Eighteenth Amendment (prohibition), passed by Congress in 1917. Since then, a seven-year deadline has been imposed on several, but not all, amendments. The Constitution itself does not set a deadline for amendments, but the Supreme Court ruled in 1921 (*Dillon v. Gloss*) that ratification should be soon enough to express a "contemporary consensus of the states."

<sup>117</sup> Recent scholarship warns that historians have ignored the influence of grassroots anti-ERA activism that did not originate with Schlafly. See Nancy Baker, "Women Who Want to be Women: The ERA Battle in Texas and the Development of a State, National, and Transnational Conservative Women's Network," unpublished paper presented at the 14<sup>th</sup> Berkshire Conference on the History of Women, Minneapolis, Minnesota, June 2008; in possession of author.

<sup>118</sup> On Schlafly's extraordinary political career, see Donald Critchlow, *Phyllis Schlafly and Grassroots Conservatism: A Woman's Crusade* (Princeton: Princeton University Press, 2005).

<sup>119</sup> Iowa Women Against the ERA, for example, used materials produced by Schlafly's organization.

anti-ERA movement mobilized thousands of women who had never been politically active before. State by state, women lobbied, rallied, and marched to defend their femininity and their families by defeating the ERA. They were successful. Between 1974 and 1977, only five more states ratified the ERA, while seventeen rejected it. Furthermore, by the mid-1970s, legislators began introducing bills to rescind ratification in the states that had already ratified the ERA, including Iowa.<sup>120</sup>

Iowa had been one of the first states to ratify the ERA, a political feat that demonstrated the strength of the women's movement in Iowa and the leadership skills of several women in Iowa's legislature.<sup>121</sup> Less than a week after the U.S. Congress passed the ERA, Iowa's Democratic-controlled legislature ratified the amendment with strong majorities and solid bipartisan support, including that of Republican Governor Robert Ray.<sup>122</sup>

By the mid-1970s, however, the campaign against the ERA was underway in Iowa.<sup>123</sup> In April 1974, Roxanne Conlin, the dynamic chair of the Iowa Women's

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<sup>120</sup> Several scholars have analyzed the ERA's defeat. See Jane J. Mansbridge, *Why We Lost the ERA* (Chicago and London: University of Chicago Press, 1986); Donald G. Mathews and Jane Sherron De Hart, *Sex, Gender, and the Politics of ERA: A State and the Nation* (New York and Oxford: Oxford University Press, 1990); Chapter 10 of Barbara Ehrenreich, *The Hearts of Men: American Dreams and the Flight from Commitment* (New York: Anchor Books/Doubleday, 1986); and Nancy E. Baker, "Too much to lose, too little to gain: the Role of Recission Movements in the Equal Rights Amendment Battle, 1972-1982" (Ph.D. diss., Harvard University, 2003).

<sup>121</sup> Senator Minnette Doderer, Democrat of Iowa City, Senator Charlene Conklin, Republican of Waterloo, and Representative Joan Lipsky, Republican of Cedar Rapids saw to it that the Iowa General Assembly ratified the ERA promptly. See Suzanne O'Dea Schenken, *Legislators and Politicians: Iowa's Women Lawmakers* (Ames, Iowa: Iowa State University, 1995), 119-125.

<sup>122</sup> The vote was 44-1 in the senate and 71-15 in the house. Jerry Szumski, "Iowa is Fourth State to Ratify Rights for Women," *Des Moines Register*, 25 March 1972. 1A.

<sup>123</sup> Iowa Women Against the ERA, in Des Moines, served as the central organizing group. It worked with STOP-ERA in Des Moines, The My Right To Be A Woman Committee in Sioux City, the Iowa Conservative Union, Daughters of the American Revolution, Iowa Association of Evangelicals, Catholic Daughters, and the National Right to Life Committee. See "New Strategies, Old Obstacles in the Fight for Equality: An Analysis of the 1992 Iowa Equal Rights Amendment Referendum Campaign," (Feminist Majority Foundation, 1993), 7.

Political Caucus and an assistant attorney general in Iowa's civil rights division, defended the ERA in a debate held in Des Moines with Arthur Ryman, a law professor at Drake University.<sup>124</sup> The professor charged that the ERA would destroy the American family because the law would no longer recognize differences between men and women. "When a woman is forced into an economic role, we get institutional child rearing and the nuclear family would become an exception rather than the rule," he argued, "and I think that is what is intended by the 27<sup>th</sup> Amendment [the ERA], and I think it is a mistake." Conlin responded by predicting that the ERA would "upgrade" the contributions of all women, including homemakers, "because women will then do it out of choice, and not because there are no other options open to her." And as for protective legislation in the workplace, Conlin said, "we've had privileges, we've had favors, now we want our rights."<sup>125</sup>

Many Iowa women, however, made it clear that they agreed with the professor. In a letter to the *Des Moines Register*, a married woman from Keokuk, a Mississippi River town in the southeast corner of Iowa, explained why she opposed the ERA. "The position of housewife is the most important role for a woman in our society. The personality, cultural and spiritual development of the child calls for the greatest resources of the mind and is dependent on the woman in the home," she wrote. She agreed that the ERA might be beneficial for business or professional women, but argued that it was very bad for housewives. "There is another side to this women's issue," she concluded.<sup>126</sup>

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<sup>124</sup> For more on Roxanne Conlin's role in securing women's rights in Iowa, see Chapter Five.

<sup>125</sup> A UPI article about the debate written by Pamela Huey was printed in many newspapers across the state, including the *Cedar Rapids Gazette*, 9 April 1974; "Drake professor squares off against woman's lib worker," *Oskaloosa Daily Herald*, 10 April 1974, *Ames Daily Tribune*, 10 April 1974; "Says rights amendment would 'gut' family," *Burlington Hawk-eye*, 9 April 1974; and "Drake Prof opposed equal rights bill," *Washington Journal*, 10 April 1974.

<sup>126</sup> Mrs. Donna Benson to the editor of *The Des Moines Register*, 28 September 1974.

In early 1975, the My Right to be a Woman Committee of Sioux City, Iowa, collected four thousand signatures urging Iowa's legislature to rescind their ratification of the ERA.<sup>127</sup> In their literature, the committee raised the specter of women being drafted into the military for combat roles, the end of single-sex institutions such as sororities and prisons, working women being forced to do dangerous "men's jobs," and a society characterized by same-sex marriage and unrestricted access to abortion. The committee placed the most emphasis, however, on the claim that the ERA would undermine the economic security of married women. A 1975 My Right to be a Woman flyer raised the following questions: "Should wives have the equal (50%) financial obligation to support their spouses (under criminal penalties, just like husbands)? Should we invalidate all the state laws that make it the primary responsibility of the husband and father to support his wife and children and provide them with a home?"<sup>128</sup> In addition, the committee noted that women's right to equal pay was already protected under federal and state law. "Equal Rights, Yes. Equal Rights Amendment, No," read the cover of its anti-ERA pamphlet. This clever slogan underscored the main complaint of ERA opponents: the ERA was not about gender equality, but about eliminating gender roles from American life.<sup>129</sup> In March 1977, with a full gallery of supporters and a homemade loaf of bread

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<sup>127</sup> Spring Newsletter, My Right to be a Woman Committee, Iowa Women's Political Caucus Records, Box 22, Topical files, ERA-material from organizations opposed, 1974-75, IWA.

<sup>128</sup> "Should Iowa Rescind Equal Rights Amendment?" Iowa Women's Political Caucus Records, Box 22, Topical files, ERA materials from organizations opposed, 1974-75, IWA.

<sup>129</sup> The 1973 U.S. Supreme Court decision *Roe v Wade*, which decriminalized abortion, fueled the anti-ERA movement and bolstered this claim. Anti-ERA activists argued that when the Supreme Court would be called upon to interpret the new amendment, it would enforce sexual sameness and women would lose their privileges as women. In addition, both abortion and the ERA were part of the feminist agenda, which anti-feminists claimed bad for American families. During this same time, supporters of a Human Life Amendment, (which would overturn *Roe*), were working at both the federal and state levels. Terry Branstad, later the governor of Iowa, was the featured speaker at an anti-abortion rally in January 1979. A resolution urging Congress to support a "human life amendment" was introduced in the Iowa legislature in 1979.

on every senator's desk that said, "Vote for the Homemaker, Rescind the ERA," Senator Eugene Hill, a Democrat from Newton, introduced a resolution calling on Iowa's state legislature to rescind its ratification of the ERA.<sup>130</sup>

The rescission effort in Iowa eventually failed, but the ERA was in serious trouble. By 1977, many Iowans had concluded that it was not going to pass. In response, Senator Philip Hill, a Republican from Des Moines, proposed a state ERA for the Iowa Constitution.<sup>131</sup> After much heated debate during its 1978 session, the 67<sup>th</sup> General Assembly passed Iowa's state ERA by wide margins in both chambers.<sup>132</sup> Because Iowa law requires a state constitutional amendment to be passed by two consecutive sessions of the legislature before being submitted to the voters for approval, the 68<sup>th</sup> General Assembly again considered the state ERA in 1979. The measure passed quickly, and the Iowa ERA then moved to the final step of the amendment process—it was placed on Iowa's 1980 ballot.<sup>133</sup>

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<sup>130</sup> Schencken, 121.

<sup>131</sup> State ERAs were proposed in many states during the 1970s. Initially they met with great success. Six states passed state ERAs in 1972, the same year the national ERA was passed by Congress. However, as with the national ERA, the success of state ERAs soon slowed. Between 1973 and 1986, state ERAs were defeated in seven of the twelve states that considered them, and no state ERAs passed after 1976. From "New Strategies, Old Obstacles in the Fight for Equality: An Analysis of the 1992 Iowa Equal Rights Amendment Referendum Campaign" (Feminist Majority Foundation, 1993).

<sup>132</sup> The final vote was 78-16 in the house and 37-11 in the senate. "Legislative History of the Iowa Equal Rights Amendment," Kappie Spencer Papers, Box 15, Background, Iowa ERA 1980, IWA.

Soon after the state ERA was introduced, pro and anti-ERA groups held rallies at the State Capitol in Des Moines on the same day. Phyllis Schlafly addressed the antis on the north end while Minnette Doderer addressed an ad-hoc coalition of over thirty organizations on the south steps. The organizations represented in the pro-ERA coalition included the AAUW, Girl Scouts, Democratic Party, Church Women United, ICLU, Iowa Federation of Labor, Iowa Nurses Association, and NOW. Memo to Heads of organizations supporting the ERA from Reta Lancaster, Speak-Out Coordinator Re: Speak-Out Monday May 16, 1977 South Steps, Capitol, Kappie Spencer's Papers, Box 15, 1980 ERA History, IWA.

<sup>133</sup> Schencken, 124. Schencken speculates that since legislators knew the public would be voting on it before it became law, they decided not to spend too much political capital fighting it. In 1979, the vote in the house was 83-15, and in the senate, 44-5.

A  
DATE  
TO REMEMBER

YOUR DATE WITH VERA

SUNDAY - NOVEMBER 19, 1978  
(10:30 - 3:00)

JOIN: THE GOVERNOR  
STATE OFFICERS  
LEGISLATORS  
SPECIAL GUESTS  
IOWANS WHO SUPPORT ERA

WHERE? IOWA STATE CAPITOL

WHY? -TO CELEBRATE THE 1<sup>ST</sup> ANNIVERSARY  
OF THE HISTORIC HOUSTON WOMEN'S CONFERENCE  
-TO LAUNCH THE IOWA-ERA COALITION  
-TO SHOW SUPPORT FOR EQUAL RIGHTS  
-TO MEET FRIENDS & HAVE FUN

BE A PART OF HISTORY IN THE MAKING!

10:30 - ADOPTION OF BY-LAWS  
12:00 - TAILGATE PICNIC (BRING YOUR KIDS,  
AUNTS, UNCLES & COUSINS)  
1:30 - PROGRAM

TEDDY BEARS WELCOME! BUT - NO PETS (SORRY, FIDO)

PLEASE WEAR WHITE



Figure 1.6. Poster for ERA rally, 1978. From papers of Kappie Spencer, Iowa Women's Archives.

The strong bipartisan support for the ERA in Iowa's legislature gave ERA supporters confidence, but they were not complacent. As early as May 1978, a key ERA

leader and prominent Republican in Iowa, Kappie Spencer, wrote to the chair of the incipient Iowa ERA Coalition, Peg Anderson of Waterloo, “to express concern over current activity of ‘anti’ forces and urge that we initiate action of our own in the very near future so that we can stay one step ahead of the game.”<sup>134</sup> Anderson, also a Republican, took Spencer’s advice. The Iowa ERA Coalition met in July to develop a plan to ensure passage of the measure. In 1978, the group sought and received the public support of Republican Governor Robert Ray in September, began publishing a newsletter in October, and held a day-long rally in Des Moines in November to kick off its public campaign to ratify the state ERA (see Figure 1.6).<sup>135</sup> It also established local ERA organizations in ninety of Iowa’s ninety-nine counties. Polls conducted by the *Des Moines Register* in 1977 and 1979 showed that 59% of Iowans favored the ERA.<sup>136</sup> Despite the growth of the anti-ERA movement, therefore, the Iowa ERA Coalition believed it was running a winning campaign.<sup>137</sup>

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<sup>134</sup> Kappie Spencer to Peg Anderson, 13 May 1978. Kappie Spencer Papers, Box 15, 1978 ERA Personal Action, IWA. One year earlier, the AAUW Division ERA coordinator sent an urgent memo to Iowa branches about an ERA hearing scheduled for Des Moines. “Anti-ERA forces are expected to be present in great numbers and to be very vocal,” she wrote. “YOU ARE NEEDED . . .” Memo to Branch Legislative Program Chairs from Mary Ann Erb, 7 April 1977, Kappie Spencer Papers, Box 15, 1980 ERA History, IWA.

<sup>135</sup> Kappie Spencer to Peg Anderson, 26 July 1978 and other items in ERA 1980 Personal Action folder, Kappie Spencer Papers, Box 15, IWA.

<sup>136</sup> Glenn Roberts, “Iowa favors ERA; men back it strongly,” *Des Moines Register*, 31 July 1977 and Michael Wegner, “Women, Iowa Poll: Our attitudes slowly change,” *Des Moines Register*, 5 August 1979. The 1977 poll included a gender analysis, showing that men supported the amendment by a much wider margin than women. The 1979 poll analyzed responses by age, showing that younger people supported the ERA in greater numbers than older people.

<sup>137</sup> The ERA was dividing Republicans in Iowa by the late 1970s. The Iowa Republican Party nearly removed the ERA from its platform in 1978; it was the only issue on which the Party had a fight that year. In the end, the conservatives, led by Terry Branstad, who would soon be governor, conceded to the moderates, led by Governor Robert Ray and Mary Louise Smith, former chair of the Republican National Committee. See David Yepsen, “Iowa GOP votes to stay pro-ERA,” *Des Moines Register*, 25 June 1978.



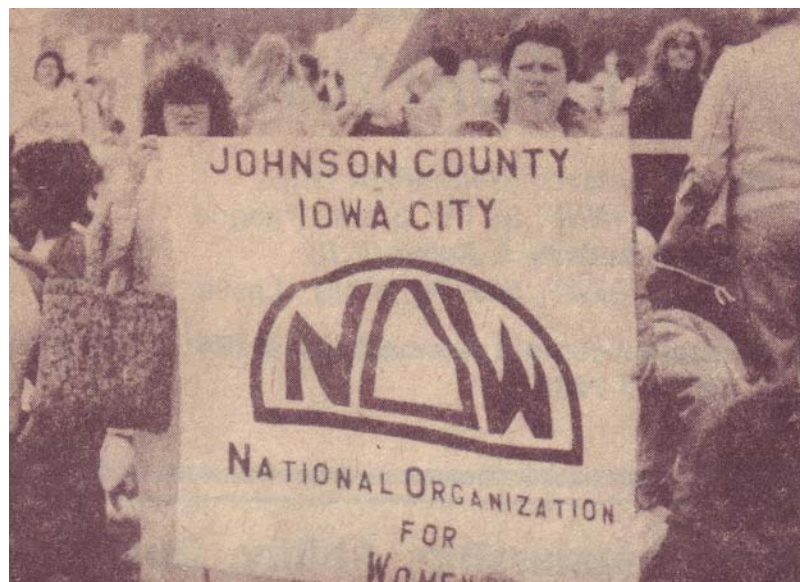


Figure 1.7. *Daily Iowan*, 14 May 1980. Members of the Johnson County Iowa City NOW march in an ERA rally in Chicago on Mother's Day, 1980.

By 1979, the national struggle over the ERA was reaching a crescendo, and Iowa was in the thick of it. In fact, ERA supporters in Iowa were working double duty—to pass the state ERA and to help ratify the national ERA, especially in neighboring Illinois, the home of Phyllis Schlafly (see Figure 1.7).<sup>138</sup> After a difficult fight in Congress, where Republican support for the ERA had eroded significantly, the ratification deadline for the national ERA had been extended to 1982.<sup>139</sup> For the first time ever, the U.S. president, Jimmy Carter, mentioned the ERA in his State of the Union address and called upon remaining states to ratify the ERA. Only three more states were needed. Feminists redoubled their efforts; passing the ERA in just three more states became the top priority

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<sup>138</sup> Illinois was the only northern state that did not ratify the ERA. For participation of Iowa women in the Illinois campaign, see Dubuque NOW Records at IWA.

<sup>139</sup> This was the first time that a ratification deadline had been extended for an amendment to the U.S. Constitution. The Republican Party dropped the ERA from its national platform in 1980.

on the feminist agenda.<sup>140</sup> Iowa, the only state with a state ERA on the ballot in 1980, received attention from the national pro- and anti-ERA organizations. Three states was a very thin margin and both sides knew that a win in Iowa could affect the political fortunes of the national ERA.<sup>141</sup> It was not surprising, therefore, that STOP-ERA and NOW scheduled the Schlafly-DeCrow debate in Iowa City during their national tour.

Emotions ran high as over fourteen hundred people crowded into the Iowa Memorial Union on the University of Iowa campus to hear the debate on a cool evening in March 1979. The mostly female audience was decidedly hostile to Schlafly: picketers lined the entranceway, police confiscated several cream pies, and jeers greeted many of Schlafly's opening remarks.<sup>142</sup> During the question-and-answer session, an audience member asked the women to comment on Linda Eaton's case. As expected, former NOW president Karen DeCrow praised Eaton for showing that "anatomy is not destiny" and stated that Eaton's case demonstrated why the ERA was necessary. Schlafly's response was harder to predict. After all, the firefighters' complaint was that Eaton was seeking gender-based privileges, and Schlafly had argued consistently that society *ought* to treat men and women differently—that women were entitled to gender-based privileges. But while Schlafly applauded Eaton for breastfeeding her baby, she stated that she did not think the fire house was the right place for breastfeeding. Schlafly's fight to preserve women's rights was limited to a specific group of women: those who acted like "ladies." Eaton, a single mother and career firefighter, was not adhering to feminine

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<sup>140</sup> ERA was at the top of NOW's agenda and of the feminist agenda approved at the International Year of the Woman conference in Houston in 1977. Also see Sara M. Evans, *Tidal Wave: How Women Changed America at Century's End* (New York and London: The Free Press, 2003), 172.

<sup>141</sup> National NOW sent staff to Iowa to work on the state ERA, while STOP-ERA ran TV and radio ads in targeted counties around the state.

<sup>142</sup> Marlene J. Perrin, "Protests while Schlafly, deCrow debate ERA," *Iowa City Press-Citizen*, 2 March 1979, 7A.

gender norms as Schlafly understood them. For Schlafly, then, the problem with Eaton and the ERA was the same: both erased distinct male and female gender roles.

Linda Eaton may not have been enough of a woman to get Schlafly's support, but she was too much of a woman to get the fire chief's. City officials insisted that they could not grant Eaton the special privilege of breastfeeding her son at the fire station because women and men should be treated equally on the job. Therefore, all firefighters needed to abide by the unwritten policy against regularly scheduled family visits, which meant that Eaton's son could not come to the station twice a day for breastfeeding. The city's emphasis on its commitment to equality was perhaps influenced by the rhetoric of pro-ERA forces in Iowa City. Presenting itself as the true proponent of equality, the city rebuked ERA and Eaton supporters (presumed to be one and the same) as hypocrites who wanted equality when it benefited them, but otherwise were for gender-based privileges. The city's rhetoric also taunted ERA advocates who supported Eaton with the message that they were simply getting the equality they had asked for.

The city's references to special privileges conveyed another message about equality: affirmative action did not promote it. In this regard, the city was on the same page as the firefighters, who never ceased charging that Eaton, an affirmative action hire, had received special privileges throughout her tenure with the Iowa City Fire Department. During the 1970s, affirmative action policies came under attack across the nation, particularly by white males who increasingly felt victimized by employment policies designed to offer more opportunities to non-whites and women. They began fighting back under the banner of equality. In 1978, the U.S. Supreme Court ruled in *Regents of the University of California v. Bakke* that the use of racial quotas in college admissions decisions was unconstitutional.<sup>143</sup> Opponents of affirmative action felt

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<sup>143</sup> Affirmative action was "the most pressing" legal question before the U.S. Supreme Court in 1978 according to the *New York Times* reporter who covered the Court for thirty years. See Linda Greenhouse, "2,691 Decisions," *New York Times*, 13 July 2008, Week in Review, 1.

vindicated by this ruling and pressed more claims of reverse discrimination. Iowa City firefighters discussed whether they might file a reverse discrimination claim based on the special treatment they believed Eaton had received from the city when she was hired and during her pregnancy.

Linda Eaton herself did not participate in these debates about gender equality. In fact, she never used the language of feminism or equality to articulate her aim. She was much more practical, and her needs more immediate. To her, it wasn't about the ERA or feminism at all—it was about her son's health.

### The Making of an Accidental Feminist

Eaton's decision to disobey the fire chief did not surprise her former high school classmates, who remember her as a strong-willed, adventurous, and bold young woman.<sup>144</sup> Although she never got in serious trouble in high school, Eaton seemed to revel in the anti-establishment mood of the late 1960s. "If you told her no," one classmate elaborated, "she was going to ask why. And if you couldn't justify why, then she kept pushing."<sup>145</sup> Linda Eaton was not one to back down, even in the face of authority, agreed those who had known her.<sup>146</sup> This determination, coupled with a "free

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*Bakke*, a controversial 5-4 decision, did not, however, bring an end to the use of race and sex in decisions about employment and educational opportunities. While quotas were found unconstitutional, the majority ruled that race could be used as one factor because promoting diversity was a worthy goal. While the Court continued to uphold some affirmative action programs during the 1980s, the strategy of depicting affirmative action as a form of racism (or, less frequently, sexism) has had a good deal of success in the 1990s and the 21<sup>st</sup> century.

<sup>144</sup> This description of Eaton drawn from interviews with three of Eaton's former basketball teammates (Lory Rieger, 21 August 2007, Des Moines, Iowa; Deb Guinn, 30 January 2008, West Liberty, Iowa; and Patty Harmon, 23 August 2007, Council Bluffs, Iowa); three of her classmates (Kathy Cox, Steve Parizek, and Pat Jepson, 10 July 2007, West Branch, Iowa); and a former teacher (Ken Donnelly, 14 June 2007, West Liberty, Iowa). Eaton was "not the kind of person that was intimidated." Interview with Ken Donnelly, 14 June 2007.

<sup>145</sup> Pat Jepson, interview with classmates, 10 July, 2007.

<sup>146</sup> Interview with Kathy Cox, Steve Parizek, and Pat Jepson, 10 July 2007; interview with Ken Donnelly 14 June 2007.

spirit” that was not afraid to risk violating social norms, produced a powerful personality.<sup>147</sup> In fact, a former teammate who had played basketball with Eaton for six years added, “If there were any of my classmates that I would have picked, she would have been among the top three to show up in something *big* later on in life.”<sup>148</sup>

Linda Rae Eaton was born in 1953 in West Liberty, Iowa, a small, rural town in southeast Iowa with a population of about 2,500.<sup>149</sup> Agriculture dominated West Liberty’s economy in those days and the town boasted a grain elevator, stockyards, a hog binding station, and two implement dealers.<sup>150</sup> A small downtown business district provided farmers and town residents with most of their goods and services; it included a bank, several grocery stores, a hardware store, barbershops and beauty salons, a couple of bars, a bowling alley, and a five-and-dime. In 1963, Louis Rich opened a turkey processing plant in town, beginning a long, steady influx of immigrants, mostly Mexicans and Mexican-Americans, to West Liberty, but the plant also employed many locals and soon became the town’s main employer.<sup>151</sup> Throughout the 1960s, as the number of family farms declined, more West Liberty residents found work in the nearby cities of

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<sup>147</sup> All Eaton’s classmates used the term “free spirit” at some point in my interview with them. Patty Harmon described Eaton as having the “powerful” presence of a natural leader.

<sup>148</sup> Interview with Lory Rieger, 21 August 2007. Emphasis original.

<sup>149</sup> West Liberty’s population, unlike those of most small towns in Iowa, has grown in the late twentieth century due to immigration. West Liberty’s population, as of the 2000 census, was well over 3600.

<sup>150</sup> Eaton’s classmates estimate that between 50 and 60% of the families they knew in high school were involved in farming.

<sup>151</sup> The plant employed many young people and retired farmers. For instance, Pat Jepson, class of 1971, worked in the plant for six years after graduating from high school, and Steve Parizek’s father worked there after he ended his career as a farmer. Close to 800 people employed at the plant in the late 1970s. The Mexican population of West Liberty was mostly invisible in the 1960s, especially to high school students since only one Mexican student was in their class. Interview with Cox, Parizek, and Jepson, 14 July 2007.

Iowa City and Muscatine, and West Liberty began to take on some of the characteristics of a bedroom community.<sup>152</sup>

The close-knit Eaton family lived in a modest house in town, and Eaton's working-class parents commuted eighteen miles to their jobs at the University of Iowa in Iowa City to support their five children.<sup>153</sup> Eaton's father worked as a shopkeeper in the University's Main Library and her mother as a server in the dorm cafeterias.<sup>154</sup> The Eatons did not belong to a church or any civic organizations in West Liberty, but engaged, instead, in family-oriented activities such as athletics.<sup>155</sup> All five Eaton children attended public schools in West Liberty, where they were known as high-spirited, and where the youngest boy's frequent run-ins with the police gave him a reputation as downright wild.<sup>156</sup> Some classmates attributed their behavior to the way the Eatons raised their children, which they characterized as "laidback." Eaton's

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<sup>152</sup> Muscatine (pop. 30,000 in 1970), located about 20 miles southwest of West Liberty has two large employers, Heinz and Hon (office furniture manufacturer). The large employers in Iowa City (pop. 50,000 in 1970), located about 18 miles northeast of West Liberty, were the University of Iowa and Proctor & Gamble. The number of small businesses in West Liberty has declined steadily since the late 1960s as more people do their shopping in the larger cities.

<sup>153</sup> West Liberty phone books show the Eatons at their house in town, 409 E. 4<sup>th</sup> St., for the first time in 1961. Prior to that they lived on a rural route.

<sup>154</sup> LB Eaton's (Linda's father) first job with the University was deliveryman, which paid \$1.70/hr. When he retired as a Shopkeeper II in 1985, he was earning \$16,480/yr. Luetta Eaton, her mother, worked in Burge and Currier residence halls. Luetta Eaton's pay in 1968, her first year on the job, was \$3,660; she earned \$16,626 in 1987, her last year. Internal Allocations records, University of Iowa Archives, Iowa City, Iowa.

<sup>155</sup> Fitness was a particular passion of LB's, according to a former co-worker. Many people have told me they've often seen both LB and Linda at the North Dodge Athletic Club over the years, where they played a lot of racquetball.

<sup>156</sup> These were mainly for traffic violations when Roger was in high school. In 1979, he sued the West Liberty police for harassment following two arrests for driving under the influence. Interview with Cox, Parizek, and Jepson, 10 July 2007; interview with Ken Donnelly, 14 June 2007; "Suit alleges 'brutality' in arrest," *Muscatine Journal*, 5 July 1979. The article in the *Journal* says that Roger Eaton's driver's license had been suspended three times and revoked twice.

classmates noticed that the Eaton household seemed to have fewer routines, and the children fewer restrictions, than most.<sup>157</sup>

Linda, the fourth of the Eaton children, was one of the most popular girls in her class. A striking beauty with an olive complexion and large almond-shaped eyes, Eaton reminded her classmates of movie star Raquel Welch, and her election to the homecoming court her senior year was a foregone conclusion.<sup>158</sup> She was also a good student—often described as smart—and had a lively, good-natured disposition.<sup>159</sup> “If Linda got into a conversation, she would say something witty and get everyone laughing,” a classmate recalled.<sup>160</sup> She usually dated older guys, though, such as one longtime boyfriend who reminded classmates of James Dean—he had both the ’57 Chevy and the cool attitude. The boys in Eaton’s class recalled that they did not consider asking her out for a date; they perceived her as out of their league.<sup>161</sup>

Eaton’s lack of inhibition never ceased to amaze and delight her classmates. In one famous incident, while perched on the hood of her boyfriend’s Chevy one sweltering July afternoon, Eaton sought relief by removing her shirt as the boys had done. “And she didn’t think a thing about it. That was just Linda,” recounted one of the male classmates who had shared the Chevy hood with Eaton that day. Eaton also challenged school rules, such as the day she was sent home from school for disobeying the dress code by wearing a pair of bright yellow hot pants.<sup>162</sup> “She was unlike anybody I had ever come across

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<sup>157</sup> Interview with Deb Guinn, 30 January 2008; interview with Patty Harmon, 23 August 2007.

<sup>158</sup> Kathy Cox, interview with classmates, 10 July 2007. Lory Rieger also compared Eaton to Raquel Welch. All agreed she was a shoo-in for the homecoming court.

<sup>159</sup> Almost everyone said Eaton was “smart,” including Ken Donnelly, her social studies teacher.

<sup>160</sup> Steve Parizek, interview with classmates, 10 July 2007.

<sup>161</sup> Pat Jepson elaborated on this, but the others agreed.

<sup>162</sup> Kathy Cox, interview with classmates, 10 July 2007.

before,” stated one classmate.<sup>163</sup> In fact, the same classmate commented, Eaton’s confident and fearless attitude, which seemed to dare anyone to stop her, had always caused her to think of Linda as “a women’s libber.”<sup>164</sup>

Most students at West Liberty High in the late 1960s and early 1970s, however, remember the war in Vietnam, not feminism, as the defining issue of their high school years.<sup>165</sup> Although Richard Nixon had become president in 1969 on a pledge to end U.S. involvement in Vietnam, the war continued and many students in Eaton’s class had older brothers, cousins, or boyfriends in the service. The young men in the class of 1971 were themselves subject to the draft, which injected such uncertainty into their lives that many felt justified in adopting a ‘live for today’ philosophy.<sup>166</sup> The class as a whole did a lot of partying and even lost certain privileges extended to high school seniors in past years because the school administration concluded they were too irresponsible.<sup>167</sup> Eaton may have “pushed the envelope” more than most, but the high school students of her era were no strangers to rebellion.

Eaton’s most lasting high school legacy, however, was her reputation as one of the stars on the girls’ basketball team—an activity that, paradoxically, demanded strict discipline. She played with four other girls in her class for two years on the junior varsity team while in junior high school, and on the varsity team for all four years of high school. “We were an awesome team,” recalled one of the forwards, and, as if to prove the point, classmates readily named all six starters from the 1970-71 team.<sup>168</sup> The West Liberty

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<sup>163</sup> Interview with Deb Guinn, 30 January 2008.

<sup>164</sup> Ibid.

<sup>165</sup> All Eaton’s classmates discussed the war in Vietnam and how it affected them.

<sup>166</sup> Kathy Cox, interview with classmates, 10 July 2007.

<sup>167</sup> Ibid. Several also cited the proximity to Iowa City as another party opportunity, as they had access to cars and frequently drove to Iowa City to drink and attend parties.

<sup>168</sup> Interview with Lory Rieger, 21 August 2007.



Belles, who proudly wore special uniforms to class on game days, enjoyed the respect of their fellow students. They never made it to the state tournament during the years Eaton played, but the Belles did finish in first place in their conference during her sophomore, junior, and senior years, and the gym was always packed for their games. In fact, the girls' games usually drew considerably more spectators than the boys' basketball games.

High school girls' basketball holds a special place in the cultural history of small town Iowa, so the support is not as unusual as it might seem.<sup>169</sup> High school girls' basketball rose to prominence during the 1920s, and by the 1950s, the state tournament in Des Moines was a high point of the year, attended by thousands. In many schools across Iowa, playing on the girls' basketball team was even more prestigious than being a cheerleader.<sup>170</sup> Small town Iowa girls did not risk their femininity by excelling in sports, but, on the contrary, their popularity rose with their athletic accomplishments.<sup>171</sup> This, indeed, was the case in West Liberty, where the candidates for the Sweetheart Ball and the homecoming court were often the basketball players (see Figure 1.8), and where, as one member of the class of 1971 explained to me, Eaton's popularity was due to her beauty and her accomplishments on the basketball court.<sup>172</sup>

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<sup>169</sup> On Iowa girls' basketball, see Janice A. Beran, *From Six-on-Six to Full Court Press: A Century of Iowa Girls' Basketball*, First paperback edition (Iowa City: University of Iowa Press, 2007); Max McElwain, *The Only Dance in Iowa: A History of Six-Player Girls' Basketball* (Lincoln and London: University of Nebraska Press, 2004); and Shelley Marie Lucas, "Courting Controversy: Gender and Power in Iowa Girls' Basketball," PhD diss. University of Iowa, 2001.

<sup>170</sup> Conversation with native Iowan of Eaton's generation from Ames, Iowa.

<sup>171</sup> Shelley Lucas discusses "farm-girl femininity," a term she uses to describe the particular way in which athleticism and femininity blended in Iowa girls' basketball. See "Courting Controversy," 68-72.

<sup>172</sup> McElwain notes that "in Iowa, female athletes—especially in small towns—were revered for their skills and, consequently, gained popularity." See *The Only Dance in Iowa*, 99.



Figure 1.8. *West Liberty Index* or *Muscatine Journal*, Spring 1970. 1970 Sweetheart Candidates. Left to right, Kathy Brown, Lory Hildebrand, Linda Eaton (in center), Debbie Gosenberg, and Patty Baugh. From scrapbook of Lory (Hildebrand) Rieger.

Girls' basketball was a six-on-six game in Eaton's day and she excelled as a guard (see Figure 1.9). At 5'9", she was strong, agile, and a real go-getter on the court.<sup>173</sup> "Linda had a great arm," recalled one of her teammates. "She could throw that ball from one end of the court to the other."<sup>174</sup> She was also "quicker than nails" under the boards and often took top honors for rebounds.<sup>175</sup> "Linda had a true appreciation for her ability

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<sup>173</sup> All three teammates who played with Eaton for six years each—Deb Guinn, Patty Harmon, and Lory Rieger—confirmed this portrait of her as an athlete.

<sup>174</sup> Interview with Lory Rieger, 21 August 2007.

in basketball and I think that was the one thing she claimed as her own,” recalled a teammate who had played with Eaton for six years.<sup>176</sup>

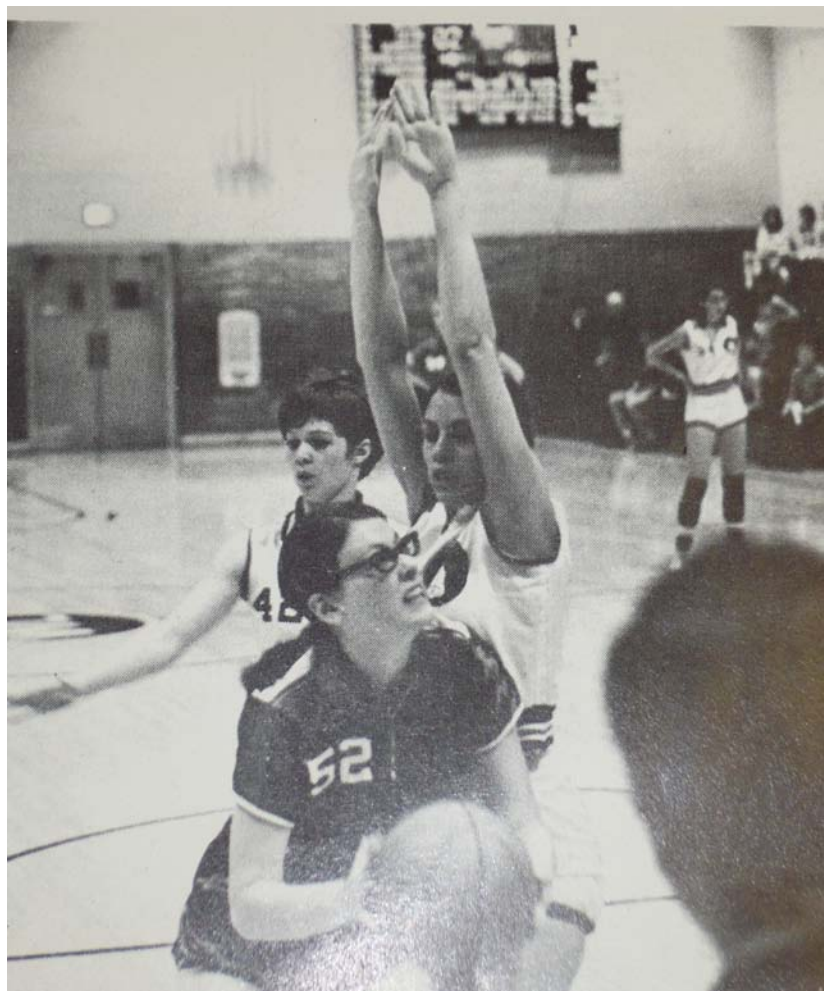


Figure 1.9. *West Liberty Index* or *Muscatine Journal*, circa 1969. Eaton with raised arms guards opponents. From scrapbook of Lory Rieger.

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<sup>175</sup> 1968-69 West Liberty Girls Basketball Statistic Booklet, in author's possession. Eaton led the team with 138 rebounds that year. At the Robert Morris College Girls Basketball Camp, Eaton also won honors such as the pivoting contest and "the maze." Newsletters for 1970 in author's possession. Thanks to Lory Rieger for providing me with these documents.

<sup>176</sup> Interview with Lory Rieger, 21 August 2008.

Basketball dominated the lives of the girls who played for the West Liberty Belles, mainly because of the intense style of their coach, who was something of a local legend. “The teachers were afraid of him, let alone the students,” recalled the social studies teacher.<sup>177</sup> The girls practiced every night after school from October to March, and the coach “ran the heck out of us,” recalled one of Eaton’s teammates.<sup>178</sup> The players were expected to read and memorize the twenty-plus page “Libertybelle Player Hand Book,” written by the coach (see Figure 1.10).<sup>179</sup> It included his philosophy of coaching (“I definitely feel and believe that the game of basketball if properly played and coached can give to a girl a closer association with the personal problems of life and how to combat them than any other activity that a girl associates with in high school”), a list of reminders (“If your coach criticizes you, it indicates that he is watching you and wants you to overcome your mistakes. Don’t pout” and “Be confident. Be determined. Say to yourself, ‘I can and I will’”), basketball hints for defense (“Keep constant pressure on all offensive players at all times”), a list called My Kind of Ball Player (“Is a complete lady at all times both on the floor and off the floor” and “Gives 100% of her ability 100% of the time”) and finally, training rules, which included curfews every night of the playing season and restrictions on dating.<sup>180</sup>

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<sup>177</sup> Ken Donnelly, interview with Eaton’s classmates, 10 July 2007. The coach’s name was Duane Stewart. Domineering coaches are also part of the history of girls’ basketball. See McIlwain, for instance, who discusses the unquestioned obedience the girls gave coaches, even as the generation of the 1960s rebelled in other ways.

<sup>178</sup> Interview with Lory Rieger, 21 August 2008.

<sup>179</sup> “You better, cuz he would ask you about it!” exclaimed Rieger.

<sup>180</sup> 1968-69 Libertybelle Player Hand Book, in possession of author.

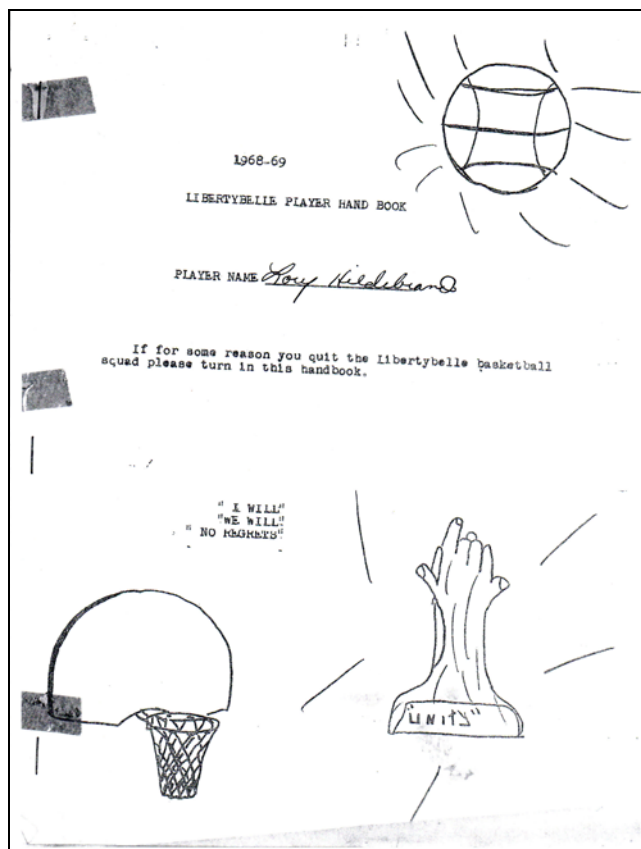


Figure 1.10. Cover of Libertybelle Player Hand Book. Courtesy of Lory Rieger.

Eaton obeyed the rules for the most part because she wanted to stay on the team, but her tendency to be a nonconformist got her in trouble from time to time, especially since the coach usually found out when a player broke a rule.<sup>181</sup> One longtime teammate believed that the coach singled Eaton out for harsh treatment because she had boyfriends. Even though dating was allowed on weekend nights, he did not approve of the basketball players having boyfriends. “I was glad it wasn’t me,” she remembered

<sup>181</sup> Interview with Lory Rieger, 21 August 2008. This was stated by Eaton’s classmates who were not on the team as well. Coach Stewart was well-known to all, not just the players. The coach sometimes called players at home to be sure they were in, or followed them if he saw them out close to curfew time.

thinking, as the coach would start in on Eaton and then assign her extra sprints.<sup>182</sup> Linda, however, “didn’t back down from him. She just accepted whatever he wanted to dish out with grace and glory. It was as if she were saying, ‘You aren’t going to beat me down.’ She was just that type of person.” In fact, this teammate believed that the coach’s badgering just seemed to make Eaton stronger.<sup>183</sup>

Like most 1971 graduates of West Liberty High, Eaton went to work after high school.<sup>184</sup> She moved to Iowa City and got a job at King’s Food Host, where she worked for three years, first as a waitress and then as the day supervisor before getting a better-paying job at the Owen Brush Factory in southeast Iowa City that allowed her to purchase a mobile home. In the mid-1970s, she quit work and took a trip to Europe with a high school friend, and when she returned, she told Job Services she wanted a job that paid at least \$4.50 an hour. Eaton’s search for a good-paying job soon drew her into jobs not traditionally held by women. She got hired at Heinz Distribution Center, where she hefted forty-pound cases of soup all day and then became the first woman at Heinz to operate a forklift. The job suited her just fine—it paid well, it was *not* office work, which she disliked, and she got along well with her co-workers.<sup>185</sup> When Eaton heard that Iowa City was hiring firefighters, however, she thought it sounded interesting and challenging, so she decided to apply.<sup>186</sup>

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<sup>182</sup> Interview with Lory Rieger, 21 August 2008.

<sup>183</sup> Ibid.

<sup>184</sup> Some were drafted, others went to University of Iowa or a community college, but Deb Guinn estimates that about two-thirds went to work. Some, like Lory Rieger, started college but soon quit.

<sup>185</sup> Jim Mullendore, “Woman joining fire department,” *Iowa City Press-Citizen*, 6 August 1977; Chuck Offenburger, “An independent home yielded defiant Eaton, It’s her son, not a cause that keeps Eaton fighting,” *Des Moines Register*, 5 August 1979, 4B; Mary Burke, “Linda Eaton: A ‘private person’ finds herself in the public eye,” *Cedar Rapids Gazette*, 11 February 1979; and testimony of Linda Eaton, ICRC hearing, 938-941.

<sup>186</sup> Testimony of Linda Eaton, ICRC hearing, 937.

Eaton did not stay in touch with her classmates after graduation, nor did she attend the kegger they held for their five-year reunion. Her parents still lived in town, though, and residents of West Liberty occasionally heard news about her. A rumor that Eaton was dating a black man in Iowa City, for instance, made a particularly big splash in West Liberty.<sup>187</sup> Several years later, Eaton's ex-classmates learned that she had been hired as the first female firefighter in Iowa City. One classmate explained how the town responded to this news:

You know, I don't remember anybody really saying, 'That's men's work—she shouldn't be doing that.' They probably did, but I don't remember it much. We were all just thinking, that's Linda, she would do that. She could do a man's work. She was built that way and stuff and I'm sure she was very good at it. She's very smart and probably picked it up right away. I'm sure the whole class, if you had asked them at the time, would have been behind her.

The response in West Liberty when Eaton made national news for breastfeeding at the fire house was more mixed, however. Some cheered her on, but many, especially the men, “were saying that she shouldn't be doing that—that it wasn't the time or place.”<sup>188</sup> Still, many residents of West Liberty could not help feeling a certain amount of pride in seeing one of their own receive national attention, and whether they supported her or not, those who had grown up with Linda Eaton knew one thing for sure: once her mind was made up, she would not back down.

Linda Eaton's initial employment choices were typical of young women with a high school education in the early 1970s. These jobs did not provide Eaton with an adequate income, however, and her ability to move to better-paying jobs in the mid-

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<sup>187</sup> All Eaton's West Liberty classmates had heard about this. Steve Parizek said, “It was a kind of a big thing in West Liberty . . . her dating a black back then.”

<sup>188</sup> Steve Parizek, interview with classmates, 10 July 2007. A woman I met at the West Liberty post office in 2007 told me how she and others in town cheered, “You go, girl,” when they heard the news.

1970s was a direct result of the legal and social changes instigated by the women's movement, which had opened up new employment opportunities for women. Although Eaton did not consider herself a feminist and had not belonged to any women's rights organizations, she was bold enough to apply for traditionally male jobs, and she had the physical strength and intelligence needed to succeed in them. When Eaton decided to apply for a position with the Iowa City Fire Department, it did not seem like too much of a stretch for her. Parenthood, however, meant something very different for Eaton than it did for her male co-workers at the fire station.

Eaton's story captured national attention because it dramatized the intense late-1970s struggle over the meaning of gender equality in a sensational way. In particular, she put a compelling human face on national debates over two controversial political responses to social inequality—the proposed ERA and affirmative action policies. In an era most noted for the rise of the New Right, Eaton's case opens a window into the activism of the mature, late-1970s, liberal women's movement.

NOW and Iowa City feminists argued that Eaton was a victim of sex discrimination, while the city asserted that Eaton was making a bid for special privileges. In fact, the city pointed out, the gender-neutral policy about regular family visits provided evidence of the fire department's commitment to equality. The city's rhetoric of special privileges identified the Eaton case as an example of what many individuals, especially white males, argued was unacceptable about affirmative action: it was anything *but* equal.

The city's claim to support equality amplified the basic disagreement about gender roles that characterized both the Eaton controversy and the ERA debate. National and state polls taken during the 1970s consistently showed that Americans favored equal rights, but had serious reservations about the changes in gender roles that were underway in U.S. society.<sup>189</sup> Eaton's claim to inhabit both a feminine motherly role and a

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<sup>189</sup> For Iowa polls, see Wegner, Michael. "Women, Iowa Poll: Our attitudes change slowly," *Sunday Des Moines Register*, 5 August 1979, 1A; for national polls, see Chapter 3 in



masculine wage-earning role intensified the anxiety that gender equality would erase gender roles. In addition, the representations of breastfeeding as a form of sexual pleasure (and the later representations of Eaton as a prostitute or sexual deviant) heightened tensions about the transgressive sexuality associated with working-class or working women since the mid-nineteenth century. By portraying sexuality as Eaton's main identity, critics portrayed her as an incompetent firefighter and an outsider in the fire department.

In Iowa City, a university town, the working-class community remained relatively invisible (and often still does) to the students, professors, medical professionals, and PhDs who dominate the town. Nurtured in no small measure by its own ties to the University of Iowa, however, the local feminist community, led by the local chapter of NOW, put the Iowa City Fire Department and the firefighters' union in the spotlight when it rallied around Eaton and called upon the city to provide equitable employment conditions for her. Eaton's insistence on breastfeeding in the fire station mixed a potent, and very specific, brew of discontent and controversy precisely because it challenged the masculine working-class culture of firefighting, while raising tension over the collision between gender roles and equal rights under the law.

## CHAPTER TWO: MASCULINITY UNDER FIRE: A WOMAN IN THE FIRE HOUSE

A popular advertisement from the early 1960s depicts an attractive brunette hanging from the side of a fire truck as it races to a fire (see Figure 2.1). She is ready for action. Dressed in shiny red hot pants, high-heeled black patent leather boots, a firefighter's hat, silver gloves with satin cuffs, and a gleaming white bra, she smiles broadly as the reader discovers her secret thoughts: "I dreamed I went to blazes in my Maidenform bra."<sup>1</sup> Male ardor appears to be the only fire this sexy woman will be engaging, however, and she seems more likely to fan those flames than to extinguish them. The position of the woman's body resembles pin-up poses of the era and her satin cuffs look like the attire of a Playboy bunny, familiar to many Americans in the 1960s. This display of the exposed female body reinforces the idea that a woman's sexuality is her path to adventure and the source of her strength, all the while emphasizing how utterly incapable she is of actually being helpful at the scene of a fire. Maidenform's ad reflects the assumption of its time that firefighting is a man's job. Just ten years later, this long-held assumption began to be challenged, but firefighting has proven to be one of the most inhospitable work environments women have encountered and it remains an overwhelmingly male occupation in the twenty-first century.<sup>2</sup>

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<sup>1</sup> *Life Magazine*, February 8, 1963. From the late 1940s to the late 1960s, Maidenform ran a series of 'dream' ads that depicted women engaged in powerful activities such as fighting a bull or negotiating a business deal in their Maidenform bras. The 1960s ads were strikingly risqué in their day because they depicted live models clad in underwear. (The series prompted a spoof in *Mad Magazine* in 1962: "I dreamed I was arrested for indecent exposure in my Maidenform bra.") In the early 1950s, Maidenform's 'dream' ads featured drawings of women, not live models, although this did not diminish the use of sexuality. In a 1953 ad titled "I dreamed I was a fireman in my Maidenform bra," a woman's calf-length, striped skirt billows as she descends a very long fire pole dressed in her Maidenform bra, fire hat, and black elbow-length gloves. "I'm the chief and the siren too—the most incendiary figure in this five-alarm dream! Dangerous, yes . . . but beautifully under control," she tells the reader.

<sup>2</sup> In 2000, women constituted approximately 3.7% of fire service employees in the United States. *A National Report Card on Women in Firefighting*, April 2008, published by the International Association of Women in Fire & Emergency Services. The report notes that "even

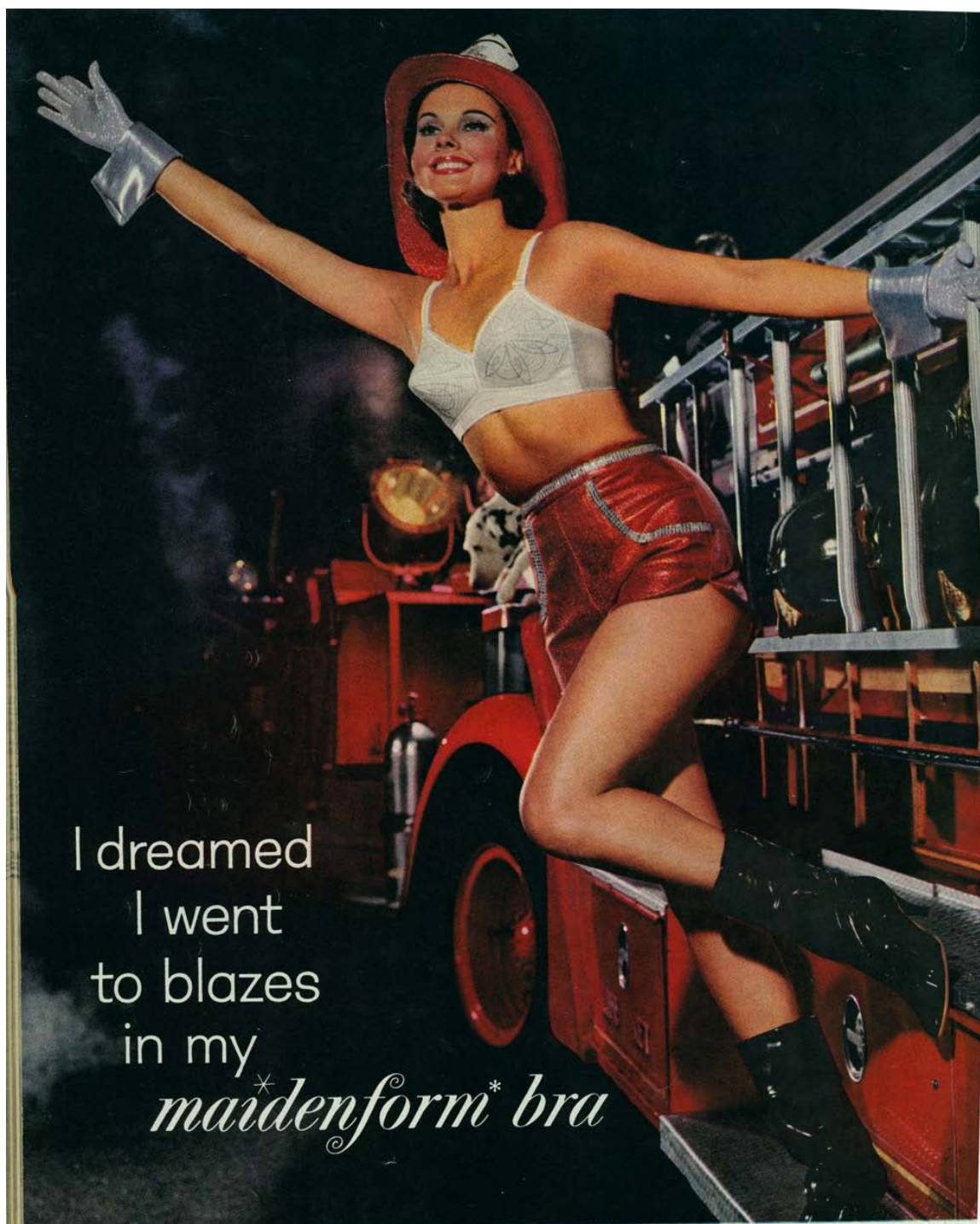


Figure 2.1. Advertisement from *Look Magazine*, 1963.

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more striking is the large number of departments where the number of women is zero or nearly so. Not one paid woman firefighter has ever worked in more than half the nation's departments."

Women have fought fires in the U.S. since the colonial era, but until the 1970s, they have done so in extremely small numbers and on a volunteer basis.<sup>3</sup> Even during World War II, when women entered many traditional male occupations for the first time, municipal fire departments with paid firefighters did not open their doors to women.<sup>4</sup> Changes in firefighting during the mid-twentieth century were driven, for the most part, by new technology and by the demands of the firefighters themselves for better schedules and working conditions. The social and legal changes of the 1960s and 1970s, however, brought outside pressures to bear on fire departments, and in 1972, when Congress amended the Civil Rights Act of 1964 by applying the nondiscriminatory employment provisions of Title VII to the public sector, fire departments were forced to adopt policies that most firefighters found objectionable: accepting minority and women candidates. The first career women firefighters were hired soon after, but most fire departments did not welcome them and their numbers remained exceedingly small throughout the 1970s.<sup>5</sup>

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<sup>3</sup> The history of women firefighters remains unwritten. Secondary sources that illuminate the period prior to the mid-1980s are especially scarce. Best print sources are articles published in the newsletter of Women in the Fire Service, on microfiche at the Wisconsin Historical Society, Madison, Wisconsin. See, for instance, "Women in Firefighting: A Past to be Proud Of" and "African-American Women Firefighters" in *WFS Quarterly*, Vol. VII, #2 (Spring 1992). Women are occasionally mentioned in Ernest Earnest, *The Volunteer Fire Department: Past and Present* (New York: Stein and Day, 1979); Amy S. Greenberg, *Cause for Alarm: The Volunteer Fire Department in the Nineteenth-Century City* (Princeton: Princeton University Press, 1998); and Dennis Smith's books on the Fire Department of New York.

<sup>4</sup> A 1947 Women's Bureau bulletin lists only three job categories in which women had not yet been hired: locomotive engineers, locomotive firemen, and firemen in fire departments. Janet M. Hooks, "Women's Occupations Through Seven Decades," U.S. Department of Labor, Women's Bureau Bulletin No. 218, 31.

<sup>5</sup> Judy Livers Brewer, hired in 1974 in Arlington, Virginia, was long believed to be the first career female firefighter in the United States. Recently, Sandy Forcier, hired in 1973 as a public safety officer in Winston-Salem, North Carolina, where her duties included both police work and firefighting, has been acknowledged as the first. (She is now Sandra Waldron, and rose to the rank of battalion chief in 2000.) Reported in "Correcting the record: The first woman firefighter," *WFS Quarterly*, Vol. XVII, No. 3 (Summer 2002), 1. I use the terms "career" or "paid" when referring to firefighters who are not volunteers, but paid employees. I deliberately avoid the word "professional" because many volunteer firefighters have the same training and certification as their paid counterparts.

When Linda Eaton joined the Iowa City Fire Department in 1977, she was one of only about fifty career women firefighters in the United States.<sup>6</sup> Eaton's experiences are representative of how women firefighters were received and treated, and help explain why the fire service was a particularly difficult place to negotiate issues of gender equality in the late 1970s.<sup>7</sup>

"I Thought It Would Be Exciting": Linda Eaton Joins the  
Iowa City Fire Department

In the spring of 1977, the City of Iowa City announced that a civil service test would be given to generate a new list of eligible candidates for the position of firefighter. The announcement identified Iowa City as an "affirmative action equal opportunity employer" and noted that the test was open to both male and female applicants.<sup>8</sup> Several people who saw the announcement suggested to Eaton that she take the test, and after

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<sup>6</sup> Accurate numbers on women firefighters in the 1970s are hard to come by since no agency kept statistics on women in the fire service until the early 1980s. My estimate comes from an article by the executive director and founder of Women in the Fire Service, who began collecting data in 1980. Terese Floren, "Times of Change for Women in the Fire Service," [1993], Records of Women in the Fire Service, Articles of T. Floren, unprocessed collection in possession of author (hereafter cited as WFS).

<sup>7</sup> The experiences of women firefighters in the 1970s have not been documented in the secondary literature. A rare exception is Nancy McLean's article "The Hidden History of Affirmative Action: Working Women's Struggles in the 1970s and the Gender of Class," *Feminist Studies* 25, no. 1 (Spring 1999): 43-78, which uses the struggles of women to enter the Fire Department of New York as an example. Printed primary sources are scarce as well, but see "Terese M. Floren, Firefighter" in *Hard-Hatted Women: Stories of Struggle and Success in the Trades*, ed. Molly Martin, (Seattle, Washington: The Seal Press, 1988): 156-170 and the documentary film *Taking the Heat* on women's struggles to become firefighters in New York.

<sup>8</sup> Iowa City Affirmative Action Program as revised in 1976 and approved by the city council on 9/28/76. Document #76-1664 on microfiche, office of the city clerk of Iowa City.

thinking it over, she decided to give it a try.<sup>9</sup> “I viewed it as a challenging occupation . . . and I just thought it would be an exciting job,” Eaton explained.<sup>10</sup>

When Eaton filled out her application, she learned that the process of selecting firefighter candidates included multiple parts: written intelligence and personality tests, a physical agility test, and an oral interview.<sup>11</sup> Across the top of the page that explained what applicants would be expected to do during the physical test, Eaton read: “Failure to complete any part of this test will disqualify applicant.” As she began training for the fifteen-part physical agility test, Eaton found that she could not complete the required five chin-ups, so she abandoned the idea of applying for the job of firefighter.<sup>12</sup> When she did not show up for the written tests, however, a city official took the unusual step of telephoning Eaton to find out why she had not come.<sup>13</sup> “Our calling to Linda was specifically motivated by an effort in affirmative action to take the one female applicant that we had . . . and get her to take the test,” explained Candy Morgan, Iowa City’s director of human relations.<sup>14</sup>

Candy Morgan, a 1973 graduate of the University of Iowa Law School, had been hired as the civil rights coordinator of the City of Iowa City in the spring of 1975; by fall,

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<sup>9</sup> Testimony of Linda Eaton, ICRC hearing, 937, LEP, Box 9, Folder 9, SHSI. One of Eaton’s co-workers at Heinz was an Iowa City firefighter and he was probably one of the individuals who encouraged her.

<sup>10</sup> Testimony of Linda Eaton, ICRC hearing, 894, LEP, Box 9, Folder 9, SHSI.

<sup>11</sup> The five-page application called for a full educational, employment, marital, and financial history, including questions about the level of debt the applicant carried, whether the person owned his or her own car, house, and furniture, the applicant’s use of alcohol, and his or her carpentry skills. (These questions appeared on the 1976 application; I have not seen a 1977 application, but it is likely to have been similar.)

<sup>12</sup> Testimony of Linda Eaton, ICRC hearing, 936, LEP, SHSI.

<sup>13</sup> The caller has not been identified definitively. Candy Morgan testified that she believed Jane Anderson, a member of Iowa City’s Civil Service Commission made the call. Linda Eaton testified that she believed Linda Ragland, personnel director for the city, called her.

<sup>14</sup> Testimony of Candy Morgan, ICRC hearing, 158, LEP, Box 9, Folder 1, SHSI.

she had become the director of human relations, a department that oversaw civil rights, labor relations, and personnel matters for the city. Morgan, a native Iowan from Des Moines, experienced firsthand the discomfort of being one of the first women to enter a traditionally male domain when she entered law school, and she believed that pioneering women should not be burdened with the additional expectation that they would “carry the banner for others.”<sup>15</sup> Morgan belonged to the Johnson County Council on the Status of Women, an organization that was active in local women’s issues, especially women’s employment issues, from 1973 to 1975.<sup>16</sup>

Iowa City had adopted an affirmative action plan in 1972 but stepped up its efforts considerably after signing an agreement with the Equal Employment Opportunity Commission in 1974 in response to a complaint filed by members of the Johnson County Council on the Status of Women charging the city with sex discrimination.<sup>17</sup> The settlement included a provision requiring the city to increase the percentage of women in the city’s work force from 18 percent to 33 percent. In addition, the fire department had

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<sup>15</sup> Candy Morgan, interview by author, 2 February 2008, Des Moines, Iowa. When Morgan entered law school in 1969, (in the class with Angela Ryan and Clara Oleson), she was one of twenty women in a class of two hundred; the class before her had only five women. On the efforts of women law students to address sex discrimination at the University of Iowa College of Law in the 1970s, see Chapter Six of Linda Yanney, “The Practical Revolution: An Oral History of the Iowa City Feminist Community, 1965-1975,” (Ph.D. diss., University of Iowa, 1991).

<sup>16</sup> The Johnson County Council on the Status of Women was organized in early 1973. Linda Ragland, hired by Morgan to take over her old job as civil rights specialist, was also a member. See the Records of Johnson County Council on the Status of Women, IWA. Also see more on JCCSW in Chapter Four.

<sup>17</sup> More on the complaint, filed by Carol Spaziani, Lolly Eggers, Clara Oleson, and Elizabeth Diecke in Chapter Four.

Resolution No. 72-297 adopting an Equal Employment Opportunity Policy and Affirmative Action Program signed in August 1972, LEP, Box 4, Folder 5, SHSI; Resolution No. 74-71 Authorizing Execution of Contract between the City of Iowa City and the United States Equal Employment Opportunity Commission approved by Iowa City City Council on February 26, 1974 (authorizing the Settlement Agreement in the matter of U.S. EEOC and Iowa City, charges no. TKC3-1470-1473), in LEP, Box 3, folder 20, SHSI, and in records of city clerk of Iowa City.

established an apprenticeship program recognized by the U.S. Department of Labor in the summer of 1976 that “incorporated the Equal Employment Opportunity Act of 1972 and an Affirmative Action Plan adopted by the City of Iowa City for use by the Iowa City Fire Department.”<sup>18</sup> Since the Iowa City Fire Department consisted of fifty-one white men (not counting the woman secretary) in early 1977, Iowa City’s firefighters expected the fire department to be hiring a woman soon.<sup>19</sup>

The city official who called Eaton on the morning of the civil service exam in May 1977 urged her to take the tests despite the warning on the application, but Eaton said she was babysitting and could not get away.<sup>20</sup> The woman then told Eaton that if she could find someone to watch the children and take the physical test that afternoon, arrangements would be made for her to take the written tests later. Candy Morgan supported the decision to allow Eaton to take the written tests at another time because she believed that the city “should eliminate things that were classic stereotypical barriers” for women in the workplace, such as childcare.<sup>21</sup> Eaton found someone to take care of the children and took the physical agility test with the other applicants that afternoon.<sup>22</sup>

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<sup>18</sup> Memo to City Manager Neal Berlin from Fire Chief Robert P. Keating, July 7, 1976 Re: Monthly Report June 1976. Documents #76-1206 and 76-1287 on microfiche in clerk’s office, Iowa City.

<sup>19</sup> Testimony of Richard Craig, ICRC hearing, 546, LEP, Box 9, Folder 5, SHSI; Testimony of Nate Hopkins, ICRC hearing, 472, LEP, SHSI. Firefighters assumed that the first woman to make the eligibility list would be hired.

<sup>20</sup> Testimony of Bill Nusser, ICRC hearing, 71, in LEP, Box 9, Folder 1, SHSI. Bill Nusser, chair of the Civil Service Commission, testified that the instructions on the test about being disqualified had been printed by the tester and did not reflect how the Civil Service Commission would evaluate the applicant’s performance. Nusser had served as one of the alumni representatives on the University of Iowa Human Rights Committee; he was appointed to the first Committee in 1963 and served at least two years. See Committee on Human Rights First and Second Annual reports, University of Iowa Human Rights Committee, Box 1, University of Iowa Archives, Iowa City, Iowa (hereafter UI Archives).

<sup>21</sup> Candy Morgan, interview by author, 2 February 2008, Des Moines, Iowa.

<sup>22</sup> Testimony of Linda Eaton, ICRC hearing, 936-937, in LEP, Box 9, Folder 9, SHSI.



Several off-duty firefighters attended the test to observe how the woman candidate performed and one of them, an officer, filmed Eaton with a home movie camera.<sup>23</sup>

The three-person Iowa City Civil Service Commission met in early June, reviewed the written and physical test results of thirty-four applicants for the position of firefighter, and selected twenty to interview.<sup>24</sup> After conducting the interviews several days later, the commission ranked the candidates, weighing each portion of the exam according to the following guidelines: written intelligence examination (20 percent); written personality test (10 percent); physical examination (10 percent); experience, education, and job performance (10 percent); and personal interview (50 percent).<sup>25</sup>

Eaton “scored very high on the mental test, the personality test, and she came off real well on the interview,” reported the chair of the Civil Service Commission. “She, however, did not ‘pass’ two parts of the physical examination. As I recall, one of them was chin-ups, which a lot of males didn’t pass either. One was that she was a little bit slow in the body drag.”<sup>26</sup> The commissioners, however, saw these as “small failings,”

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<sup>23</sup> Testimony of Nathan Hopkins, ICRC hearing, 474-5, LEP, Box 9, Folder 5, SHSI.

<sup>24</sup> Minutes of Civil Service Commission, June 3, 1977. Document #77-1219 on microfiche in city clerk’s office. Civil Service Commission members were: Chair William (Bill) Nusser, Dr. Jane Anderson, and Wynonna Hubbard. Hubbard was the wife of Dr. Philip Hubbard, the first African American dean at a Big 10 institution and the first African American vice-president at the University of Iowa. The Hubbards were active in promoting civil rights in Iowa City. (The Wynonna G. Hubbard Scholarship was established by Dr. Philip Hubbard in memory of his wife and is given each year to an African-American woman student at the UI.)

There is contradictory testimony about whether Eaton was the only woman applicant. According to Nusser, “two or three” of the applicants were women (Testimony of Bill Nusser, District Court hearing, 26-27, LEP, Box 7, Folder 8, SHSI), while Candy Morgan stated that Eaton was the only female applicant. I have not been able to reconcile these versions, but am inclined to give more credence to Morgan. Nusser may have been referring to women candidates who had applied in previous years.

<sup>25</sup> This scoring method was presented to the city council in a report dated April 4, 1977 at which time it was discussed at an Informal city council session. See Document #77-18-I on microfiche in city clerk’s office.

<sup>26</sup> Testimony of Bill Nusser, ICRC hearings, 57-58, in LEP, Box 9, Folder 1, SHSI. I do not interpret this to mean that any of the men who were placed on the eligibility list failed to do five chin-ups, however. Nusser testified in district court that the chin-ups were eliminated later

the chair recalled.<sup>27</sup> The physical agility test had only been introduced recently and most Iowa City firefighters had not taken it. As was typical of fire departments until the mid-1970s, the Iowa City firefighters had undergone a simple medical checkup to certify that they were in good health, but had not been required to demonstrate their physical strength, stamina, or agility.<sup>28</sup> In the commissioners' view, the purpose of the new physical test was to determine a candidate's general physical fitness and the likelihood that he or she could be trained to the physical standard needed. The commissioners had no doubts that Eaton could handle the physical demands of firefighting.<sup>29</sup> The Civil Service Commission presented the city council with a list of ten qualified candidates for the position of firefighter in rank order; Linda Eaton was third on the list.<sup>30</sup> In August 1977, the chief selected three candidates from the list to join the Iowa City Fire Department, and one of them was Linda Eaton.<sup>31</sup>

The local press marked the historic occasion with a front-page feature story on Iowa City's first woman firefighter: "Linda Eaton is no women's-libber," it

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from the physical exam because so many candidates failed to do them. See District Court hearing, 28, in LEP, Box 7, Folder 8, SHSI. Eaton testified that it took her 43 seconds, instead of 30, to drag a 180-pound man 100 yards.

<sup>27</sup> Testimony of Bill Nusser, ICRC hearings, 58, LEP, Box 9, Folder 1, SHSI.

<sup>28</sup> I am not yet sure which year the ICFD gave its first physical agility test, but it was between 1973 and 1976.

<sup>29</sup> Testimony of Bill Nusser, ICRC hearings, 58, LEP, Box 9, Folder 1, SHSI. Nusser also noted that "these examination scores are arbitrary . . . and the physical examination especially." See Testimony of Bill Nusser, District Court hearing, 28.

<sup>30</sup> Testimony of Bill Nusser, District Court hearing, 26-28, LEP, Box 7, Folder 8, SHSI; Testimony of Bill Nusser, ICRC hearing, 53-55, LEP, Box 9, Folder 1, SHSI; Memo to Mayor and City council from Civil Service Commission dated June 8, 1977 with the list "in order of their standing," Document #77-1278 on microfiche in the city clerk's office; Civil Service memo to city council with the list June 10, 1977.

<sup>31</sup> The other two hired were Steve Dolan, who was number six, and Darrel (Dean) Flagstaff, who was number seven. Jesse King, the first African American to join the ICFD, was number two on the list and he was hired later in 1977.

proclaimed.<sup>32</sup> Fending off questions about feminism as an explanation for her history of working at jobs traditionally held by men, Eaton stressed that becoming a firefighter was an opportunity for her to begin a good career—not an opportunity to make a political statement. “It’s not like I’m trying to take over men’s jobs to prove anything,” she explained. “I’m just looking for a good money job and they all seem to be filled with men.”<sup>33</sup> Eaton conceded that her male colleagues might experience an “adjustment period,” but she was very optimistic about her future at the fire department. After all, she pointed out, she had worked with men before and actually preferred it because men tended to “stick together” and get the job done, while women often “get caught up in petty jealousies and hassles.”<sup>34</sup> But when the reporter suggested that firefighting might be too physically demanding for a woman, Eaton responded confidently that heavy lifting was “just a matter of learning technique; a woman can lift anything a man can.”<sup>35</sup>

Eaton did not realize that the newspaper article started her off on a bad footing with her co-workers.<sup>36</sup> In fact, many of the male firefighters had taken strong exception

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<sup>32</sup> Jim Mullendore, “Woman joining fire department,” *Iowa City Press-Citizen*, 6 August 1977, 1A. Nearly every newspaper story about a city’s first woman firefighter includes what Terese Floren, one of the first women firefighters in the nation, called the “she’s-no-libber mythology.” “The media is very big on this,” Floren complained in her analysis of this pattern. Being a “libber” to the media, she wrote, means “doing something to prove a point, to express anger or hatred of men, to cause a sensation, to disrupt things . . . something unrelated to most women’s reality.” Floren criticized the media for depicting a woman who is a feminist as the opposite of a woman who “just wants to do her job.” This perpetuates a “distorted image of the women’s movement,” she charged. These articles imply that “the women’s movement somehow has nothing to do with the freedom for any qualified person to do the job of her choice. The press, in general, has capitalized on the spectacular and superficial aspects of the women’s movement and has deliberately declined to present or even show any understanding of its real meaning.” See “WITFS Course Notes” (green folder) and “Articles and Editorial Correspondence” (yellow folder) from WFS Records in author’s possession.

<sup>33</sup> Mullendore, “Woman joining fire department,” *Iowa City Press-Citizen*, 6 August 1977, 1A.

<sup>34</sup> *Ibid.*

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

<sup>36</sup> This was such a common occurrence in fire departments that when women firefighters began to network and help each other, they offered specific suggestions to newly-hired women

to Eaton's implication that they would have to make any sort of "adjustment" for her. The secretary of the firefighters' union, Richard (Dick) Craig, said that Eaton was "contradicting the system that I had worked under all my life."<sup>37</sup> Eaton was a probationary employee, Craig explained. "It was her job to work with us," not the other way around.<sup>38</sup> The interview was only one reason that Eaton's hiring was greeted with a good deal of apprehension, however. The other, which was much more significant, was that Iowa City's firefighters thought that Eaton's performance on the physical agility test should have disqualified her from consideration as a candidate for firefighter. In their view, her "failure" confirmed what most firefighters already believed: women did not belong in the fire department.<sup>39</sup>

#### The Masculine Culture of Firefighting

Firefighting is not just a job, firefighters have said often, it is a life.<sup>40</sup> That life, which involves public service and personal danger, has been steeped in deeply cherished traditions that celebrate and display the masculinity of the fireman.<sup>41</sup> A sociologist who

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firefighters on how to handle the press. See WITFS Course Notes and workshops offered at conferences in WFS Records.

<sup>37</sup> Testimony of Richard Craig, ICRC hearing, 550.

<sup>38</sup> Ibid.

<sup>39</sup> Testimony of Steve Dolan, ICRC hearing, 604. Nate Hopkins also noted that "some of the men were definitely against it" [the hiring of women], ICRC hearing, 462, LEP, SHSI.

<sup>40</sup> See Steve Delsohn, *The Fire Inside: Firefighters Talk About Their Lives* (New York: Harper Collins, 1996); Dennis Smith, *Report From Engine Co. 82* (New York: Saturday Review Press, 1972); Dennis Smith, *Firefighters: Their Lives in Their Own Words* (New York: Doubleday, 1988); and Carol Chetkovich, *Real Heat: Gender and Race in the Urban Fire Service* (New Brunswick and London: Rutgers University Press, 1997). In the documentary film *Brotherhood: Life in the FDNY*, a firefighter explains that firefighting is a "calling." Also see Terese Floren's course notecards, in which she notes that "firefighting is never a job like any other for most people." WITFS Course Notes, WFS Records. Some say that the view of firefighting as a life is most characteristic of traditionalists.

<sup>41</sup> On the masculinity of firefighters see Robyn Cooper, "The Fireman: Immaculate Manhood," *Journal of Popular Culture*, Vol. 25, No. 4 (Spring 1995), 139-170; Carol Chetkovich. *Real Heat: Gender and Race in the Urban Fire Service* (New Brunswick, New

studied the Oakland Fire Department in California in 1997 describes the characteristics of firefighting that led her to conclude that, at its core, firefighting is a masculine culture:

Firefighters have a hierarchical society that subjugates newcomers, tests its members with pointed insults and practical jokes, represses emotional displays, and releases emotional tension through rough humor. Firefighters are expected to be large, strong, athletic, unemotional, cool, good with tools, physically hard-working, brave, aggressive, competitive in the matter of team sports, self-confident, and socially skilled in a loud, group-oriented environment.<sup>42</sup>

Women have not fit easily into this world, nor have they, for the most part, been welcomed into it.

The masculine culture of firefighting took root in the Iowa City Fire Department, as it did across the nation, in the nineteenth-century volunteer fire companies that preceded it.<sup>43</sup> “The Nobility of the Fireman is Second to None,” declared a senior member of Iowa City Protection Engine Co. 1 in the late nineteenth century as he inducted a “brother fireman” into the company. “No Man . . . can boast of Truer Souls or

Jersey and London: Rutgers University Press, 1997); and Amy S. Greenberg. *Cause for Alarm: The Volunteer Fire Department in the Nineteenth-Century City* (Princeton, New Jersey: Princeton University Press, 1998). Chetkovich argues that gender is more significant than race in late twentieth-century career departments, while Greenberg argues that gender was more important than class in the nineteenth-century volunteer departments. Both scholars thus point to the overwhelming influence of gender identity on firefighting culture.

<sup>42</sup> Carol Chetkovich, *Real Heat: Gender and Race in the Urban Fire Service* (New Brunswick, New Jersey and London: Rutgers University Press, 1997), 37. Chetkovich’s study is the most comprehensive scholarly study of women in contemporary fire departments.

<sup>43</sup> From the 1840s to the early part of the twentieth century, fire protection in Iowa City was provided exclusively by volunteer companies. (The vast majority of firefighters in the United States—some ninety percent—have always been volunteers.) The Iowa City Fire Department began its shift to a career department in 1912 when it purchased its first motorized fire truck and hired three firefighters. The paid firefighters were supplemented by volunteer companies until 1929, when the last volunteer company disbanded, although a few volunteers continued responding as needed until 1965. Information on the Iowa City Fire Department comes from two main sources, local experts Ken Brown, battalion chief of the Iowa City Fire Department and fire buff Gregg Kruse. See *Commemorative History of the Iowa City Fire Department, 1842-1993* (Iowa City: Iowa City Fire Department, 1994) and the history of the Iowa City Fire Department on its website: <http://www.icgov.org/default/?id=1827>, both written by Ken Brown; Gregg A. Kruse, *A Pictorial Book of the Iowa City Fire Department*, (Iowa City: Gregg A. Kruse, 2000); Kruse also self-published a 2008 update that is out of print.

More Daring deeds than can the Fireman.”<sup>44</sup> By 1891, Iowa City was home to six volunteer companies that included over one hundred and fifty men.

Iowa men joined volunteer fire companies in the nineteenth and early twentieth centuries for reasons beyond their desire to serve and protect their communities.<sup>45</sup> Volunteer firefighters were exempt from military service, jury duty, or road work, for example, and many men enjoyed the excitement and danger of the job.<sup>46</sup> But the social opportunities available to volunteer firefighters may have been the most compelling reason of all. Firefighters became members of exclusive social networks, often associating with some of the “best people” in town, and the firemen’s fundraising ball was the biggest social event of the year in many Iowa towns (see Figure 2.2).<sup>47</sup> The most cherished social ties, however, were those among the men themselves. Volunteer fire companies were bastions of masculinity—male organizations in which men developed close bonds and pursued activities they enjoyed. In the fire stations that often served as clubhouses for volunteer fire companies, men gathered to play cards or drink a keg of beer, uninhibited by the presence of women or wives.<sup>48</sup>

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<sup>44</sup> Handwritten notes “My Friends,” undated, Iowa City Fire Department Records, Box 3, Note inside Vol. 4, Minutes of Protection Engine Co. 1, 1876-1898, SHSI.

<sup>45</sup> Information on the early fire departments in Iowa, both volunteer and municipal, from Roy Edward Brown, “Organization and Administration of Fire Departments in Iowa,” (Ph.D. diss., University of Iowa, 1929) and Carl Cone, “The Iowa Firemen’s Association,” *Iowa Journal of History and Politics*, Vol. XLII (1944), 227-265.

<sup>46</sup> Brown, 70. I am still not sure exactly what “road work” consisted of, but Brown and Cone mention that “on account of poll taxes,” men were compelled to labor on the highways.

<sup>47</sup> Cone, 228.

<sup>48</sup> Brown, 69. Women were often prohibited from entering fire stations except by specific invitation or for specific events. Women participated in volunteer fire companies as member of the ladies’ auxiliary, which helped sponsor social events and raise money. Also see Ernest Earnest, *The Volunteer Fire Company, Past and Present* (New York: Stein and Day, 1979), which notes that women’s auxiliaries served coffee and food at fires, offered first aid, and by the mid-twentieth century, sometimes provided drivers in the ambulance corps (153).



Figure 2.2. Invitation to the 1886 Iowa City Fire Department's New Year's Eve ball. Thanks to Ken Brown for this image.

Volunteer fire companies also offered men the opportunity to display their masculinity publicly. In Iowa, the most important event of the year for volunteer firefighters was the state tournament and parade sponsored by the Iowa Firemen's Association.<sup>49</sup> At the first tournament held in Cedar Rapids in 1879, over seven hundred volunteer firefighters "of fine physique and noble appearance" marched in their "gaudy" uniforms to the delight of the crowd.<sup>50</sup> For the next forty years, large crowds gathered

<sup>49</sup> The tournaments began after Iowa firemen attended a tournament in Chicago in 1878 and decided to replicate it in Iowa. Starting in 1879, the Iowa Firemen's Association sponsored annual tournaments until a combination of factors led the Association to discontinue the tournaments in 1919. They began again in the 1930s, but were suspended during World War II. Today, state, national, and international firefighters' tournaments, which now include women's as well as men's events, are extremely popular among firefighters.

<sup>50</sup> Cone, 235-236.

annually to watch the parades and cheer for the firemen as they demonstrated their physical strength by competing in events such as hose cart races, water ball fights, and horse-drawn apparatus races.<sup>51</sup> Iowa City's fire companies took these annual tournaments quite seriously: one company even recruited firefighters to increase their chances of victory.<sup>52</sup>

Although a working-class signature accompanied the nineteenth-century culture of firefighting, volunteer fire departments were not necessarily working-class associations.<sup>53</sup> In Iowa City, as in many other cities across the nation, men of all classes joined volunteer fire companies in the nineteenth and twentieth centuries, and indeed, some young men saw their membership in the fire department as a way to gain a foothold in society.<sup>54</sup> Thus, while the exhibitions of physical strength, the competitive tournaments, the excessive consumption of alcohol, and the occasional rowdiness that characterized Iowa City's volunteer fire companies for over one hundred years may have been indicative of working-class culture, these activities were also indicative of a masculine culture that attracted men of all classes and even helped cement cross-class

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<sup>51</sup> The location of the tournaments rotated; Iowa City hosted four times.

<sup>52</sup> Sawyer Hose Company No. 2 recruited the fastest firefighters from other companies and they won the state competition in 1884. Ken Brown's history of Iowa City's volunteer department at: <http://www.icgov.org/default/?id=1827>

<sup>53</sup> Amy S. Greenberg. *Cause for Alarm: The Volunteer Fire Department in the Nineteenth-Century City* (Princeton, New Jersey: Princeton University Press, 1998). Challenging earlier historians such as Sean Wilentz and Bruce Laurie, Greenberg argues that gender, not class, was the defining characteristic of nineteenth century volunteer firemen and fire departments. Also see Ernest Earnest, *The Volunteer Fire Company Past and Present* (Briarcliff Manor, NY: Stein and Day, 1979). Volunteer companies attracted "prominent and solid citizens"(144). "More important than social class are certain other qualifications: age, physical fitness, character, standing in the community civic-mindedness, and until recently, race and sex" (145).

<sup>54</sup> Cone, 228. "A man who became one of the 'brave young fire laddies' could justly feel that he had arrived socially." This is not to say that some fire departments were not composed largely of working-class men, but to point out that the class composition of fire departments varied.



solidarity among white men.<sup>55</sup> When the Iowa City Fire Department began to employ firefighters in the mid-twentieth century, however, the minimal educational requirements, long hours, and low pay ensured that, from the 1930s through the 1970s, Iowa City's firefighters were predominantly working-class men.<sup>56</sup>

Iowa City hired its first paid firefighters in 1912, and by 1929, all the volunteer companies had disbanded, transforming the Iowa City Fire Department into a career department.<sup>57</sup> The shift from a volunteer to a paid fire department brought changes in facilities, organization, work schedules, equipment, training, and in the firefighters themselves, but the masculine traditions and culture, including maintaining the fire station as a male domain, remained. Like most fire departments in the state, for example, the Iowa City Fire Department circumscribed the place of women in the fire station:

No woman shall be allowed to loiter about the fire station. Women having business to transact with members shall be allowed to do so. If they come as visitors, they shall be received by the company commander. No idle conversation or indiscreet conduct with women in or about the quarters shall be tolerated.<sup>58</sup>

Career fire departments, like Iowa City's, also continued many of the military traditions that characterized firefighting. "We wear uniforms, and there are officers and

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<sup>55</sup> Greenberg notes that firefighting offered "an extremely appealing vision of masculinity, which was not tied to socioeconomic class"(63).

<sup>56</sup> Many Iowa City firefighters were Catholic as well, leading to the perception that being Catholic was an advantage in the hiring and promotional process. Beginning in the 1970s, the educational profile of firefighters nationwide slowly started to shift. Many old-timers still scoffed at young firefighters for having too much education if they had a college degree in the 1970s and 1980s, and many women who entered the fire service at that time had a college education, raising even more suspicions about them. But by 2000, most firefighters in Iowa City (and across the nation) held either a two or four-year college degree. Although a high school diploma or equivalent remains the only educational requirement for an entry level firefighter in Iowa City, an associate degree is required for promotion.

<sup>57</sup> In large urban areas such as New York, St. Louis, and San Francisco, the shift to paid fire departments came much earlier, in the mid-nineteenth century.

<sup>58</sup> Rule No. 21, Rules and Regulations of the Iowa City Fire Department, 1939. LEP, SHSI.

people of rank, and orders are given,” an Iowa City firefighter explained in 1979.<sup>59</sup> Iowa City’s firefighters were subject to regulations such as “Hair should be above the collar and above the ears,”<sup>60</sup> and they needed the fire chief’s approval to work a second job.<sup>61</sup> The daily language used at the fire department reinforced the military atmosphere: a twenty-four hour clock was used, the secretary of the department was referred to as a “civilian,” and firefighters spoke of being “on-duty.” In addition, new (or probationary) firefighters, known as “probies,” had to prove themselves worthy of joining the fire department during an initiation period that could be quite challenging. Probationary firefighters at the Iowa City Fire Department were not subjected to the more dangerous forms of hazing practiced in some departments, but they were assigned “many menial [sic] jobs which the more senior Fire Fighters do not care to do such as washing dishes, cleaning the Chief’s office, cleaning the latrine, etc.”<sup>62</sup> In addition, probies in the Iowa City Fire Department were expected to defer to senior firefighters in all matters, including social questions such as which television program would be watched.<sup>63</sup>

The unique conditions of firefighters’ work, particularly the twenty-four hour shifts, have meant that “social and domestic issues are a factor on the job to a much

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<sup>59</sup> Testimony of Jesse King, ICRC hearings, 614, LEP, Box 9, Folder 5, SHSI.

<sup>60</sup> “Basic Information for Firefighters,” February 9, 1978, LEP, Box 5, Folder 5, SHSI.

<sup>61</sup> Interview with Nate Hopkins, 4 September 2008, Iowa City, Iowa. Most Iowa City firefighters held second jobs.

<sup>62</sup> “Introduction to the Iowa City Fire Department and the General Guide Book for Probationary Fire Fighters,” 1978, LEP, Box 5, Folder 5, SHSI. Other duties assigned to probies at ICFD included washing the chief’s car, raising the flag, getting the daily newspaper, or any other “dirty job” no one else wanted to do. Nate Hopkins, Steve Dolan and Dean Flagstaff agree that probies were not unduly hazed at ICFD.

<sup>63</sup> Interview with Dean Flagstaff, 8 September 2008, Iowa City, Iowa. Flagstaff thought that after a year or so, an Iowa City firefighter would be on a relatively equal footing with the others.

greater extent than in most careers.”<sup>64</sup> In addition to responding to fire calls, Iowa City firefighters cleaned the station, prepared and ate meals together in a communal kitchen, slept together in a large dormitory-style room with minimal privacy, and spent their evenings playing cards, or, beginning in the 1950s, watching television. “You live so close. They’re just like your family, your second family,” explained two Iowa City firefighters who served from the 1940s through the 1970s.<sup>65</sup> The hiring practices of fire departments across the nation, however, have ensured that the fraternity of firefighters would be composed almost exclusively of white males.<sup>66</sup>

The emphasis on masculinity in firefighting culture has masked its implicit, but no less crucial, racialized character; the whiteness of the firefighter was as central to his identity as his maleness.<sup>67</sup> For this reason, many volunteer fire departments specifically

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<sup>64</sup> Terese Floren in *Hard-Hatted Women*, 160. Until the late 1920s, most firefighters in Iowa worked 24-hour shifts on five or six days out of seven; no wonder the fire station came to be called “the house.” In 1929, the Iowa City Fire Department adopted the two-platoon system under which firefighters worked twenty-four hour shifts every other day. With a few adjustments for additional days off in the 1950s (known as Kelly days), Iowa City firefighters maintained this schedule until 1966, when the three-platoon system—still in use today—began and firefighters worked one day out of every three. Brown dissertation on work schedules of fire departments up to 1929; Ken Brown on the shift to three-platoons.

<sup>65</sup> Interview with Donald Dolezal and Herman Villhauer, 30 January 1980, (14), Iowa Labor History Oral Project Collection, SHSI. Firefighting is a family affair in a literal sense as well: brothers, cousins, fathers, sons, uncles, nephews, and in-laws have served together or in succession on many fire departments. The most notable example on the Iowa City Fire Department has been the Villhauer family, which had an unbroken record of ninety-nine years of continual service. Other Iowa City families with multiple firefighters include the Bright, Englert, Klema families from the volunteer era and the Dolezal, Fay, Knoedel, Platz, Stimmel, and Vorbrich families on the career department. These days, daughters and nieces are joining up nationwide as well. Linda Eaton, in fact, was related by marriage to the Villhauers—her maternal grandmother, Marguerite, was Louie Villhauer’s sister. I am indebted to Gregg Kruse for making me aware of this fact.

<sup>66</sup> John C. McWilliams, “‘Men of Colour’: Race, Riots, and Black Firefighters’ Struggle for Equality from the AFA to the Valiants,” *Journal of Social History* (Fall 2007), 105-125. McWilliams writes that race has been “a salient factor in the recruitment, structure, and evolution of firefighting,” (105); Ellen Kirschman, *I Love a Firefighter: What the Family Needs to Know*, (New York and London: The Guilford Press, 2004). Kirschman write that the fire service has a “long, shameful tradition of exclusivity” (107).

<sup>67</sup> Scholars have shown the role of race in defining gender and vice versa. See Evelyn Higginbotham, “African-American Women’s History and the Metalanguage of Race,” *Signs*,

forbade African Americans from applying, while others simply turned them down.<sup>68</sup> Career departments did not hire African-American men, for the most part, until well after World War II, and then in only the smallest numbers under “inauspicious, if not hostile, conditions.”<sup>69</sup> Black firefighters began forming their own local associations to fight race discrimination as early as 1954, and they organized the International Association of Black Professional Fire Fighters in 1970.<sup>70</sup> As these organizations succeeded in using federal law to combat racial discrimination within the fire service, the International Association of Fire Fighters (IAFF) led the charge in the 1970s and 1980s against court-approved consent decrees and affirmative actions programs designed to integrate the fire service.<sup>71</sup>

Fire departments in Iowa did not begin hiring African-American men until the 1960s. The discriminatory employment practices of the Davenport, Cedar Rapids,

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XVII (1992): 251-274; Linda Gordon, *The Great Arizona Orphan Abduction* (Cambridge, Mass.: Harvard University Press, 1999); and Barbara Welke, *Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865-1920* (New York: Cambridge University Press, 2001). Scholars have also noted the role of race in defining class, as in the groundbreaking book by David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (London and New York: Verso Press, 1991).

<sup>68</sup> McWilliams, “‘Men of Colour’: Race, Riots, and Black Firefighters’ Struggle for Equality from the AFA to the Valiants”; also see Earnst, *The Volunteer Fire Company*, who notes that the bylaws of many volunteer companies specifically stated that membership was only open to whites (150).

<sup>69</sup> McWilliams, “‘Men of Colour,’” 113. A few cities hired a handful of black firefighters in the nineteenth century, but in these departments, the sleeping quarters and job assignments of black firefighters were generally segregated. The policy of segregation within many fire departments continued until the late twentieth century.

<sup>70</sup> Black firefighters in Los Angeles organized the Stentorians in 1954; New York’s black firefighters formed the Vulcan Association in 1940; and Philadelphia’s black firefighters, inspired by the Vulcans, formed the Valiants in 1962.

<sup>71</sup> Paul Rockwell, “Fighting the Fires of Racism: Blacks Challenge the IAFF,” *The Nation* (December 11, 1989), 714-717. “No organization in the United States has activated more ‘reverse discrimination’ suits than the IAFF,” Rockwell writes. His conclusion is that “many fire departments in the country might be fully integrated today if it were not for the union’s obstruction in the recruitment and promotion of minorities.”

Ottumwa, and Sioux City municipal fire departments were exposed by African Americans who testified at public hearings held in 1956 by Governor Hoegh's Commission to Study Discrimination in Employment.<sup>72</sup> Although the city of Davenport later agreed to accept black applicants, the fire chief reduced the size of the force rather than hire a black man who placed at the top of Davenport's eligibility list in 1963.<sup>73</sup> The Des Moines Fire Department hired two African-American men in 1968 after the Iowa Civil Rights Commission brought an enforcement action against the department, but the gains were short-lived. Among the many forms of harassment the men suffered was the denial of one man's application to join the local union, and although the Iowa Civil Rights Commission began an investigation, both men resigned.<sup>74</sup> The 1977 hiring of Jesse King, the first African-American firefighter on the Iowa City Fire Department, caused concern among Iowa City's incumbent firefighters, many of whom "didn't like blacks."<sup>75</sup>

Women firefighters posed an even greater threat to the masculine culture of firefighting than did African-American men.<sup>76</sup> Although their numbers were extremely small, women's entry into career fire departments in the 1970s precipitated an uproar

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<sup>72</sup> Report of Commission to Study Discrimination in Employment, January 1957. See p5 for list of public employers.

<sup>73</sup> Rev. William T. O'Connor, "Racial Injustice in Iowa," *The Labor Bulletin* Vol. 26, No. 20 (October 1963). Papers of Rev. William T. O'Connor, St. Ambrose University Archives, Davenport, Iowa. Thanks to Janet Weaver for bringing this source to my attention.

<sup>74</sup> Russ Lovell, "The Desegregation of the Des Moines Fire Department, 1981-1994" in *Outside In: African American History in Iowa, 1838-2000*, ed. Bill Silag (Des Moines: State Historical Society of Iowa, 2001), 311-314. Only after lengthy litigation in the 1980s did the Des Moines Fire Department integrate.

<sup>75</sup> Testimony of Nathan Hopkins, ICRC hearing, LEP, SHSI.

<sup>76</sup> Carol Chetkovich argues that gender is a more significant barrier than race in the fire department, 9.

within the fire service.<sup>77</sup> Women who applied for firefighting positions were often met with “scorn, ridicule, and indignation,”<sup>78</sup> while those who were hired faced “varying degrees of dismay, distrust, and disgust by their male counterparts.”<sup>79</sup> The few males who welcomed the women became targets for harassment. A male firefighter who publicly supported the first women admitted to the fire academy in San Diego, California, in 1974, received anonymous threatening phone calls in the middle of the night and had obscenities scratched into his nameplate at the fire station. “You can’t imagine the resistance,” he recalled.<sup>80</sup> Simply put, although the men often stated that they objected to women firefighters because women did not have the physical strength to do the job, the greater fear was that the women’s presence would put an end to the “fraternity house atmosphere”<sup>81</sup> of the fire station and damage the *esprit de corps* of the fire service.<sup>82</sup>

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<sup>77</sup> When the U.S. Fire Administration initiated a series of conferences to address issues related to women in the fire service in 1979, key among them was the “cultural conditions, traditions, and resistance to change” that prevented women from gaining acceptance in the profession. Summary of conference notes written by Terry Floren from Fall 1980 conferences on “Women in the Fire Service.” Seventy-five percent of fire departments that responded to the International Association of Fire Fighters’ survey reported “acceptance of women” as a major issue. WFS Records, USFA WITFS—My Copies folder. In author’s possession

<sup>78</sup> Leslie Wheaton to Linda Eaton, 22 January, 1979, LEP, Box 1, Folder 3, SHSI. Judy Livers Brewer recounts how the clerk laughed and threw her application in the wastepaper basket when she applied to the fire department the first time. “Judy Livers Brewer,” *WFS Quarterly* Vol. VIII, #2 (Spring 1993): 6-10.

<sup>79</sup> “Women in the Fire Service, A Summary,” A research project for the National Fire Academy Executive Development III Program, September 1-12, 1980, 2. In author’s possession.

<sup>80</sup> “Interview with Bob Roppe,” *Firework*, May 1983, 3. None of the women from the first class in San Diego passed the test at the end of their training. Many men pointed to this as proof of women’s inability to be firefighters, while others insisted that the women failed because they received poor training. Roppe was promoted to battalion chief in San Diego in 1983, much to the delight of women firefighters.

<sup>81</sup> Terese M. Floren, “Women firefighters speak—part two,” *Fire Command* (January 1981): 22. Also see Linda Willing, “The Boys’ Club,” *Firework* (July 1988), which demonstrates that even in the late 1980s, (since most fire departments still did not have women at that time), male firefighters fear the loss of “a cherished and enjoyable atmosphere . . . the boys’ club” when the first woman was hired.

<sup>82</sup> From survey of the California Fire Chief’s Association circa 1975, WFS Records. The survey also revealed that 33% of the chiefs would not hire women even if they passed all

All women, regardless of race, were regarded as unfit to be firefighters, but the very few African-American women who became firefighters in the 1970s felt particularly unwelcome.<sup>83</sup> “Being a Black female . . . it was like two things that needed to be proven,” explained an African-American woman firefighter.<sup>84</sup> Although African-American men often extended solidarity to women firefighters on political issues, they did not necessarily bond with African-American women firefighters in the fire house; black men sometimes served as intermediaries between black women and white men, the black women firefighters reported, but some also used the presence of black women to solidify their male bond with white men.<sup>85</sup> Similarly, African-American women did not

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mental and physical tests. Females will “adversely affect the fire service,” stated one chief. Similarly, the fire commission of New York stated that women might be capable of being firefighters, but “it would be disruptive to the life-style that we have in the firehouse.” Laurie Johnson, “O’Hagan Calls Women Fit for Fire Fighting but Has Qualms,” *New York Times*, 19 February 1974.

<sup>83</sup> Janice D. Yoder and Patricia Aniakudo, “‘Outsider Within’ the Firehouse: Subordination and Difference in the Social Interactions of African American Women Firefighters,” *Gender & Society*, Vol. 11, No. 3, (June 1997), 324-341. *Real Heat*, a documentary on women firefighters in San Francisco also addresses the challenges of African-American women in the fire service.

Accurate data on the number of African-American women in the fire service during the 1970s does not exist. My best guess is that approximately 5-10% of the women hired in the 1970s were African-American; I base this largely on Terry Floren’s article, “African-American Women Firefighters,” *WFS Quarterly*, Vol. VII, #2 (Spring 1992):6-10, which identified about twenty African-American women hired in the 1970s. In a 1985 survey of 137 women firefighters, six identified themselves as black, four as Hispanic, and four as “other” race, for a total of approximately ten percent non-white women; the participants were self-selecting, however, and black women may be under-represented in it. The spring 1988 newsletter of the International Association of Black Professional Fire Fighters estimated that of the 1500 women in the fire service, about 200 were black, which is about 13%. Also see “Black Women Firefighters” by Roxanne Brown in *Ebony Magazine* (March 1988), 132, which estimates that black women firefighters “number fewer than 200 nationwide.” Carol Chetkovich notes that in 1990, black women held 13 percent of the firefighter positions held by women, in *Real Heat*, 9 and 11.

<sup>84</sup> Yoder, 336. Although this woman was interviewed in 1992, I use her comment to illuminate the experience of African-American women firefighters during the 1970s.

<sup>85</sup> Yoder. Organizations of black firefighters, such as International Association of Black Professional Fire Fighters as well as local branches such as Vulcan Society of New York, generally supported women firefighters, certainly much more than IAFF, for instance.

necessarily bond with white women firefighters, often because white men tended to treat the white women better than the blacks.<sup>86</sup> In the cultural hierarchy of the firehouse, one African-American woman firefighter explained, “We just seem to be the lowest on the totem pole when it comes to any type of support on this job.”<sup>87</sup>

Many firefighters’ wives opposed women firefighters as well, some with nearly as much enmity as their husbands.<sup>88</sup> Firefighters’ wives “marched for a week in protest” and “called [the fire chief] a dirty old man” when he hired Judy Livers in Arlington County, Virginia, in 1974.<sup>89</sup> Firefighters’ wives questioned the capacity of a woman to pull their husbands to safety should the men be trapped in a burning building. The wives’ most serious misgivings had to do with sex. “How am I going to explain to my six children why their daddy goes to work and sleeps next to another woman?” asked a member of Concerned Wives of Firemen, an organization of over three hundred firefighters’ wives formed in 1974 to prevent the San Diego Fire Department from hiring any of the twenty-two women on the eligibility list.<sup>90</sup> “Our families and homes will be threatened if they bring women into the fire houses where they will share dormitories and bathing facilities with the men,” insisted another firefighter’s wife.<sup>91</sup> But Terese Floren, a firefighter from Ohio, believed that the wives’ resistance to women firefighters also

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<sup>86</sup> Yoder. For example, one black woman told how the white men were hoping that the white girl would get promoted when black and white women both took the test.

<sup>87</sup> Yoder.

<sup>88</sup> Terese M. Floren, “Women firefighters speak—part one,” *Fire Command* (December 1980), 22-24. Floren’s 1980 survey showed that 42% of women firefighters experienced mild to serious problems with wives of firefighters. By the late 1970s, fire chiefs were generally advised to have meetings with firefighters’ wives as part of the process of hiring women firefighters

<sup>89</sup> “Women are fire fighters, too!” *Fire Command* (February 1976), 17.

<sup>90</sup> Everett R. Holles, “Firemen’s Wives Fight for Chauvinism on Job,” *New York Times*, 28 July 1974.

<sup>91</sup> *Ibid.*



stemmed from an additional “deeper” issue—the threat the women firefighters posed to “the wives’ supportiveness” of the masculine culture of firefighting:

[The wives] had accepted firefighting as a part of their husbands’ lives in which they could help by making bandages and holding bake sales, but which they could never directly share. Some had to envy my doing what they never had a chance at; others resented my disruption of the accustomed division of labor and ensuing self-images. Few, if any, were at a level of consciousness where they could express or even feel any sympathy or solidarity with me, and if the outright hostility has ebbed with the passage of time, the alienation remains.<sup>92</sup>

Terese “Terry” Floren, who became one of the most influential advocates for women firefighters in the United States, began her long association with the fire service in 1974 as a volunteer on the fire department at Antioch College in Yellow Springs, Ohio, where she was a student.<sup>93</sup> After graduation, Floren, an Oregon native, continued serving as a volunteer in Yellow Springs and then applied for an opening on the career fire department in the nearby town of Fairborn, Ohio, in January 1975 (see Figure 2.3). She passed all the tests and was hired two months later, becoming one of perhaps five other paid women firefighters in the nation. Floren was twenty-two years old, 5’7” tall, and had a slim build of 135 pounds; she later explained why she applied for the job: “I like physical work if it’s interesting . . . . I rebel against wearing skirts and nylons, and against being paid to be subservient, maternal, or sexy.”<sup>94</sup> In early 1980, a colleague

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<sup>92</sup> Terry Floren, “Fighting (fires) like a woman,” *Portland Scribe*, July 15-25, 1976. Drafts in WFS Records, Articles and editorial correspondence, yellow folder. Published copy in WFS records, Articles of T. Floren. Floren stated that the lack of support from the firefighters’ wives was “painful” to her.

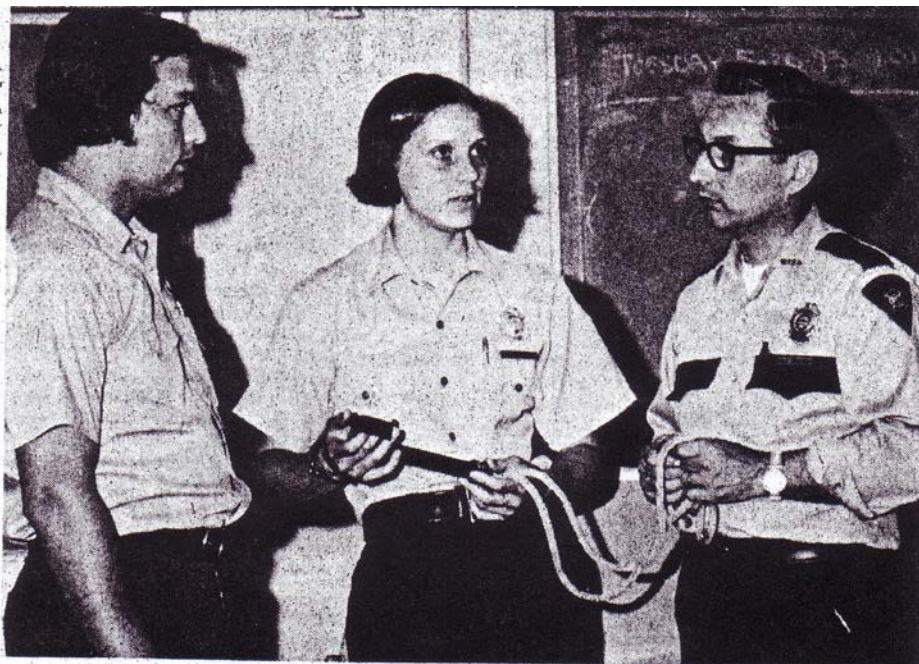
<sup>93</sup> Biographical information on Floren from “Terese A. Floren, Firefighter,” in *Hard-Hatted Women: Stories of Struggle and Success in the Trades*, ed. Molly Martin; “WFS: A 2-Year Look Back,” *Firework*, January 1985, 1; untitled essay in yellow folder, and newspaper clippings in WFS Records; Judy Hirsch, “Therese just ‘one of the guys’ at firefighter school at BGSU” *Sentinel-Tribune* [1975] and Margaret Grube, “Female Fire Fighter begins Fairborn Duties,” *Daily Herald* [1975]. (Neither of these clippings state the exact date or the full name of the newspaper from which they were clipped.)

<sup>94</sup> Untitled essay, undated [circa 1976], WFS Records, “articles and editorial correspondence,” yellow folder.

asked Floren to teach a course on women in the fire service at the newly opened Ohio Fire Academy. Floren decided to prepare course materials that drew on the experiences of as many women firefighters as possible; she began the first-known effort to compile a comprehensive list of women firefighters, which grew to include the names of over 120 women. She wrote a survey that she mailed to each one. Over sixty women returned the surveys, which Floren used to teach “Women in the EMS and Fire Rescue” in July 1980.<sup>95</sup>

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<sup>95</sup> The survey launched the idea for a women firefighters’ network, spearheaded by Floren and Linda Willing, a firefighter from Boulder, Colorado. Willing and Floren compiled a directory of women firefighters and started a monthly newsletter, *Firework*, in November 1982. Shortly after the first issue came out, the two women spearheaded the formation of the first effective national organization for women firefighters, Women in Fire Suppression, later changed to Women in the Fire Service, and in either case known as WFS. (An earlier group, the International Association of Professional Women in the Fire service, began in Texas in 1977 under the leadership of Charlotte Badgette, but its membership remained very small and its resources even smaller. I see no evidence of the group’s existence after late 1979, although Badgette continued to work in various capacities for the fire service.) Local groups of women firefighters were formed subsequent to the formation of WFS. Floren, as editor of *Firework*, its main project, was key to WFS’s success. During the 1980s and 1990s, WFS became the “go-to” resource for and about women in firefighting. Floren eventually left firefighting to serve as executive director of WFS, a position she retained until 2007 when WFS merged with the International Association of Women in Fire and Emergency Services.



### *No woman's libber*

Terry Floren, the Fairborn Fire Department's first woman firefighter, works with Mike Miner (left), Sylvania Township Fire Department, and Chief Dale Zwicker,

Margretta Township Fire Department, an instructor in the Basic Fire School at Bowling Green State University. (Sentinel-Tribune staff photo).

## Theresa just 'one of the guys' at firefighter school at BGSU

Figure 2.3. "Theresa just 'one of the guys'" [Fairborn?] *Sentinel-Tribune*, circa 1975. Clipping from files of Women in the Fire Service.

Floren designed her course primarily for women who had been hired recently as firefighters or were considering a career in firefighting.<sup>96</sup> While the main purpose of the course was to encourage these women, Floren gave them an explicit view of the difficulties they should be prepared to handle.<sup>97</sup> Women who entered the fire service in

<sup>96</sup> Her initial registrations included one male. More may have attended.

<sup>97</sup> She also, of course offered suggestions on how to handle these difficulties. She used Linda Eaton's case as an example to discuss and also to illustrate a few points. Floren warned

the 1970s, she explained, generally encountered an “unsupportive environment” in which the incumbent firefighters, and their families, viewed them as “intruders.”<sup>98</sup> Floren described the male firefighters’ reactions to women on the job as a mixture of skepticism (“What is she doing here? Is this some stunt for women’s lib? She won’t last.”), hostility (“This is a man’s job, I don’t care if she can do it, I don’t want her here.”), paternalism (“This is no place for a girl. Let me lift that for you.”), and, on occasion, outright harassment.<sup>99</sup> This opposition to women firefighters, Floren suggested, stemmed partly from the fact that most male firefighters “have never worked with any [emphasis original] women before . . . and you only believe what you have seen.”<sup>100</sup> But the backhanded compliment given to a woman firefighter in Florida who completed an arduous week-long training course at the Florida Fire College Smoke Diving School in 1978 suggested another reason: “A number of men told me they would have thrown in the towel many times during the week had it not been for me. They said they just hated to be bested by a 110-pound girl.”<sup>101</sup>

Floren stressed that many women firefighters found the emotional and psychological aspects of firefighting culture more difficult to navigate than the physical

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women that they would be accused of asking the department to adjust to their “personal” needs, and she explained that something common to all women is not “personal” just because you are the only woman on the force. She also used the Eaton case when warning women about the repercussions of filing lawsuits; like rape victims, she warned, you will be blamed. See WITFS Course notes folder in WFS Records.

<sup>98</sup> T. Floren’s “WITFS Course Notes,” WFS Records.

<sup>99</sup> Harassment might include threatening notes or more dangerous behaviors such as damaging or stealing their gear. Most women firefighters did not experience these more aggressive forms of harassment. From T. Floren’s notes for the course she prepared on Women in the Fire Service in 1979. “WITFS Course Notes,” WFS Records.

<sup>100</sup> Ibid.

<sup>101</sup> “Local Firefighter Only Woman ‘Smoke Diving’ Grad,” *LaGrange Daily News*, 2 October, 1978, 12.

demands of the job.<sup>102</sup> In particular, she explained, women firefighters had to learn how to negotiate a “whole syndrome of problems relating to attitudes towards women” in the fire service.<sup>103</sup> At the Iowa City fire station, as in most stations around the nation during the 1970s, sexuality infused daily language and humor, pornography was common, firefighters ogled women on television and outside the fire station, and the use of the word “cunt” to describe a woman was not unusual.<sup>104</sup> Most women firefighters discovered that it was best to avoid directly challenging the men over these issues, but even that strategy had a cost. Floren wrote an essay after she had been on the Fairborn Fire Department for about a year, explaining the price she paid for being a firefighter:

I am . . . submitting with only occasional and ineffective protest to a primitive male consciousness, an undying machismo. I used to harass men right back, who hassled me on the street; now I find myself immersed in a sexist consciousness one day out of three, and the comments and attitude I let slide by are thoroughly outrageous. In order to interact smoothly with my co-workers, I have sacrificed a part of my conscience, and though the sacrifice was necessary, it is also irksome.<sup>105</sup>

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<sup>102</sup> TF’s notes on WITFS course, WFS Records. Also see Cindy Webster, “Emotional Preparation,” *Firework*, (August 1985), 1.

<sup>103</sup> Floren’s notes on WITFS course, WFS Records.

<sup>104</sup> Testimony of Dick Craig and other IC firefighters, ICRC hearing, LEP SHSI; Floren’s course notes, WFS Records; Chetkovich’s study of the late 1990s finds most of these conditions still exist. “Sexual materials and comments that objectify women are woven into the fabric” of fire house life, she writes (76) in *Real Heat*.

<sup>105</sup> Terry Floren, untitled and undated rough draft of article later published in *Portland Scribe*, circa 1976, which contains an edited version of this quote, in yellow folder, WFS Records. Sharon Iossi, of the Davenport Fire Department in Iowa, waited seven years before bringing a complaint about pornography. She finally complained when the men started bringing in videos, which resulted in a ban on adult videos and orders to keep pornography out of sight. “I waited . . . years because I didn’t want to make waves. I felt it important to be accepted before trying to do something like that,” Iossi said. William Ryberg, “A woman with an alarming job,” *Des Moines Register*, 4 October 1987, 1B.

Women also had to learn how to handle the nonstop stream of ‘firehouse humor,’ which was often based on personal insults and might include attacks on an individual’s gender, race, religion, ethnicity, physical characteristics, or sexuality.<sup>106</sup>

“Compulsory heterosexuality” structured gender relations in the fire house, where male control of women’s sexuality was an integral component of the masculine culture.<sup>107</sup> Much of the male resistance stemmed from the fact that women firefighters challenged the narrowly prescribed roles for women—the “lady” or the “whore”—in several ways. Most women firefighters, for example, did not object to the rough language of the fire station, even if they did object to the pornography. Many women firefighters lifted weights, had muscular arms and legs, wore their hair short, used little (if any) make-up, and, while on duty, wore the same masculine uniforms as the men. Because many women firefighters failed to exhibit the feminine behaviors that male firefighters associated with heterosexuality, and because they engaged in “so-called ‘men’s work,’ requiring strong, independent, and often athletic women,” most women firefighters faced questions about their sexual identity at some point during their careers.<sup>108</sup>

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<sup>106</sup> Cindy Webster, “Emotional Preparation,” *Firework* (August 1985), 1. Also see Floren’s WITFS ,Course notes, WFS Records, and Chetkovich.

<sup>107</sup> This term was introduced in a 1980 essay by Adrienne Rich, “Compulsory Heterosexuality and Lesbian Existence.” Rich argued that heterosexuality was imposed, promoted, and maintained by society; that heterosexuality suppressed and controlled women’s sexuality by demanding that women be sexually pleasing to men. She also argued that heterosexuality was seen, falsely, as the default, or normative, sexual orientation.

<sup>108</sup> Information in this and the following paragraphs on lesbian in the fire service from “Lesbian Firefighters,” *Firework*, September 1985, 2-4. This is the first article on lesbians in the fire service published in *Firework*, and it was written anonymously. I interpret these as signs of the controversial nature of the topic both within the fire service and among women in the fire service. The first WFS conference held in October 1989 in Boulder, Colorado, included a workshop on lesbian firefighters.





Figure 2.4. Daily Cardinal, 31 January 1979. An editorial in this Madison, Wisconsin, newspaper supports Linda Eaton by critiquing the compulsive heterosexuality of firefighting culture.

A few women firefighters were lesbians, but no reliable data on them was collected during the 1970s.<sup>109</sup> In a 1985 survey of 137 women firefighters, 16% identified themselves as lesbians.<sup>110</sup> The disruption that lesbians posed to the masculine

<sup>109</sup> I have not come across any references to gay male firefighters, although a recent study may include information on this topic. David A. Goldberg, "Courage Under Fire: African American Firefighters and the Struggle for Racial Equality," (Ph.D. diss., University of Massachusetts, 2006). (Because many recent Ph.D. dissertations are not available in hard copy, it is difficult to peruse them.)

<sup>110</sup> "Lesbian Firefighters," *Firework*, September 1985, 2.

culture of firefighting seemed inassimilable. Recognizing this, lesbian firefighters usually did not come out to anyone else in the fire department except other lesbians (if there were any). Keeping this information private isolated lesbians even more than heterosexual women in the fire service, however, because so much personal information is shared among firefighters, who often socialize together outside of work. “Being at work can be a silent, lonely time,” wrote a lesbian firefighter.<sup>111</sup>

Women firefighters responded to the masculine culture of firefighting by alternating between two main strategies: “fitting in” (strongly encouraged by male firefighters and by women firefighters during their probationary period) and “making waves” (emphatically frowned upon by males, but seen as necessary by most women at some point in their careers).<sup>112</sup> Although most women firefighters wanted nothing more than to blend in with their co-workers and do their jobs<sup>113</sup>, the fire service offered no acceptable place for a woman firefighter since any woman who tolerated the crude language and dirty jokes of the fire house was, by definition, unworthy of respect.<sup>114</sup> Yet if a woman acknowledged her femininity by requesting smaller-sized gloves or boots, permission to grow her hair longer than regulation, or a tampon dispenser in the

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<sup>111</sup> Ibid., 3. Lesbian firefighters reported that, over time, some male colleagues acknowledged that they now had a different, and more respectful, view of “dykes.”

<sup>112</sup> See Linda Willing, “Making Waves,” *Firework* (August 1987). The issue of when to “make waves” was frequently discussed among women firefighters. Many, for instance, believed that Linda Eaton was making waves for the wrong reason. A woman firefighter wrote, “Your actions will cause a setback for women in the fire service.” To Ms. Eaton from Maxine O. Wicks, firefighter from Fort Lauderdale, Florida, 2 February 1979, LEP, Box 1, Folder 2, SHSI. New York firefighter Brenda Berkman noted that breastfeeding did not seem like an issue worth a fight to many women firefighters, Interview with Brenda Berkman, 27 September 2007, New York City, New York.

<sup>113</sup> Interview with Brenda Berkman, 27 September 2007.

<sup>114</sup> Debra J. Carlson, “Sex Roles in Society,” *Firework* (May 1987). Carlson describes her decision to “fit more into the male role than the female” and how, ultimately, “the roots of male/female roles in society were too deep and entangled to cut that quickly.” In other words, because she was a woman, she could not “fit in” at the fire station.



bathroom, the male firefighters protested that she was making waves by trying to change longstanding practices.<sup>115</sup> And when women firefighters became pregnant, many male firefighters, like those in Iowa City, objected to women's requests for light duty or leave. Women firefighters found that both fitting in and making waves offered temporary relief at best from the pervasiveness of firefighting's masculine culture.

The widespread and highly publicized opposition to women firefighters within the fire service during the 1970s obscured the fact that the experiences of individual women firefighters varied considerably. Although the women firefighters who responded to a 1980 survey identified the "attitude of male firefighters" as the main obstacle women faced in the fire service and over two-thirds of the women firefighters felt that they had had to work harder than their male colleagues to prove themselves, nearly 80 percent of the women firefighters said that, over time, they were accepted by most of their male co-workers.<sup>116</sup> In addition, almost 25 percent reported no problems at all being accepted by the men.<sup>117</sup> The high-profile gender struggles in several fire departments also obscured the fact that most women firefighters enjoyed the job and derived great satisfaction from it.<sup>118</sup> Women firefighters of the 1970s had a complicated relationship to firefighting that

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<sup>115</sup> Interview with Brenda Berkman, 27 September 2007.

<sup>116</sup> Terese M. Floren, "Women fire fighters speak—part two," *Fire Command* (January 1981), 22. "Acceptance" has several layers, however, and it is hard to know how the respondents parsed them in their responses. Floren cautioned new women firefighters not to overestimate the men's support; they might act friendly to a woman, but their allegiance remained with the men (see WITFS Course notes, WFS Records). Several women also stated in the survey that they knew the men "accepted" them as individuals, but that the men's attitudes towards women in general, remained unchanged.

<sup>117</sup> Some women firefighters had serious reservations about a women's network of firefighters, which they feared might drive an even deeper wedge between them and the men.

<sup>118</sup> When asked why they liked the job, women tended to list the same reasons as men: they liked physical work, enjoyed a job where new things happened all the time, liked the adventure, enjoyed helping people, and found pay and benefits good.

is perhaps best summarized by Terry Floren who wrote, “I loved being a firefighter, and that helped me close my eyes to the incompleteness of my acceptance.”<sup>119</sup>

Several factors played a role in how smoothly women firefighters fit into a particular fire department, including geographic location (more conflict occurred in large urban fire departments), departmental leadership (support from the fire chief tended to reduce conflict), and the ease with which the woman herself adapted to the masculine culture of firefighting. The Iowa City Fire Department was relatively small and located in a liberal-leaning Midwestern university town; key members of city management, particularly Candy Morgan, were committed to hiring women into the fire department. But neither Fire Chief Robert Keating, who had come up through the ranks of the Iowa City Fire Department, nor Eaton’s battalion chief were proponents of women firefighters.<sup>120</sup>

Candy Morgan knew from experience that some women did not flourish in male work environments. The first woman hired in Iowa City’s sanitation department, for example, resigned after she was greeted with a birthday cake in the shape of female breasts.<sup>121</sup> Morgan’s ability to smooth the way for Iowa City’s first woman firefighter was limited. She had considered the possibility of holding gender sensitivity training, for example, but past experience told her it would not be productive.<sup>122</sup> Morgan also knew that advocates for women in nontraditional jobs recommended hiring women in groups of three to minimize the role of gender as an explanation for every problem that might arise, and while she agreed with this approach, Iowa City was going to hire either one woman

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<sup>119</sup> Floren, *Hard-Hatted Women*, 159.

<sup>120</sup> I have found no evidence that Keating placed obstacles in the way of hiring Eaton, however. Most firefighters believed that he did the bidding of city hall, had no choice but to hire Eaton when she made the eligibility list, and tried to make the best of it.

<sup>121</sup> Testimony of Candy Morgan, ICRC hearing, 94, LEP, SHSI.

<sup>122</sup> *Ibid.*, 108.

firefighter or none because there were neither enough woman candidates nor enough departmental support to hire women for all three openings on the fire department.<sup>123</sup> Morgan knew that Iowa City's first woman firefighter, if she were going to succeed, would have to be able to tolerate the masculine culture of firefighting. Morgan felt confident that Linda Eaton, who already had experience working in a male occupation, had a good chance of "fitting in" at the Iowa City Fire Department.<sup>124</sup>

From 'Fitting In' to 'Making Waves': Eaton in the Iowa  
City Fire Department, August 1977-May 1978

Eaton's initial months at the Iowa City Fire Department unfolded with little fanfare. Morgan inquired regularly about "the woman firefighter," and the fire chief told her repeatedly that everything was progressing well.<sup>125</sup> Eaton herself made no complaints to either the fire chief or the human relations department about any problems.<sup>126</sup> The "ribbing" she received from the men was "about constant," Eaton told a reporter, but it was "no worse" than what the other probationary firefighters endured.<sup>127</sup> After six months, Eaton received a merit pay increase based on a positive evaluation in which the fire chief noted that she was "a very willing worker [who] does

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<sup>123</sup> Interview with Candy Morgan, 2 February 2008, Des Moines, Iowa. The municipalities that hired women in groups were larger than Iowa City (Seattle, San Diego, and Madison, Wisconsin, for example) and they conducted aggressive recruitment programs to get women interested in being firefighters. Iowa City had no such program. Filling all three slots on the ICFD with women would have required an extraordinary level of commitment and political will.

<sup>124</sup> Interview with Candy Morgan, 2 February 2008.

<sup>125</sup> Testimony of Candy Morgan, ICRC hearing, 126, LEP, SHSI.

<sup>126</sup> Testimony of Morgan, Zukrowski, Keating, ICRC hearings, LEP, SHSI. Eaton's lack of complaints should not be read as a lack of problems, though. For many reasons, women firefighters refrained from complaining about their male colleagues.

<sup>127</sup> Gail Pairitz, "Linda Eaton: Firefighter," Interviews with Working Women in Iowa City, *Women's Resource & Action Center Newsletter* (October 1977), 17, WRAC Records, Box 23, IWA.

station duties in an excellent manner.”<sup>128</sup> Perhaps the most exciting discovery for Eaton, however, was how much she liked the job. “I just love to get on the truck and go, not knowing what you’ll find when you get there,” she stated.<sup>129</sup> Eaton knew the men were “quite a bit leery” of her, but she felt confident that, in the long run, she would prove herself.<sup>130</sup> Although the road to acceptance might be longer than she would prefer, the hard feelings over the physical agility test seemed forgotten. Like the other two probationary firefighters, Eaton appeared to be on her way to a successful career with the fire department.<sup>131</sup>

Eaton was assigned to Shift One (see Figure 2.5) and worked, as all probationary firefighters initially did, at the downtown station.<sup>132</sup> Each shift had its own personality and ways of doing things, and Shift One was thought of by many firefighters as the least

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<sup>128</sup> City of Iowa City Personal Evaluation Report of Linda Eaton, February 6, 1978, LEP, Box 5, Folder 15, SHSI. The evaluation rated Eaton adequate or above on seven categories: quality of work, quantity of work, technical job knowledge, responsibility, appearance, personality, and public awareness.

<sup>129</sup> *The Phil Donahue Show*, taped in Chicago February 1979. Despite many efforts, I have not located a copy of the show in any public archive or library. Luckily, individuals who video-taped and audio-taped the show made copies available to me. Although neither is a full version of the program (consider the state of the technology at the time), I have been able to see or hear most of it. Audio-tape in papers of Daphne Fuhrmeister; for access to the video-tape, thanks to Ken Brown of ICFD.

<sup>130</sup> Testimony of Linda Eaton, ICRC hearing, 943, LEP, SHSI.

<sup>131</sup> The other two firefighters hired with Eaton retired after full careers with the Iowa City Fire Department: Dean Flagstaff in 2003 and Steve Dolan in 2009.

<sup>132</sup> In 1977, the Iowa City Fire Department included fifty-one firefighters and a secretary. The secretary, the fire chief, the fire marshal, and the training officer worked 9-5, M-F at the downtown station located in the civic center, which also housed the police department and the city’s administrative offices. The northwest section of the civic center held the dormitory, fire trucks, and the all-purpose room where the firefighters spent their leisure time. (The civic center was remodeled in the 1980s and the fire department’s facilities were expanded.) The firefighters were divided into three shifts; each shift worked approximately ten 24-hour shifts per month and consisted of a battalion chief, a captain, two lieutenants, and twelve firefighters. The battalion chief, the captain, and eight firefighters were assigned to the downtown station. A lieutenant and two firefighters were assigned to each of the two outlying stations—one of the east side on Lower Muscatine and one on the west side on Emerald Dr. Probation lasted twelve months on the Iowa City Fire Department; during that time, a firefighter could be dismissed for any reason.

desirable of the three.<sup>133</sup> Even a former member of Shift One acknowledged that it included some of the most difficult personalities in the department, although he also expressed a certain pride in their reputation as “rebels.”<sup>134</sup> Eaton quickly befriended the department’s secretary, the only other woman at the fire department, and also formed a bond with the other probationary firefighter on Shift One, Steve Dolan.<sup>135</sup>



Figure 2.5. Shift One at the Iowa City Fire Department, circa 1977-1978. Photo courtesy of Steve Dolan.

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<sup>133</sup> Interviews with Steve Dolan, Dean Langstaff, and Nate Hopkins. All concurred that Shift 1 had a certain “reputation,” although Dolan pointed out that every shift tends to think it is the best.

<sup>134</sup> Interview with Steve Dolan, 11 September 2008, Iowa City, Iowa. Dolan, and others, believed that the fire chief did not care for Shift 1’s battalion chief, and assigned individuals to his shift that the other battalion chiefs did not want.

<sup>135</sup> Interview with Daphne Fuhrmeister, 29 August, 2007, Iowa City, Iowa. Fuhrmeister was quick to point out that she was the first woman employee in the fire department. When Fuhrmeister, a divorced mother of five was hired as the department’s secretary in 1971, she was not given a secretarial test. The only thing she was told was that she had better not “fool around” with any of the men.

Dolan had wanted to be a firefighter for as long as he could remember. His father was a volunteer firefighter in the small town of Hills, Iowa, just south of Iowa City, where Dolan grew up right next door to the fire station. Dolan used to “hang around” the fire station, especially on Sunday afternoons when the fire chief was always there. As soon as he graduated from high school in 1973, Dolan took the civil service test to join



Figure 2.6. Linda Eaton and Steve Dolan having fun at work. Eaton is wearing the battalion chief's hat. Photo from papers of Daphne Fuhrmeister.

the Iowa City Fire Department. He also joined the volunteer department in Hills, where he built his firefighting skills until hired by the Iowa City Fire Department in the summer of 1977, just a couple weeks before Linda Eaton. Besides their shared probationary status, Eaton and Dolan were much closer in age than the rest of the members on Shift 1 and the two probies enjoyed each other's company. “She was a lot of fun,” recalled

Dolan, who thought of Eaton as both a good friend and a good firefighter see Figures 2.6 and 2.7).<sup>136</sup> “I went into lots of fires with her.”<sup>137</sup>



Figure 2.7. Linda Eaton and Steve Dolan returning from a fire, January 1979. Photo courtesy of Susan Hester.

When Linda Eaton was hired in 1977, the Iowa City Fire Department was responding exclusively to fire-related calls, which averaged about fifty per month.<sup>138</sup>

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<sup>136</sup> Nate Hopkins testified during the ICRC hearings that firefighters thought Dolan was a “buffoon” because he seemed to be smitten with Eaton. Dolan was called “buffy” for a long time after that.

<sup>137</sup> Interview with Steve Dolan, 11 September, 2008.

<sup>138</sup> See the monthly reports to the city manager from the fire chief in city council minutes. On microfiche with the Iowa City Clerk’s office. Between 1974 and 1977, the fire department responded to an average of 550 calls per year (46/year), including false alarms. The increase over this time period was about 20%.

Most fires in Iowa City were small and easy to extinguish.<sup>139</sup> Seldom did the Iowa City Fire Department require the assistance of off-duty firefighters or a neighboring department, for example, and most Iowa City firefighters never carried anyone out of a burning building.<sup>140</sup> A firefighter hired in 1972 recalled that before the department became the first responder for medical calls in 1979, an entire shift might pass without any calls at all.<sup>141</sup> Iowa City's firefighters did not sit around playing checkers waiting for an alarm, however. Like many fire departments across the nation, the Iowa City Fire Department had embarked upon a major transformation in the mid-1970s.

A national effort to professionalize the U.S. fire service was launched, in large part, by a 1973 report published by the National Commission on Fire Prevention and Control, calling for a more effective and comprehensive national response to the problem of fire in the United States.<sup>142</sup> The commission made dozens of specific recommendations, including more research on fire prevention and firefighting techniques, better training for firefighters and more attention to their physical fitness, the integration of medical emergency calls into the fire service, and the creation of a new federal agency

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<sup>139</sup> Fatalities were very rare, and even civilian injuries were unusual. There were no fatalities due to fire in Iowa City in 1975, 1976, or 1977. In 1975, there was one civilian injury, in 1976, eight civilian injuries, and in 1977, eight civilian injuries. From fire chief's monthly reports to city manager in the city council minutes. On microfiche in the office of Iowa City Clerk.

<sup>140</sup> None of the firefighters I spoke with had ever carried anyone out, although all had led individuals out of buildings. One firefighter said that while he was on a ladder, someone draped a child over his shoulders without letting him know first and he "barely made it" to the bottom of the ladder.

Big fires occurred less than once a year. The big fires during the late 1960s and 1970s that I was told about were: Mercy Hospital, 1969; Things & Things, early 1970s; old Manion Bldg; Sullivan Brothers; the VA, winter of 78-79; Gray's Banana, winter of '76 or '77.

<sup>141</sup> Interview with Nate Hopkins, 4 September 2008.

<sup>142</sup> *America Burning: The Report of the National Commission on Fire Prevention and Control* (Washington, D.C.: U.S. Gov't Printing Office, 1973). The Commission was authorized by Public Law 90-259 passed by the 90<sup>th</sup> Congress in 1968.



to facilitate the implementation of its recommendations at the local and national levels.<sup>143</sup> The federal government responded swiftly; in 1974, President Gerald Ford signed a bill authorizing the establishment of the National Fire Prevention and Control Administration (changed to the United States Fire Administration in 1979), and a wave of change began to sweep over the tradition-bound world of firefighting.<sup>144</sup>

The Iowa City Fire Department's response to the national call for change included sharpening its focus on training, shifting to more efficient firefighting techniques, and training firefighters to administer cardiopulmonary resuscitation (CPR), one of the more common emergency medical skills needed at the scene of a fire. Iowa City's firefighters attended regular training sessions and were expected to study or practice their skills every working day.<sup>145</sup> In 1976, the Iowa City Fire Department committed itself to a more formalized training program when the department and the local firefighters' union adopted an apprenticeship program developed in conjunction with, and recognized by, the U.S. Department of Labor. Like the national apprenticeship program that served as its model, the goal of Iowa City's program, according to the training officer, was "to promote better professional Fire Protection."<sup>146</sup>

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<sup>143</sup> The report also called upon departments to "train and utilize women for fire service duties," although this recommendation included no further elaboration (167).

<sup>144</sup> "There is a need for improved professional training and education oriented toward improving the effectiveness of the Fire Services," the bill stated. Federal Fire Prevention and Control Act of 1974. One of the most significant, and immediate, consequences of the bill was the establishment of a National Fire Academy, which provided research and training for the fire service.

<sup>145</sup> Hopkins, who joined the department in 1972, stated that the training program at the ICFD was already above average at that time.

<sup>146</sup> This program mentioned earlier in this chapter on page 6. Monthly report to City manager from Fire Chief Robert P. Keating, June 1976. On microfiche at city clerk's office Doc #76-1206 and also 76-1287. Nate Hopkins, who participated in developing the apprenticeship program, wrote an article about it in *Iowa Professional Fire Fighter*, Vol. 4, No. 2 (Summer 1976), 22-24. Hopkins encouraged other departments to begin apprenticeship programs as a bargaining chip for contract negotiations. "It will really be nice to go to the bargaining table and say, 'We have such and such number of Certified Journeyman Fire Fighters, now when are you going to pay them accordingly?'"

As might be expected, Iowa City's younger firefighters embraced some of these changes more enthusiastically than the veterans.<sup>147</sup> An Iowa City firefighter recalled the chaos that ensued at fire scenes when "you'd have the new guys on one side of the fire doing what they were supposed to and the other guys just going wild with their freelance hoses and hydrants."<sup>148</sup> Similarly, younger firefighters took more readily to the idea of the fire department providing medical assistance. In deference to the long-time firefighters' objections, the Iowa City Fire Department initially offered CPR training on a voluntary basis. Eaton and six other firefighters became certified CPR trainers in December 1977, and they provided CPR training for the other firefighters on the department.<sup>149</sup>

Working with a woman was yet one more change that Iowa City's firefighters had to accommodate in the 1970s.<sup>150</sup> The issues that arose during Eaton's initial months at the fire department resembled those faced by most women firefighters, and by the departments that hired them, during the 1970s. The first question was where Eaton would sleep, change her clothes, and go to the bathroom. Some fire departments resisted hiring women by stating that they had no facilities for them. But Iowa City's civil rights specialist reported that separate facilities for men and women firefighters were not required by law and that, in fact, a department that refused to hire a woman simply

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<sup>147</sup> Interview with Steve Dolan, 11 September 2008. Nate Hopkins also talked about lack of professionalization when he came on in 1972. Older firefighters didn't want to change and fight fires with better methods. "They had a heck of a time breaking them of their old habits."

<sup>148</sup> Interview with Nate Hopkins, 4 September 2008. Steve Dolan also recalled the problems re-training the veteran firefighters.

<sup>149</sup> Fire chief's monthly report to city manager, December 1977. When the ICFD became a first responder in the late 1970s, EMT training became required for all IC firefighters.

<sup>150</sup> As Terry Floren observed in her article, "Women Firefighters: The Chief's Role," *Fire Chief Magazine* (May 1981): 48-52, "Women may simply represent change, especially to older firefighters who already resent modernizations in the fire service—the whiskey bottle gone from the pumper, required use of air packs, etc. 'It ain't like it used to be.'"

because of a lack of separate facilities risked being found guilty of sex discrimination.<sup>151</sup> Iowa City had prepared for the bathroom issue by building a women's locker room for women police officers and women firefighters in the basement of Iowa City's Civic Center, which housed the police and fire departments as well as the city's administrative offices, in early 1977.<sup>152</sup> The city did not build separate sleeping quarters for women firefighters, however. Eaton slept with the other firefighters in the dormitory—a long room lined with beds, separated by chest-high partitions, on both sides of a center aisle. She expressed no concerns about the sleeping arrangements, but some firefighters' wives worried “that there would probably be some hanky-panky,”<sup>153</sup> and although they did not initiate an organized protest, some wives asked the battalion chief to transfer their husbands to another shift.<sup>154</sup> Firefighters on other shifts asked those on Shift 1 about Eaton's sleeping attire, and at least one firefighter walked through the dormitory after Eaton had retired so he could get a look.<sup>155</sup>

The facilities provided for women firefighters in the 1970s varied considerably and were determined by the specific conditions within each fire department.<sup>156</sup> Almost half of the women firefighters working in 1980 reported that they not only slept in the

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<sup>151</sup> Memo from Sophie Zukrowski to Bob Keating, Neal Berlin, and June Hidgon, Re: Female Firefighter Candidate, 13 July 1977, LEP, Box 4, Folder 23, SHSI.

<sup>152</sup> Plans for the locker room began in 1976. The February 1977 report to the city manager notes that construction of locker room for women officers was “finally” underway. Doc.# 77-586 on microfiche at city Clerk's office. Some individuals later complained, erroneously, that the fire department had built the locker room just for Eaton.

<sup>153</sup> Testimony of Nate Hopkins, ICRC hearing, 476, LEP, SHSI.

<sup>154</sup> Testimony of Art Kloos, ICRC hearing, LEP, SHSI. Kloos refused to transfer anyone.

<sup>155</sup> Interview with Steve Dolan, 11 September 2008. The subject of women firefighters' sleeping attire was often discussed in the fire service, not just in Iowa City.

<sup>156</sup> See Floren, “Women firefighters speak,” *Fire Command* (December 1980).

dormitory with the men, but they used the same bathroom and locker room as well.<sup>157</sup> Surprisingly enough, the women reported few problems with these arrangements, and in the long run, most departments that integrated women firefighters discovered that the facilities question was, in fact, a non-issue.<sup>158</sup> In the 1970s, however, this controversy demonstrated the dilemma the first women firefighters faced.<sup>159</sup> If the women “fit in” by sleeping in the dormitory and using the men’s bathroom, some men complained about having to change their habits to accommodate them; yet, if the women “made waves” by asking for separate facilities, the men complained that women sought special privileges.<sup>160</sup>

In one very important way, Eaton seemed to be gaining acceptance from at least some of the men in the firehouse—she had a sense of humor. While she endured the men’s “ribbing” without complaint, she found ways to dish it out as well. For example, as Eaton was washing the chief’s car one day, a more senior firefighter expressed disapproval of the fact that she was wringing out the sponge on the cement floor. In response, Eaton dipped her sponge into the bucket, soaked it full of water, walked over to him, and, with a dramatic flourish, wrung out the sponge in front of him and let the water

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<sup>157</sup> Ibid., Women firefighters did not agree on whether they should insist on separate facilities.

<sup>158</sup> *Fire Chief*, January 1977; also see women’s responses on the 1980 survey, WFS Records. As an Iowa City firefighter told me, “It’s not the on-duty behavior that wives need to worry about, its the off-duty behavior.” By the late 1980s, many larger fire departments had separate bathrooms for women, if not separate sleeping quarters.

<sup>159</sup> Nearly every newspaper article about “first” women firefighters describes where they will sleep, such as those on Terry Floren and Sharon Iossi. This continued well into the 1980s, since so many departments hired their first woman during the 80s and even 90s.

<sup>160</sup> In Eaton’s case, the complaint that the locker room had been built “just for her” circulated widely and was intended to be an example of how she had received special treatment. Floren urged fire chiefs to handle accommodations in such a way that, if they are separate, the women are not punished for demanding special treatment. Terese M. Floren, “Women Firefighters: The Chief’s Role,” *Fire Chief Magazine* (May 1981): 48-52. I have read stories of how men on certain departments decided to walk around naked as they had always done in an effort to drive the woman away.

run all over the floor. The other probationary firefighter, who observed the incident, found it extremely funny. In true firehouse fashion, Eaton had asserted her independence by delivering a rebuke that left the other firefighter with nothing more to say.<sup>161</sup>

Even so, Eaton realized that many of the men found working with her to be a burden. Two months after starting her job, Eaton expressed concern for the “social strain” that her presence created for the men. As Eaton explained, she could leave the room if she sensed that the men did not want her company, but in the small space of the fire station, ten men could not go someplace else to enjoy the exclusively masculine environment to which they were accustomed.<sup>162</sup> Eaton also found that, although the experienced firefighters answered her questions and “tried to be cooperative” with her, they did not volunteer information or mentor her.<sup>163</sup> In addition, since she had not yet been tested at a fire, the men doubted her ability to do the job. This issue eventually came to the personnel specialist’s attention when the fire chief wrote on Eaton’s six-month evaluation that the officers on Shift 1 “have expressed some concerns of Linda’s physical abilities to perform firefighting requirements.”<sup>164</sup> After speaking with the chief, the personnel specialist felt somewhat reassured to learn that the chief believed that “the concern of Ms. Eaton’s physical ability may reflect limited training rather than

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<sup>161</sup> Interview with Steve Dolan, 11 September 2008.

<sup>162</sup> Gail Pairitz, “Linda Eaton: Firefighter,” *Women’s Resource & Action Center Newsletter* (October 1977), 17. In WRAC Records, Box 23, Newsletter folder, IWA.

<sup>163</sup> Testimony of Linda Eaton at ICRC hearings, 943, LEP, Box 9, Folder 9, SHSI. Her comment about volunteering information is important. According to former IC firefighter Dave Loney, the lack of a proper mentor was one of the most debilitating features of Eaton’s probationary period. Teaching the younger firefighters is considered by some to be a solemn duty of older firefighters. As one firefighter noted in the documentary film, *The Brotherhood*, “I can read all I want in the book, but it’s the experience and things the older ones tell me that really help.”

<sup>164</sup> City of Iowa City Personal Evaluation Report of Linda Eaton, February 6, 1978, LEP, Box 4, Folder 15, SHSI. Also Sophie Zukrowski’s 2/23/78 memo to file 2/23/78 in the same folder.

limited ability.”<sup>165</sup> As soon as the weather permitted, the chief stated, Eaton would be receiving more outdoor training.<sup>166</sup> None of the issues that the Iowa City Fire Department encountered during Eaton’s first six months of employment seemed insurmountable. On the contrary, there was every reason to believe that over time and with more experience, Eaton would “fit in” at the fire department as well as could be expected.<sup>167</sup>

Eaton’s status on the fire department shifted quickly, however, when she informed her supervisors that she was pregnant in April 1978. “It was not good news,” recalled Candy Morgan, the director of human relations.<sup>168</sup> The pregnancy, Eaton felt, placed a barrier between her and her male co-workers; her battalion chief was “obviously disappointed,” and the men “stayed away from me more,” she recalled.<sup>169</sup> In addition, since Eaton was a single woman, rumors about who the father might be quickly began circulating at the fire station. Many jokes were made suggesting that one or another firefighter could be the father. A more persistent rumor, heard by nearly all the firefighters, was that the baby’s father was a black man and that, in fact, Eaton already had one child fathered by a black man.<sup>170</sup>

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<sup>165</sup> Sophie Zukrowski’s memo to Linda Eaton file 2/23/78, LEP, Box 4, Folder 15, SHSI.

<sup>166</sup> Ibid.

<sup>167</sup> Terry Floren described her year on the Fairborn, Ohio, Fire Department in the 1970s as “successful under the circumstances” in *Hard-Hatted Women*, 159. Many women reported a minimum of two years before men started to trust them.

<sup>168</sup> Interview with Candy Morgan, 2 February 2008.

<sup>169</sup> Linda Eaton’s testimony at ICRC hearing, 945, LEP, Box 9, Folder 9, SHSI.

<sup>170</sup> Testimony of Hopkins, Craig, and others during the ICRC hearing. Even Chief Keating had heard this rumor. Firefighters generally know everything about the families of their colleagues, so the misinformation surrounding Eaton’s personal life demonstrates a distance that did not usually exist among the men.

The city doctor examined Eaton and reported that she could not continue working as a firefighter during her pregnancy because the possibility of smoke inhalation posed a health risk to the fetus.<sup>171</sup> Eaton requested that she be put on light duty, but the chief refused; he had never put anyone on light duty in the past, he stated, and he did not want to start doing it now.<sup>172</sup> The city's pregnancy-leave policy provided for an unpaid leave of absence, but Eaton implored Morgan to keep her employed, saying she "needed the money very badly" and could not afford an unpaid leave of absence.<sup>173</sup> It was "a real difficult situation," Morgan recalled. "I thought we were going to really be on thin ice if we would just lay her off during her pregnancy."<sup>174</sup> Under Morgan's direction, the personnel specialist began looking for another position in the city that Eaton could fill on a temporary basis. Although there was no precedent for temporarily transferring an employee from the fire department to another job in the city, Morgan argued that, "We must look at City employment picture as a whole. If an outsider came in to investigate, they could expect us to find employment for her in another department."<sup>175</sup>

The only job the personnel specialist could find for Eaton was a maintenance position in the Parks and Recreation Department. "I didn't view custodial as a very good alternative," Morgan admitted. "I knew it would be unpleasant work of a lower status,

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<sup>171</sup> At the time, there was no standard procedure in the fire service regarding the duties a pregnant woman should, or should not, be given. Some pregnant firefighters continued firefighting throughout their pregnancies, although usually this was because their only other choice was to resign. By the mid-late 1980s, a consensus was emerging that firefighting could be dangerous to a fetus and women should be taken off the line as soon as they knew they were pregnant. Some women firefighters have pointed out that the possible danger to men's fertility has yet to be explored.

<sup>172</sup> Sophie Zukrowski memo to file, 5/15/78, LEP, Box 4, Folder 15, SHSI. For Eaton's reasons for requesting light duty, see testimony of Linda Eaton at ICRC hearing, 949, LEP, SHSI.

<sup>173</sup> Testimony of Candy Morgan, ICRC hearing, 160, LEP, SHSI.

<sup>174</sup> Ibid.

<sup>175</sup> Memo from Candy Morgan to June Higdon, 5/26/78, LEP, Box, 4. Folder 15, SHSI

lower pay, harder work most of the time . . . but of the choices, the one we thought we could live with, that was it.”<sup>176</sup> In mid-May 1978, Eaton left her position as a firefighter and began working as a custodian; her pay decreased by twenty-five percent, from \$930 per month to \$694 per month. Shortly thereafter, she renewed her objection to leaving the fire department, complaining that the maintenance job was “more physically strenuous on a regular basis,” to say nothing of “the cut in pay, which is a direct penalization to me because of pregnancy.”<sup>177</sup> Although Morgan sympathized with Eaton, she felt satisfied that she had gotten Eaton the best possible deal. Perhaps Morgan hoped that Eaton’s losses would be ameliorated by the fact that her job on the fire department would be held open for her until she returned from maternity leave.<sup>178</sup>

If Eaton failed to express appreciation at the time, it may have been because she also received the bad news that the city’s health insurance policy did not include obstetric (OB) care for single women and would not, therefore, cover her pregnancy costs. Eaton felt misled. “When I was hired I was told my BC/BS [Blue Cross/Blue Shield]—AS I SIGNED UP FOR IT—would cover all my medical needs—100% except dental. . . . I only signed under single because I am single. Not thinking it affected my policy,” she

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<sup>176</sup> Candy Morgan’s testimony, ICRC hearing, 161; Morgan also testified about the relative difficulty of Eaton’s new job. “The job of custodian was on the average harder work than firefighting, and it involved more lifting and pushing, moving things around,” 118, and notes that LE had “contract language” supporting her desire to continue working in the fire department.

<sup>177</sup> To Sophie Zukrowski from Linda Eaton, undated [May 1978 per Candy Morgan]. Enclosure 4 in packet for Iowa City City Council informal meeting October 9, 1978. Probably because of this memo, the assistant city attorney researched whether the city had discriminated against Eaton by moving her to the Parks & Recreation Department, concluding that since the city physician recommended that Eaton be removed from firefighting during the pregnancy, the city’s action was not discriminatory as long as it offered a “reasonable alternative.” See memo to Candy Morgan from Angela Ryan June 23, 1978 re: Sex Discrimination, Enclosure 3 in packet of City Council informal meeting of October 9, 1978, on microfiche at city clerk’s office.

<sup>178</sup> The city also determined that Eaton would be allowed to continue accumulating seniority on the fire department during the time spent working in Parks & Recreation.



wrote in an urgent note to the personnel specialist, requesting her assistance.<sup>179</sup> Morgan had brought the lack of OB coverage for single women to the city manager's attention in late 1977, but the manager declined to add it to the policy at that time because of the expense.<sup>180</sup> Eaton's situation revived the issue, and in May 1978 the civil rights specialist wrote a memo to the city manager, concluding that "I strongly feel that a charge by a pregnant, single female employee, not covered for O.B. incurred expenses, would be found discriminatory."<sup>181</sup> In addition, Morgan sought a legal opinion on the matter from the city attorney's office; in June, she received the ambiguous reply that "if the City would have arranged for maternity coverage for single persons upon request, it is probably not discriminatory to fail to purchase this benefit for all single employees."<sup>182</sup> The record is unclear as to whether or not the city did in fact offer to arrange OB coverage for Eaton under her single policy; what is clear is that, in order to cover her newborn child, Eaton needed a family policy.<sup>183</sup> In early August, therefore, on the advice of the personnel specialist, Eaton signed a form requesting that her health

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<sup>179</sup> To Sophie Zukrowski from Linda Eaton, undated, [May 1978 per Candy Morgan], Enclose 4 in packet for Iowa City City Council's informal meeting, October 9, 1978, on microfiche in city clerk's office.

<sup>180</sup> Testimony of Candy Morgan, ICRC hearing, 116. Morgan complained that other more expensive changes were made to the health insurance policy.

<sup>181</sup> To Neal Berlin from Sophie Zukrowski, May 22, 1978. Re: Insurance Coverage of Single Family Employees for O.B., LEP, Box 4, Folder 15, SHSI.

<sup>182</sup> To Candy Morgan from Angela Ryan, Re: Sex Discrimination, June 23, 1978. Enclosure 3 in packet for Iowa City City Council's informal meeting, October 9, 1978. The lengthy memo closed with the statement that "It is my understanding that she [Eaton] was given the Blue Cross booklet which states on page 1 that maternity care will be provided if basic family contracts are in force for 270 consecutive days. She also signed a form on which she selected single coverage. It would seem that the City was not guilty of discrimination if it would have arranged for maternity coverage for single persons upon request." Probably based on this memo, the city changed its Blue Cross coverage not long afterwards so that single women had OB coverage.

<sup>183</sup> To Linda Schreiber from June Higdon, Re: Blue Cross/Blue Shield, 7/5/78, LEP, Box 4, Folder 15, SHSI.

insurance policy be converted from a single to a family policy, which would ensure that her newborn child was covered from the moment of birth.<sup>184</sup> The family policy would not, however, cover her existing pregnancy. Eaton would have to pay for that herself.

When Eaton became Iowa City's first woman firefighter in 1977, she joined a handful of pioneering women across the country who dared to envision themselves in the masculine world of firefighting. She was excited, confident, and proud; she enjoyed her work and hoped to make firefighting her career. An outstanding athlete, Eaton was a strong and capable woman whose years playing basketball had prepared her to train hard, work as a team member, and adhere to the rigid rules of an authoritarian organization. If she seemed prepared, however, Eaton, in truth, "didn't know what she was getting into."<sup>185</sup> She was unfamiliar with the masculine culture of firefighting and its fierce resistance to change of any kind, let alone one as fundamental as admitting a woman to the brotherhood.<sup>186</sup>

Indeed, the dramatic changes within the U.S. fire service during the 1970s made many firefighters even more determined to retain the essential masculinity of firefighting culture. Professionalization, which emphasized training, safety, and education, undermined working-class pride and discouraged the use of raw force that many firefighters cherished as their trademark. The introduction of affirmative action policies, which brought African-American men into fire departments, was experienced by white firefighters as another major disruption to the solidarity of firefighting culture. The weak economy of the 1970s raised racial tensions in fire departments too, increasing the

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<sup>184</sup> To Linda E from Sophie, 8/2/78, LEP, Box 4, Folder 15, SHSI.

<sup>185</sup> Interview with Dave Loney, 30 December 2008.

<sup>186</sup> For this reason, a group of women firefighters in Madison, Wisconsin, hired in the early 1980s, wrote a manual for women firefighters explaining the unwritten expectations and norms of firefighting culture.

competition for jobs while forcing layoffs in many urban departments; white firefighters resented the fact that blacks seemed to have an advantage just when they needed jobs the most.<sup>187</sup> From the perspective of white firemen, the class and racial foundations of firefighting culture were eroding, and now women threatened to undermine the most fundamental aspect of their identity—their masculinity.

Like all women firefighters hired during the 1970s, Eaton labored under constant suspicion in a workplace culture that associated women firefighters with transgressive sexuality as well as a general inferiority. The men provided little of the informal help extended to most new probationary firefighters. Despite this inhospitable environment, Eaton may have been accepted as a capable firefighter eventually, but her pregnancy derailed that process. In addition to losing the opportunity to continue her training, Eaton's pregnancy confirmed that she posed a sexual danger.<sup>188</sup> As a single woman who was unashamed of being pregnant and unwilling to name or blame her child's father—a single woman, in short, who controlled and took responsibility for her own sexuality—Eaton undermined the roles assigned to women in the masculine culture of firefighting. And indeed, although single motherhood was on the rise in the U.S. during the 1970s, it was still a stigmatized status, especially among whites. Perhaps that is why Iowa City's firefighters were quick to link Eaton with blackness by concluding that her pregnancy was a result of mixed-race sexuality.

Eaton's experiences demonstrate what married and single working women discovered in the 1970s: careers were structured to accommodate the male life cycle and women were penalized heavily for their role in human reproduction. Professions

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<sup>187</sup> Baby boomers entered the work force at this time, swelling its ranks. And with more women entering at the same time, the number of surplus workers grew dramatically.

<sup>188</sup> I do not have any direct evidence that IC firefighters expressed this at the time of her pregnancy, but it was expressed in many letters she received when the breastfeeding controversy became public.

dominated by women, such as teaching, were no exception. Although federal and state laws forbade sex discrimination in the workplace, discrimination against a pregnant woman had not yet been defined by the U.S. Supreme Court as a form of sex discrimination.<sup>189</sup> Even in states such as Iowa, which offered legal protection to pregnant workers during the 1970s, the law's analogy of pregnancy to temporary disability failed to address adequately the needs of pregnant workers since pregnancy is not a disability in the same sense as an injury. Most employers, moreover, viewed pregnancy and maternity benefits as costly burdens that were to be avoided.

The cost of the pregnancy to Eaton was not measured by the other firefighters, however. They were incensed by the employment arrangements the city made for Eaton following her pregnancy, and their resentment over the agility test, which, as it turned out, had not been forgotten at all, returned with a vengeance. In fact, the firefighters now saw the city's handling of Eaton's hiring as the first step in a pattern of special treatment, and they were not going to stand for it. Demonstrating how tenuous her status at the fire department had always been, the firefighters initiated a campaign to have her removed from the department. "It was thrown up to me over and over," Morgan recalled. "That her hiring was unfair. That she had been late for the test. And nothing like that had happened for a man."<sup>190</sup> But the issue that most concerned the firefighters was the fact that Eaton had not passed two of the fifteen parts of the physical agility test. In their eyes, she should not have been hired because she did not possess the physical strength

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<sup>189</sup> Congress passed Pregnancy Discrimination Act in 1978 to address this after the U.S. Supreme Court rulings in *Geduldig v Aiello*, 417 U.S. 484 (1974) and *General Electric Company v. Martha Gilbert*, 429 U.S. 125 (1976), which upheld the exclusion of pregnancy from employers' health insurance programs. Iowa already had strong legal tools against pregnancy discrimination, however. More on this in Chapter Six.

<sup>190</sup> Interview with Candy Morgan, 2 February 2008. She also testified about this at ICRC hearing.

necessary to do the job.<sup>191</sup> The complaints of Iowa City firefighters echoed across the fire service in the 1970s, when most male firefighters believed that affirmative action programs were forcing fire departments to hire unqualified women, which was lowering standards and damaging the quality of fire service in the United States.<sup>192</sup>

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<sup>191</sup> All firefighters testified that Eaton's hiring was unfair. Steve Dolan also testified that most firefighters felt women did not have the necessary strength to do the job. See ICRC hearing, 604, LEP, SHSI.

<sup>192</sup> Many men saw the entry of women in tension with the trend towards professionalization. How could the fire service become more professional and offer better protection if women came in?

CHAPTER THREE: “THAT’S NOT EQUAL”: WOMEN,  
FIREFIGHTING, AND THE LAW

The complaint that Eaton had failed the physical test reflected the enormous skepticism within the fire service about women’s ability to be firefighters, which was voiced frequently during the 1970s and early 1980s.<sup>1</sup> “Perhaps the biggest concern expressed by male firefighters is whether women are strong enough” to handle their duties on the fireground, noted a 1976 article published in a trade journal for firefighters.<sup>2</sup> In addition, over 60 percent of the two hundred fire chiefs in California who responded to a 1975 survey believed that women were not physically capable of being firefighters.<sup>3</sup> Even if males in the fire service conceded that women might do a good job in fire inspection or fire prevention programs, they drew the line at suppression—the business of actually fighting fires.<sup>4</sup> “Let’s face it,” said a male

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<sup>1</sup> “Women in the Fire Service: What are the Attitudes?” A Research Project for the National Fire Academy Executive Development III Program, October 27-November 7, 1980, in possession of author; California Fire Chiefs’ Association Survey of Women Fire Fighters conducted by the Affirmative Action Committee of the California Fire Chiefs Association Northern Division, undated, circa 1975-1976, in possession of author; Robert S. Greenberger, “Women Firefighters Still Spark Resentment in Strongly Macho Job,” *Wall St. Journal* Vol. LXIII, No. 80 (February 3, 1983), p1A; “Women are fire fighters, too!” *Fire Command!* (February 1976): 16-19; Fritzie Pantoga, “Women firefighters—a survey,” *Fire Chief Magazine* (January 1977): 51-54; Terese M. Floren, “Women fire fighters speak—part two,” *Fire Command* (January 1981), 22-25; Also see Floren’s summary of data gathered at US Fire Administration’s conferences on women in 1980 in WFS Records, folder labeled USFA WITFS-my copies.

<sup>2</sup> “Women are fire fighters, too!” *Fire Command!* (February 1976): 16-19.

<sup>3</sup> California Fire Chiefs’ Association Survey of Women Fire Fighters undated, circa 1975-1976, in possession of author. Sixty-six percent also believed that men handled stress better than women.

<sup>4</sup> One woman related how the men at the fire academy became visibly more comfortable with her after finding out she was in fire education, not suppression. See “Women in the Fire Service: What are the Attitudes?,” a research project for the National Fire Academy Executive Development III Program October 27-November 7, 1980, 4. Also see WFS Records, Floren’s yellow folder with Articles and Correspondence.

firefighter in Buffalo, New York, “if anyone says a woman firefighter can do what I do, they’re crazy.”<sup>5</sup> (See Figure 3.1)



Figure 3.1. *Davenport Times-Democrat*, 20 August 1970. Contemporary depiction of a woman from New York who wanted to join a local volunteer fire department.

The problems Linda Eaton faced were particular to her situation at the Iowa City Fire Department, but they were emblematic of the barriers faced by women who dared to enter the masculine world of firefighting. These women joined a wave of others who,

<sup>5</sup> Robert S. Greenberger, “Women Firefighters Still Spark Resentment in Strongly Macho Job,” *Wall St. Journal* Vol. LXIII, No. 80 (February 3, 1983), 1A.

buoyed by the accelerated pace of social and legal changes affecting gender roles and relations in the U.S. since the early 1960s, challenged the long-held notion that femininity was synonymous with physical weakness. During the 1970s, women used the law to bolster their demands for parity for girls' and women's sports programs, entry to U.S. military academies, and access to jobs that had been considered too physically difficult or dangerous for women, including police officers, truck drivers, and construction workers.<sup>6</sup> Women who wished to be firefighters turned to the law as well to claim their place in municipal fire departments across the nation.

“An Average Man Can Do It Better”

Women's physical unsuitability for firefighting appeared to be a matter of common sense to many male firefighters. A retired fire chief from Plainfield, New Jersey, summarized the viewpoint shared by many of his colleagues when he argued that “women do not belong in fire suppression” because “an outstanding woman can do the job, but an average man can do it better.”<sup>7</sup> While the chief offered several reasons for opposing women firefighters, he focused on the frailty of the female body. Even if women trained enough to pass the entrance test, he argued, they would weaken rapidly after probation, when they ceased their intense physical training regimens.<sup>8</sup> Furthermore,

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<sup>6</sup> These challenges relied largely on Title VII, Title IX, the Fourteenth Amendment of the U.S. Constitution, and state law.

<sup>7</sup> John P. Townley, “Hiring Women Fire Fighters Opposed,” *Fire Engineering* (March 1978), 33.

<sup>8</sup> The problem of retaining fitness was, in fact, a problem with male firefighters. See “Recruiting, Hiring, Training and Retaining Women Firefighters: A Manual for Fire Service Management” prepared by James H. Lowry and Associates for the U.S. Fire Administration, circa 1981, 93: “Training programs designed to develop the strength and endurance of female recruits may finally cause fire department managers to realize that many male incumbents have been ‘skating’ as far as physical fitness is concerned.” Women firefighters were much more likely to continue a personal training schedule after probation. Weight lifting and physical training were major topics at women firefighters' conferences and in their newsletters.



he noted, women's strength would decline during menstruation; women would be unable to perform their duties at all while pregnant; and women's overall fitness would diminish following childbirth.<sup>9</sup> Firefighting is "physically exhausting for even the strongest of men," the chief concluded.<sup>10</sup> Speaking directly to his readers—his brother firemen—the chief invoked one of the main tenets of the masculine culture of firefighting by arguing that their heroic male bodies were far superior to the weak and unreliable bodies of women. "Is it right to submit the lives of our people to the chance that the fire fighter cannot perform adequately to overcome the situation?" he asked. "What about those times when fire fighters are overcome or trapped and only the brute force of their fellow men can save them?"<sup>11</sup>

Women firefighters responded to doubts about their physical ability with several observations of their own. Terry Floren, hired by the fire department of Fairborn, Ohio, in 1975, insisted that women simply needed training and confidence.<sup>12</sup> "Women can be strong. They just haven't had the opportunity," Floren argued.<sup>13</sup> An experienced

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<sup>9</sup> Townley was correct about pregnant firefighters (most departments concluded they should not be involved in active firefighting), but his other two claims, though often mentioned, (a California fire chief, for instance stated that, "We cannot afford the overtime to cover monthly absences."), had no merit. In the 1980 survey of women firefighters, 60% said their periods did not affect their ability at all, 30% said it made them "feel lousy" but did not affect job performance, and one woman said she had had to call in sick. Terese M. Floren, "Women fire fighters speak—part two," *Fire Command* (January 1981), 22-25. Most women who returned to firefighting after having a baby (or two) reported no loss of strength due to childbirth (see 1985 survey of women firefighters as reported in *Firework* and in WFS Records).

<sup>10</sup> Townley, 33.

<sup>11</sup> Ibid.

<sup>12</sup> Half of the women firefighters who responded to a 1980 survey believed that most women, if properly trained, could develop the strength necessary to be a firefighter. Another third felt that only a minority of women could be good firefighters. Terese M. Floren, "Women firefighters speak" *Fire Command* (Jan 1981).

<sup>13</sup> Fritzie Pantoga, "Women firefighters—a survey," *Fire Chief Magazine* (January 1977).

weightlifter and former volunteer firefighter, Floren's toughest challenge as a probationary firefighter in Fairborn was maintaining her confidence while the men constantly expressed doubts about her abilities. The worst of it, for Floren, was that she began to doubt herself as well, which caused her to overcompensate and make silly mistakes.<sup>14</sup> Once she identified the problem and regained her confidence, Floren noted, her firefighting skills improved greatly.<sup>15</sup>

Women firefighters believed that the physical strength argument was "overblown."<sup>16</sup> Physical strength was needed to be sure, the women agreed, but firefighters now used lightweight equipment and power tools, and medical calls were becoming a significant part of a firefighter's duties. "The days of the brawny smoke eater are gone," declared a woman who had served as chief of the volunteer fire department in Shirley, Arkansas, during the 1970s.<sup>17</sup> Brains, she argued, were just as important as raw muscle in today's fire service. A woman firefighter in Davenport, Iowa, agreed. "I've found that what firefighters seem to need most is endurance and a cool head," she told a reporter.<sup>18</sup>

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<sup>14</sup> Terry Floren, Untitled article in yellow folder, WFS Records.

<sup>15</sup> Terry Floren, untitled articles in yellow folder, WFS Records; profile in *Hard-Hatted Women*.

<sup>16</sup> Fritzie Pantoga, "Women firefighters—a survey," *Fire Chief Magazine* (January 1977), 52. In Floren's 1980 survey, most women firefighters agreed that strength was very important on the job, but nearly two-thirds felt it was slightly or definitely overemphasized. Floren, "Women fire fighters speak—part two," *Fire Command* (January 1981).

<sup>17</sup> JoCarol Hamilton, "Women in the fire service," *Fire Chief Magazine* (August 1978): 81.

<sup>18</sup> Brenda Lewis, "A Fire Belle's First Year," *Quad-City Times*, 18 March, 1979, Tempo section, 1D. Iowa's first woman firefighter, Sharon Iossi, (now Kieffert) hired by the Davenport Fire Department in 1977 also added, "I think the exam ought to test for that [endurance and a cool head]—then maybe more women would pass it."

Fire departments used a team approach to fighting fires, women pointed out, and teams benefited from having members with diverse strengths and skills.<sup>19</sup> One of the first women hired by the fire department in Boulder, Colorado, stood 5'4" tall and weighed 112 pounds. She acknowledged that she could not accomplish certain tasks as well as a larger person, but argued that her particular abilities surpassed those of bigger people in important ways. She could remain in a fire longer than anyone else on her crew, for instance, because "these big guys deplete an air pack in ten minutes;" in addition, she was often the first person in at attic fires because her slim build allowed her to enter small spaces.<sup>20</sup> Furthermore, the women firefighters who passed their probationary periods generally had no problems handling all the physical aspects of firefighting. Women firefighters argued that the *perception* that women were too weak to be firefighters could no longer stand given the *fact* that women were succeeding as firefighters.<sup>21</sup>

Men in the fire service who had worked with women firefighters lent credence to the women's arguments by stating publicly that their women colleagues were capable firefighters. "At one time, I thought there would be a problem of strength, but I won't say that now," stated the fire chief of the Arlington County Fire Department in Virginia,

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<sup>19</sup> A common argument used by male firefighters who opposed women on the job was that women lacked the necessary background in team sports or the military to make them effective team members, an argument that I have never understood because I believe it is well-documented that girls are taught to work with others while boys are encouraged to go it alone.

<sup>20</sup> Anne Zusy, "Firehouse Door Opening Slowly for Women," *New York Times*, [1987], 1A. Linda Eaton also explained that her smaller build was handy when she was the only one who could make it down a narrow hallway at a trailer fire in Iowa City.

<sup>21</sup> Women firefighters took part in the rescue efforts following the 9/11 attacks on New York, although they were conspicuously absent from the news coverage. For their stories, see Susan Hagen and Mary Carouba, *Women at Ground Zero: Stories of Courage and Compassion* (New York: Alpha Books published by Penguin Group, 2002). No women firefighters lost their lives, but three women rescuer workers, an integral part of the effort, died on 9/11.

who had hired a woman firefighter in 1974.<sup>22</sup> And six months after a woman joined the Davenport Fire Department in eastern Iowa, the fire chief confessed to a reporter, “I have to be truthful. I was a little apprehensive how things would work out. But she’s doing the job.”<sup>23</sup> A chief in Pasadena, California, even acknowledged that “the physical ability question is one of perception and often provides a ‘spurious’ argument” that women should not be firefighters at all.<sup>24</sup>

Surveys revealed that women’s physical performance was less of a concern for those fire departments that had hired women.<sup>25</sup> “Attitudes are changing because men are seeing what women are able to do on the job,” reported a battalion chief from San Diego.<sup>26</sup> Women firefighters reported that, as time passed and they proved themselves

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<sup>22</sup> “Women are Fire Fighters, too!” *Fire Command!* (February 1976), 19. Chief Groshon hired Judy Livers Brewer in 1974.

<sup>23</sup> Randy Evans, “Fighting Fires with Feminine Ferocity,” *Des Moines Sunday Register*, 9 October 1977, 16. The wife of the fire chief who hired Iossi was Dorothy Goettsch, who served on Iowa Governor Robert Ray’s Commission on the Status of Women in the early 1970s.

<sup>24</sup> Fritzie Pantoga, “Women firefighters—a survey,” *Fire Chief Magazine* (January 1977), 52. Comments of Fire Chief James Shern of Pasadena, California.

<sup>25</sup> Three surveys bear this out. Results from a 1980 survey filled out by fire chiefs of 117 departments attending Women in the Fire Service seminars show “physical performance” as a key issue for 75% of departments without women, but only 35% of departments with women. An International Association of Fire Fighters survey filled out by local union officers of 655 departments in January 1981 listed “physical performance/agility tests” as one item; 67% of departments that did not employ women listed this as #1 issue, while only 50% of departments with women chose it. Comments show that respondents often chose this because of issues related to agility tests, not the women’s performance once they joined the department. Results of these two surveys compiled by Terese Floren, see WFS Records, “USFA WITFS—my copies” folder. The third survey is the 1975 survey of California Fire Chiefs, which contains numerous positive comments about women firefighters from chiefs who had worked with women. The chief of a volunteer department noted that the women’s lack of strength was “more than made up for” by their dedication, attendance at all training session, quick response to alarms, and by the need for firefighters in their small community.

<sup>26</sup> Interview with Bob Roppe, *Firework* (May 1983), 3-4. Roppe pointed out that women brought many changes to the job that benefited everyone, such as new techniques like having two people carry a ladder. As men stopped trying to “macho everything to death,” their own backs lasted longer. Roppe estimated that 10-20% of male firefighters would never accept women on the job, but the rest would over time.

by performing as needed on the fireground, male firefighters began to change their attitudes and trust the women's abilities.<sup>27</sup> The fact was, however, that in the late 1970s, only a handful of fire departments employed women firefighters, so the perception that women were too weak to be firefighters remained widespread in the fire service. To support this claim, male firefighters pointed to the fact that most women did not pass the physical agility test, but women responded by explaining that the testing procedures were discriminatory.

The construction, administration, and scoring of physical agility tests became a contentious issue within the fire service, consuming more time and energy than any other issue related to women firefighters.<sup>28</sup> Since many fire departments had not tested physical strength and agility at all until the 1970s (when women applicants could no longer be turned away), entry-level physical agility testing was new for many departments.<sup>29</sup> In the early 1970s, little research had been done to determine what

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<sup>27</sup> Terese M. Floren, "Women fire fighters speak—Part two," *Fire Command* (January 1981), 22-24. The 1980 survey of sixty-two women firefighters (which may have represented anywhere from 50-75% of total women firefighters at that time) showed that 25% believed that time took care of initial problems. "At first they didn't believe I was mentally or physically capable. Many have since changed their minds . . ." and "I have been accepted by most male co-workers, . . .but I believe a major portion of the men still think that women do not belong in the fire department." Also see articles in *Fire Chief* (Jan 1977) and *Fire Command* (1976); transcript of workshop at 1979 conference on Women in the Fire Service, in author's possession; comments on the 1985 survey in WFS Records, some from women hired in the late 70s; and *Hard-Hatted Women*, in which Floren relates her own experiences of gaining a measure of acceptance.

<sup>28</sup> The studies conducted, tests developed, meetings held, informal negotiations, and litigation through local civil rights commissions and the courts produced volumes of paper and took endless amounts of time and money. The controversies over what constitutes an appropriate physical agility test began in the 1970s, became full blown in the 1980s, and have continued in the twenty-first century.

<sup>29</sup> Floren, "Physical Agility Testing," *Firework*, January 1983. When Judy Livers applied to the Arlington, Virginia, fire department in 1974, no test had ever been given, so one was devised specifically for her. The Iowa City Fire Department had no physical agility tests until sometime between 1973 and 1976, when they began using tests prepared by the Fire Extension Service in Ames, Iowa. It should be noted that the push to professionalize the fire service coincided with the entry of women, and departments were looking at physical fitness standards for that reason as well. There can be no doubt, however, that many departments relied on the physical agility test to act as a gatekeeper to keep women out.

physical standards a firefighter should meet or what tests a candidate should be given to measure them.<sup>30</sup> Lacking national standards or direction, local fire departments developed tests that varied greatly from one another.<sup>31</sup> Established and aspiring women firefighters agreed that physical strength was very important for firefighters and that physical agility tests should be given.<sup>32</sup> However, some women objected to the basic premise of most tests, which was that the biggest, strongest, and fastest individuals necessarily made the best firefighters.<sup>33</sup> Women found this premise especially troubling because fire departments had no data showing that individuals who had demonstrated the greatest strength and speed during the physical agility tests became the best firefighters.<sup>34</sup>

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<sup>30</sup> W. Considine, J.E. Misner et. al. "Developing a Physical Performance Test Battery for Screening Chicago Fire Fighter Applicants," *Public Personnel Management* (January-February 1976): 7-14. The article notes that there is "little information" and a "lack of available evidence for test validity" on physical testing for firefighters. Conducting such tests became a priority of the newly-established National Fire Prevention and Control Administration (renamed the U.S. Fire Administration in 1979).

<sup>31</sup> The January 1983 issue of *Firework* includes tests from seven fire departments, all different from each other. And although the Joint Council of Fire Service Organizations developed and adopted the first national standards on professional qualifications for firefighters, (known as NFPA No. 1001), one expert estimated that only 30-40% of fire departments were using the NFPA No. 1001 standards by the mid-1980s. (See "Physical Abilities Testing: No Easy Answers," *WFS Quarterly*, Vol. IX, #3 Summer, 1994).

<sup>32</sup> See recommendations in "The Role of Women in the Fire Service," 1980 report issued by the U.S. Fire Administration. This report came out of a conference attended by many women in the fire service, and it stated that "standards, valid and job related, should never be lowered to allow entrance of more women into the fire service." In addition, the most frequent suggestion about physical testing made by the women firefighters who responded to Floren's 1980 survey was that the standards should be more difficult.

<sup>33</sup> JoCarol Hamilton, *Fire Chief Magazine*, August 1978. "Do firefighters really need super strength, or do they need great endurance, a feature for which females are noted?" Hamilton asked.

<sup>34</sup> The claim that employment criteria needed to have some relationship to success on the job was persuasive to courts but difficult for employers. It meant that employers had to test individuals several years after they were hired to determine if those who had the highest scores had become the best firefighters. And in the meantime, the usefulness of their test as a way to select those who would be the best firefighters was limited at best.

Women argued that the physical agility tests adopted by many fire departments between 1970 and 1980 prevented qualified women from being hired.<sup>35</sup> First, while strength was important, women contended that stamina, agility, and balance were equally important; hence, the tests should measure those capacities as well. Second, women objected to the emphasis placed on speed, pointing out that moving as quickly as possible was not always useful, and could even be dangerous, at the scene of a fire. And third, women asserted that including tasks that most men already knew how to do, such as lifting a ladder or swinging an axe, penalized women and was especially unfair because women could learn the techniques for handling these tools during their probationary periods.<sup>36</sup>

Furthermore, women complained about the conditions under which the physical agility tests were given. Women candidates were sometimes filmed or singled out in embarrassing ways during the test. Portions of the test were performed in firefighter gear that often did not fit the women candidates, who had to climb ladders wearing boots or gloves that were too big for them, putting them not only at a disadvantage but sometimes in danger.<sup>37</sup> Women complained that their performance on certain tasks suffered because they lacked familiarity with certain tools; one woman pointed out that her score on the hand grip was low because she did not know how to adjust the tool for her small

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<sup>35</sup> Many of the criticisms of the physical agility tests in the next two paragraphs are described in detail in *Berkman v City of New York* 536 F. Supp 177 (E.D.N.Y. 1982) aff'd 705 F.2d 584 (2<sup>nd</sup> Circuit 1983). They are also discussed in JoCarol Hamilton's article and mentioned in various letters and articles written by women firefighters.

<sup>36</sup> Women also objected to the weight given the physical test relative to the tests for intellectual and psychological skills such as quick thinking, working with victims, etc. This argument tended to put them at odds with minority men, however, because minority men often performed poorly on the knowledge and intelligence tests.

<sup>37</sup> One woman felt endangered when she had to climb a ladder in sub-zero weather wearing boots that were too big for her.

hands and no one volunteered that information to her.<sup>38</sup> Departments that used a rank-order instead of pass/fail scoring system also drew criticism from women because rank-order systems generally excluded all women, even those who had passed the test, since men almost always scored higher on the physical tests than women. And finally, women questioned the validity of the physical agility test since many incumbent firefighters could not pass them.<sup>39</sup>

Affirmative action programs exacerbated the gender-based tensions surrounding the physical agility tests.<sup>40</sup> A few fire departments established separate criteria for women and admitted women to fire academies under standards that differed from those applied to men; others gave hiring preference to women who had scored well on all sections of the firefighter exam.<sup>41</sup> These steps led to the widely held misperceptions

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<sup>38</sup> See *Berkman vs. City of New York*.

<sup>39</sup> One method of developing standards for physical agility tests was to use the performance of incumbents as a baseline. But often, a sizable percentage of incumbents failed the tests (see New York, for example). And when the average incumbent score was used as a target for newcomers, it raised the issue of the fitness of those firefighters who had performed below the average. Iowa City firefighter Nate Hopkins, who was hired before the department gave physical agility tests, told me that he would not have passed the balance portion of the test Eaton took. Some departments, such as Madison, Wisconsin, instituted annual physical tests to ensure a higher standard of fitness among incumbents and much resentment was directed towards women firefighters as a result.

<sup>40</sup> Women firefighters had an uneasy relationship to affirmative action. While some acknowledged they would not have had their job without it, they also saw how it was used against all women firefighters. By and large, women firefighters opposed having separate standards for men and women.

<sup>41</sup> Two highly publicized efforts to hire women firefighters using separate criteria took place in San Diego and Seattle in the mid-1970s; the women who were admitted to the fire academies did not pass the test at the end of the training period and were not hired. To some, this showed that the lowered standards were a bad idea, but others believed that the women were not given appropriate training, which caused them to fail. (Women firefighters often pointed out in the 1970s that the instructors at the fire academies did not know how to train women; their techniques were all for large men. Women began to develop techniques that worked for shorter, lighter-weight people, and those with more strength in their lower than upper bodies). In San Diego, five of the six women sued and eventually won an out of court settlement. One of the Seattle women, Bonnie Beers, an accomplished athlete, retrained and was admitted to the fire department in 1977; Beers made a full career in the fire service, rising to the rank of battalion chief. "I had to pay dearly," she noted, for her pioneering role in championing women in the fire



within the fire service that women were demanding lower standards, that women were hired because of preferential treatment (i.e., lower standards), and that women were inadequate firefighters.<sup>42</sup> Further confusion resulted because many men in the fire service insisted that changing the physical agility test amounted to the same thing as lowering the physical fitness standards, a charge that exasperated women firefighters because entry tests changed frequently for any number of reasons. This fact was lost on the male firefighters, however, who insisted that affirmative action programs were undermining the strength of the U.S. fire service.<sup>43</sup>

As men appealed to traditional ideas about appropriate gender roles, the women who filed legal complaints about the physical agility tests relied on science and the law to show that the physical agility tests discriminated against women.<sup>44</sup> A study prepared for

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department. "Strength and Stamina: Women in the Fire Department" accessed 7 October 2008 at <http://www.seattle.gov/City/Archives/Exhibits/Women/panel10.htm>

The lesson learned from these experiments, later adopted by many departments around the nation, was to offer pre-testing training programs open to all candidates. Note that probationary firefighters do not attend fire academies in all states or on all departments. In Iowa City, for example, firefighters received their training within the department—they did not attend a fire academy.

<sup>42</sup> The fact was that 70% of women firefighters responding to a 1980 survey had passed the same tests as the men. This broke into two groups: 44% had been hired through normal departmental channels and 26% had been hired by departments that had expressed an interest in finding women firefighters. Floren, "Women firefighters speak—part one," *Fire Command* (December 1980). One female candidate was made to do girls' push-ups during her agility test, which thoroughly embarrassed her as she was completely capable of doing push-ups on her toes. This is an example of a "lowered standard" that women firefighters did not ask for and rejected as a bad idea.

<sup>43</sup> Most firefighting manuals and reports on women in late 1970s and early 1980s include sections on affirmative action explaining that affirmative action programs are legal. The tone of these sections indicates that persons in authority often had to defend affirmative action programs.

<sup>44</sup> Terese M. Floren, "Physical Agility Testing," *Firework* (January 1983). I do not have many details on early complaints. Some cities reached agreements on hiring women firefighters, some were ordered by the mayor or city council to do so, some were under court order or decree to hire women, and some took voluntary action to recruit and train women as firefighters. Most of the legal challenges occurred in larger urban departments; none of the smaller departments attending the Women in the Fire Service symposium in Vancouver, Washington, for example,

the new National Fire Prevention and Control Administration on physical fitness and firefighting duties tended to support the women's contention that firefighting required both strength and stamina.<sup>45</sup> And the 1971 landmark U.S. Supreme Court decision, *Griggs v. Duke Power Co.*, established the legal grounding the women needed to fight the discriminatory effects of the physical agility tests.<sup>46</sup> In a unanimous decision, the *Griggs* court found that an employment test or requirement violates Title VII if it has a "disparate impact" on a group that is protected under the provisions of Title VII of the 1964 Civil Rights Act and if the employer fails to demonstrate that the test or requirement is "legitimately job-related."<sup>47</sup> Crucially, the *Griggs* decision further states

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were under court decree. See Floren's summary from Vancouver WITFS in WFS Records, purple folder.

<sup>45</sup> "Development of a Job-Related Physical Performance Examination for Firefighters," prepared for National Fire Prevention and Control Administration, Washington D.C. by University of Maryland (Sept 1977) concluded that "high aerobic energy involvement and resistance to fatigue" were the two primary factors involved in firefighting tasks. The report stated that "youth, high aerobic capacity, high muscular strength and endurance, above average lean body weight, and minimal body fat" were the preferred physical profile. Also see Michael S. Bahrke, James A. McSwain and John S. O'Connor, "Fitness program made mandatory," *Fire Command* (December 1980), 14-15. This article notes that nearly 40% of firefighter deaths the previous year were due to heart attacks, and calls on the fire service to pay more attention to the cardiovascular health of firefighters.

<sup>46</sup> *Griggs v. Duke Power Co.* 401 US 424 (1971). In *Griggs*, African- American workers claimed that the employment tests and requirements discriminated against blacks who did not have as much education as their white co-workers even though they had the necessary skills for the job. For a recent book-length treatment of the case, see Robert Samuel Smith, *Race, Labor, and Civil Rights: Griggs versus Duke Power and the Struggle for Equal Employment Opportunity* (Louisiana State University Press, 2008). Many scholars of employment law consider *Griggs* the most important U.S. Supreme Court decision on Title VII.

<sup>47</sup> The decision was 8-0, Justice Brennan not participating. The definition of "disparate impact" has changed over time. During the 1970s, plaintiffs often used statistical data to show that a "neutral" policy disproportionately affected a protected group, which sifted the legal burden to the defendant to prove that their policies were "job-related." Supreme Court rulings specified the numerical values necessary to demonstrate a *prima facie* case of discrimination, esp see *Castaneda v. Partida* 430 U.S. 482, 97 S. Ct. 1272, 51 L.Ed.2d. 498 (1977). In the late 1980s, Supreme Court decisions shifted the burden exclusively to the plaintiff, finding that statistics alone were no longer sufficient for a *prima facie* case. Congress responded by passing the Civil Rights Act of 1991, which eliminated the "business necessity" defense.

that a plaintiff need not prove that her or his employer had intended to discriminate, only that discrimination had occurred. *Griggs* expanded the definition of employment discrimination and became a powerful tool in the hands of civil rights advocates.

In the wake of *Griggs*, women and members of racial minorities attacked a wide range of employment policies and succeeded in forcing employers to abandon requirements and tests that could not be defended as “job-related.” Three decisions by federal judges had far-reaching consequences for fire departments.<sup>48</sup> In 1973, the U.S. Second Circuit Court of Appeals upheld a lower court’s ruling that the written examination for firefighters in New York City discriminated against blacks and Hispanics.<sup>49</sup> The decision in *Vulcan Society v. Civil Service Commission* rested on the findings that a disproportionate number of minority candidates failed the exam and that the Civil Service Commission failed to demonstrate that the exam was “job-related.”<sup>50</sup> Following this ruling, African Americans succeeded in challenging entrance exams and requirements in fire departments in many parts of the nation, including Iowa.<sup>51</sup> A

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<sup>48</sup> Although litigation was certainly not confined to fire departments, the fire service felt besieged. The editors of *Fire Command* wrote in July 1975, for example: “The Fire Service has become a target for activist groups claiming that its hiring practices do not comply with the constitutional guarantee of equal treatment for all. Traditional hiring methods are being reexamined nationwide”(25).

<sup>49</sup> *Vulcan Society of the NYFD v. Civil Service Commission* 490 F.2d 387 (1973). The Vulcan Society of the New York City Fire Department, an organization of black firefighters in New York, challenged the 1971 exam.

<sup>50</sup> Especially egregious was a section of the exam titled “City Government and Current Events,” which constituted 20% of the test. The appellate ruling used a multiple choice example about the effects of recent welfare legislation to show that all four answers were plausible and that the question had nothing to do with successful firefighting.

<sup>51</sup> For example, see *Firefighters Institute for Racial Equality v. City of St. Louis* 549 F.2d 506 (1977), one of the successful suits brought by FIST. In Iowa, the Cedar Rapids chapter of the NAACP brought a complaint against the Cedar Rapids Fire Department that resulted in an expansive declaratory ruling by the Iowa Civil Rights Commission in 1978, striking down many requirements such as a high school diploma, lack of felony conviction, and 20/30 correctable eyesight. The ICRC, citing *Griggs* and other U.S. and Iowa decisions, found these requirements to be discriminatory and insufficiently job-related. The ruling also stated that its findings applied to other Civil Service Commission jobs in Cedar Rapids that had the same requirements. See “In

second ruling that affected the fire service came in 1977, when the U.S. Supreme Court found that police departments could not impose height and weight requirements on applicants unless they could prove that these restrictions were job-related.<sup>52</sup> Fire departments took notice that their height and weight restrictions were unlikely to survive a court challenge.<sup>53</sup>

In 1979, Brenda Berkman, one of eighty-eight women who had failed the physical agility test given by the Fire Department of New York in February 1978, filed a class action lawsuit in federal court, charging that the physical agility test discriminated against women.<sup>54</sup> “I couldn’t believe that there wasn’t a single woman in the city of New York that would be qualified to do firefighting,” Berkman later stated, “and I, in fact, believed

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Re the Petition of the NAACP, Declaratory Ruling #3-78-01, “Iowa Civil Rights Commission Case Report, 1977-1978,” 44. This ruling prompted a lengthy discussion about Iowa City’s firefighting tests during a meeting of the Iowa City Human Relations Commission. Although the ruling did not address the physical tests, the commission discussed whether those tests might be discriminatory. “Currently, the test focuses on upper body musculature. The Civil Service Commission has been asked to review this test as it applied to women.” See Minutes of Human Rights Commission, 22 May, 1978, on microfiche in city clerk’s office, Doc. # 1153.

<sup>52</sup> *Dothard v. Rawlinson* 433 US 321 (1977).

<sup>53</sup> Iowa was ahead of the national curve on this issue. In 1973, the Iowa Civil Rights Commission ruled that the Des Moines Police Department’s height and weight requirements for patrol officers violated the Iowa Civil Rights Act. Their ruling, which stated that the requirements had a disparate impact on women and could not be shown to be job-related, cited *Griggs v Duke Power*. See *Nancy L. Moore v. City of Des Moines Police Department* CP No. 881 as reported in *Iowa Civil Rights Commission Case Reports, 1965-1977*, 28. During the hearing held by the ICRC, a male police officer who measured 5’8” by some calculations, testified that his height had always put him at a disadvantage; thus, rather than show solidarity with a woman, he chose to identify with the male viewpoint that taller is better. The city resisted the ICRC ruling, and after a lengthy process involving public comments by the police chief that were disparaging to women, the city of Des Moines—under threat of losing federal funds from the LEAA—ceased using height and weight requirements for either the police or the fire departments in 1976.

<sup>54</sup> The Fire Department of New York had been ordered to accept women candidates in 1977. Berkman was part of the first group of women to take the firefighter exam in New York. She was a 29 year-old law student when she filed her suit.

that I was qualified to do firefighting.”<sup>55</sup> Berkman demonstrated that a disproportionate percentage of women failed the physical agility exam and that it had not been constructed according to the guidelines established by the Equal Employment Opportunity Commission.<sup>56</sup> These facts put the responsibility on the city to show that the test was job-related, which it failed to do. In 1982, amidst a heated public debate, the judge ruled that the entry-level physical agility test given by the New York City Fire Department in 1978 discriminated against women.<sup>57</sup>

Judge Charles Sifton’s hefty forty-page opinion discussed thoroughly the complex details of the physical agility exam’s history, including highly technical facts about test construction, test validation, and test scoring. His conclusion that the exam was not sufficiently job-related rested on several points. To begin with, the judge noted that although the city had hired specialists to construct an appropriate test, the fire department modified the test with “subjective” criteria.<sup>58</sup> The judge also wrote that the tasks on the exam were not similar to the tasks firefighters actually performed in the line of duty. The evidence presented at the trial demonstrated, for example, that it would be “dangerous in the extreme” for a firefighter to lift and carry someone as applicants were required to do for the test known as the “dummy carry,” while walking on a ledge in the manner required by the exam “would be an extraordinarily rare event.”<sup>59</sup> And finally, the judge

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<sup>55</sup> *Taking the Heat*, a documentary film on Berkman and the first women firefighters of New York, made in 2005 by Independent Lens.

<sup>56</sup> 46% of the men passed; none of the women did.

<sup>57</sup> *Berkman v. City of New York* 536 F. Supp. 177 (E.D.N.Y. 1982). The city appealed, but the judgment was upheld, *Berkman v. City of New York* 705 F.2d 584 (2d Cir. 1983).

<sup>58</sup> The judge cited several examples, including the inclusion of an obstacle course requiring the applicant to scale an eight-foot wall. This task was not recommended by the specialists, but was later added to the physical agility exam “simply because of its inclusion in earlier tests and a subjective feeling on the part of the City personnel that firemen should be able to do such things.” See *Berkman*, fn 13, p 195,

<sup>59</sup> *Berkman*, 207.

found that “a large part of the abilities measured represented those which applicants could be trained to acquire,” and thus, under EEOC Guidelines, were not appropriate for entry-level screening.<sup>60</sup>

Most importantly to women firefighters, Judge Sifton’s opinion supported their claim that the exam’s emphasis on speed and brute strength failed to account for the broader range of physical skills a firefighter uses on the job. The judge was skeptical of the testimony given by city witnesses who stated that stronger firefighters, by “nature,” made better firefighters, asserting that “the very unpredictability of fire and the instability of burning structures call upon qualities of foresight, endurance, and pacing not examined by tests of maximum physical strength.”<sup>61</sup> Judge Sifton scorned the notion that the fastest person would be the best firefighter; this assumption, he wrote, had “no basis in the evidence or common sense.”<sup>62</sup> The emphasis on speed was particularly hard to understand, the judge wrote, because “the top speed obstacle run bears little relation to the paced conservative approach, which, all witnesses agreed, is appropriate to effective performance at a fire.”<sup>63</sup> Thus, even if the judge agreed that some of the tasks were job-related, the use of speed as a scoring method was not.<sup>64</sup> Citing *Griggs*, Judge Sifton concluded that the individuals who prepared New York’s physical agility test for

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<sup>60</sup> *Berkman*, 208.

<sup>61</sup> *Berkman*, 212.

<sup>62</sup> *Berkman*, 215.

<sup>63</sup> *Berkman*, 207. Judge Sifton also criticized the ledge balance test, which required the test taker to race at top speed sideways along a balance beam. “What is required is the ability to get across an exposed floor joist safely within a reasonable time, not top speed,” he noted. (212, fn 24)

<sup>64</sup> Judge Sifton made a lengthy critique of the system used to score the exam, which I have not gone into here. He showed that the individual components of the exam did not measure discrete capabilities, but overlapped in a way that tended to advantage the men by giving additional weight to strength, speed, and previous knowledge of the tasks and tools.

firefighters had “failed to take reasonable steps to exclude engrained discrimination of the sort that Title VII was designed to eliminate.”<sup>65</sup> To the great dismay of New York’s firefighters, he ordered the city to prepare a new test, administer it to the women who had failed the previous exam, and select up to forty-five women to join the fire department. In September 1982, Brenda Berkman and thirty-seven other women became New York’s first women firefighters.<sup>66</sup> Twenty years later, complaints were still heard in the NYFD that the women got in by taking an “easier” test, and doubts about women’s abilities as firefighters have endured (see Figure 3.2).<sup>67</sup>

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<sup>65</sup> *Berkman*, 210.

<sup>66</sup> Berkman retired from the FDNY as a captain in 2006, after a courageous 25-year tenure during which she was the target of several nasty campaigns to get rid of her. Things finally began to smooth out in the mid-1990s. Berkman has been the most visible advocate for women firefighters in the U.S., especially in New York, where she served as president of United Women Firefighters of New York. She was also on the board of directors of WFS for many years. Berkman, a native Midwesterner and graduate of St. Olaf’s College, received a law degree while awaiting the outcome of her lawsuit and served as legal counsel for WFS for many years. There are no biographies or scholarly work on Berkman.

The city of New York instituted a rank-order scoring system after the first group of women firefighters was hired, which Judge Sifton had attacked in his opinion in Berkman’s earlier suit. Berkman challenged the rank-order scoring system in court, but lost, and the lower court ruling was upheld in the Second Circuit on appeal (cert denied by US Supreme Court). This effectively prohibited other women from being hired. In 2001, only about 25 of New York’s 11,500 firefighters were women. For a legal analysis of the effects of rank-order scoring on women, see Ruth Colker, “Rank-Order Physical Abilities Selection Devices for Traditionally Male Occupations,” 19 *U.C. Davis L. Rev.* 761 (1986).

<sup>67</sup> *Taking the Heat*, film by Independent Lens.

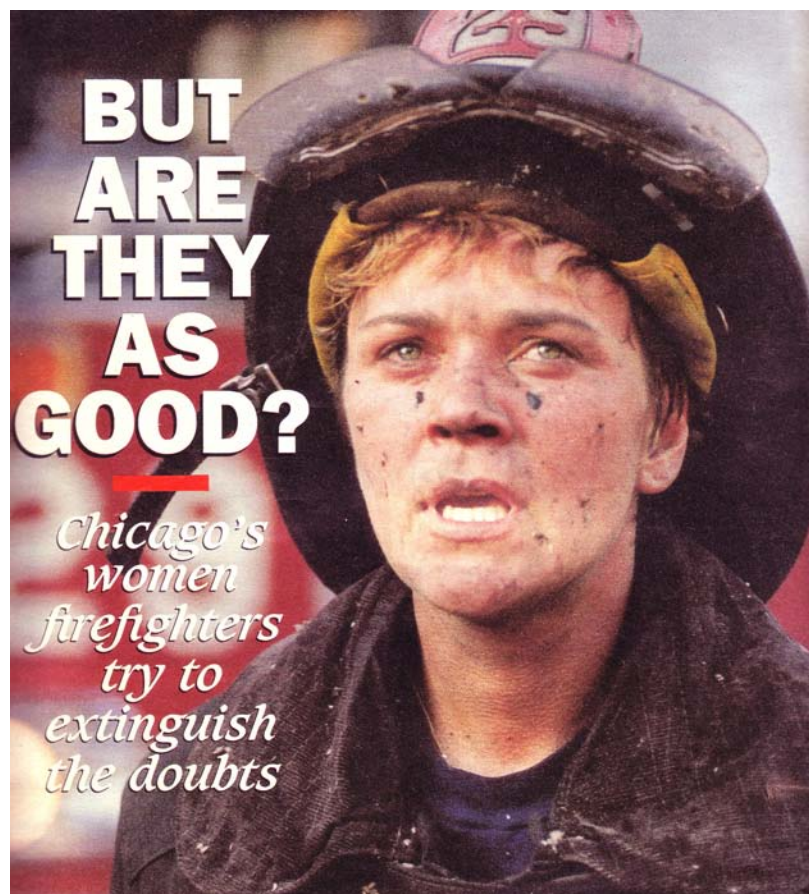


Figure 3.2. Cover of *The Chicago Tribune Magazine*, September 8, 1991. Women firefighters still facing questions about their competence.

Although the *Berkman* decision was handed down long after Linda Eaton had been hired, the principles of *Griggs* were well established when she took Iowa City's physical agility test in 1977.<sup>68</sup> Iowa City's city officials and members of the Civil

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<sup>68</sup> By the mid-1970s, fire departments across the nation were scrambling to develop entry-level tests that could withstand a legal challenge. See "Your Hiring Practices are Unlawful!" in *Fire Command* (July 1975): 25-28. Responses to the article in subsequent letters to the editor demonstrate that entry-level testing was a significant issue for many fire departments. For instance, the November issue carried a letter from a Florida fire department stating "I would like to obtain from other *Fire Command!* readers any information as to the type of examination which could not be held as discriminatory against minorities or other group." Although initially concerned to prevent non-white men from suing for racial discrimination, officials in a few cities started to realize they needed to consider whether their firefighter tests could withstand challenges from women as well.



Service Commission were aware of the legal liabilities of policies that had a “disparate impact” on protected classes, and several of these officials had a genuine commitment to the principles of affirmative action.<sup>69</sup> Therefore, when the Iowa City Civil Service Commission faced the task of assessing the results of the entry-level physical agility test for firefighters—a task that was new for them—they seemed to be making an attempt to remove gender bias through their scoring system.<sup>70</sup>

If Iowa City’s firefighters had been willing to overlook this when Eaton had been hired, however, that changed with her pregnancy. Even though the Commission had been accurate in its assessment that Eaton would succeed as a firefighter, Iowa City’s firefighters now voiced their objections to the selection process; as far as they were concerned, the female candidate had failed the test and should have been disqualified. Despite earning praise from co-workers and supervisors, Eaton was “tainted” by the perception that she was not really equal to the other firefighters.<sup>71</sup>

#### Local 610’s Campaign Against Eaton

When Iowa City transferred Eaton to the Parks & Recreation Department for the duration of her pregnancy, the leaders of the Iowa City Association of Professional Fire

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<sup>69</sup> Candy Morgan and Linda Ragland in the human relations department supported affirmative action, as did the city manager Neal Berlin. Iowa City’s Human Rights Commission had strong voices such as Mori Costantino, who raised the issue in 1978 of whether the fire department’s physical agility test was gender-biased. The Civil Service Commission included two women when Eaton was hired, African-American Wynnona Hubbard and Dr. Jane Anderson, both with long commitments to civil rights.

<sup>70</sup> Iowa City was not using a test that had been validated. If test results had a “disparate impact” on a protected group, therefore, and an individual sued, the city would have had to show that the test was job-related, a situation any municipality would hope to avoid.

<sup>71</sup> Interview with Nate Hopkins, 4 September 2008. He still believes it was a serious mistake for the city to have hired her under those conditions. Other women firefighters would agree. See EEMTV program on women firefighters from late 1980s, in which Linda Willing states that separate standards, or the perception of them, does a “disservice” to the women firefighters hired because they will never be fully accepted.

Fighters, Local 610 of the International Association of Fire Fighters (IAFF), unleashed a torrent of criticism against the city. In particular, they objected strenuously to the fact that Eaton's position in the fire department would be held open for her while she worked in the Parks & Recreation Department and then, following the birth of her child, while she took maternity leave.<sup>72</sup> These arrangements had a negative impact on the morale of other firefighters, especially her colleagues on Shift 1, because the fire chief allowed a maximum of three firefighters to be absent during any given shift; with Eaton gone for several months, the other firefighters would have fewer opportunities for time off.<sup>73</sup> But most importantly to Iowa City's union officials, the arrangement the city devised for Eaton smacked, yet again, of special treatment. Ignoring the fact that no firefighter had been pregnant before, union leaders and most of the firefighters conflated different treatment with preferential treatment, and instead of showing solidarity with Eaton, a fellow worker who needed to maintain her income during her pregnancy, they waged a campaign to have her removed from the fire department.<sup>74</sup>

Many women firefighters across the U.S. had an uneasy relationship with their local unions. Over 20 percent of women firefighters hired during the 1970s reported that they encountered opposition to joining the union.<sup>75</sup> The IAFF set the tone for the cool

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<sup>72</sup> City of Iowa City Memo to Bob from Sophie Zukrowski Re: Seniority-Benefits, May 16, 1978, LEP, Box 4, Folder 15, SHSI.

<sup>73</sup> Candy Morgan testified to the hardship on individual firefighters and curtailment of time off requests, ICRC hearing, 176-77; Neal Berlin's October 1978 memo; Interview with Nate Hopkins.

<sup>74</sup> Particularly ironic was the fact that Eaton objected to the transfer as well, and the firefighters might have united and pressured the chief to allow light duty or to create job assignments and schedules that did not penalize a shift that had one member out for a prolonged period of time. These changes would have benefited all firefighters.

<sup>75</sup> Floren's 1980 survey "Women firefighters speak—part one." The percent remained similar for the 1985 survey—31 of 139 women reported that their local unions were "not open" to their participation. 1985 survey results reported in *Firework* (February 1986), 5.

reception the women received. Although it established a recruiting program to assist minority and women firefighter candidates in 1971, the program did little, if anything, to help women join the fire service, and it was not until 1980 that the IAFF even began to consider issuing a formal statement supporting the hiring of women firefighters.<sup>76</sup> The comments of IAFF's president, published in a 1980 directory of resources on women in the fire service, were hardly an enthusiastic endorsement. "We have seen that it is possible to recruit and train qualified women into the ranks of suppression," he wrote.<sup>77</sup> Some women firefighters speculated that the IAFF kept women firefighters at arm's length because management (especially city managers and city councils) often supported hiring women, and the union, in general, resisted management initiatives.<sup>78</sup> Nevertheless, at the local level, some women firefighters received support from their unions and even took leadership roles, but Eaton was not one of them.<sup>79</sup>

Local 610, chartered in 1939, had a proud history of supporting better wages and working conditions for Iowa City's firefighters. As a public union, however, it exercised a limited form of power, and Iowa City's firefighters relied largely on the goodwill of

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<sup>76</sup> "The Role of Women in the Fire Service," published by the U.S. Fire Administration, FEMA, FA-19, August 1980. See "Resources" (pages not numbered in report).

<sup>77</sup> IAFF/USFA 1980 Women in the Fire Service Resource Directory, Part I, Forward by John A. Gannon, President of IAFF, iii, in author's possession. Gannon also repeated the often told but misleading narrative that the entry of women had been accompanied by calls for easier tests and lowered standards. A representative of IAFF who attended the East Coast Conference on Women in the Fire Service sponsored by the U.S. Fire Administration in December 1980 noted that the IAFF "still has some questions about women in the fire service, especially in terms of occupational health safety needs, and maternity leave." "Summary Report from East Coast Conference on Women in the Fire Service," 54, in possession of author.

<sup>78</sup> Terese M. Floren, "A Costly Alliance," *Firework*, June 1988. This may have been a factor in Eaton's case because city officials were aggressive in getting her hired.

<sup>79</sup> Where women firefighters were welcomed into their union, they still had a hard time raising their issues such as maternity leave, separate bathrooms, change in hair length policy, etc.

city officials for any improvements from the 1940s through the early 1970s.<sup>80</sup> Local 610 became a much more effective advocate for Iowa City's firefighters in 1974 when public unions in Iowa won the right to bargain collectively, a watershed event for Iowa's public employees, who now wielded real clout at the bargaining table.<sup>81</sup> The members of Local 610 took advantage of this new power, winning an 8 percent raise for the firefighters in 1977.<sup>82</sup> But, like most firefighters' unions across the nation, Local 610 was rooted in the racist and sexist history and traditions of craft unionism.<sup>83</sup> While the union fought hard

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<sup>80</sup> The International Association of Fire Fighters, an AFL-CIO member, had a no-strike clause until 1968, limiting firefighters' leverage. Nate Hopkins recalled that Local 610 was more like a "benevolent society" when he first joined in 1972.

<sup>81</sup> Iowa firefighters lobbied for, and then celebrated, the passage of Senate File 531: Collective Bargaining for Public Employees. See *Iowa Professional Fire Fighter*, Vol. 2 No. 2 (Spring 1974). John Connors, secretary-treasurer of the Iowa Association of Professional Fire Fighters calls it the "emancipation of the fire fighters" (4). In addition, Iowa City's city employees held a successful unionization drive in the early 1970s, and formed AFSCME Local 183.

<sup>82</sup> The union officers at that time were Dave Loney, president, and Nate Hopkins, secretary. (Hopkins perceived them as outsiders at ICFD—neither one was Catholic, for instance, or had previous family on the fire department. Loney had been a member of SDS in the 1960s and Hopkins was not from Iowa City.) Negotiations were lengthy and hard fought as the city resisted the firefighters' demands for higher pay. When they reached an impasse, the union requested arbitration and the arbitrator found in their favor. "Arbitration Opinion and Award in the matter of arbitration between City of Iowa City, Iowa and Iowa City Association of Fire Fighters Local #610, Interest Arbitration Wages for 1977-1978" on microfiche in city clerk's office. Doc #77-1255.

<sup>83</sup> Nationwide, unions led many high-profile campaigns against voluntary agreements and court-ordered consent decrees to integrate police and fire departments. Many of these efforts occurred during the 1980s and 1990s, but some began in the 1970s. Often, the issue came up when shrinking city budgets required layoffs and union policies of last-hired first-fired meant that minorities were laid off. Unions led campaigns to resist integrating the police department in Detroit starting in 1978, actions in Boston over both police and fire departments began in mid-1970s. In Memphis, the union successfully fought a court order overruling the last-hired, first-fired policy, which meant that black firefighters were disproportionately laid off; the case began in 1977, and went to the U.S. Supreme Court in 1984, *Firefighters v. Stotts*, 467 U.S. 561 (1984). Unions spoke out against women firefighters in Seattle in 1976, San Diego in 1974, Madison, Wisconsin, in 1978, and New York in 1977.

for the needs of its members, Iowa City's firefighters did not perceive it to be in their best interests to bring minorities, or women, on the job.<sup>84</sup>

Union membership at the Iowa City Fire Department was very high during the 1970s.<sup>85</sup> "There was an expectation that you would join," recalled Dave Loney, Local 610's president from 1974 to 1977, and since the dues were low, it was basically a "soft sell."<sup>86</sup> In fact, because nearly every firefighter belonged to Local 610, city officials often made no distinction between the union and the firefighters.<sup>87</sup> Local 610 held its monthly meetings in the all-purpose room at the fire station, and on-duty firefighters were allowed to attend unless an alarm came in.<sup>88</sup> Local 610 elected two officers, a president and a secretary who also handled the money. In 1978 and 1979, Donald "Bill" Crow, a politically conservative Vietnam veteran, was the president, and Richard "Dick" Craig,

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<sup>84</sup> Interviews with Jim Walters, Dennis Ryan, and Dave Loney confirm that labor leaders in Iowa City viewed Local 610 as conservative. Local 610 was hardly alone in this regard, however, as many unions in Iowa City took little interest in the issues of their women and minority members. Per longtime member Patrick Hughes, the carpenter's union was "terrible" for women. According to labor activist and union member Jean Martin, AFSCME Local 83 (which represented workers at the University of Iowa) had no interest in women. In contrast, AFSCME Local 183 at the city was progressive on issues of race and gender.

<sup>85</sup> Interview with Dave Loney. Only a handful of eligible firefighters did not join. Local 610's website says that 100% of the firefighters have been members since mid-1990s. Per Matt Glasson at the UI Labor Center, firefighters' unions have a very high membership relative to other public unions.

<sup>86</sup> Interview with Dave Loney, 30 December 2008 via telephone from Kentucky.

<sup>87</sup> Testimony of Candy Morgan, ICRC hearing.

<sup>88</sup> Contract between City of Iowa City, Iowa and Iowa City Association of Professional Fire Fighters, IAFF, AFL-CIO, Local #610, July 1, 1978 to June 30, 1980. See Article XI, Union Activities, 10, in LEP, Box 3, Folder 21, SHSI. This provision allows on duty firefighters to attend union meetings, contradicting one of the city's reasons for prohibiting Eaton from breastfeeding, namely, that it was disruptive of a firefighter's readiness to allow him or her to participate in a specific activity at a specific time while on duty. It is a good example of how Eaton's request was seen as a privilege because it was new and different, while firefighters did not see any problem with attending the union meeting—a regularly scheduled event—while they were on duty. Even though Eaton's request, admittedly, affected every shift, not just one per month, I see parallels between the two.

who worked with Eaton on Shift 1 and had a reputation as one of the most difficult individuals on the department, was the secretary.<sup>89</sup>

Local 610's officials lodged numerous complaints about the "employment status of probationary Fire Fighter Eaton" in the months following her transfer to the Parks & Recreation Department.<sup>90</sup> Immediately after the transfer, in mid-May 1978, union president Bill Crow questioned whether the city had violated the union contract by placing Eaton on leave from the fire department without requiring her to use up all her vacation time.<sup>91</sup> The contract's provisions did not, in fact, cover the specific circumstances of Eaton's situation.<sup>92</sup> For this reason, Candy Morgan, the director of human relations, wrote a memo explaining that, as she interpreted it, allowing Eaton to retain her vacation time was not a "substantial violation of the contract" because the pregnancy-leave policy was intended to protect workers who became totally disabled, not penalize those who could still work, albeit in another department.<sup>93</sup> Morgan also placed

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<sup>89</sup> Interview with Dave Loney.

<sup>90</sup> Iowa City Association of Professional Fire Fighters Local 610 Memorandum, To: Fire Chief & City Manager & City Council, From: Local 610 Iowa City Association of Professional Fire Fighters, Re: Employment status of probationary Fire Fighter Eaton and clarification of department and city policy and legal requirement. Date: June 27, 1978, in LEP, Box 4, Folder 15, SHSI.

<sup>91</sup> City of Iowa City Memo To: June Higdon from Candy Morgan Re: Linda Eaton's Disability, Date: May 26, 1978 in LEP, Box 4, Folder 15, SHSI.

<sup>92</sup> The contract had two relevant sections under Special Leaves. The first, "Pregnancy Leave" stated that a "pregnant employee shall be entitled to a leave of absence without pay if she is disabled as a result of pregnancy or related cause at the exhaustion of other accumulated leaves. . . . Employees may work during pregnancy if health permits." The second, "Leave of Absence Without Pay" stated that "During a leave of absence without pay, the employee must use all accumulated vacation to which he/she is entitled prior to the time that the leave without pay commences." Contract between City of Iowa City, Iowa and Iowa City Association of Professional Fire Fighters IAFF, AFL-CIO, Local #61- July 1, 1978 to June 30, 1980. Morgan's point was that Eaton was not really on a leave of absence without pay from the city since she was working in another department. She also pointed out that the contract says a pregnant employee may continue working and it does not specify which department she must work in.

<sup>93</sup> City of Iowa City Memo, To June Higdon From Candy Morgan, Re: Linda Eaton's Disability, Date May 26, 1978 in LEP, Box 4, Folder 15, SHSI.

a telephone call to the union to smooth things over, and reported that the arrangement was “OK with them as long as we put it in a letter that other people who are partially disabled can bid for available openings on same basis.”<sup>94</sup> The complaints of special treatment, however, did not abate.

Crow expressed Local 610’s goal more forcefully in late June, when he sent a memo to the fire chief, the city council, and the city manager, asserting that Eaton’s “inability to complete probation is not due to a service-connected injury, communicable illness, or act of God and would appear grounds for dismissal.”<sup>95</sup> Until now, Crow continued, “NO ONE” had been granted an unpaid leave of absence from the Iowa City Fire Department. In her written response on behalf of the city, Morgan pointed out, among other things, that it would be illegal to fire a woman because she was pregnant, but this did not satisfy the union.<sup>96</sup> In early August, Crow telephoned Morgan to let her know that “members of the union are still unhappy. . . . [T]hey don’t feel they would be extended the same courtesy if the situation were reversed.” Indicating displeasure with what union members perceived as a pattern of special treatment, Crow also told Morgan that “they had been upset with her [Eaton] from the beginning because the Commission made special exception for giving her the test.”<sup>97</sup> Six weeks later, the union filed a

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<sup>94</sup> Ibid.

<sup>95</sup> Iowa City Association of Professional Fire Fighters Local 610 Memorandum, To: Fire Chief & City Manager & City Council, From: Local 610 Iowa City Association of Professional Fire Fighters, Re: Employment status of probationary Fire Fighter Eaton and clarification of department and city policy and legal requirement. Date: June 27, 1978, in LEP, Box 4, Folder 15, SHSI.

<sup>96</sup> To Donald W. Crow from Candy Morgan, 11 July 1978. In records of Iowa City City Council meetings, Doc #1864, Enclosure 5, on microfiche with city clerk.

<sup>97</sup> Memo to File, From Candy Morgan, August 7, 1978. In records of Iowa City City Council meetings, Doc #1864, Enclosure 5, on microfiche with city clerk. In fact, Crow told Morgan that he thought the city’s handling of Eaton’s hiring was “illegal.”

formal grievance with the fire chief, but because the union contract required grievances to be filed within nine days of the offending event, the chief dismissed it.<sup>98</sup>

Individual firefighters complained directly to several city council members about Eaton's employment status during the summer of 1978. In turn, some city council members raised these issues with the city manager.<sup>99</sup> At the city manager's direction, Candy Morgan telephoned several city council members and explained the city's decisions regarding Eaton's employment in great detail. In early September, Dick Craig, Local 610's secretary, appeared at the city council's weekly meeting to ask why the firefighters had not received a response from the council to the June memo written by Bill Crow. The city manager replied that Morgan had responded on the council's behalf, but "it was agreed that Council would discuss this matter at a future date."<sup>100</sup> Instead of letting the council take it up at an executive session, however, the city manager had realized by then that "the issue was not going to go away," so he took the unusual step of scheduling a discussion about Eaton's employment status at an open informal city council session.<sup>101</sup> Expecting to encounter strong opposition to the decisions they had made, the city manager directed Morgan to be prepared to "present information at that hearing in order to justify the continued placement in the fire department of Linda Eaton."<sup>102</sup>

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<sup>98</sup> City of Iowa City memorandum to: Donald W. Crow, President Local 610, From Robert P. Keating, Fire Chief, Re: Grievance of September 28, 1978, dated October 2, 1978, in LEP, Box 4, Folder 15, SHSI.

<sup>99</sup> Testimony of Candy Morgan, ICRC hearing, 120; testimony of Neal Berlin, ICRC hearing, 844, 847 and 849. Mayor Bob Vevera and Councilman John Balmer were mentioned as the two councilors who raised issues about Eaton with the staff.

<sup>100</sup> Minutes of council activities, September 12, 1978, 2, on microfiche in city clerk's office.

<sup>101</sup> Testimony of Neil Berlin, ICRC hearing, 847-8.

<sup>102</sup> Testimony of Candy Morgan, ICRC hearing, 124.



An unusually large number of people attended the city council's informal session on October 9, 1978.<sup>103</sup> The fire chief, the president and secretary of the firefighters' union, other firefighters, members of Iowa City's Civil Service and Human Rights Commissions, city staff members, and of course, city council members crowded into the conference room on the second floor of the civic center to discuss Linda Eaton's employment with the city. "I don't think if it had been a male that the same kind of scrutiny would have been used," Candy Morgan opined.<sup>104</sup> Although the union leaders stated that they merely wanted to "get some information" and "understand what is going on," Morgan was skeptical because she had already had a good deal of communication with union officials on this subject. Instead, she saw the union officials' actions during the informal session "as a challenge" to the city's decisions and actions.<sup>105</sup> Thirty years later, Morgan clearly recalled the meeting. "It was hostile," she stated. "It was hostile."<sup>106</sup>

In preparation for the discussion of Linda Eaton's employment status, the city manager had distributed a packet of relevant documents to the city council. The packet included, among other items, a summary memo written by the city manager, the memo written by the union president in June, and Candy Morgan's response to the union's memo, all of which were reviewed at the meeting. The city argued that it was not granting a special privilege, but simply responding to a new situation.<sup>107</sup> Emphasizing

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<sup>103</sup> Testimony at the ICRC hearing identifies the date as 10/2/78, but the records in the city council minutes give 10/9/78 as the date. I find the city council records more persuasive because additional evidence such as the date of the memo (10/6/78) sent out ahead of the meeting suggests that 10/9/78 is the correct date.

<sup>104</sup> Testimony of Candy Morgan, ICRC hearing, 125.

<sup>105</sup> *Ibid.*, 130.

<sup>106</sup> Interview with Candy Morgan, 2 February 2008.

<sup>107</sup> To Donald Crow from Candy Morgan, 11 July 1978. Crow asked why a firefighter who had been injured during his first two weeks on the job had not been granted a leave of

that it was illegal to terminate an employee because she was pregnant, and reminding the city council that the chief had declined to place Eaton on light duty, Morgan stressed that the city was merely doing its best to keep her employed.<sup>108</sup> And although the union officials expressed concern about having to run short-staffed during Eaton's lengthy absence, Morgan reminded them this was not a unique situation. "You are challenging Eaton's absence when questions were not raised regarding an absence of nearly a year by Daryl Foreman or vacancies left by several retirees," she wrote.<sup>109</sup> Morgan later conceded that Eaton's transfer to the Parks & Recreation Department was "experimental,"<sup>110</sup> but given the options, she argued, the city had found a solution and "everyone could just barely tolerate it, with the exception of the people in the Union at the fire department."<sup>111</sup> Indeed, the city council seemed satisfied; it took no formal action to change anything.

The union's attempts to have Eaton removed from the fire department, especially their use of the union contract—a document intended to protect workers—underscored Eaton's isolation and vulnerability. Resistance from male-dominated unions was nothing new for women entering traditionally male workplaces, but Eaton's situation was

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absence, but was told to reapply for the list. Morgan explained that the difference was that Eaton had already passed her six-month evaluation and a good deal of training had been invested in her. Memo in LEP, Box 4, Folder 15, SHSI.

<sup>108</sup> The growing emphasis in the department on public education and inspections tended to support Morgan's view that the fire department had plenty of work for an individual on light duty. See reports of fire marshal and training officer for 1978. April report, for instance states that "There was an extinguisher demonstration put on for the people of A.C.T. on South Gilbert Court. In the coming months there are scheduled a lot more as we try to reach all of the public with some type of fire prevention." In January 1978, 51 inspections carried out. Reports available on microfiche in city clerk's office.

<sup>109</sup> To Donald Crow from Candy Morgan, 11 July 1978; Enclosure 5, in packet dated 10/6/78 for Iowa City City Council, Document #1864, on microfiche at city clerk's office.

<sup>110</sup> Testimony of Candy Morgan, ICRC hearing, 159.

<sup>111</sup> *Ibid.*, 160.

strikingly different from that of women in industrial unions. When Iowa women who belonged to the United Packinghouse Workers of America (UPWA), for example, faced the wrath of the men for suing their union for sex discrimination, they had the camaraderie and support of other women on the job and, at times, the support of progressive local union leaders.<sup>112</sup> Like most women firefighters in the 1970s, Eaton had neither. And even though a few of the men seemed friendly, they stuck together; a male firefighter had nothing to gain, and much to lose, by speaking up on Eaton's behalf.<sup>113</sup>

The union continued to put pressure on the city after October 2, when Eaton gave birth to her son and went on maternity leave. Dick Craig requested a seniority list of civil service employees in November 1978, which the chair of the Civil Service Commission feared was part of a plan "to 'get rid' of Linda Eaton" and he advised city officials to "come down hard on the Union and end their attempts to remove or have Linda removed."<sup>114</sup> The civil rights specialist, Sophie Zukrowski, who provided administrative support for the Civil Service Commission, urged caution, however, and pointed out that the union had a legal right to the list. She did note that "if the Union does, in the future, attempt to use the information in a discriminatory manner or if there are reports that Linda is being harassed, the City could then proceed with formal action

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<sup>112</sup> Dennis Deslippe, "We Had an Awful Time With Our Women': Iowa's United Packinghouse Workers of America, 1945-75," *Journal of Women's History*, Vol. 5, No. 1 (Spring 1993): 10-32.

<sup>113</sup> Terry Floren cautioned women firefighters, "Don't overestimate what it means when the men are friendly, she warned." See Notes on WITFS Course, WFS Records. Steve Dolan confirmed that although he considered Eaton his friend, it would not have been in his career interest to question the no-nursing rule publicly.

<sup>114</sup> City of Iowa City Memo, To: Neal, From Sophie, Re: Linda Eaton, Date: November 21, 1978, LEP, Box 4, Folder 15, SHSI.

against the Union. It should be noted that harassment can include: not speaking to Linda, withholding job related information, jokes and wise cracks, etc.”<sup>115</sup>

Tensions had been running high between Iowa City’s Civil Service Commission and the firefighter’s union long before Eaton became pregnant.<sup>116</sup> In February 1978, Bill Crow and Dick Craig, accompanied by several other firefighters, attended a Civil Service Commission meeting to present a petition signed by thirty firefighters calling for “fair and equal” testing procedures, especially tests for promotion, within the fire department.<sup>117</sup> At a follow-up meeting in April, the commissioners explained the criteria they used for making recommendations on the hiring and promotion lists, and solicited the firefighters’ input. At both meetings, firefighters leveled the charge that the hiring and promotion decisions at the fire department rested on favoritism, not fairness. In addition, their comments clearly indicated that they believed Chief Keating was complicit in this process, basing promotions on friendship rather than merit.<sup>118</sup>

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<sup>115</sup> Ibid.

<sup>116</sup> The city manager believed that one of the reasons the leaders of the firefighters’ union complained to city council members about Eaton was that “Local 610 is upset with the Civil Service Commission.” Memo to City Council from City Manager re: Local 610 Inquiry Date October 6, 1978. Document #1864, in minutes of city council records on microfiche at city clerk’s office.

<sup>117</sup> Minutes of Iowa City Civil Service Commission, February 10, 1978. Thirty firefighters represented approximately two-thirds of those in the bargaining unit. In addition to Crow and Craig, the firefighters in attendance included Pat Akers, Nate Hopkins, Dave Loney, Bob Parrott (retired), and at least one more whose name the minute taker did not get. The quotation does not come from the petition, which I could not locate and perhaps no longer exists, but from the minutes. Members of the police department also raised questions regularly about the testing procedures and how promotions were determined. In this time period, however, the police officers who questioned the Commission were not as confrontational as the firefighters. On microfiche in city clerk’s office.

<sup>118</sup> Minutes of Civil Service Commission meetings of February 10, 1978 and April 28, 1978. Firefighters asked the Civil Service Commission to cease their practice of seeking recommendations from the fire chief on promotions and expressed discontent with the oral interview, which counted for 50% of the decision, but rested on vague, subjective criteria.

Although Linda Eaton was not mentioned by name in the minutes of either meeting, the events surrounding her hiring were referred to as examples of unfair testing procedures. “An individual was called to take the test at a later date. That’s not equal,” Craig complained at the February meeting.<sup>119</sup> And at the April meeting, Craig charged that “the rules [on the physical agility test] state failure to complete the test will disqualify, but in the past it hasn’t.” When a commissioner replied that people should be given a second chance, Craig shot back, “You don’t get a second chance when it comes to saving a life,” while another firefighter stated that the decision to hire an individual who failed the physical agility test was unfair to the twenty-two applicants who had passed the test. When the chair asked testily if the firefighters wanted to “institute proceedings to remove anyone from the fire department,” they demurred, but clearly the union leadership, like most of the members they represented, believed that Eaton had not come by her job legitimately.<sup>120</sup>

Local 610’s feud with the Civil Service Commission over testing procedures and promotion decisions had put it at odds with the fire chief as well, since the union insinuated that the chief promoted his friends instead of the most qualified candidates. The chief’s decision to deny Eaton’s request to breastfeed, however, put him back on the same page with the union, which was where Chief Keating, who had spent twenty-six years working his way up the ladder at the Iowa City Fire Department, was much more comfortable. The union’s aggressive campaign against Eaton during her pregnancy may

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<sup>119</sup> Minutes of Civil Service Commission Meeting, February 10, 1978. p3. It is possible that Craig was speaking of someone other than Eaton, but highly unlikely. I have not come across mention of another situation in which a person missed the entry-level test and took it later. For promotional testing, the Civil Service Commission did schedule additional tests to accommodate the vacations of individuals who wished to take the test, which firefighters also complained about as an example of changing the rules.

<sup>120</sup> Minutes of the Civil Service Commission meeting, April 28, 1978. This continues to be the perception today, even though almost none of today’s firefighters were on the department when Linda Eaton was hired.

not have been successful, but it had demonstrated the union's willingness to fight. It made sense, therefore, that neither the chief nor the city wanted to raise another issue that would be perceived by the union as the granting of a special privilege to the woman firefighter.<sup>121</sup> In fact, when called upon to explain his reasons for prohibiting Eaton from breastfeeding at the fire station, the chief acknowledged that his decision was influenced by his concern that the union might file a 'reverse discrimination' lawsuit against the city.<sup>122</sup>

As early as 1969, white workers across the United States were voicing resentment about "compensatory programs" and "integration efforts" that seemed to benefit black workers at the expense of whites, and women workers at the expense of men.<sup>123</sup> As affirmative action programs took hold in U.S. workplaces during the economic downturn of the 1970s, the resistance increased, and by the late 1970s, affirmative action programs across the nation were under attack, often by white men and unions dominated by white men who denounced affirmative action as an inherently contradictory measure that perpetuated the practices it was intended to eliminate: it demanded that race and sex be taken into account in employment decisions.<sup>124</sup> Some of the most hard-fought and

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<sup>121</sup> The role of city officials in this decision was never entirely clear. Officially, the decision was presented as the chief's, supported by the city. Privately, many firefighters believe that the city pushed this decision on the chief. My evidence is inconclusive, but it points to an agreement between city officials and the fire chief that "no" was the right answer, albeit for different reasons. Some city officials appear to have been fed up with Eaton, feeling she had been more trouble than she was worth, while the fire chief did not want to give the union another reason to complain of special privileges.

<sup>122</sup> Testimony of Robert Keating, ICRC hearing.

<sup>123</sup> "The Troubled American: A Special Report on the White Majority," *Newsweek*, October 6, 1969, 31-32. "I believe that an apprenticeship in my union is no more a public trust to be shared by all than a millionaire's money is a public trust," one worker wrote."

<sup>124</sup> See Nancy MacLean, *Freedom is Not Enough: The Opening of the American Workplace* (New York: Russell Sage Foundation, 2006), esp Ch 7 and Terry H. Anderson, *The Pursuit of Fairness: A History of Affirmative Action* (Oxford and New York: Oxford University Press, 2004), esp Chs 4 and 5. Even in Iowa, a state with a population that was 98% white in the 1970s, discontent over affirmative action was on the rise. See Judy Daubenmier, "Is Affirmative

lengthy struggles took place within municipal police and fire departments, as white men filed what became known as reverse discrimination suits, in which they claimed that the use of race in hiring and promotion decisions violated Title VII's prohibition against racial discrimination.<sup>125</sup> The U.S. Supreme Court heard arguments in its first case involving affirmative action in the workplace in March 1979, and ruled in June 1979 that an employer's *voluntary* program to address racial and gender imbalance in the workplace was not a violation of Title VII.<sup>126</sup> This ruling, however, did not put a stop to legal challenges to affirmative action programs, and more importantly, it did not reflect the views of many Americans, who saw affirmative action as an illegitimate benefit for a person who had not earned it.<sup>127</sup> Local 610 had made no secret of its opposition to Iowa City's affirmative action policies, and in the days before the breastfeeding controversy at the fire station became public, officials of Local 610 sought the support of other unions in town.<sup>128</sup>

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Job Action Going Too Far?" *Cedar Rapids Gazette*, 12 January 1975, 4A. The article quotes the business manager at Mt. Mercy College in Cedar Rapids, Iowa, who stated, "There is a chance the white American male is in trouble compared to women and minority group members."

<sup>125</sup> Dennis A. Deslippe, "Do Whites Have Rights?: White Detroit Policemen and 'Reverse Discrimination' Protests in the 1970s," *The Journal of American History*, Vol. 91, No. 3 (December 2004): 932-960. "Detroit policemen's reverse discrimination protests became a touchstone for white discontent in the mid-1970s," Deslippe writes. While struggles on working-class job sites got the most attention, professional white men resisted affirmative action as well. See Chapter Four on the reactions within academia to the rise of affirmative action in higher education.

<sup>126</sup> *United Steelworkers of America v Weber*, 443 U.S. 193 (1979).

<sup>127</sup> Although the Supreme Court continued supporting affirmative action during the 1980s as the Reagan administration worked to eliminate it, by the late 1980s and beyond, federal courts began striking down police and fire department affirmative action plans in San Francisco, Los Angeles, and Boston, see Deslippe, "Do Whites Have Rights?" In 2009, the U.S. Supreme Court upheld the results of the promotion test at the New Haven Fire Department even though no minorities passed the test. The case was described as a reverse discrimination lawsuit and the 5-4 decision seen as a victory for affirmative action opponents. See *Ricci v. DeStefano*, 557 U.S. \_\_\_\_\_ (2009).

<sup>128</sup> Memo to city council from Berlin, October 6, 1978. "Local 610 is upset with Iowa City's affirmative action policies," Berlin wrote.

Although members of Local 610 rarely attended the monthly meetings of the Iowa City Federation of Labor, an umbrella organization composed of representatives of all the unions in Iowa City, Dick Craig and at least one other firefighter attended the January 1979 meeting. The newly elected president of the Iowa City Federation of Labor, Dennis Ryan, had barely taken over the gavel when the firefighters announced that they had come to ask the other unions in town to join Local 610 in censuring Linda Eaton for attempting to breastfeed at the fire station. The topic of breastfeeding was highly unusual for a City Federation of Labor meeting, to say the least, and it was especially surprising since news of Eaton's situation had not yet been made public. Ryan did not quite know what to make of it. "We usually talked about contracts and grievances," he explained, but Local 610's request set the place ablaze with arguments and shouting. Ryan felt uneasy about putting the resolution to a vote because the firefighters "kept saying that the woman and the black are ruining the department." That was a red flag to Ryan. "You gotta realize, I'm not a usual union member. I belonged to NOW." Ryan decided to table the motion until he and the other union members had more information, and as events unfolded over the next few days in Iowa City, he knew he had made the right decision. Eventually the City Federation of Labor decided to support Eaton, and Ryan appeared before the city council to issue a statement. "It was a human and workers' rights issue to me," he explained.<sup>129</sup>

In the days after Local 610 failed to persuade the City Federation of Labor to support its efforts to denounce Eaton, her confrontation with the fire chief became public; and when it was clear that her job was in danger, Eaton filed a motion in district court requesting an injunction prohibiting the city from firing her for breastfeeding at work. In her petition, Eaton claimed that she was turning to the courts because she had "no internal

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<sup>129</sup> Information in this paragraph from interview with Dennis Ryan, 14 August 2007, Iowa City, Iowa.



grievance remedy.”<sup>130</sup> Although Local 610 was the certified bargaining agent for Iowa City’s firefighters, Eaton’s attorney explained in the petition that the union “has and is objecting to Linda Eaton’s civil service status; . . . has not fairly represented her in the past; . . . [and its] stewards and members have made repeated public statements attacking Linda Eaton.”<sup>131</sup> One of those statements had been made earlier that week by Dick Craig, who wondered on the local television news if Eaton was “of good moral character.”<sup>132</sup> Although Local 610 stated that it took no position on the breastfeeding dispute (because Eaton was on probation and therefore not a union member), the evidence could lead to only one conclusion: the union, which had been doing everything it could to get Linda Eaton out of the fire department since her pregnancy, was not neutral.<sup>133</sup> In fact, the tensions following Eaton’s pregnancy set the stage for the uproar that followed the request to breastfeed.

By the late 1970s, one would be hard-pressed to hear a serious argument in the U.S. against gender equality, but the nation was deeply divided over what equality

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<sup>130</sup> Petition for Temporary Writ of Injunction in the Iowa District Court for Johnson County, filed January 23, 1979.

<sup>131</sup> Ibid.

<sup>132</sup> KCGR 16mm reels, recorded between Jan 17-Jan 21, 1979; SHSI.

<sup>133</sup> I am unable to confirm Eaton’s union status as I have no access to Local 610’s records. Some retired firefighters recall that probationary firefighters were not allowed to join Local 610, but that does not accord with other information. For instance, no one disputes that Eaton paid union dues and became a union member as soon as she was hired, and many unions, such as AFSCME 183 at the City of Iowa City, encourage new employees to join during their probationary periods. Dick Craig made public statements that Eaton had “withdrawn” from the union and asked for her dues back after she was transferred to Parks & Recs. She may have asked for the automatic deduction to be stopped, but the firefighters I spoke with thought that sounded odd. The petition for injunction does not state whether Eaton is a union member. But Eaton testified at the ICRC hearing that she was a union member and no one disputed that claim under oath. While it was true that Eaton, as a probationary employee, did not have access to the grievance procedure, several local union leaders I have spoken with (none from Local 610), informed me that a union still has many ways to show support for a probationary employee, and all thought that Local 610’s claim that it could not help Eaton was suspect.

between men and women meant and how it should be achieved. Feminists, not ready to acknowledge that the fact of difference between men's and women's physical roles in reproduction (to say nothing of the gap between their social roles within the family), could not be addressed through a flat understanding of equality, portrayed men and women as fungible citizens and workers during the campaign for the ERA.<sup>134</sup> But this turned equality into a taunt thrown up to working women whenever they demonstrated a need that differed from those of men. Similarly, opponents of affirmative action argued that these programs perpetuated discrimination by insisting that employers use gender or race in their hiring criteria. Although these accusations were disingenuous, they had a commonsense appeal that supporters of ERA and affirmative action found difficult to refute. When Eaton charged the fire department with violating her right to equal protection, her case became part of these national debates.

Eaton's pregnancy revealed the social, legal, and rhetorical limitations of the campaign for gender equality in the 1970s, which came even more sharply into focus when she requested permission to breastfeed. Eaton gained entry to the fire department under the banner of equality, but unsupportive men and women parlayed her request for something *different* into proof that she was not really *equal*. This argument ignored the fact that the policies, procedures, and daily practices of the fire department had been developed by and for an all-male work force; they accommodated the male life cycle and gave it a normative status. Although fire departments were more unfriendly to women than most employers, this situation prevailed in most U.S. workplaces. Women who wanted to be economically independent—like men—were expected to manage their reproductive lives and family responsibilities like men.

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<sup>134</sup> ERA advocates believed that acknowledging difference would be a slippery slope that would lead to placing limitations on women.

Of course, acting like a man, difficult for all women, was especially complicated for working-class women. Middle- and upper-class women had access to a whole range of assets—higher education, higher income, good health insurance, savings accounts, equity in their homes, good credit ratings, dependable vehicles, cultural capital, and social connections made through networks of family and friends—that provided them with more stability and more resources to manage their domestic lives than their working-class counterparts. New laws aimed at giving women equal employment opportunity did not help working-class women as much as professional women. The Pregnancy Discrimination Act of 1978, for example, provided most employed women with job security after the birth of a child, but it was more useful to professional women who could afford an unpaid leave of absence.

Eaton wanted desperately to keep her job, but she had few resources with which to fight the chief's prohibition on breastfeeding at work. The support of her parents and sisters would not be enough. An organization for women in the fire service had been formed recently in Texas, but it was tiny and had little to offer beyond moral support.<sup>135</sup> And her co-workers and the union, one and the same, stood tall in support of the fire chief. Eaton, who had never called herself a feminist and did not feel comfortable being identified with the women's movement, turned to an unlikely ally, the local chapter of NOW, and the local women's movement mobilized its substantial resources on her behalf. NOW helped Eaton secure legal representation and agreed to pay her legal bills. Her lawyers' first task was to keep Eaton from being fired.

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<sup>135</sup> The International Association of Professional Women Fire Fighters, started by Charlotte Badget in 1977. The organization had a short life, but it was an important first attempt to organize women in the fire service. Eaton received a letter from the group's secretary after her case was reported in the national news and the organization put a notice in its newsletter, which had an extremely small circulation, mostly in Texas.

Before Judge Chapman in District Court

On Monday morning, January 29, 1979, Linda Eaton and her attorneys appeared in Johnson County District Court to request an injunction that would prohibit the fire chief from dismissing her for breastfeeding at work.<sup>136</sup> Amidst tall piles of snow plowed away from the storms of the previous week, members of the media, firefighters, firefighters' wives, members of the local NOW chapter, activists, and interested citizens climbed the steps to the Johnson County courthouse, a majestic Romanesque-style building that resembles a sandstone castle, to attend the hearing.<sup>137</sup> The spectators passed through the arched entryway and filled the second floor courtroom; Eaton's attorney recalls seeing people standing in the back.<sup>138</sup> The crowd had come to witness this crucial moment in the controversy that had enveloped Iowa City for the past ten days. For Eaton, everything was at stake; if her petition were denied, she would have to obey the chief or lose her job.

"I am ready, willing and eager to cooperate with my employers," Eaton wrote in the affidavit she had filed the previous week.<sup>139</sup> But in order to meet her "long term obligations" to herself and her son, she went on, she needed to maintain her employment with the fire department and breastfeed her son. Weaving together maternal and

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<sup>136</sup> Petition for Temporary Writ of Injunction, Equity No. 44750. In the Iowa District Court for Johnson County. *Linda Eaton, Plaintiff vs. The City of Iowa City; Robert Keating, Iowa City fire chief; Sophie Zukrowski, Iowa City civil rights specialist; Dale Helling, Iowa City assistant city manager; and Neil Berlin, Iowa City city manager, defendants*. Filed January 23, 1979. See Chapter One for more details about events leading up to the hearing.

<sup>137</sup> Architectural information on the Johnson County courthouse accessed on 16 June 2010 at: [http://www.johnson-county.com/dept\\_blank.aspx?id=5727](http://www.johnson-county.com/dept_blank.aspx?id=5727)

<sup>138</sup> Interview with Jane Eikleberry, 15 June 2007 via telephone from Arizona. One newspaper account said that fifty people attended the hearing. Local resident Barbara Morrison attended and found herself seated next to the wife of a firefighter.

<sup>139</sup> Plaintiff's affidavit in Support of Writ of Temporary Injunction In the Iowa District Court for Johnson County. *Linda Eaton, Plaintiff vs. The City of Iowa City et al.* Equity No 44750 filed January 23, 1979.

scientific arguments, Eaton pleaded that breastfeeding was necessary because it provided her son with “solid emotional stability” and “prolong[ed] his immunities to childhood diseases.”<sup>140</sup> Without the injunction, Eaton would either lose her job or have to give up breastfeeding. Either of these would result in “serious and irreparable hardship” to Eaton, her attorney argued. She urged that the injunction be granted in order “to preserve the employment situation so that an effective decision for either party can be made in the future.”<sup>141</sup>

Eaton’s request for an injunction signaled the determination, innovation, and experience of her legal team: Jane Eikleberry and Clara Oleson. When the two women graduated from the University of Iowa Law School in 1976, they went into private practice together, opening the first women’s law firm in Iowa City. Eikleberry, who had done pro-bono work for the local chapter of NOW, took the public role in Eaton’s case by filing the petition and speaking with the press. But she depended on Oleson’s expertise in civil rights law. Oleson had been using the law to fight sex discrimination on the job long before she entered law school. In fact, by 1979, Oleson had spent ten years fighting discrimination against working women on the front lines; well known in Iowa City’s feminist, labor, and legal circles, Oleson was considered the go-to lawyer for local women who had sex discrimination complaints.<sup>142</sup>

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<sup>140</sup> Ibid. “I feel the mothering instinct deep in my bones,” Eaton stated in Paragraph 3.

<sup>141</sup> Petition for Temporary Writ of Injunction Equity No. 44750, Paragraph 17. Iowa Rules of Civil Procedure No. 321 states that a plaintiff may be granted a temporary injunction to prevent “some act with would greatly or irreparable injure him” or “where, during the litigation, it appears that a party is doing, procuring or suffering to be done, or threatens or is about to do, an act violating the other party’s right respecting the subject of the action and tending to make the judgment ineffectual.” *Code of Iowa* 1977. Eaton’s attorneys argued both points.

<sup>142</sup> Interviews with Lolly Eggers and Carol Spaziani, 16 July 2008; Dale McCormick, 5 June 2008; and Linda McGuire, 29 January 2009.

Eikleberry and Oleson devised an innovative legal strategy for Eaton's case. The Iowa Civil Rights Act required Iowans who believed they were victims of employment discrimination to file their complaints with the Iowa Civil Rights Commission (ICRC), the state agency charged with enforcing Iowa's civil rights law.<sup>143</sup> Because the wheels of administrative justice turned slowly, however, plaintiffs often continued to suffer discrimination, and even the loss of their jobs, before the commission was able to resolve their complaints. Over one thousand active complaints were pending with the ICRC in July 1979, and the average case took sixteen months to close.<sup>144</sup> Since Eaton, a single mother with a high school education, could not risk losing her job, filing a complaint with the ICRC might not help her. Therefore, instead of charging city officials with violating the Iowa Civil Rights Act, her attorneys charged them with violating Eaton's state and federal constitutional rights to "due process, privacy, equal protection and non-discrimination on the basis of gender," and sought an injunction in state court to restore those rights.<sup>145</sup> To the best of Eikleberry's recollection, Eaton's was "one of the first sex discrimination cases to seek an injunction."<sup>146</sup>

Eaton's attorneys made another unusual choice by filing their petition in state court.<sup>147</sup> Employment discrimination law originated at the federal level, Eikleberry

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<sup>143</sup> Chapter 601A, *Code of Iowa* (1979). 601A.15 "Complaint and hearing" outlines procedures. A new amendment to the act, passed in 1978, added a provision for suing in district court, but only after first filing their complaint with the Commission and waiting 120 days. A plaintiff could not sue, even then, if there had been a finding of no probable cause, if a conciliation agreement had been executed, or if public hearings had been scheduled (601A.16 One Hundred twenty day administrative release, Code of Iowa 1979).

<sup>144</sup> *Iowa Civil Rights Commission Annual Report 1979*, 17-18. (By cross-referencing other data in the report, I learned that the headings on the graphs on page 18 are reversed. The graph labeled 1978 is actually for 1979 and vice versa.) The backlog at the ICRC was notoriously large and a constant issue for the commission.

<sup>145</sup> Petition for Temporary Writ of Injunction Equity No. 44750, Paragraph 7.

<sup>146</sup> Interview with Jane Eikleberry, 15 June 2007.

<sup>147</sup> *Ibid.*

explained, so most attorneys believed that federal judges were more familiar with it. Also, the common wisdom among lawyers in the late 1970s, Eikleberry continued, was “that the federal judges were more liberal than the narrow-minded . . . state court judges. So you would always take a case in which you were representing a plaintiff in a discrimination charge . . . to federal court.”<sup>148</sup> But Eikleberry and Oleson felt strongly that Iowa’s state courts should and would deliver justice for Eaton. “We were proud of our state courts,” Eikleberry recalled, as she explained why she and Oleson chose to take Eaton’s request to state rather than federal court.<sup>149</sup>

The hearing on Eaton’s petition lasted nearly two days. Eaton’s attorneys were joined at the plaintiff’s table by Assistant Attorney General Raymond Perry, who was representing the Iowa Civil Rights Commission.<sup>150</sup> Angela Ryan, the assistant city attorney for Iowa City, represented the defendants. Nine witnesses, including Linda Eaton, Fire Chief Robert Keating, City Manager Neal Berlin, Human Relations Director Candy Morgan, and the city’s civil rights specialist, Sophie Zukrowski, testified. Before testimony began, however, the judge denied the city’s motion to dismiss Eaton’s petition. In documents filed with the court the previous week, the city had claimed that “the court lacks subject matter jurisdiction because the power to make the initial determination of the existence of discrimination has been conferred upon an administrative body, the Iowa

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<sup>148</sup> Ibid.

<sup>149</sup> Iowa courts were progressive on issues of women’s rights in the 1970s. A more complete discussion of this point in Chapter Six.

<sup>150</sup> Petition for Intervention for Temporary Injunction Equity No. 44750 filed January 26, 1979 in the Iowa District Court for Johnson County. After Eaton filed a petition for an injunction, Iowa’s attorney general, Tom Miller, filed a complaint with the Iowa Civil Rights Commission charging Iowa City with violating Ch 601A, the Iowa Civil Rights Act. (For this reason, Eaton’s complaint with the ICRC is known as *Miller vs. City of Iowa City*; Eaton later filed her own complaint, and the two were consolidated.) The Iowa Civil Rights Commission, which has the power to seek injunctions, then joined Eaton’s petition for the injunction.

Civil Rights Commission.”<sup>151</sup> The judge ruled that the district court *did* have the authority to hear Eaton’s petition for an injunction because Eaton was claiming a violation of her constitutional rights, not a violation of the Iowa Civil Rights Act. In addition, he pointed out, the Iowa Civil Rights Commission, which was authorized to seek an injunction under the Iowa Civil Rights Act, had joined Eaton’s petition. “Either way,” the judge stated as he overruled Ryan’s motion, “I think we have a road to follow.”<sup>152</sup>

Eaton’s attorneys focused their argument on the traditional purpose of an injunction—to prevent “irreparable harm” to an individual.<sup>153</sup> Eaton testified that if she could not breastfeed during her twenty-four hour work shifts, her milk supply would dry up and she would be forced to cease breastfeeding altogether, which would deprive her son of a superior form of nutrition.<sup>154</sup> On the other hand, Fire Chief Keating, who repeatedly declared that breastfeeding was a privilege not a right, testified that he would fire Eaton the next time she breastfed her son at the fire station.<sup>155</sup> This action

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<sup>151</sup> See Special Appearance, Memorandum Brief, and Memorandum Brief In Support of Motion to Strike/Dismiss, all filed by Angela Ryan in the Iowa District Court for Johnson County, Equity No. 44750, *Linda Eaton, Plaintiff vs. The City of Iowa City et al.* Under the provisions of the Iowa Civil Rights Act, Chapter 601A, complaints originated with the commission, and went to district court only for appeals. Ch 601A was amended in 1978, shortly before the Eaton case, to allow complainants to sue in civil court, bypassing the commission, but only after first filing with the commission and waiting 120 days.

<sup>152</sup> Transcript of proceedings, Johnson County District Court, January 29, 1979, *Linda Eaton v. City of Iowa City et al.* Equity No. 44750, 9-10, LEP, Box 7, SHSI.

<sup>153</sup> One of the main criteria for issuing an injunction under Iowa Rules of Civil Procedures, Rule 321 in the *Code of Iowa*, 1977, which governed these proceedings, is that an injunction may be granted to prevent “irreparable harm,” which is to say, harm that cannot be reversed later or compensated for with money.

<sup>154</sup> Eaton also testified to the emotional benefits of nursing, that breast milk was her son’s sole form of nutrition, and that although she did express milk that her son took from a bottle while she was at work, she was not able to express enough to sustain him for the entire 24-hour period. Testimony of Linda Eaton, District Court hearing, 127, LEP, Box 7, SHSI.

<sup>155</sup> Testimony of Robert Keating, District Court hearing, 217, 240-241, 244, 247, LEP, Box 7, SHSI.



would result in the loss of Eaton's "professional status and the means by which she supports herself and her son," her attorneys argued.<sup>156</sup> Furthermore, her attorneys argued, even if Eaton were to be reinstated to her position in the fire department at a future date, she would have lost seniority and valuable training time that could not be restored.<sup>157</sup> Eaton's attorneys argued that without the injunction, Eaton would sustain damages that could not be recovered later.

Eaton's legal team further argued that breastfeeding at the fire station would not impede the fire department's ability to fulfill its mission. A firefighter testified that daily duties at the fire station were often completed within four or five hours and, barring an alarm, firefighters nearly always had a duty-free hour during both the lunch and dinner breaks.<sup>158</sup> Eaton contended that she should be permitted to do something "more important" than the activities most of the men did during unassigned time, which included playing cards, napping, or watching television. Eaton also claimed that breastfeeding would not interfere with her ability to respond to a fire alarm; she pointed out that when an alarm came in while she was nursing her baby on Friday, January 26, she was one of the first firefighters on the truck. Eaton answered delicate questions about exactly how much clothing had to be removed during breastfeeding (none), and how many buttons had to be unbuttoned (two), by way of comparing the relative time required for a firefighter who was in the bathroom or in the shower to respond to an alarm.

The city's case against Eaton's request for an injunction relied on a technical argument. Eaton's petition, city assistant attorney Ryan charged, was "inappropriate" because "this is a new right, and a new right should not be acquired through a temporary

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<sup>156</sup> Closing statement of Jane Eikleberry, District Court hearing, 262, LEP, Box 7, SHSI.

<sup>157</sup> Ibid.

<sup>158</sup> Testimony of Jesse King, District Court hearing, 56, 61, LEP, Box 7, SHSI.

injunction.”<sup>159</sup> According to Ryan, the purpose of an injunction was to “preserve the status quo,” which, in her view, meant maintaining the fire chief’s authority to enforce the unwritten policy on family visits at the fire station.<sup>160</sup> “I think it is very clear that no one has ever had a right to schedule family visits in the fire station,” Ryan argued, “. . . [and] clearly no one has been breastfeeding in the Civic Center.”<sup>161</sup> Ryan stated several times that the city should not have to “accommodate” Eaton by granting her a “special privilege.”<sup>162</sup> The city also maintained that breastfeeding at the fire station would be “very disruptive” to the effective operation of the fire department.<sup>163</sup> Although the fire chief conceded, under cross-examination, that a significant portion of the “disruption” would be caused by the reaction of other firefighters to “an added privilege for one person,”<sup>164</sup> the main problem, the city contended, was that if “we provide an opportunity for child care on duty, we will have the obligation to provide this for the male fire fighters and possibly for other male employees as well. This would interfere with the

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<sup>159</sup> District Court hearing, 264. Ryan also stated in her opening argument that her most important point was that a “person is seeking a new right. It is a matter of first impression and that one should not acquire a new right by a temporary [injunction]” (21.) Ryan’s argument invoked the criticisms that conservatives had made of many U.S. Supreme Court decisions in the 1960s and 1970s, especially *Roe v. Wade*, in which they charged that courts were over-reaching by creating and granting new rights, that is, rights that were not specifically guaranteed in the constitution. “A temporary injunction is appropriate when the law is clear . . . and where there is no dispute of fact,” Ryan argued. See District Court hearing, 19, LEP, Box 7, SHSI.

<sup>160</sup> See Ryan’s opening argument, District Court hearing, 19-20 and her closing argument, 263-4.

<sup>161</sup> Ibid.

<sup>162</sup> Ibid., 264, 265, 21.

<sup>163</sup> Chief Keating used this word many times and Ryan included it in her closing argument, District Court hearing, 263. Keating stated that to change the policy regarding regular visits would be “disruptive, unadministratable [sic], and difficult to handle without the room and the facilities that the fire department presently has” (256).

<sup>164</sup> Testimony of Robert Keating, District Court hearing. “It would be disruption compounded by the fact that everybody would then have the same privilege” (228); “I think it would be disruptive if this privilege were extended to the rest,” (231); nursing would be disruptive because “first, because it’s never been allowed” (215).

mission of the department.”<sup>165</sup> Finally, Ryan’s witnesses emphasized that firefighters were never off-duty during their work shifts, even at mealtimes. “It’s imperative that when an order is given that it’s carried out as requested by the officer,” Chief Keating testified.<sup>166</sup> The smooth operation of the department, Keating implied, depended upon strict obedience to all orders, including his order that Eaton was not to breastfeed at the fire station.<sup>167</sup>

Assistant Attorney General Ray Perry, who represented the Iowa Civil Rights Commission during the proceedings, focused his closing remarks on the broader issue of civil rights enforcement in Iowa. Allowing the city to fire Eaton before the commission had an opportunity to determine whether the city was in violation of the Iowa Civil Rights Act, Perry argued, would have a “chilling effect on civil rights enforcement in general in the state.”<sup>168</sup> Furthermore, Perry claimed, a failure to grant the injunction to Eaton would leave the public with the impression that “the Commission [is] helpless to protect victims of discrimination.”<sup>169</sup> After Perry concluded, Judge Chapman called the attorneys into his chambers.

Linda Eaton’s future lay in the hands of the most respected judge in Iowa’s sixth judicial district, if not in the entire state.<sup>170</sup> Ansel J. Chapman, appointed to the district court in 1968 by Governor Harold Hughes, a Democrat, was a native Iowa Citizen raised

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<sup>165</sup> District Court hearing, 20.

<sup>166</sup> *Ibid.*, 210.

<sup>167</sup> Keating and other firefighters who testified agreed that fire department was a “quasi-military” organization in which individuals expected to follow orders of superiors.

<sup>168</sup> District Court hearing, 266.

<sup>169</sup> *Ibid.*

<sup>170</sup> Ansel Chapman was the first recipient of the Iowa Judge’s Association Award of Merit (in some place called the Award of Excellence). I have been unable, so far, to determine which year this was awarded.

in the Longfellow neighborhood on the east side of town. His father, Nate Chapman, in partnership with a Des Moines businessman, owned and operated several movie theaters in Iowa City until he died unexpectedly when Ansel Chapman was nine years old. Fortunately, Dora Chapman, his mother, a “very strong, capable woman” with some business experience, rose to the challenge of supporting herself and her two sons, Ansel and his younger brother, Marvin.<sup>171</sup> Dora Chapman took over her husband’s position as resident partner in the theater business. With the help of her two brothers, who moved into the Chapman household, she “ran the operation” from her downtown office above the Astro Theater on Washington Street.<sup>172</sup> A young woman, usually a college student, lived with the Chapman family to help with household chores. Ansel Chapman graduated from Iowa City High School in 1932 and from the University of Iowa in 1936; in both high school and college he distinguished himself as a public speaker. He acted in many plays, was a “top debater” at the University of Iowa, and won a state contest for declamatory reading. “He probably would have made a pretty good actor,” his younger brother recalled. “He was into dramatics.”<sup>173</sup> But by his senior year at the University of Iowa, Chapman had decided to become a lawyer.<sup>174</sup>

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<sup>171</sup> Interview with Marvin Chapman, 8 August 2007, via telephone from Chicago.

<sup>172</sup> Interview with Marvin Chapman, 8 August, 2007. Mr. Chapman said his mother’s offices were above The Varsity Theater, but he must have been mistaken, as the Varsity was located around the corner on Dubuque St. The Astro was on Washington St., right across from the Englert Theater, which was also owned and run by the Chapmans. The Englert Theater was almost demolished to make way for a bar around the turn of the twenty-first century, but was restored as a venue for live performances and lectures after local citizens formed a committee that raised funds to purchase and refurbish it.

<sup>173</sup> Interview with Marvin Chapman, 8 August 2007.

<sup>174</sup> Perhaps the fact that Dora Chapman’s brother Louis was a lawyer (he graduated from UI College of Law in 1932) affected Ansel Chapman’s decision. Ansel Chapman took courses at the UI Law School during his senior year.

After seeking the advice of the dean of Iowa's law school, Wiley Rutledge (later appointed to the U.S. Supreme Court by President Franklin Roosevelt),<sup>175</sup> Chapman applied to Yale Law School in the fall of 1936, when Yale was known as the home of legal realism.<sup>176</sup> Legal realists challenged many of the assumptions underpinning legal education and practice in the United States in the early twentieth century; as a general rule, realists believed that "human idiosyncrasy" played a larger role in law than was generally acknowledged and they ridiculed the "uselessness of legal rules and concepts" as a guide to what actually happens in a court of law.<sup>177</sup> Realists argued that law was a product of ever-changing, and often extra-legal, social forces, and they "tried to breach

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<sup>175</sup> Interview with Marvin Chapman, 8 August 2007; interview with Bob Downer, 24 July 2007, Iowa City, Iowa. Both men reported the influence of Rutledge on Chapman's decision to attend Yale. A recent study conducted by William M. Landes of the University of Chicago Law School and Judge Richard A. Posner found that Justice Rutledge was the fourth most liberal justice to serve on the U.S. Supreme Court since 1937, with only Thurgood Marshall, William O. Douglas, and Frank Murphy receiving a more liberal rating. See Adam Liptak, "To Nudge, Shift, or Shove the Court Left," *New York Times*, Sunday 1 February 2009, Week in Review, 1, 4. (Rutledge may not be very well known because he died unexpectedly after serving only six years on the Court.) For a biography of Rutledge that includes a chapter on his brief time as dean at the University of Iowa's College of Law, see John M. Ferren, *Salt of the Earth, Conscience of the Court: The Story of Justice Wiley Rutledge*, (Chapel Hill and London: University of North Carolina Press, 2004).

<sup>176</sup> See Laura Kalman, *Legal Realism at Yale, 1927-1960* (Chapel Hill and London: The University of North Carolina Press, 1986) and Robert W. Gordon, "Professors and Policy Makers: Yale Law School Faculty in the New Deal and After," in *History of the Yale Law School: Tercentennial Lectures*, ed. Anthony T. Kronman (New Haven and London: Yale University Press, 2004): 75-137. Although Kalman identifies 1933 as the year that Yale was "the center of the realist movement" and argues that realism declined at Yale between 1933 and 1939, many realists continued teaching at Yale throughout the 1930s and brought a realist perspective to their classes. Kalman is speaking of the decline of realism from an administrative point of view (loss of resources for some of the realists more daring plans) and also the failure of some of the more explicitly social-scientific courses they offered. Gordon points out that the involvement of Yale's professors in the New Deal "validated the claim that research and theory combining legal with social sciences could be a practical training equipping graduates for important legal jobs" (118), thus bolstering legal realism.

<sup>177</sup> Kalman, 3. Legal realists share certain principles, but cannot be thought of as a cohesive group. Realism is best understood as a tendency that individuals approached in different ways and to different degrees.

the gap between ‘law in books’ and ‘law in action.’”<sup>178</sup> By the 1930s, most legal realists were committed to “the formulation of a more just social policy,” and many Yale law professors took leaves of absence or commuted to Washington, D.C., where they held positions in the Roosevelt administration.<sup>179</sup> In spite of Yale’s anti-Semitic admission policies, Chapman was accepted at Yale in 1936. Many of the courses he took during his three years at Yale were taught by some of the leading realists of the time, including Fred Rodell, Thurman Arnold, George Dession, Wesley Sturges, and Myers McDougal.<sup>180</sup> Chapman’s brother Marvin, who enrolled in Yale Law School after World War II, recalled that one lesson he and his brother both learned at Yale was that “controversial cases can be decided either way.”<sup>181</sup> For example, Marvin Chapman pointed out, “How many 5-4 decisions do you see in the Supreme Court? And the difference is how a judge looks at something. You can always find authority on your side.”<sup>182</sup>

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<sup>178</sup> Kalman, 9.

<sup>179</sup> The most famous was William O. Douglas, who chaired the Securities and Exchange Commission and became a U.S. Supreme Court justice in 1939. In addition, however, eight Yale law school faculty members served in the New Deal during the 1930s including Abe Fortas (who also served on the U.S. Supreme Court in the late 1960s), Thurman Arnold, Wesley Sturges, Walton Hamilton, and Harry Schulman. By the time Chapman went off to Yale in 1936, Yale Law School was closely, and publicly, identified with the New Deal.

<sup>180</sup> By cross-referencing Chapman’s transcript with Yale’s course offerings, I was able to determine who his instructor was on a number of courses. Transcript provided to me by Judge Chapman’s daughter, Katherine Keller; Mike Widener, the librarian at the Yale College of Law, provided me with the course catalogue information via telephone.

<sup>181</sup> Interview with Marvin Chapman.

<sup>182</sup> One of the lessons from Yale was that “a good judge decides which way the thing goes and he can always find a reason to do it,” Marvin Chapman stated. Interview with Marvin Chapman.



Figure 3.3. Ansel and Corrine Chapman, circa 1970s. Photo courtesy of Corrine Chapman.

After graduating from Yale in 1939, Ansel Chapman practiced law briefly in Mason City, Iowa, before returning to Iowa City, where he married and had two daughters.<sup>183</sup> The Chapmans took an active role in the civic life of Iowa City. During the 1950s and 1960s, Ansel Chapman served on the city council, the school board, and the board of Mercy Hospital, while his wife, Corrine, joined the local League of Women Voters, an active and high-powered group that promoted civil rights in Iowa City in the early 1960s.<sup>184</sup> The Chapmans were also members of Agudas Achim Synagogue in Iowa City. After spending several years helping his mother run the theaters and working in a local law firm, Chapman found his true calling on the bench. “He was born to be a

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<sup>183</sup> Chapman was diagnosed with tuberculosis when he took a physical to join the service during WWII and sent to Oakdale, where he remained for nearly 18 months. When he was released, the physician advised him to stay away from practicing law and to find less stressful work. Chapman moved in with his mother and helped manage the theaters during the 1950s until Bill Sueppel asked him to join his law firm around 1960. Information from interviews with Marvin Chapman, Bob Downer, and Corinne Chapman.

<sup>184</sup> Members of the local League at that time included Minnette Doderer, Jean Lloyd-Jones, and Mary Neuhauser, all of whom went on to hold public office in Iowa for many years.

judge,” stated one longtime colleague.<sup>185</sup> Attorneys and judges in Iowa agreed that Chapman “presided over his court with more passion, common sense, and knowledge of the law” than any other judge in the sixth district.<sup>186</sup> His keen intellect and “inherent fairness” earned him great respect from the legal community.<sup>187</sup> “He was the kind of judge that when people appeared in front of him, he made sure his courtroom was conducted with respect for the third branch of government and that people were prepared,” stated a judge who also served on the sixth district.<sup>188</sup> As for his legal philosophy, a lawyer who worked closely with Chapman explained:

He was, I think, very concerned about seeing the courts do justice as he saw it. I would not call him either a strict constructionist or a judicial activist. I think he saw the importance of precedent but did not consider himself bound by that where to follow precedent would be to permit an injustice to occur.<sup>189</sup>

When the attorneys involved in the Eaton hearing joined Judge Chapman in his chambers, he got straight to the point. “I want you to know right now I am going to issue the temporary injunction,” he announced.<sup>190</sup> He had asked to see them in chambers, however, to discuss the best way to proceed in what was now a “strange situation”: the case had “parallel” legal actions pending in separate arenas. Eaton’s petition for a permanent injunction with the district court alleged violations of the state and federal

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<sup>185</sup> Eulogy given by former law partner Bill Sueppel. In possession of author.

<sup>186</sup> Mike McWilliams, “Iowa City man was ‘a judge’s judge,’” *Iowa City Press-Citizen*, 6 May 2005, 1A.

<sup>187</sup> I have spoken with several attorneys in Iowa City and all speak of Judge Chapman with the highest praise. Roxanne Conlin did as well. The fairness quotation from Mike McWilliams’ article in the *Press-Citizen*.

<sup>188</sup> McWilliams, “Iowa City man was ‘a judge’s judge.’” Chapman was also known to conduct his own research if he felt the attorneys had not done enough. “He loved to get into the law books,” recalled one colleague. Interview with Harold Vietor, 21 August 2007.

<sup>189</sup> Interview with Bob Downing.

<sup>190</sup> Transcript of District Court hearing, 268.



constitution while the attorney general's complaint with the Iowa Civil Rights Commission alleged violations of the Iowa Civil Rights Act. After Assistant Attorney General Perry explained how the commission would proceed on the complaint filed on Eaton's behalf, the judge and attorneys agreed that the district court would refrain from acting on Eaton's petition for a permanent injunction until after the ICRC had completed its investigation of the attorney general's complaint.<sup>191</sup> If the commission found in Eaton's favor, she might wish to withdraw the petition, but if the commission found that Iowa law had not been violated, Eaton could then pursue her request for a permanent injunction to protect her constitutional rights.

When Judge Chapman and the attorneys returned to open court, Chapman admonished the crowd to remain seated until he had finished his remarks. Although he felt that "out of consideration of the interest that has been shown here . . . everyone has a right to know in open court the reason for the Court taking any definite and specific action," he would not tolerate an unruly courtroom.<sup>192</sup> Chapman began by reminding everyone that his decision did not reflect a judgment on the "merits of the case," that is, it was neither a judgment on whether the city had discriminated against Eaton nor a decision about whether Linda Eaton had the right to nurse her baby in the fire station. Eaton's case, Chapman noted, "involved many issues which will subsequently be decided—women in a changing society, new rights, work rules, reasonableness of those rules, how the constitution or the Civil Rights Act impinges on those work rules and what happens when two conflicting doctrines seem to meet head on."<sup>193</sup> Today, however, he was only deciding whether Eaton should be allowed to continue working and

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<sup>191</sup> Everyone present agreed that only one legal remedy should be pursued at a time, and the city's attorney deferred to Eaton's team to "pick one."

<sup>192</sup> Transcript of District Court hearing, 277.

<sup>193</sup> *Ibid.*, 279.

breastfeeding at the fire station on a temporary basis while the Iowa Civil Rights Commission determined whether the city had violated Iowa law by discriminating against Eaton on account of sex.<sup>194</sup>

As Judge Chapman explained his decision to issue the injunction, it became apparent that Eaton's attorneys had been more persuasive than the city's attorney, Angela Ryan. In particular, the judge made no reference whatsoever to Ryan's claim that Eaton's petition for an injunction was a misguided attempt to claim a "new right." Instead, the judge concurred with Eaton's attorneys that she would "be substantially and irreparably injured" without the injunction, and that her breastfeeding would not "interrupt or interfere" with fire protection in Iowa City.<sup>195</sup> Chapman explained that, "taking into account the balance of convenience," Eaton had much more to lose than the city by maintaining the status quo for now:

If she cannot continue as a fire fighter, somewhere down the line a few months from now we find that she has a constitutional or statutory protection for this right, it would be a hollow victory for her during all that period of time when she was removed from a very unique type of employment in which she now finds herself.<sup>196</sup>

Although Ryan had argued that the status quo meant maintaining the fire chief's authority to enforce the unwritten policy against regular visitors, Judge Chapman agreed with Eaton's attorneys that this was the very policy that could do Eaton irreparable harm. Chapman pointed out that the fire station had facilities that allowed Eaton to breastfeed her baby in private. Therefore, he concluded, "I don't believe that in this day or age that this [breastfeeding] is treading on the sensibility or prejudices of other people."<sup>197</sup> Judge

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<sup>194</sup> *Ibid.*, 280.

<sup>195</sup> *Ibid.*, 280-281.

<sup>196</sup> *Ibid.*, 280.

<sup>197</sup> *Ibid.*, 282.

Chapman's comments and his decision demonstrated that he was considering both 'law in action' and 'law in books.'<sup>198</sup>

As far as Eaton's attorney, Jane Eikleberry, was concerned, winning the injunction could be attributed, in no small part, to the fortunate fact that "a judge as intelligent and wise and good as Judge Chapman" had been assigned to handle the case.<sup>199</sup> "If you were from outside the community, you'd think it was some hick, small town judge deciding this," Eikleberry stated. But instead, in front of the national press, Judge Chapman made her proud of the Midwest by showing what she and Oleson knew all along: Iowa had a lot of good judges, and, in particular, "we had Judge Chapman who was just a stellar judge."<sup>200</sup>

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<sup>198</sup> Chapman additionally mentioned that he was influenced by the 24-hour work shift, another indication that he considered the social context, and social impact, to be important considerations.

<sup>199</sup> Interview with Jane Eikleberry, June 15, 2007. Going into the hearing, Eikleberry had "no idea" if they would be successful or not, although she felt they had a strong case. Angela Ryan also said, after Judge Chapman's ruling, that, because the case was so unusual, it had been hard to anticipate how the judge would rule. See KCRG-TV 9 news report, 30 Jan 1979, Tape NO. 104, SHSI.

<sup>200</sup> Interview with Jane Eikleberry, June 15, 2007.



Figure 3.4. Jane Eikleberry, Ray Perry, Linda Eaton, and Susan Hester (president of Johnson County NOW) in the Johnson County courthouse on January 30, 1979 after winning the injunction. Photo courtesy of Susan Hester.

“Right has prevailed,” declared an ecstatic Eaton to the reporters who surrounded her in the courthouse immediately after court adjourned.<sup>201</sup> Winning the injunction was a pivotal moment in the case and an important victory for Eaton. As the judge stressed, the injunction was not a legal finding that Linda Eaton had a right to nurse her baby at the fire station, but it was the best outcome Eaton could have hoped for. She could continue working as a firefighter and breastfeeding her baby for the next few weeks at the very least, and probably for several months.<sup>202</sup> And the longer Eaton nursed on the job, the

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<sup>201</sup> Jerald Heth, “Judge allows Eaton to nurse son, work during rights probe,” *Des Moines Register*, 31 January 1979, 1A.

<sup>202</sup> The first step in the Iowa Civil Rights Commission’s process was to determine whether there was “probable cause” for the complaint against the city. This would take several weeks. If they found no probable cause, the complaint would be closed. Given the involvement of the ICRC in the injunction, however, it was quite unlikely that their initial investigation would

harder it would be for the city to claim that breastfeeding was a problem. Smiling broadly and looking smart in her firefighter uniform, Eaton thanked the members of the National Organization for Women and La Leche League as well as the many women across the nation who had written letters of support.<sup>203</sup> But her deepest debt, she acknowledged, was to the two women standing at her side: her “beautiful and astute attorneys, Jane Eikleberry and Clara Oleson.”<sup>204</sup> Many Iowa City women felt a similar debt to Oleson, whose work to eradicate sex discrimination from the employment process had reshaped employment policies at the University of Iowa, the City of Iowa City, and Iowa City’s private employers.

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fail to find probable cause. The next steps, conciliation and possibly a hearing, could then take four to six months.

<sup>203</sup> KCRG-TV 9 news reel, 30 January 1979, Tape No. 104, SHSI.

<sup>204</sup> Ibid.

CHAPTER FOUR: TAKING AFFIRMATIVE ACTION: WOMEN  
FIGHT FOR EMPLOYMENT RIGHTS IN IOWA CITY

Clara Oleson's public advocacy for women's employment rights grew out of her own experiences with sex discrimination on the job at the University of Iowa. Oleson, the daughter of a Spanish immigrant who always carried his union card with him, grew up in a working-class neighborhood in Brooklyn, New York, where she attended a public grade school and a girls' Catholic high school during the post-World War II era. Oleson had one sibling, an older brother; her father tended bar and her mother worked as an operator for the telephone company. The "primary influence when I was growing up was my mother's health," Oleson recalled. Her mother, a "brittle diabetic," was often very ill.<sup>1</sup> When Oleson's father died during her sophomore year of high school, the family suffered "tremendous pressures, economic and social and emotional."<sup>2</sup> Oleson's extended family expected her to work and get married after high school. She got a job with the telephone company, but also began taking night courses at a community college. One year later, she enrolled in St. Joseph's College for Women, where she majored in English and history. "I had never felt so much intellectual excitement in my life," Oleson said of her first year in college.<sup>3</sup> During her junior year, Oleson's mother passed away.

After graduating from St. Joe's in 1964, Oleson enrolled in the American Studies program at the University of Pennsylvania, where she met and married a fellow graduate student. Oleson's husband, a native Iowan, transferred to the American Studies Department at the University of Iowa (UI) the following year, and the couple moved to Iowa City. Two years later, in 1967, Oleson, who had discontinued her studies when she

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<sup>1</sup> Transcript of interview with Clara Oleson conducted by Louise Noun, 19-20 February 1990, 1. Louise Noun Papers, Box 11, IWA.

<sup>2</sup> *Ibid.*, 2.

<sup>3</sup> *Ibid.*, 5.

moved to Iowa, took a staff position at the UI College of Pharmacy; although the pay was low, the fringe benefits seemed good. Oleson discovered, however, that her status as the wife of a student excluded her from three benefit programs—Group Life Insurance, Group Permanent Disability Insurance, and, most importantly, the Teachers Insurance and Annuity Association-College Retirement Equities Fund (TIAA-CREF), a much more generous retirement program than the Iowa Public Employees’ Retirement System (IPERS). “I thought this was unfair, . . .” Oleson later recalled. “I had a gut feeling that this was something that happened to women but not to men.”<sup>4</sup>

Federal, state, and local laws against sex discrimination in the workplace were passed during the 1960s and 1970s, but these laws did little to eliminate discriminatory employment policies and practices until working women demanded that the laws be enforced by asking their employers to change their policies, filing complaints with local, state, and federal regulatory agencies, and bringing lawsuits in state and federal courts. During the 1970s, Oleson became one of Iowa City’s most outspoken, effective, and experienced advocates for women’s employment rights. But she was hardly alone; many women in Iowa City—mostly white and middle-class—challenged the sex discrimination they experienced in the workplace.<sup>5</sup> The Iowa City women who used the law to address the specific forms of sex discrimination they experienced improved women’s working

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<sup>4</sup> Biographical information from Louise R. Noun, *More Strong-Minded Women: Iowa Feminists Tell Their Stories* (Ames: Iowa State University Press, 1992), 268-276; Lyle Muller, “Clara Oleson, ex-Easterner, mixes law and activism,” *Iowa City Press-Citizen*, 30 July 1984, 1A; and *University of Iowa Directory*, 1965-66, 1967-68, 1968-69, 1969-70. Quotation in Noun, 269.

<sup>5</sup> In the 2000 census, almost 94% of Iowa’s nearly three million inhabitants were white. In 1970, over 98% of Iowa’s 2.8 million people were white. The population of Iowa City in 1970 was approximately 46,850, of which nearly 98% was white (less than 1% African American, 463 individuals; 1.1% Other, 577 individuals). Figures from U.S. Department of Commerce/Bureau of the Census 1970 Census of the Population, PC (V2)-17 Iowa, General Population Characteristics, Advance Report, January 1971, available at: <http://www2.census.gov/prod2/decennial/documents/15872858v2ch2.pdf>

conditions and opportunities with local employers, and became active participants in developing sex discrimination law at the local, state, and national levels.

The local women's employment activism that preceded Linda Eaton's case built a strong foundation for her claim. The successes, and the failures, of women activists in Iowa City drew attention to sex discrimination in the workplace and ensured that women's employment rights was a priority for the local women's movement. This history helps explain why the women's community in Iowa City rallied to the support of a woman firefighter.

#### The TIAA-CREF Campaign, 1969–1971

In November 1969, Oleson began a single-handed effort to abolish the UI's policy of excluding student spouses—employees who were married to UI students—from participating in benefit programs that were available to all other permanent, full-time employees.<sup>6</sup> Oleson was not the first to question this policy. In 1966, an assistant professor in the department of social work, Betty Mandell, whose husband was enrolled in the UI Writer's Workshop, protested her exclusion from TIAA-CREF. When questioned about the policy, the staff benefits administrator explained that student wives were ineligible for TIAA-CREF because they were considered temporary workers. In addition, TIAA-CREF participants were obligated to participate in the group life insurance, he explained, “and we felt at the time that a majority of them [student wives]

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<sup>6</sup> The original policy excluded “student wives.” The wording was changed to “student spouses” in 1966 or 1967, most likely in response to questions raised after the passage of Title VII in 1964. In many of my sources, however, the phrase “student wives” was still often used, probably because wives comprised 95% of the student spouses on campus.

The other excluded categories were individuals who were primarily students, visiting faculty, individuals holding positions specifically defined as temporary, Fellows, Interns, and Residents. Subcommittee report, December 17, 1970, 3, Insurance Committee Records (unprocessed collection), Box 2, UI Archives.



would not appreciate this additional deduction from their check.”<sup>7</sup> The benefits administrator also stated that Mandell was wrong in asserting that the policy discriminated against women because it applied to student husbands as well as student wives.<sup>8</sup> In fact, he stated, he planned to recommend that the policy be amended by replacing the term “student wives” with “student spouses.”<sup>9</sup> Dissatisfied with this response, Mandell persuaded the secretary of the Faculty Council to ask the Funded Retirement and Insurance Committee, which oversaw the policies governing the benefits programs, to consider her complaint.<sup>10</sup> Citing Mandell’s “unusual circumstances,” including her “academic qualifications, maturity, professorial rank” and the fact that she had, at one time, been enrolled in TIAA-CREF, the committee granted an exception that allowed Mandell to participate in TIAA-CREF and the other benefit programs.<sup>11</sup>

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<sup>7</sup> Letter to Dean Willard Boyd from William G. Skea, 25 March 1966, Faculty Senate and Council Records, Series III: Committees, Box 2, University of Iowa Archives.

<sup>8</sup> Skea, the staff benefits administrator, noted that Fred Doderer, director of personnel, agreed with him that the policy did not discriminate against women. (Fred Doderer was the husband of state representative Minnette Doderer.)

<sup>9</sup> Letter to Dean Willard Boyd from William G. Skea, 25 March 1966, Faculty Senate and Council Records, Series III: Committees, Box 2, UI Archives. This change was made, although I cannot be sure exactly when.

<sup>10</sup> Letter to Prof. Louis C. Zopf from Dee W. Norton, 4 May 1966, Faculty Senate and Council Records, Series III: Committees, Box 2, UI Archives.

<sup>11</sup> Minutes of the Standing Committee on Retirement and Insurance, June 7, 1966 in Insurance Committee Records, Box 2, UI Archives; letter to Professor Betty Mandell from Louis C. Zopf, Chairman of Funded Retirement and Insurance Committee, 9 June 1966, Faculty Senate and Council Records, Series III: Committees, Box 2, UI Archives.

Another student wife, Sondra Waltz, complained about the policy in July 1966, but the Funded Retirement and Insurance Committee did not act upon her complaint: “the chair stated his feelings that this was not an official matter . . . as it had not been referred to the committee through any official actions.” Minutes of the Standing Committee on Retirement and Insurance, July 12, 1966 in Insurance Committee Records, Box 2, UI Archives.

Oleson had learned that she too could petition for an exemption, but her purpose was to attack sex discrimination as an institutional, not an individual, problem.<sup>12</sup> To that end, Oleson argued that although the policy had been changed to the gender-neutral term “spouse,” the fact that 95 percent of the student spouses employed by the university were women demonstrated that policies about student spouses were actually policies about women. And while Oleson agreed that bona fide temporary and permanent workers might be compensated differently, she objected to the university’s policy of classifying all student wives as temporary workers, especially since university employees were state workers, and the state of Iowa classified full-time employees as permanent workers and *required* them to enroll in IPERS, the state-sponsored retirement program.<sup>13</sup> The bottom line for Oleson was that the student spouse exclusion policy allowed the university to compensate women who happened to be married to UI students at a lower rate than their colleagues for doing the same work. The student spouse exclusion policy, she maintained, was a form of sex discrimination that should be eliminated.<sup>14</sup>

After failing to dislodge the policy despite a year of writing letters, making presentations, and attending meetings, Oleson issued a public call for UI student wives to

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<sup>12</sup> In 1968, Funded Retirement formalized a process through which exceptions to the student spouse exclusion policy could be granted. See Memo from Fred H. Doderer to Dean, Directors, and Department heads, August 2, 1968, Re: Change in Spouse Rule, Records of Insurance Committee, Box 2, UI Archives.

<sup>13</sup> State workers enrolled in TIAA-CREF were exempt from this requirement. Oleson also pointed out that assistant professors at the University had an average length of service of three years, and wondered why this category of employees was classified as permanent.

<sup>14</sup> Information in this paragraph from Clara Oleson’s statement to the Funded Retirement Committee, 11/23/70, Insurance Committee, Box 1, UI Archives, and Letter to the editor from Clara Oleson, “Letter: Student spouses face discrimination,” *The Daily Iowan*, 7 November 1970, 2. The data on percent of student spouses who are women included in minutes of the Human Rights Committee, Oct. 2, 1970, Human Rights Committee Records (hereafter HRC), Box 1, UI Archives. Information on number and percent of student wives conflicts, but indicates they comprised well over 10% of the UI workforce. The *Daily Iowan* reported on January 30, 1971 that 700 of the UI’s 4,000 full-time workers (17.5%) were student spouses. Director of personnel Fred Doderer reported in February 1971 that the UI had sent out 5,000 W-2 forms for full-time employees, 600 (12.5%) of which went to student spouses.

take action.<sup>15</sup> In a lengthy letter to the editor published in the university newspaper, Oleson laid out her objections to the student spouse exclusionary policy, complete with a chart showing the economic advantages of TIAA-CREF over IPERS and relevant citations from the Civil Rights Act of 1964 and the Federal Guidelines on Discrimination Because of Sex.<sup>16</sup> Oleson urged student wives to speak with UI administrators and their Staff Council representatives about the policy, and if these efforts failed, to join her in taking legal action. Several student wives got in touch with Oleson; the women organized the Student Wives Equity Action Team (SWEAT) and sought legal representation. “If the university process can not CONFER economic equality, then student wives will take the traditional course of minorities to WIN equal treatment by securing a legal judgment on our claim,” Oleson informed university policymakers in late November 1970.<sup>17</sup>

As a matter of law, Oleson’s argument—that the student spouse policy discriminated against women because 95 percent of the spouses were women—rested on a theory of discrimination that was not yet recognized by the U.S. Supreme Court.<sup>18</sup> In the wake of the passage of Title VII of the Civil Rights Act of 1964, lawyers and their

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<sup>15</sup> Letter to the editor from Clara Oleson, “Letter: Student spouses face discrimination,” *The Daily Iowan*, 7 November 1970, 2. The same day, the *Daily Iowan* featured a front page story about the policy; see Diane Allensworth, “UI Rights Committee Finds Sex Bias, Group Asks Changes in Job Benefit Program,” *Daily Iowan*, 7 November 1970, 1. Between November 1969 and November 1970, Oleson attended meetings and met with members of the UI Human Rights Committee, Funded Retirement and Insurance Committee, Staff Council, and Faculty Senate. See Letter to the editor from Clara Oleson, “Letters: For changing the system, an outline,” *Daily Iowan*, 2 February 1971.

<sup>16</sup> Letter to the editor from Clara Oleson, “Letter: Student spouses face discrimination,” *The Daily Iowan* 7 November 1970, 2. The most important advantage of TIAA-CREF over IPERS was that the employer contribution was much larger.

<sup>17</sup> To: Funded Retirement and Annuity [sic] Committee, November 23, 1970 [Clara Oleson’s prepared remarks]. Insurance Committee, Box 1, UI Archives. Emphases original.

<sup>18</sup> The precise legal strategy Oleson intended to pursue is not specified in the documents I have, but they indicate she was using federal law and intended to seek “economic restitution.” Her attorney, Joseph C. Johnston, still practices in Iowa City.

clients began to challenge superficially neutral employment policies that had a discriminatory effect, but not until 1971 did the U.S. Supreme Court recognize the “disparate impact” theory of discrimination by stating that Title VII forbids “practices that are fair in form but discriminatory in operation.”<sup>19</sup> Oleson’s complaint, while it had no direct bearing on the U.S. Supreme Court’s decision, employed the disparate impact argument prior to the ruling and in a specific local context that demonstrated the meaning, and prevalence, of *de facto* discrimination.

By the time SWEAT formed in late 1970, Oleson had won the support of a powerful institutional ally, the University of Iowa Human Rights Committee. When Oleson brought the issue of the student spouse exclusion policy to the committee in January 1970, she received a lukewarm response; since the policy affected all student spouses, committee members questioned her assertion that it discriminated against women.<sup>20</sup> Nevertheless, the committee agreed to request data from the personnel department on the number of student spouses who were women. When committee members learned that 95 percent of student spouses were women, Oleson’s claim made sense to them.<sup>21</sup> After questioning the director of personnel about the policy’s rationale, the UI Human Rights Committee passed a unanimous resolution recommending that “all student spouse exclusion clauses be removed from all wage compensation programs at

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<sup>19</sup> *Griggs v. Duke Power Co.*, 401 U.S. 424. I discussed *Griggs* in Chapter Three, pp. 12-13 and footnotes 46 and 47. Also see Robert Samuel Smith, *Race, Labor, and Civil Rights: Griggs versus Duke Power and the Struggle for Equal Employment Opportunity* (Baton Rouge: Louisiana State University, 2008). Explaining the radical significance of disparate impact, Smith writes, “Disparate impact calls for an appraisal of an entire institution and that institution’s relationship to classes of employees, not simply the unitary experiences of individual versus individual” (21).

<sup>20</sup> Minutes of Human Rights Committee, 9 January 1970, HRC, Box 3, 10-Year Report, UI Archives. Later in the year, the committee also requested data on the turnover rate of student spouses relative to other employee groups.

<sup>21</sup> Minutes of Human Rights Committee, 20 February 1970 and 2 October 1970, HRC, Box 3, 10-Year Report, UI Archives.

the University of Iowa.”<sup>22</sup> Noting that the policy “disproportionately affected women” and “served little or no discernible legitimate purpose,” the committee chair forwarded the recommendation to UI President Willard Boyd and urged him to support it.<sup>23</sup> Several days later, the committee released its recommendation to the press and sent requests for support to the UI Staff Council, Faculty Senate, and Student Senate.<sup>24</sup> Although the Human Rights Committee’s deliberative process took the better part of 1970, once it reached a decision, the committee acted forcefully.

President Boyd asked the chair of the Funded Retirement and Insurance Committee and the director of personnel to “immediately begin consideration” of the Human Rights Committee’s recommendation to abolish the student spouse exemption policy.<sup>25</sup> At Boyd’s urging, the Funded Retirement and Insurance Committee invited Marian Sheafor, the chair of the Human Rights Committee, and Clara Oleson to its next meeting, where committee members, suspicious of Oleson’s motives, asked her if she were a member of Students for a Democratic Society (SDS) or the Communist Party and grilled her about her letter-to-the-editor in the *Daily Iowan*.<sup>26</sup> After considerable

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<sup>22</sup> Minutes of the Human Rights Committee Meeting, November 4, 1970, HRC, Box 1, Minutes and Agendas, 1963-1971, UI Archives. The director of personnel, Fred Doderer, attended the November meeting to explain the policy.

<sup>23</sup> To President Willard Boyd from Marian Sheafor, Chairman, Human Rights Committee, 5 November 1970, HRC, Box 1, Minutes and Agendas, 1963-1971, UI Archives.

<sup>24</sup> Minutes of the Human Rights Committee, 4 November 1970, 2, HRC, Box 1, Minutes & Agendas, 1963-1971, UI Archives. The staff council eventually decided to support the resolution; the faculty council wanted to wait on the recommendation of the Funded Retirement and Insurance Committee, and the student senate never responded. See memos from staff and faculty councils in Faculty Senate and Council Records, Series III: Committees, Box 4, UI Archives.

<sup>25</sup> Letter to Marian Sheafor from President Boyd, 9 November 1970, HRC, Box 5 Correspondence, UI Archives.

<sup>26</sup> Transcript of Oleson’s oral history, Feb. 1990, 16, Louise Noun Papers, Box 11, IWA. The committee also asked Oleson what department her husband was in, but Oleson refused to answer. Also see letter written after the meeting to Louis Zopf from Clara Oleson, 3 December 1970, Insurance Committee Records, Box 1, UI Archives. Sheafor discusses her participation in

discussion, the chair referred the proposal to a subcommittee for further study.<sup>27</sup> The Human Rights Committee, perhaps concerned that its recommendation might stall in the subcommittee, discussed the “urgency of this matter” at their next meeting and asked Sheafor to contact President Boyd again.<sup>28</sup> Two weeks later, after “considerable interaction amongst committee members,” the Funded Retirement and Insurance Committee approved a recommendation to eliminate the student spouse exclusion policy and sent it to President Boyd.<sup>29</sup> In late January 1971, to the delight of the women of SWEAT, President Boyd announced that effective February 1, 1971, student spouses were no longer barred from participating in any benefit program that was available to full-time employees.<sup>30</sup> By mid-February, the director of personnel reported to the Funded Retirement and Insurance Committee that 300 of the 600 student wives working at the UI had signed up for TIAA-CREF.<sup>31</sup>

Oleson was not yet ready to proclaim victory, however. In her view, an equally important issue remained to be decided: how the university would generate the funds

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the meeting in UI Human Rights Committee Meeting, 2 December 1970, UIHRC, Box 3, 10-Year Report, UI Archives.

<sup>27</sup> Minutes of the Funded Retirement and Insurance Committee, November 23, 1970, Insurance Committee Records, Box 2, UI Archives.

<sup>28</sup> Minutes of the Human Rights Committee Meeting, 2 December 1970, HRC, Box 3, 10-Year Report, UI Archives.

<sup>29</sup> Minutes of the Standing Committee on Retirement and Insurance, December 17, 1970, Insurance Committee, Box 2, UI Archives. Letter to President Boyd from Louis C. Zopf, December 29, 1970, Faculty Senate and Council Records, Series III: Committees, Box 4, UI Archives.

<sup>30</sup> Letter to Dean Zopf, chair of Funded Retirement and Insurance Committee from President Boyd, January 25, 1971, Insurance Committee, Box 2, UI Archives. Also see “UI Retirement ‘Equalized’: SWEAT Drive Ends with Equity For All Employees” *Daily Iowan*, 30 January 1971, 1 and Minutes of Human Rights Committee, 2 February 1971, HRC, Box 1, Minutes and Agenda, 1963-1971, UI Archives.

<sup>31</sup> Handwritten notes “Ret & Ins, Feb. 15, 1971 at 3:30PM,” Insurance Committee, Box 1, UI Archives. Also notes that “only 19 have deliberately chosen IPERS.”

needed to pay for the new benefit, which, she had been told, could cost as much as \$400,000.<sup>32</sup> “The literal abolition of the clause is insufficient if other rules are instituted which would deny student wives participation,” she had warned.<sup>33</sup> In particular, Oleson opposed raising the minimum salary base for participation in TIAA-CREF, which would hold down the cost by excluding women in disproportionate numbers because women held the lowest-paying jobs. Oleson suggested that the cost might be shared “equitably” by “all members of the University community” through instituting a one-year waiting period before enrollment, which would apply to all UI employees.<sup>34</sup> But when President Boyd accepted the recommendation to eliminate the student spouse exemption, he urged the Funded Retirement and Insurance Committee to “determine an appropriate waiting period and salary base” for participation in TIAA-CREF (and other benefit programs) because “the extremely difficult budgetary situation in which we find ourselves requires us to review every aspect of University expenditures including salaries and fringe benefits.”<sup>35</sup>

The committee decided that it did not wish to impose a waiting period, but the proposal to raise the salary base produced a vigorous debate among the Funded Retirement and Insurance Committee members. After three meetings, the committee voted in February 1971 to recommend that the minimum salary requirement for

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<sup>32</sup> Clara Oleson in Letter to the editor, *Daily Iowan*, 11/7/70; she also states figure of \$375,000 in oral history interview with Louise Noun.

<sup>33</sup> To: Funded Retirement and Annuity [sic] Committee, November 23, 1970 [Clara Oleson’s prepared remarks], Insurance Committee, Box 1, UI Archives.

<sup>34</sup> Clara Oleson in Letter to the editor, *Daily Iowan*, 11/7/70. She expressed a similar sentiment in her statement before the Funded Retirement Committee, see To: Funded Retirement and Annuity [sic] Committee, November 23, 1970 [Clara Oleson’s prepared remarks], Insurance Committee, Box 1, UI Archives.

<sup>35</sup> See letter to Dean Zopf from President Boyd, 25 January 1971, Insurance Committee, Box 2, UI Archives.

participation in TIAA-CREF be raised from \$4800 to \$6600.<sup>36</sup> When the recommendation was made public, Oleson appeared before the Human Rights Committee to denounce this new requirement as another form of *de facto* discrimination against women, who were clustered at the low end of the pay scale.<sup>37</sup> Oleson's claim prompted the committee to request a salary breakdown of all UI employees by sex.<sup>38</sup> When Oleson spoke against the proposal at the Board of Regents meeting in June 1971, she was told that the new salary base would not discriminate against women because "the eligibility requirements [would be] the same for members of both sexes."<sup>39</sup> The regents then voted to raise the minimum salary for participation in TIAA-CREF to \$7800—\$1200 more than the Funded Retirement Committee had recommended.<sup>40</sup> The only consolation was a grandfather clause allowing current employees to enroll at the former salary level.<sup>41</sup>

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<sup>36</sup> Minutes of the Standing Committee on Retirement and Insurance January 28, 1971 meeting recessed to February 15, 1971 and recessed again to February 24, 1971, Insurance Committee Records, Box 1, UI Archives. Also made provisions for regular review of the salary base in the future and a formula to be used in re-setting the base. The committee may have chosen \$6600 because that was the requirement at Iowa State University at the time.

<sup>37</sup> Oleson gave this message at the April 6, 1971 meeting. See Summary of UI Human Rights Committee Activities, HRC, Box 3, 10-Year Report, UI Archives.

<sup>38</sup> The committee was told it could have the information by November. A letter from Marian Sheafor to Cecilia Foxley (new director of affirmative action) in February 1972 shows that nothing had been done. "We are especially interested in the percentage of women in the 'less than \$7800' and '\$7800 and more' categories," Sheafor wrote. See HRC, Box 5, UI Archives.

<sup>39</sup> "Retirement Eligibility is Altered," *Iowa City Press-Citizen*, 25 June 1971, 4A.

<sup>40</sup> This figure was probably chosen because \$7800 was the IPERS and Social Security base at the time; some Retirement and Insurance Committee members had advocated this figure as well, so the \$6600 (the base at Iowa State University) was a compromise within the committee. Memo to Members of Retirement and Insurance Committee from Subcommittee Re: Proposed Changes for TIAA-CRED, Group Life, and disability Insurance Program Participation, Dated December 14, 1970, Insurance Committee, Box 2, UI Archives.

<sup>41</sup> Memo to deans, directors and department heads from Fred H. Doderer, July 1, 1971 in Papers of Willard Boyd, Box 65, Folder 74, UI Archives.



The TIAA-CREF fight established Oleson as an effective leader and a fearless advocate for working women on campus, and it also signaled the entry of the UI Human Rights Committee into the fight against sex discrimination. Until 1970, the Human Rights Committee, which was organized in 1963, had focused almost exclusively on racial discrimination.<sup>42</sup> Beginning in the fall of 1970, Marian Sheafor, a professor in the School of Nursing, became the first woman to chair the committee. Shortly thereafter, the Human Rights Committee began to take more proactive steps to address sex discrimination on campus. Under Sheafor's leadership, the committee amended its charter in July 1971 by adding "sex" to the forms of discrimination that it was authorized to investigate and invited women across campus to bring their concerns to the committee's attention.<sup>43</sup> Oleson thus found a sympathetic forum within the university,

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<sup>42</sup> Although committee priorities for 1968-69 and 1969-70 included distributing a questionnaire on sex discrimination, this project was not undertaken and sex discrimination remained at the periphery of the committee's work during the 1960s. A study of women's salaries referred to as the "Parsons study" was conducted circa 1967. I believe the author was Mabel Parsons, assistant professor of home economics. Parsons wrote a letter to the Faculty Council in 1965 to express concern that the salaries of women professors were low compared to those of men; the Council agreed to study the matter, but I see no evidence that they did. Faculty Senate and Council records, Series I: Administrative, Box 6, Minutes, 1965, UI Archives. (Perhaps the principle that no good deed goes unpunished applied here, and Parsons herself took on the job.) The minutes of the March 2, 1971 meeting of the Human Rights Committee reference the Parsons study and state that committee members "felt the data was not comprehensive or accurate enough upon which to act." I have not located any copies of the report.

Nor do there appear to have been any other UI initiatives on women's issues in the 1960s. In response to an inquiry from a sociologist in California, an assistant to President Boyd noted in August 1970 that he was not aware of any reports on the status of women at the University of Iowa. To Dr. Feldman from Robert E. Engel, August 27, 1970, Faculty Senate & Council Records, Series III: Committees, Box 3, HR Committee, 1970, UI Archives.

<sup>43</sup> Report on Human Rights Committee Activities, July 20, 1972 reports on charter revision, HRC, Box 3, 10-Year Report, UI Archives. Invitations to women in Minutes of February 1971, memo from Sheafor to women across campus dated March 30, 1971 in HRC, Box 5, Correspondence, UI Archives. Over 20 women addressed the Committee between 1970 and 1972 according to the 10-Year report.

and she harnessed its resources to bring institutional focus and support to the issue of employment rights for women.<sup>44</sup>

The committee's power may have been enhanced by its close relationship with UI President Willard Boyd, who, as a law professor in the early 1960s, played a key role in organizing the UI Human Rights Committee and served as its first chair. In late 1970, for example, after the director of the UI Main Library failed to respond to the Human Rights Committee's letter regarding a policy prohibiting the wives of tenured faculty from being hired as librarians, President Boyd, at Sheafor's request, intervened to ensure that the policy was abolished.<sup>45</sup> To be sure, the Human Rights Committee did not embrace all of Oleson's proposals, but it did promote—often successfully—key principles and specific policy changes that she suggested.<sup>46</sup> Oleson's alliance with Sheafor and the Human Rights Committee was especially valuable since, as the TIAA-CREF campaign had shown, in the fight against sex discrimination, victory was partial, the target was moving, and the fight was just beginning.

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<sup>44</sup> Many other groups on campus were working on women's issues at this time, but they did not necessarily focus on employment issues. See Linda J. Yanney, "The Practical Revolution" for some. Others include PE and women's athletics, The Women's Center, other student and faculty groups like New University Conference, Association of University Women, and women's studies.

<sup>45</sup> Minutes of Human Rights Committee, April 10, 1970 and December 2, 1970, HRC, Box 3, 10-Year Report, UI Archives. This story is well-known among Iowa City librarians who worked during the 1960s and 1970s. Interview with Lolly Eggers and Carol Spaziani, 16 July 2008, Iowa City, Iowa.

<sup>46</sup> The committee sometimes modified Oleson's proposals or chose to support only certain portions of them. On the student spouse exemption policy, for example, Oleson proposed that the cost of expanding the benefit to student spouses be shared equally across the University community, but the Human Rights Committee's recommendation did not include a clause related to how the new benefit should be financed.

Pursuing an Expansive Agenda for Women's Employment

Rights at the University, 1971–1973

Throughout 1971 and 1972, Oleson and the women of SWEAT conducted a broad and persistent effort to eliminate sex discrimination from the UI's employment policies and procedures. In the fall of 1971, and continuing for four consecutive semesters, SWEAT members offered a course through the UI Action Studies Program titled "Discrimination Against Women Within the University Community."<sup>47</sup> Although a couple of women professors attended from time to time, the class was composed mainly of staff members, setting it apart from other women's groups on campus that tended to focus on the needs of women students or faculty.<sup>48</sup>

With their own institutional space from which to challenge discriminatory practices at the university, the members of SWEAT took on a host of issues, which they wrote about in "Women's Watch," a regular column published in the *Daily Iowan*. They worked closely with the newly formed UI Employees' Association, of which Barbara Bordwell, a SWEAT member and one of the coordinators of the Action Studies class, was also the president. One of the class's first projects was to take a survey of the working women on campus.<sup>49</sup> The survey itself, Oleson later stated, "was very biased.

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<sup>47</sup> Action Studies began in 1968, part of a national "free university" movement that sought to expand the mission of institutions of higher learning by offering non-traditional courses. At the UI, individuals who received permission offered non-credit courses; many courses in women's studies and African American studies at the UI had their origins in Action Studies, which was a center of feminist activism throughout the 1970s. Action Studies was closed in the 1980s. The coordinators of "Discrimination Against Women Within the University" included Barbara Bordwell, Vita Brock, Judy Gibson, Clara Oleson, Kay Talcott, and Mary Weidler.

<sup>48</sup> Student groups included the women's caucus of New University and the Women's Liberation Front; faculty had the Association of University Women and activists within the Physical Education faculty working on women's sports. The Women's Resource & Action Center (WRAC), earlier known simply as the Women's Center, had perhaps the biggest umbrella since faculty, staff, and students found their way to WRAC.

<sup>49</sup> "Discrimination Quiz To UI Women Employees," *Iowa City Press-Citizen*, 4 November 1971, 7A.

We asked questions such as, ‘How long have you been underpaid at your present job?’”<sup>50</sup> The fun the women may have had writing the questionnaire did not obscure the seriousness of their purpose, however; the women gathered information, researched university policies, educated themselves about the laws prohibiting sex discrimination on the job, and made specific proposals to eliminate sex discrimination from the UI’s employment practices.<sup>51</sup>

In the fall of 1971, Oleson suggested several modifications to a proposed maternity-leave policy. In a letter sent to Sheafor and the UI Human Rights Committee, Oleson asserted that the “completely inadequate” proposed policy violated federal guidelines forbidding sex discrimination, which the university, as a recipient of federal contracts, was bound to follow.<sup>52</sup> First, Oleson charged, the policy discriminated against men because it had no provisions for paternity leave. And second, in contrast to the military-leave policy, the new maternity-leave policy failed to provide paid time off or to guarantee job retention. “Given the sexual breakdowns of individuals applying for each of these [leaves], . . . it is clear that women will bear the burden of severe economic hardship,” she wrote.<sup>53</sup>

The UI’s proposed maternity-leave policy did not differ significantly from those of most U.S. employers at the time. Until the early 1970s, many pregnant women faced dismissal, while the more fortunate endured mandatory unpaid leave, the loss of benefits and seniority, and reemployment in a lower level job. Maternity policies that benefit

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<sup>50</sup> Noun, *More Strong-Minded Women*, 270.

<sup>51</sup> For more on SWEAT and the Action Studies class, see Linda Yanney, “The Practical Revolution,” 72-77.

<sup>52</sup> To Dr. Foxley from Clara Oleson, cc: Marian Sheafor, October 26, 1971, HRC, Box 5, UI Archives. Oleson charged the UI with violating Executive Order 11246, as amended. More details on this Executive Order and how it was used to fight sex discrimination in higher education appear later in this section.

<sup>53</sup> *Ibid.*

women and children have traditionally been a hard sell in the United States, where local, state, and federal policymakers have argued that mothers should not be encouraged to remain in the workforce, that men should support their wives and children, that pregnancy is a personal responsibility, and that government should stay out of family life.<sup>54</sup> The 1963 report of the President's Council on the Status of Women suggested that the federal government might play a role in shaping policies to protect the jobs of pregnant women, but pregnancy and maternity were not mentioned specifically in Title VII of the Civil Rights Act of 1964, which prohibited sex discrimination by employers.<sup>55</sup> In the late 1960s and early 1970s, therefore, as U.S. women strove to claim the maternity protections enjoyed by working women in many other industrialized nations, they had few resources at their disposal.<sup>56</sup> The most promising legal strategy was the one Oleson was pursuing: to analogize maternity benefits to the long-accepted benefits received by male workers who had reason to be absent from the workplace for an extended period of time.<sup>57</sup>

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<sup>54</sup> See Alice Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20<sup>th</sup>-Century America* (Oxford and New York: Oxford University Press, 2001), esp pp 33-34, 209-11, and 221-22; Sheila B. Kamerman, Alfred J. Kahm, and Paul Kingston, *Maternity Policies and Working Women* (New York: Columbia University Press, 1983); and Erin Kelly and Frank Dobbin, "Civil Rights law at Work: Sex Discrimination and the Rise of Maternity Leave Policies," *American Journal of Sociology* 105, No. 2 (September 1999): 455-92.

<sup>55</sup> PCSW recommended paid maternity leave and up to six months leave (not paid) without loss of seniority or reemployment.

<sup>56</sup> For benefits in other countries circa the 1970s and early 1980s, see Kamerman et al, *Maternity Policies and Working Women*.

<sup>57</sup> In 1972, the EEOC issued new guidelines stating that discrimination related to pregnancy was a form of sex discrimination, but they were of limited use because the U.S. Supreme Court did not uphold them. The guidelines defined pregnancy, for employment purposes, as a temporary disability and stated that employers could not exclude pregnancy from any benefits that they voluntarily offered to temporarily disabled employees. In response to the U.S. Supreme Court's refusal to uphold these guidelines, Congress passed the Pregnancy Discrimination Act in 1978, which codified them.

After Oleson appeared before the UI Human Rights Committee to discuss her recommendations for the maternity-leave policy, the committee adopted a statement affirming that maternity leave should include some amount of paid time off and that a woman on maternity leave should “maintain her position as a University employee including all rights and benefits thereto.”<sup>58</sup> The committee sent this recommendation to the Staff Council, and the two bodies later met with the Board of Regents’ Merit System coordinator, who agreed to push for the more “liberal” policy.<sup>59</sup> President Boyd and the presidents of the other two regent universities took these suggestions under advisement and wrote a new maternity-leave policy, which the Board of Regents approved. The new policy included provisions for using up to twenty days of paid sick leave (if the woman had accumulated twenty sick days; otherwise, unpaid), up to five months of unpaid leave, and a return to her position or a position in the same class “if [she were] qualified” following the leave.<sup>60</sup> While the policy was a distinct improvement over the original proposal and more generous than most maternity-leave policies at the time, its minimalist

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<sup>58</sup> Minutes of Human Rights Committee, November 1, 1971, HRC, Box 3, 10-Year Report, UI Archives. The Committee did not act on Oleson’s other proposals—that a woman receive five months paid leave and a father two months—stating that child care should be handled in a separate policy.

<sup>59</sup> To Michael Liesch from Marian Sheafor, 4 November 1971, HRC, Box 5, Correspondence, UI Archives; Minutes of Human Rights Committee, December 13, 1971, HRC, Box 3, 10-Year Report, UI Archives. The committee took pains to state that the paid leave be given only when “the expectant mother is physically unable to perform her duties . . . or for medical reasons related to the pregnancy.” For this reason, the committee noted specifically that the paid time off was “sick leave,” not “maternity leave.”

<sup>60</sup> Maternity Leave Policy Currently Under Consideration by Iowa Legislature (approved by the Board of Regents December 1971 and the State Merit Employment Commission January 13, 1972). Appendix F-1 of Annual Report of Affirmative Action Efforts, President Boyd Papers, Box 75, Folder 10C Board Letters, 1972-73, UI Archives. In May 1972, after Congress amended Title VII by making it applicable to state employees and the EEOC issued new guidelines that defined discrimination based on pregnancy as a form of sex discrimination (see information in footnote 57), the executive secretary of the Iowa Board of Regents requested an opinion from Iowa’s attorney general about whether the new guidelines applied to the employees of the state universities. Assistant Attorney General Roxanne Conlin replied that they did and the Regents revised the maternity leave policy soon after. To R. Wayne Richey from Roxanne Barton Conlin 4 May 1972, Conlin Papers, Box 94, Legal Rights, IWA.

provisions indicated that for employers in general and the UI in particular, maternity leave was viewed mainly as an inconvenient expense.<sup>61</sup>

In the spring of 1972, the women of SWEAT who coordinated the Action Studies course focused their efforts on reforming hiring procedures that put women at a disadvantage. The group proposed revisions to the job application forms used by the UI, including the elimination of questions related to marital status, ages of children, and pregnancy prediction.<sup>62</sup> After the Human Rights Committee notified the affirmative action director, the director of personnel, the provost, and President Boyd of their “favorable reaction” to the proposal, much of it was adopted in the new application form distributed in April 1972, with instructions that “additional information may not be requested of an applicant.”<sup>63</sup> SWEAT members also wrote a letter to the editor of the *Daily Iowan*, expressing their approval of new policies—which they and the Human Rights Committee had advocated—requiring job openings to be advertised more broadly in an effort to prevent in-house hirings that often excluded women and minority male candidates.<sup>64</sup> The personnel office established a telephone service to provide information on UI job openings and began publishing a weekly update of job openings in the staff and faculty newsletters. In addition, President Boyd reported that beginning in

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<sup>61</sup> The policy applied only to permanent employees; it could not be extended, even as unpaid time and if requested in writing by a woman’s doctor unless “working conditions permit;” and reemployment was subject to lay-off procedures “as provided elsewhere in these rules.”

<sup>62</sup> Minutes of Human Rights Committee, March 6, 1972, HRC, Box 3, Ten-Year Report, UI Archives.

<sup>63</sup> Minutes of Human Rights Committee, April 3, 1972, HRC, Box 3, Ten-Year Report, UI Archives; To deans, department and unit heads from the Office of the Provost, April 11, 1972 Re: New Procedure for Use of a Single University of Iowa Application for Employment Form for B, C, and D Positions,” Boyd Papers, Box 75, Folder 10C, UI Archives. Emphasis original.

<sup>64</sup> Letter to the editor from Vida Brack, Judy Gibson, Sheila Hogan, Clara Oleson, Cathy Talcott, Mary Weidler, and Barbara Bordwell in *Daily Iowan* 19 April 1972; Report on Human Rights Committee Activities, University of Iowa, July 20, 1972, Ten-Years Report (p31), HRC, Box 3, UI Archives; Minutes of Human Rights Committee meeting, January 3, 1972, HRC, Box 3, Ten-Year’s Report, UI Archives; Yanney, 76.

March 1972 “for the first time, all available non-faculty positions were required to be registered with the Personnel Service for a period of 14 calendar days prior to their being filled.”<sup>65</sup> Action Studies class members continued to press the university to recruit more women and minority faculty.<sup>66</sup>

The Action Studies class brought a sex discrimination complaint to the Human Rights Committee on behalf of a woman who had applied for a position as a nurse’s aide at the UI Hospital. In addition, class members wrote a memo about the problems the woman experienced and sent it to several administrators, including President Boyd, the provost, the director of personnel, and the regents’ merit system coordinator. The women challenged the procedures for establishing and rating the training, education, and experience required for the position, and also suggested that race, sex, age, and class-bias were influencing the treatment applicants received at the personnel office.<sup>67</sup> Because the UI Human Rights Committee had received other complaints about the personnel office, the committee conducted a thorough investigation of the procedures used by the

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<sup>65</sup> Annual report of Affirmative Action Efforts University of Iowa, 1971-72, 5, Boyd Papers, Box 88, Folder 79, UI Archives.

<sup>66</sup> See exchange of letters between Clara Oleson and Mary Jo Small dated 8, 18, and 19 September 1972 in Boyd Papers, Boxes 87 and 88, Folder 79, UI Archives. Also see proposal by Oleson to Human Rights Committee in HRC, Box 5 Correspondence, November 2, 1971 recommending that any hirings occurring during the current “budget freeze” should be required to provide documentation of their affirmative action hiring efforts.

<sup>67</sup> Minutes of Human Rights Committee, March 6, 1972; Memo to Action Studies Class From Donald R. Volm, March 14, 1972; Memorandum To: B. Bordwell, V. Brack, J. Gibson, S. Morgan, C. Oleson, C. Talcott, M. Weidler from Fred Doderer, March 16, 1972 Re: Your Memorandum Dated March 6, 1972, HRC, Box 3, Ten-Year Report, UI Archives.

I do not have a copy of the written complaint, only the responses to it, so can only offer a limited description of the charges it included. In his response, Donald Volm questioned the motives of SWEAT for describing applicants as “free, white, and 21” or “attired in traditional, middle class, job seeking attire.” Both Volm and Doderer took strong exception to accusations that “an honest hiring system no longer exists at the U of I” and that a “viable promotion system for employees is non-existent.”



personnel department to test, interview, and refer applicants for employment.<sup>68</sup> They held at least two closed meetings with members of the personnel department.<sup>69</sup>

Although the committee concluded that it would be “difficult to evaluate whether sex discrimination as such occurred,” Sheafor prepared a three-page single-spaced memo for President Boyd, consisting of ten recommendations to bring greater “consistency and control” to the hiring process and ensure that applicants viewed it as “fair and systematic.”<sup>70</sup> As Marion Sheafor’s term as chair of the UI Human Rights Committee came to a close in the summer of 1972, the women who coordinated the Action Studies course on sex discrimination at the UI demonstrated their esteem for her commitment to women’s employment rights by joining with others on campus to suggest that a scholarship or certificate of recognition be established in her honor.<sup>71</sup>

In the summer of 1972, the U.S. Department of Health, Education, and Welfare (HEW) notified the University of Iowa that its Office of Civil Rights in Kansas City, Missouri, would be conducting an on-campus review of the university’s compliance with federal civil rights guidelines.<sup>72</sup> The letter was not a surprise; university officials had

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<sup>68</sup> Minutes of Human Rights Committee, March 6, 1972. Oleson also criticized the University’s referral procedures at the April 1971 Human Rights Committee meeting, saying that “it was a well known fact that women were referred to Mary McManys for the lower paying positions while men were referred to Mr. Piro for the higher paying positions.” See Minutes of the Human Rights Committee, April 6, 1971, HRC, Box 1, UI Archives.

<sup>69</sup> Minutes of March 21, 1972, Closed meeting; Minutes of April 25, 1972, closed meeting, HRC, Box 3, Ten-Year Report, UI Archives. Fred Doderer, director of personnel, attended the April 25, 1972 meeting.

<sup>70</sup> To President Willard Boyd from Marian Sheafor, May 17, 1972, HRC, Box 5, UI Archives.

<sup>71</sup> The Committee agreed with the assessment of Sheafor’s contribution, but declined to initiate an annual award. See Memo to Mary Lou Peak, Mary B. Weidler, Clara Oleson, Mary Jo Small, Micahel R. Liesch, Dorothea Dilkes, Cecilia Foxley from Patti Gillespie Re: Proposal of May, 1972, HRC, Box 3, 10-Year Report, 214, UI Archives.

<sup>72</sup> Letter to Jackson Thomas from Willard Boyd, July 5, 1972 in Boyd Papers, Box 91, Folder 105B, UI Archives.

been aware for at least a year that Clara Oleson had filed a complaint with HEW, charging the UI with engaging in discriminatory employment practices.<sup>73</sup> Oleson's complaint cited ten specific ways in which the UI's employment practices discriminated against women, and requested back pay "for all women who have suffered the economic effects of any UI discriminatory policy."<sup>74</sup>

UI officials had begun preparing for an HEW investigation of its affirmative action program even before Oleson filed her complaint. Professional academic women, excluded from Title VII's provisions until 1972, had unveiled an innovative legal strategy for seeking relief from sex discrimination in January 1970 when the Women's Equality Action League (WEAL) launched a national campaign against sex discrimination in higher education by filing a class action complaint charging colleges and universities with violating Executive Order 11375 (Executive Order 11246, as amended), which prohibits sex discrimination by the recipients of federal contracts.<sup>75</sup> Within a year, over seventy-five additional complaints had been filed against specific institutions, and as HEW began to investigate those complaints, universities and colleges took notice.

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<sup>73</sup> The minutes of the April 1971 meeting of HR Committee report that Oleson told the Committee she had "written HEW to investigate the University." See HRC, Box 1, UI Archives. The July minutes mention that Oleson was taking a poll to send to HEW. The *Daily Iowan* and *Press-Citizen* reported in August 1971 that Oleson had filed the complaint.

The letter also was not surprising because HEW officials made "routine" compliance visits to the recipients of federal contracts. From the documents I have reviewed, however, this visit appears to have been either a separate investigation prompted specifically by Oleson's complaint or a routine visit that focused on Oleson's complaint. In either case, investigating her complaint was the main purpose of the visit. See "HEW Probe of U of I Sex Bias," *Des Moines Register*, 2 December 1971, 24; and "HEW investigates discrimination charges against UI," *The Daily Iowan*, 24 July 1972, 2.

<sup>74</sup> "Sex Bias Charge Filed Against UI," *Iowa City Press-Citizen*, 3 August 1971, 2A; Steve Klaus, "Sex Discrimination Charged," *Daily Iowan*, 3 August 1971, 1A.

<sup>75</sup> See Bernice Sandler, "A Little Help from Our Government: WEAL and Contract Compliance," in *Academic Women on the Move*, eds. Alice S. Rossi and Ann Calderwood (New York: Russell Sage Foundation, 1973): 439-462. In 1965, President Lyndon Johnson issued Executive Order 11246, which prohibited discrimination by federal contractors on the basis of race, color, religion, or national origin; under pressure from women's groups, Johnson amended it in 1968 to add "sex."

HEW officials did not investigate every complaint the department received, but UI officials intended to be prepared. In January 1971, an administrator in the UI graduate college sent information to all deans and departmental executives about the number of women in its PhD programs “as an aid in reviewing our programs and personnel with respect to division by sex and possible forthcoming investigations by HEW of questions of discrimination against women.”<sup>76</sup> Six months later, the Office of the Provost sent another memo. “Of more immediate concern has been the withholding of federal funds in many Big Ten Schools found in alleged violations of portions of federal law,” he wrote to the deans. “The release of these monies has been made contingent upon not only the answering of complaints, but also the submission of immediate and long-range ‘affirmative action plans’ for the correction of ‘de facto’ discrimination.” The provost attached information on Executive Order 11375, guidelines for its implementation, and excerpts from the affirmative action plan HEW approved for the University of Michigan to “help you analyze your present situation as well as stimulate thought and action in those areas where you perceive some need.”<sup>77</sup>

Although student unrest on campus demanded a good deal of attention from UI administrators in the early 1970s, the threat of losing federal funds (while the budget was already severely constrained) and the persistent prodding of women on campus spurred administrators to make the creation of an affirmative action program a top university priority. In September 1971, the UI hired its first affirmative action officer, Dr. Cecelia Foxley, to bring institutional focus to the task of preparing and implementing a

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<sup>76</sup> To departmental executives, deans and administrators concerned, From: Alvin H. Scaff, Graduate College, Date: January 4, 1971, Boyd Papers, Box 75, Folder 10C, UI Archives. He pointed out that Michigan had been reviewed and stated that the UI “must anticipate a similar review by HEW.”

<sup>77</sup> Memorandum to Collegiate Deans from Arthur L. Gillis, Provost’s Office, Re: Affirmative Action, June 9, 1971, Boyd Papers, Box 75, Folder 10C, UI Archives.

comprehensive Affirmative Action Program.<sup>78</sup> Under her direction, a flurry of activity ensued, with particular attention to the status of women. A faculty salary study conducted in the fall revealed that UI faculty women occupied the “lower professional ranks” and received “lower average salaries than their male counterparts.”<sup>79</sup> This was followed in the spring of 1972 with a “matched-pair” salary review, designed to compare the salaries of men and women faculty members who had comparable academic qualifications and achievements. When the results of 178 pairs were reviewed, the university raised the annual salaries of 114 faculty women an average of \$900.<sup>80</sup> The university also took steps to address the needs of part-time faculty, most of whom were women. The recommendations of the Ad Hoc Committee on Part-Time Faculty were discussed among the deans and faculty committees, and in June 1972, the Office of the Provost recommended that benefits, including life, disability, and major medical insurance, be extended to part-time faculty.<sup>81</sup> At the end of the academic year 1971-72, the UI’s progress in affirmative action was recorded in two thick documents: a report detailing efforts undertaken during the year and a comprehensive Affirmative Action

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<sup>78</sup> To Professor Cecilia [sic] Foxley from Ray L. Heffner, provost, 16 July 1971, Boyd Papers, Box 66, Folder 79, Ui Archives.

<sup>79</sup> Annual Report of Affirmative Action Efforts, University of Iowa, 1971-72, Dated July 1971 [this is an error since the report covers activities up to July 1972]. Boyd Papers, Box 88, Folder 79, UI Archives. This study also highlighted the lack of women faculty: 16% of all faculty (from instructor to full professor) were women, and only 2.8% of full professors (11 out of 385) were women.

<sup>80</sup> University of Iowa Matched-Pair Faculty Review, 1971-72, Boyd Papers, Box 66, Folder 79, UI Archives. Matched pair study also discussed in Annual Report of Affirmative Action Efforts, 1971-72 (see fn 79).

<sup>81</sup> Annual report of Affirmative Action Efforts University of Iowa 1971-72 July, 1971, p. 3, Boyd Papers, Box 88, Folder 79, UI Archives. Also see memo and letter to Funded Retirement and Insurance Committee from the University of Iowa Employees Association, 13 November 1972 and 2 October 1972, in which they prod the committee to take action on the recommendations and also urge them to extend benefits to part-time staff as well as part-time faculty, Records of Insurance Committee, Box 1, UI Archives.

Program outlining UI policies and procedures.<sup>82</sup> In the introduction, President Boyd, appreciated by many women on campus for his progressive leadership in the area of women's issues, asserted, "It is not enough simply to reiterate a well-established goal that equal opportunities for minorities and women should pervade all aspects of University programs and practices. We must take affirmative action to achieve this goal."<sup>83</sup>

Still, the HEW compliance officers who spent four days on campus reviewing the UI's affirmative action program in August 1972 found much to be done. While the eighteen-page report that President Boyd received from HEW in February 1973 noted some "accomplishments worthy of mention," most of the report detailed sixteen specific areas in which the UI needed to take more action, many of which Oleson had raised in her complaint.<sup>84</sup>

The item that caused the most concern for some administrators and faculty members was first on the list: the establishment of goals and timetables for hiring minorities and women. This project was underway when the compliance officers visited, but had not yet been completed. Now, under pressure from the federal government, some faculty and administrators expressed their reservations. The dean of the College of

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<sup>82</sup> Annual report of Affirmative Action Efforts University of Iowa 1971-72, July, 1971, Boyd Papers, Box 88, Folder 79, UI Archives. The list of accomplishments includes several items that Oleson and SWEAT had pushed such as the maternity policy leave, revised job application, and posting of all available positions. "The Affirmative Action Program of the University of Iowa," July, 1972, Boyd Papers, Box 88, Folder 79, UI Archives.

<sup>83</sup> Statement of Policy and Purpose in "The AAP of UI", July 1972. Boyd hired the first woman dean, May Brodbeck, in 1976, for example. In numerous documents, activist women stated that they believed the administration (President Boyd) to be sincere in its efforts to address sex discrimination, even if some faculty and staff members were not.

<sup>84</sup> To Dr. Willard L. Boyd, President from John P. Scheldrup, Regional Representative to the Director, Office for Civil Rights, Department of Health, Education, and Welfare, February 2, 1973, Boyd Papers, Box 91, Folder 105B, UI Archives.

Liberal Arts was quoted on the front page of the *Daily Iowan* calling the HEW report “unrealistic, outrageous, and scandalous . . . a clear case of reverse discrimination.”<sup>85</sup>

The dean’s apprehensions about establishing goals and timetables for hiring women and minorities were shared by many within the university.<sup>86</sup> The arguments raised by UI faculty and administrators were, in fact, remarkably similar to those the Iowa City firefighters used in the later 1970s. The chair of the Faculty Council, for instance, noted that while the council supported “efforts to prevent future discrimination,” it did not wish to see a “quota system,” which might compromise teaching and research standards.<sup>87</sup> Some of the collegiate deans also expressed “the fear of lowering [the faculty] quality” during a discussion of the UI’s affirmative action program shortly before HEW issued its report to President Boyd.<sup>88</sup> And the first item listed in notes taken during a meeting about affirmative action between an assistant to the provost and the Board of Regents’ compliance officer noted that the “affirmative action and merit system [are] not compatible.”<sup>89</sup> Cecelia Foxley, the director of affirmative action, took pains to explain that affirmative action would not change the UI’s first

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<sup>85</sup> Lewis D’Vorkin, “Stuit blasts HEW report: Fears quotas and percentages,” *Daily Iowan*, 23 February 1973, 1A. Dewey B. Stuit was the dean of Liberal Arts from 1949 to 1977.

<sup>86</sup> Also see William G. Hladky, “UI’s affirmative action program draws criticism,” *The Daily Iowan*, 27 March 1973, 2. After President Boyd sent a memo to deans outlining goals for hiring minorities and women, additional criticism was voiced by deans and male faculty members.

<sup>87</sup> Letter to Dr. Cecelia Foxley, director of affirmative action, from Robert A. Corrigan, chairman of faculty council, 27 November 1972, Faculty Senate and Council Records, Series III: Committees, Box 3, UI Archives. With Philip Hubbard, Corrigan had co-chaired the first Afro-American studies program at the UI.

<sup>88</sup> Minutes of the Meeting of the Collegiate Deans, November 1, 1972, Boyd Papers, Box 87, Folder 79, UI Archives.

<sup>89</sup> “Tuesday Review, April 4, 1972, Meeting with Roger Maxwell, points gleaned,” Boyd Papers, Box 66, File 79, UI Archives. Roger Maxwell was the Board of Regents’ compliance officer; I surmise that he was meeting with Howard Sokol, assistant to the provost, because a handwritten note in the corner says “President Boyd from HNS.”

priority in hiring, which was, and would remain, seeking out “the most qualified persons.” She also sought to reassure faculty members that HEW was not requiring quotas, but goals, which “are merely projections of what we hope to achieve.”<sup>90</sup> To some faculty members, however, this was mere “double talk.”<sup>91</sup>

Faculty and administrators at the University of Iowa were not the only ones who questioned HEW’s remedies for discrimination; many academics across the nation believed that HEW’s goals and timetables were, in fact, quotas. One professor published an article in the *Wall St. Journal* lamenting the use of “non-academic criteria such as race and sex” in faculty appointments.<sup>92</sup> Therefore, when a general counsel for the UI learned that the president of Davidson College in North Carolina was challenging HEW’s authority by refusing to comply with its “requests” unless accompanied by a court order, he notified UI officials that “we ought to keep aware of developments.”<sup>93</sup>

Item number nine on HEW’s summary of “actions to be taken by the University” addressed an issue of particular interest to Oleson and SWEAT: the pay discrepancy between the maids and the janitors. When the Action Studies class surveyed working

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<sup>90</sup> Draft to Deans, directors and Departmental executives Subject: The Setting of Affirmative Action Hiring Goals and Timetables, March 5, 1973, Boyd Papers, Box 88, Folder 79, UI Archives. A group including the provost and affirmative action director also attended a Faculty Council meeting in late February, after which the council chair wrote to a member of the affirmative action committee: “The feeling of some of us is that too much attention is being directed to the needs of the middle class white females and not enough to the unmet needs of minorities.” To Profesor Leodis Davis from Robert Corrigan, Faculty Senate and Council Records, Series III, Committees, Box 3, UI Archives.

<sup>91</sup> Lawrence E. Gelfand, professor history, quoted in William G. Hladky, “UI’s affirmative action program draws criticism,” *The Daily Iowan*, 27 March 1973, 2.

<sup>92</sup> John H. Bunzel, “Do Colleges Practice Reverse Bias?” *Wall St. Journal*, 27 July 1972. A copy of this article in Boyd’s Papers, Box 88, Folder 79 attached to memo from Sokol to Boyd. Bunzel also argued that the debate was polarizing, and left anyone who did not support hiring goals for women and minorities open to charges of being racist and sexist.

<sup>93</sup> Memo to President Boyd, Vice Pres. Chambers, Provost Heffner from James A. Spady, Re: affirmative action; powers of HEW, 30 March 1973, Boyd Papers, Box 87, Folder 78B, UI Archives.

women at the UI, Oleson and the other class members discovered that although maids and janitors performed essentially the same custodial work, their jobs were classified separately and janitors received between \$100 and \$125 per month more than maids. When the SWEAT women read the surveys filled out by the maids, all of whom reported that they did not have high school educations, Oleson recalled that “it was like reading the stories of our mothers and our grandmothers and I immediately put it within that context . . . [I]t just made me angry. . . . I couldn’t do anything for my mother, she was exploited by the goddamn phone company from the time she was 12 years old and here it was, the system just perpetuating itself.”<sup>94</sup>

Oleson and SWEAT launched an aggressive effort to secure economic justice for the maids by forcing the university to compensate them at the same rate it compensated the janitors. After the HEW complaint was filed, the members of the Action Studies class conducted a thorough investigation into the work and pay of the maids and janitors, and Oleson wrote a 172-page complaint that was filed with the U.S. Department of Labor, the Equal Employment Opportunity Commission, and the Iowa Civil Rights Commission.<sup>95</sup> When HEW urged the university to complete its study of the “pay inequities between maids and janitors,” President Boyd protested that there were “overlapping” complaints on this issue pending with numerous state and federal agencies, and that “some delineation must occur if order and progress are to result.”<sup>96</sup> In fact, “some delineation” was at hand. Officials at the Department of Labor reviewed the

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<sup>94</sup> Transcript of interview with Clara Oleson conducted by Louise Noun, 19-20 February, 1990, Iowa City, 26, Louise Noun Papers, Box 11, IWA.

<sup>95</sup> Knowing that the maids’ jobs might be in jeopardy if they filed the complaint themselves, Oleson enlisted the assistance of AFSMCE union organizers. See Noun, Yanney, and transcript in Noun Papers, 27. The University of Iowa Employees Association (UIEA) filed the complaint. See “Maids at UI To Receive \$350,000 in BackPay,” *Iowa City Press-Citizen*, 16 May 1973, 3A.

<sup>96</sup> To Jackson L. Thomas, Regional Branch Chief, Contract Compliance from President Willard Boyd, March 29, 1973, Collegiate Dean Minutes, Box 3, UI Archives.



complaint and advised the university that since it appeared to be in violation of the Equal Pay Act of 1963, it should settle with the maids.<sup>97</sup> In April 1973, the vice president for administration announced that the maids at the university would “henceforth be paid on the same scale as male custodians,” and that every UI maid (over 100 in all) would receive two years’ back pay. “Since it was found that there was considerable overlap in the duties performed by maids and custodians at the university, and since one group was entirely female and the other almost entirely male, . . . our practice needed modification to meet the requirement of the Equal Pay Act,” he stated.<sup>98</sup> The Iowa Commission on the Status of Women reported that the \$350,000 settlement was possibly the largest sex discrimination settlement in Iowa history.<sup>99</sup>

The personnel department was the scene of great joy the day each maid received her check of approximately \$1500. “One woman waved her check above her head and shouted, ‘I’m going to buy myself a mink stole and when I empty the wastebaskets and clean the toilet bowls I’ll wear it.’ I don’t know if she ever did it,” Oleson recalled, “but I loved that rebellion against the academic caste system.”<sup>100</sup> The day’s events also had another meaning for Oleson:

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<sup>97</sup> Transcript of interview with Clara Oleson conducted by Louise Noun, 19-20 February, 1990, Iowa City, 29, Louise Noun Papers, Box 11, IWA. In 1972, just prior to the UI complaint, the Department of Labor ordered several institutions to raise the salaries of maids after investigating Equal Pay complaints. See Bernice Sandler, “A New Weapon in the Fight for Equal Pay,” *Chronicle of Higher Education*, February 26, 1973.

<sup>98</sup> “Maids at UI To Receive \$350,000 in Back Pay,” *Iowa City Press-Citizen*, 16 May 1973, 3A. The newspaper article says that George Chambers, the UI vice-president for administration conducted the press conference. In her oral history with Louise Noun, however, Clara Oleson states that Mary Jo Small actually met with the press. I am inclined to believe Oleson, as the details she provides are vivid, including her visit to Chambers after the press conference to tell him, “When you lose, you don’t send a woman to clean up your shit.” See pp. 30-32 of Oleson oral history transcript, Noun Papers, Box 11, IWA. In the text above, I quote the announcement in the newspaper, which I assume was written by Chambers, even if delivered by Small.

<sup>99</sup> *IoWoman* Vol. III, No. 4 (Summer 1973), 4.

<sup>100</sup> Clara Oleson in Noun, *More Strong-Minded Women*, 272.

Standing there that whole morning, watching those women pick up their paychecks, for me was a personal vindication of my mother's work life. Although she had been a member of the union and been active in the union, she wouldn't even have the time or the energy to do that. And I remember thinking that it was a payback because it was something that all of us that worked on that knew it wasn't going to improve our lives, it was going to improve our mother's lives.<sup>101</sup>

“The Time was Ripe”: Challenging Sex Discrimination at  
the City, 1972–1977

The maids' case had not yet been resolved when Oleson became involved in a fight to improve the economic status of women who worked for the City of Iowa City. In early 1973, Oleson and three other women filed a class action sex discrimination complaint with the Equal Employment Opportunity Commission (EEOC) and the Iowa Civil Rights Commission.<sup>102</sup> The four women asserted that Iowa City's new job classification and pay plan violated federal and state law by “entrench[ing] and perpetuat[ing]” a “de facto pattern” of sex discrimination in which women were “relegated” to the lower-paying job categories.<sup>103</sup> The resolution of this complaint led to an aggressive effort to hire women into all city departments, accounting for the fact that Iowa City hired one of the first women firefighters in the nation.

As the campaign to revise the city's pay plan got underway in early 1972, Oleson's life was in transition. Over the next eighteen months, she quit her job at the

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<sup>101</sup> Transcript of Oleson interview conducted by Louise Noun, 19-20 February 1990, Iowa City, Iowa, 33. Louise Noun Papers, Box 11, IWA.

<sup>102</sup> Timeline prepared by Lolly Eggers indicates that the decision to file the complaint was made on January 31, 1973 and that the complaint itself was mailed the following day, Lolly Eggers Papers, unprocessed collections, IWA. The complaint was made public later that spring. See “Complaint of Job Bias Filed Against Iowa City,” *Iowa City Press-Citizen*, 14 March 1973, 3A. Along with Oleson, Elizabeth Diecke, Carol Spaziani, and Lolly Eggers signed the complaint.

<sup>103</sup> “This complaint is filed by,” [copy of the EEOC complaint], undated. Lolly Eggers Papers, IWA; “Complaint of Job Bias Filed Against Iowa City,” *Iowa City Press-Citizen*, 14 March 1973, 3A.

university, applied to law school, and, after seven years of marriage, went through a painful divorce.<sup>104</sup> As she waited to hear if the University of Iowa Law School would accept her, Oleson's economic situation grew dire. "I was a month behind on my rent, hadn't eaten for two days and my bicycle had a flat tire," Oleson recalled.<sup>105</sup> She took a job as a cocktail waitress at the Lazy Leopard Lounge, a "working-class neighborhood bar by the railroad station" decorated with "black velvet nude paintings."<sup>106</sup> At night, Oleson served drinks at the Lazy Leopard; during the day, she devoted her time to women's issues such as the EEOC complaint against the city.<sup>107</sup>

The complaint grew out of an effort to revise a proposed job classification and pay plan for Iowa City's employees, which had been initiated by Lolly Eggers, a librarian at the Iowa City Public Library. When Eggers was hired in 1969, Iowa City's librarians were in the same pay grade—and required to have the same education and experience—as engineers and planners. In 1970, however, librarians, who were all women, were reclassified two pay grades below engineers and planners, who were all men.<sup>108</sup> When the city began to reclassify jobs again in the spring of 1972, therefore, Eggers paid close attention.

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<sup>104</sup> Transcript of Oleson interview conducted by Louise Noun, 19-20 February 1990, Iowa City, Iowa, 34, Louise Noun Papers, Box 11, IWA. To the best of my ability to reconstruct these events, Oleson left her job at the University and got divorced in 1972, and applied to law school in early 1973.

<sup>105</sup> *Ibid.*, 38.

<sup>106</sup> *Ibid.*, 35.

<sup>107</sup> *Ibid.*, 38, 39. Oleson also worked with a group called Women Against Rape at that time.

<sup>108</sup> Lolly Eggers notes change of librarians' classification in three documents: the timeline, her affidavit, and her handwritten notes on "significant dates." Eggers also notes that the librarians would have been lowered even further but for the insistence of then-director Mary Croteau. Lolly Eggers Papers, EEOC Complaint, IWA.

Eggers had moved to Iowa City with her husband in 1951, the same year they both graduated from Grinnell College. During the 1950s, she raised the couple's three sons and participated in several local organizations including the Iowa City chapter of the American Association of University Women (AAUW), where she met single career women whose professional accomplishments she found inspiring.<sup>109</sup> In the early 1960s, Eggers, who considered herself a "literary person," read an article by Norman Cousins in *The Saturday Evening Review of Literature* that "introduced me to things I had never thought about before," she recalled.<sup>110</sup> Cousins's words prompted Eggers, who had already been considering ways to widen her community involvement, to become politically active. She joined the League of Women Voters (LWV) of Johnson County, an energetic organization of over 300 members.<sup>111</sup>

Eggers served on the league's newly-created Civil Rights Committee with several women who would later join her in protesting the city's pay plan. The Civil Rights Committee members educated themselves on civil rights issues through weekly study sessions, one of which featured Professor Arthur Bonfield from the University of Iowa Law School.<sup>112</sup> "We discussed . . . the present status of discrimination in employment, public accommodations, voting, and housing, and the various voluntary and legal means

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<sup>109</sup> Interview with Lolly Eggers and Carol Spaziani, 16 July 2008, Iowa City, Iowa.

<sup>110</sup> Interview with Eggers and Spaziani, 16 July 2008. Norman Cousins transformed the *Saturday Evening Review of Literature* from "an old-fashioned" literary magazine into a publication that covered a wide range of contemporary issues. An advocate of many liberal and New Deal causes, Cousins focused on nuclear disarmament during the 1950s and 1960s.

<sup>111</sup> LWV-JC members included many local political women, including Minnette Doderer, Jean Lloyd-Jones, and Mary Neuhauser. Eggers became lifelong political allies and personal friends with many League members.

Biographical information on Lolly Eggers from interview conducted by author and interview conducted by Ellen Buchanan as part of the "Tell Me Your Story" series, in November 1990 in Iowa City, available at the Iowa City Public Library, Call No. DVD 977.7655.

<sup>112</sup> Bonfield's wife Doris was also a member of the LWV's Civil Rights Committee. I discuss Bonfield's role in civil rights legislation in Iowa in Chapter Six.

of combating discrimination,” the committee reported.<sup>113</sup> Committee members became well versed in the contemporary legal strategies of civil rights activists. Convinced that administrative agencies had a valuable role to play in eliminating discrimination, the Civil Rights Committee (working with members of the UI Human Rights Committee) proposed the creation of an Iowa City Human Relations Commission in the summer of 1963. The city council passed the proposal almost immediately.<sup>114</sup> But perhaps the accomplishment that the Civil Rights Committee was most proud of was its pivotal role in passing a fair housing ordinance in Iowa City. The UI Human Rights Committee had identified housing as a barrier for African-American students and asked for the city’s help. The new IC Human Relations Commission took up the challenge. The LWV’s Civil Rights Committee volunteered to conduct a survey of Iowa City’s landlords, which Eggers helped design and administer; the survey revealed that many landlords refused to rent to non-white tenants.<sup>115</sup> Eggers then chaired a committee that successfully lobbied the city council to pass Iowa City’s groundbreaking fair housing ordinance in August 1964; it was the second such ordinance in the state of Iowa and is often cited as the first in the nation for a city of Iowa City’s size.<sup>116</sup>

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<sup>113</sup> “For Bulletin, Brief annual report, Civil Rights Committee” [undated, May 1964], LWV of Johnson County Records, Box 10, IWA; also see *The Iowa City Voter*, December 1963 for announcement of this program and *The Iowa City Voter*, March 1964 for thorough report on provisions of the Civil Rights Act of 1964 pending in Congress and the advantages of administrative enforcement in fighting discrimination, LWV-JC Records, Box 26, IWA.

<sup>114</sup> The Iowa City Human Relations Commission changed its name to the Iowa City Human Rights Commission sometime in the mid-1970s. On the League’s role in its creation, see “Report on Activities of Local League Human Rights Committee,” *The Iowa City Voter*, September 1963, 7. (The committee is usually called the Civil Rights Committee, but sometimes, as in this article, it is called the Human Rights Committee.)

<sup>115</sup> This was a massive project. Eggers recruited, trained, and directed the work of 40 interviewers, then compiled and analyzed data from 439 interviews with help from members of the UI Sociology Department. She details this in her application for director of the public library. In author’s possession.

<sup>116</sup> Eggers makes this claim on her application for the position of library director and she is a trustworthy source. In author’s possession, original in possession of Lolly Eggers. After the

As her sons entered their teens, Eggers embarked on her own professional path. She earned a Master of Library Science (MLS) degree from the University of Iowa in 1969 and began working at the Iowa City Public Library, where she quickly moved into supervisory and administrative positions. Through her work as a supervisor, Eggers first took notice of the city's gendered pay scale. "When I was acting director, I had to figure somebody's pay . . .," she recalled, "[and] with feminist kinds of things going on, I looked at [the pay scale] with different eyes."<sup>117</sup> Eggers knew it was likely that the proposed classification and pay plan would further widen the wage gap between librarians and the male-dominated professions.

A preliminary report on the proposed classification and pay plan, released by the city in late summer, confirmed Eggers's fears. The proposal eliminated the standard requirement of an MLS degree from all librarian positions except that of library director and it transferred many of the responsibilities of library department heads to the library director.<sup>118</sup> "It is obvious," Eggers concluded after seeing the report, "that library work and librarians [are] again being downgraded vis-à-vis other departments and professions."<sup>119</sup> Several library employees wrote "extensive reports" challenging the description of their job duties and responsibilities.<sup>120</sup> As Eggers shared her misgivings

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City Council passed the ordinance, the League sent the council a statement commending their action; the statement was signed by LWV-JC president Mrs. Ansel Chapman.

<sup>117</sup> Interview with Eggers, 16 July 2008, 15. Eggers also cites influence of Mary Croteau (the director at the Iowa City Public Library at the time Eggers was hired), on her growing awareness of discrimination against women in the workforce. Eggers specifically notes that Croteau, like some of the AAUW women, was single, suggesting that Eggers saw a connection between being single and being aware of sexism.

<sup>118</sup> Affidavit signed and sworn by Laretta P. Eggers on May 10, 1973; Timeline, 1-2, Egger Papers, IWA.

<sup>119</sup> Timeline, 1, Eggers Paper, IWA.

<sup>120</sup> Timeline, 2, Eggers Papers, IWA.

about the proposed pay plan with women in her political and social circles, fellow LWV member Mori Costantino took an interest in the situation.



Figure 4.1. Mori Costantino hosting LWV women in her home, 1968. Costantino on the far right, Eggers next to her. Other women unidentified. Photo courtesy of Lolly Eggers.

Costantino, a Japanese-American woman who had spent the World War II years in an internment camp in California, moved to Iowa City in 1956 when her husband, a lawyer and an economist, took a faculty position at the UI. By 1972, Costantino, described by one long-time colleague as an “agitator extraordinaire,” had a long history as a leader and activist with local organizations that worked for civil liberties, civil rights, women’s issues, and peace.<sup>121</sup> She had served with Eggers on the LWV’s Civil Rights

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<sup>121</sup> Linda McGuire made this comment during my interview with Mori Costantino, 11 June 2009, Iowa City, IA. Costantino worked with the Hawkeye Civil Liberties Union, the League of Women Voters, the Women’s International League for Peace and Freedom, and the local anti-war movement. Costantino still has her very old copy of Saul Alinsky’s community organizing manual.

Committee and was appointed by the mayor to the first Iowa City Human Relations Commission, where she had played a central role in the passage of the fair housing ordinance. As those involved recall, Costantino introduced Eggers and librarian Carol Spaziani to Oleson and called a meeting at her house to discuss how they might approach the task of challenging the city's proposed pay plan.<sup>122</sup> Since Eggers's analysis of the proposal revealed that over 75 percent of the city's women workers held jobs that were rated in the lowest third of the pay scale, the women's target expanded beyond the librarians' pay grade: the city's employment policies put all women workers at a disadvantage, so they intended to ask the city to revise the entire proposed job classification and pay plan.

The librarians and their allies, including Oleson, Costantino, and Elizabeth Diecke, a women's rights activist who had also served with Eggers on the LWV Civil Rights Committee, had several resources to bring to the task of improving the economic status of Iowa City's women workers. First, the Equal Employment Opportunity Act of 1972, just passed in March, extended the provisions of Title VII of the Civil Rights Act of 1964 to state and municipal employees, and EEOC rulings on job classification plans boded well for the Iowa City women. In two decisions in 1969 and 1970, the EEOC had found employers to be in violation of Title VII for rating jobs traditionally held by women on lower wage schedules than jobs traditionally held by men. Hearing officers specifically rejected the employers' rationalizations that they were simply paying what the market demanded. "Surely the Commission cannot be expected to accept . . . that . . . all 'male' jobs, including Janitors and Assignment Men, are more difficult to fill than all 'female' jobs, including Janitress and Assignment Clerk," wrote one officer.<sup>123</sup> Eggers's

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<sup>122</sup> Interview with Eggers and Spaziani, 16 July 2008.

<sup>123</sup> Decision of Equal Employment Opportunity Commission, Decision No. 70-112, Case No. YAT9-197, September 5, 1969 and Decision No. 70-695, Case No. YB19-176, April 13, 1970. The names of the companies and locations are deleted in these reports; the EEOC's



folder of resource materials included photocopies of these decisions, indicating that she and Oleson were aware of them and intended to make use of them.

Second, as a recipient of federal contracts, Iowa City was obligated to “develop and maintain” a written affirmative action plan that met the guidelines established by the U.S. Department of Labor under Revised Order 4, and in August 1972, the City Council adopted Iowa City’s first affirmative action program.<sup>124</sup> Eggers and her allies pushed city officials to carry out its provisions, often reminding them that the guidelines applied to women as well as minority men.<sup>125</sup> Oleson and two other women complained to the city manager that internal forms neglected to include information on the sex of applicants, making it impossible to fulfill the policy’s explicit provision that the city develop a system for tracking the number of minority applications.<sup>126</sup> And when the city manager stated at a council work session that “a very experienced boy in personnel . . . [was] waiting in the wings” to become the director of employee relations, a new position that had not yet been advertised, Oleson questioned the manager at the formal council session about his recruitment methods.<sup>127</sup>

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goal was to end discrimination, not punish it. Complaints were not made public, only EEOC rulings.

<sup>124</sup> Resolution 72-297 “Resolution adopting an Equal Employment Opportunity Policy and Affirmative Action Program,” passed unanimously August 1, 1972, LEP, Box 4, Folder 5, SHSI; also see “Minority Hiring Policy Proposed for City,” *Iowa City Press-Citizen*, 5 June 1972, 9A.

<sup>125</sup> Timeline, 1-3, Eggers Papers, IWA.

<sup>126</sup> Timeline, 2-3, Egger Papers, IWA; “Equal Employment Opportunity Policy and Affirmative Action Program” in Personnel Procedures, City of Iowa City, December 22, 1972, p. 41, LEP, Box 4, SHSI.

<sup>127</sup> Timeline, 4, Eggers Papers, IWA. In response, the city manager denied that he had conducted any interviews for the position.

Third, many women who worked at the public library were active in various movements for social justice, including the women's movement.<sup>128</sup> In the summer of 1972, several women at the library formed the Iowa City Public Library Staff Association, which persuaded the library board to adopt a maternity-leave policy similar to the new policy at the UI.<sup>129</sup> Taken aback, city officials reacted in a manner that led Eggers to conclude that they had "no knowledge of sex discrimination law."<sup>130</sup> In response, several library staff members provided city administrators with copies of the EEOC Guidelines on Sex Discrimination, and later that fall, the city adopted a maternity policy for all city employees.<sup>131</sup> During the early 1970s, some city officials began referring to the librarians as "radical women."<sup>132</sup>

One of the women who pushed for the maternity-leave policy was librarian Carol Spaziani. After working in a nonprofessional position at a library to put her husband through his PhD program at UCLA, Spaziani held him to their agreement that she would get her advanced degree before the couple had children. When her husband joined the UI faculty in 1959, Spaziani went to Bloomington, Indiana, to earn her MLS degree because the UI did not have a library science program at that time. Living on her own with young women who were getting PhDs in physics and English was an intoxicating experience for

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<sup>128</sup> See Lolly Parker Eggers, *A Century of Stories: The History of the Iowa City Public Library, 1897-1997* (Iowa City: The Iowa City Public Library Friends Foundation, 1997) for more discussion of this particular group of women librarians. Eggers and Spaziani, among others, were active in the anti-war movement. Women at the library also played a key role in the successful union drive of city workers in 1973 according to a bus driver who initiated the drive. Interview with Jim Walters, 22 August 2008, Iowa City, Iowa; Interview with Carol Spaziani, 9 June 2008.

<sup>129</sup> Timeline, 1, Eggers Papers, IWA. Although library staff members are city employees, the library is governed by a separate board of trustees.

<sup>130</sup> *Ibid.*, 2.

<sup>131</sup> *Ibid.* The library employees were governed by a separate board.

<sup>132</sup> Most likely these included Eggers, Carol Spaziani, Judy Kelley, Joan Tucker, Mary Burton, Maureen Moses, and Jeannette Carter.

Spaziani; her year of independence in Bloomington gave her a new sense of confidence. When she returned to Iowa City, she applied for a job at the UI Main Library, but the director encouraged her to consider other options because library policy would require her to leave when her husband got tenure. Spaziani focused her attention on raising her two sons, born soon after, and became involved in the League of Women Voters, the local Democratic Party, and the anti-war movement. In the mid-1960s, when her boys started school, Spaziani began working part-time at the Iowa City Public Library. She had worked with Eggers and Costantino on the LWV Civil Rights Committee, and when Costantino asked her to join the group fighting the proposed pay plan, Spaziani agreed.<sup>133</sup>

With Eggers, Costantino, and Oleson in the lead, the group set out to convince city officials to revise the proposed pay plan so that women's and men's jobs would be rated and paid equitably. They conducted extensive research—Oleson handled the legal matters while Eggers analyzed the city employment information—and prepared detailed reports of their findings. Eggers's analyses confirmed the women's earlier assessment: women were clustered in the lower-paying jobs, even though many of those jobs required equal, or even substantially greater, education or experience than high-paying jobs held primarily or exclusively by men. Eggers's charts also revealed that although women's pay was raised under the proposed plan, it did not shift the underlying gender imbalance, since over 75 percent of the women remained in the bottom third of the pay scale (see Figure 4.2).<sup>134</sup> As of spring 1972, women's salaries at the City of Iowa City ranged

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<sup>133</sup> Biographical information on Spaziani from interviews conducted with Spaziani by author, 16 July 2008 and 9 June 2009, Iowa City, Iowa; and interview conducted with Spaziani by Ellen Buchanan "One of a Kind" series, July 1993 in Iowa City, available at Iowa City Public Library, Video 977.7655. Spaziani notes that the EEOC complaint was never a big issue for most of the librarians.

<sup>134</sup> "City of Iowa City, Distribution of Employees by Classification Pay Range Number," undated. Data prepared by Lolly Eggers. Lolly Eggers Papers, IWA.

from \$3900 to \$9800, while men's salary range was \$4900 to \$18,200.<sup>135</sup> Years later, Oleson described their work as "early comparable worth," acknowledging that, at the time, "we didn't even know what the word meant."<sup>136</sup>

DISTRIBUTION BY PAY CLASSIFICATION RANGE NUMBER CON'T								
Median Range #	Men		Women					
Old Plan	17		9					
New Plan	19		11					
Under both plans, only two male employees were classified at a pay range lower than the female employees median range.								
<u>Breakdown by Low, Middle and High Pay Ranges:</u>								
OLD PLAN				NEW PLAN				
	Women		Men		Women		Men	
	#	%	#	%	#	%	#	%
Lowest Third Range 3-14	47	78.3	107	39.6	46	76.6	93	34.6
Middle 15-24	13	21.7	149	55.2	14	23.4	165	61.3
High 25-35	0	0.0	14	5.2	0	0.0	21	7.8
	60	100.0%	270	100.0%	60	100.0%	269	100.0%

Figure 4.2. Data compiled by Lolly Eggers on the city's current and proposed pay plans, 1972. Papers of Lolly Eggers, Iowa Women's Archives.

<sup>135</sup> "This complaint is filed by," [copy of the EEOC complaint], undated. Lolly Eggers Papers, IWA.

<sup>136</sup> Transcript of interview with Oleson, 39, Noun Papers, Box 11, IWA.

When the proposed pay plan came before the city council in late December 1972, Oleson served as the group's spokesperson. She noted that although the plan did not discriminate on the basis of sex explicitly (except the use of "man" in several job titles, such as "Senior Street Maintenance Man"), it discriminated in a less direct, possibly unintentional, yet still illegal way. Specifically, she charged, the proposed pay plan rated jobs held by women in the lowest pay ranges, even though these jobs did not necessarily require the least skill or responsibility. For example, women's entry level jobs (clerks, typists) in Classes 8-11 required a high school education, while comparable men's entry level jobs (laborer, refuse collector) in Class 13 required only an eighth-grade education.<sup>137</sup> Oleson pointed out that the women's jobs that were rated similarly to men's jobs often required more education or experience. Class 13, for example, included both Library Assistant (two years of college and two years of experience) and Custodian (8<sup>th</sup> grade education).<sup>138</sup> If the city accepted the proposed pay plan, Oleson stated, it would be discriminating against women, leaving itself open to litigation, and violating its own affirmative action program. Oleson's presentation raised enough questions that the city council voted to defer action on the plan until their next meeting, three days later.

Since only two of the five council members supported the women's goal of revising the proposed pay plan by grouping jobs that called for similar levels of skill, education, and experience in similar wage categories, it seemed likely that the council would approve the proposed pay plan at the following meeting. Therefore, Eggers, Oleson, Costantino, Spaziani, and several other women met at Eggers's home and

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<sup>137</sup> "December 18, 1972" [Typed document, 6 pages long; Oleson's statement to council], Eggers Papers, IWA.

<sup>138</sup> Iowa City, Iowa, Pay Scales, January 1973, Lolly Eggers Papers, EEOC complaint, IWA' Job descriptions including employment standards, undated [1972, 1973], Eggers Papers, EEOC complaint and red folder, IWA.

decided to approach the upcoming meeting in a slightly different way.<sup>139</sup> Instead of threatening legal action if council approved the plan, they would focus on making suggestions that might improve the status of working women at the city even if the proposed pay plan were approved. In addition, they assembled a group of “distinguished women” to attend the meeting, including Gladys Jenkins, UI professor emerita in the Department of Home Economics, who agreed to share the speaking duties with Oleson.<sup>140</sup> Although the council did approve the proposed reclassification and pay plan, council members instructed the city manager to reconsider certain details, to contact the company that had written the plan, and to report back to them.<sup>141</sup>

The women spearheading this campaign may have known they were unlikely to get satisfaction because, throughout their many conversations with City Manager Ray Wells, he made comments that revealed his lack of understanding, or sympathy, on the issue of sex discrimination. During one of her first meetings with Wells, Oleson asked if women would be represented in the new department of employee relations. “Oh, yes,” Wells replied. “We’ll get a director and he’ll have a clerk.”<sup>142</sup> When Costantino met with him later and asked about recruiting a woman to be the director of employee relations, Wells responded, “I will not search for a woman. I’ll hire the most qualified. I don’t give a damn.”<sup>143</sup> During this same meeting, Wells peppered his comments with

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<sup>139</sup> Ed Czarnecki and J. Patrick White supported the women. Czarnecki was a UI professor who worked at the UI Labor Center, and J. Patrick White went on to become the county attorney. A complicating factor was that the new pay plan included employee pay raises, so no one, including Eggers, Oleson, Costantino et al. wanted to hold that up.

<sup>140</sup> Timeline, 4; “December 22, 1972,” [typed statement of Clara Oleson at Iowa City City Council meeting, December 22, 1972], Eggers Papers, IWA.

<sup>141</sup> “Employee Classification Plan Adopted by City Council, 3-2,” Iowa City Press-Citizen, [23 December 1972], 1. The company that prepared the plan for Iowa City was Griffenhagen-Kroeger, Co. from San Francisco, California.

<sup>142</sup> Timeline, 3, Eggers Papers, IWA.

<sup>143</sup> Ibid., 7.

defensive questions such as “Why are you picking on us?” and “Why not take on the whole world?” Wells’s comments to others were even more crude: “What is this shit all about?” he said to an associate the first time Oleson made an appointment to see him about the proposed pay plan.<sup>144</sup> Wells also defended the low pay grade of female-dominated jobs by saying, “I’m not going to disturb the labor market.”<sup>145</sup> And Wells was not the only one. At an informal council session, one participant ridiculed the idea that a librarian’s job might merit the same pay as the risky job of a police officer by asking, “Is she going to fall off her stool?” The women present noticed that no such comparison was drawn to the work of planners or engineers who received more pay than police officers. The mayor was so angry about the attendance of so many women at the December 22 council meeting that he was heard at a party “raving” about how Oleson was disrupting city business.<sup>146</sup>

After Oleson, Costantino, and Diecke met with the city manager in late January, they concluded that filing a complaint with the EEOC was their only recourse.<sup>147</sup> The pay plan had been approved and the city manager showed no signs of revisiting it. In response to the women’s inquiries on his progress in carrying out the city council’s directive to gather more information on the pay plan, Wells had replied, “Look, the city has lots of problems and I have a railroad to run.”<sup>148</sup> Eggers, Spaziani, Oleson, and

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<sup>144</sup> *Ibid.*, 3.

<sup>145</sup> *Ibid.*, 7. The response of Griffenhagen-Kroeger, Inc., the company that had devised the pay plan, when Wells told them the plan was under legal attack is also interesting. Explaining the job ratings, the director of personnel services wrote to Wells, “jobs were evaluated upon their relative difficulty and responsibility, and no other factor (such as education or experience required).” To Ray Wells from John H. England, 2 January 1973 in Eggers Papers, red folder, IWA.

<sup>146</sup> Timeline, 6, Eggers Papers, IWA.

<sup>147</sup> *Ibid.*, 9. Wells had not followed up on the data the women compiled, gotten back with the EEOC, made any steps to recruit a woman applicant for director of employee relations, or begun keeping statistics on women applicants.

<sup>148</sup> *Ibid.*

Diecke signed the complaint and mailed it to the EEOC the following day. Nearly a year later, Iowa City reached a settlement with the EEOC, agreeing to raise the percent of women employees from 18 to 33 percent, to hire qualified women into the next three higher-paying positions that opened, to hire four qualified minorities, and to review the job classifications in the new pay plan for any discrimination.<sup>149</sup>

Several months after it was signed, the EEOC agreement played a major role in hiring a new director for the public library. In July 1974, the library board hired a white male who did not have the qualifications listed on the requirements for the position, most notably, an MLS degree. The library staff was outraged, especially because Eggers, one of the other finalists, had an MLS and had been doing an excellent job as acting director for several months. Eggers and another librarian investigated the background of the man who had been selected; the librarians' attorney, Pat Kamath, used this information to compose a lengthy letter to the library board asking them to reconsider their decision.<sup>150</sup> Meanwhile, Oleson, (who had entered the UI Law School in the fall of 1973) charged that the man's selection violated one of the conditions of the EEOC agreement: she sent a telegram to the EEOC and was quoted in the press saying that the city had discriminated against Eggers based on sex and was also possibly retaliating against her for signing the EEOC complaint.<sup>151</sup> The chair of the Iowa City Human Relations Commission wrote to

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<sup>149</sup> Settlement Agreement in the Matter of U.S. Equal Employment Opportunity Commission and Iowa City, Iowa. Charge Nos. TKC3-1470, TKC3-1471, TKC3-1472, TKS3-1473. Resolution No. 74-71 authorizing execution of contract, 26 February 1974. Copies in LEP, SHSI and on microfiche in city clerk's office.

<sup>150</sup> To the Iowa City Public Library Board of Trustees, July 25, 1974, original in possession of Lolly Eggers; copy in possession of author. Seven librarians signed an earlier, much shorter petition requesting an "immediate hearing" with the board. The women were Jeanette Carter, Carol Spaziani, Lolly Eggers, Judy Kelley, Joan Tucker, Mary Burton, and Maureen Moses.

<sup>151</sup> M. Joanna Bruegger, "Library Director Hired, Procedures Criticized," *Iowa City Press-Citizen*, 3 July 1974; copy of telegram provided to me by Lolly Eggers, original in her possession.



the EEOC and to the Iowa City Public Library Board, expressing the commission's concern that "the hiring of a male Director for the Public Library . . . seems to us to be in violation of the spirit of the Conciliation Agreement" between the City and the EEOC.<sup>152</sup>

Library board members were outraged at the librarians' actions. They considered firing them, but decided against it. A male board member called the librarians "a hysterical bunch of women," and board members vowed to retain authority over the hiring decision.<sup>153</sup> At a contentious library board meeting attended by many community members, the president of the library board defended the decision the board had made. Denouncing the librarians as "dissenters" and daring them to resign, he rejected the idea that the board's decision was influenced by a gender bias or a lack of knowledge about the man's qualifications. Although the librarians, their attorney, and many community members attended the meeting to speak their minds, the board president adjourned the meeting after reading his prepared statement, despite the shouting that ensued. Several individuals, including librarians from the UI, wrote letters to the city council and to the local newspapers protesting the undemocratic actions of the library board. But the library board remained intransigent, and refused to withdraw the job offer. The board's claim that the library was not subject to the EEOC agreement had merit. The library was governed by a separate board of trustees that had not signed the agreement. The situation resolved itself nearly as quickly as it had begun, however, when the new director resigned in the face of such stiff resistance. Eggers continued as interim director, and eventually,

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<sup>152</sup> To Franc W. Herndon, Director, Kansas City District Office of the EEOC from Phillip Jones, Chairman Human Relations Commission, undated; To the Iowa City Public Library Board from Phillip Jones, undated. [both documents early July 1974] in LEP, Box 4, Folder 22, SHSI.

<sup>153</sup> Notes from conversation between Judy Kelley and Jane Downer after the 7/22 Board meeting written by Carol Spaziani. Original in Lolly Eggers's possession; copy in author's possession.

when the board began a new search, she reapplied and was hired in 1975. Many years later, the library board president admitted to Eggers that gender bias had played a role in selecting a director. “In 1995,” Eggers wrote in her history of the Iowa City Public Library, “Canter told me that many on the board at the time preferred a male to control the ‘clique of radical women librarians’ and because they felt a man would be better able to deal with the city staff and city council.”<sup>154</sup>

The campaign to remove gender bias from the city’s wage scale and the resulting EEOC agreement had other important consequences for women in Iowa City. The fight for equitable wages blossomed into a wide range of women’s political activism when Eggers, Spaziani, Oleson, and others convened a meeting to form the Johnson County Council on the Status of Women (JCCSW) in the spring of 1973.<sup>155</sup> The leadership of the new group had political skills and experience, which they now applied with great enthusiasm to many issues involving women’s rights.

The “time was ripe” for women’s activism, Spaziani recalled.<sup>156</sup> The membership of the JCCSW shot up to well over 200 members within a year and a half. Eggers edited the group’s monthly newsletter, which included a wide range of reports and information on women’s issues in Iowa City, at the University, and across the state. Members of the JCCSW formed a girl’s softball league, pressured the phone company into providing dual telephone listings that included the name of husbands and wives, and took a survey of local banks on their policies of issuing credit to women in their own

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<sup>154</sup> Eggers, *A Century of Stories*, 268. See the section from 265-273 for Eggers’s telling of these events.

<sup>155</sup> The group saw itself as a local version of the Iowa Commission on the Status of Women, although they had no official role or status within the Iowa Commission. They patterned their newsletter after *IoWoman*, the ICSW’s newsletter, for instance; see Eggers Papers, Johnson County Council on the Status of Women, IWA.

<sup>156</sup> Interview with Eggers and Spaziani, 16 July 2008.

names.<sup>157</sup> JCCSW members, including Eggers, attended meetings with Roxanne Conlin to help launch the Iowa Women's Political Caucus, and they worked closely with the Johnson County Women's Political Caucus, which started in the fall of 1973.<sup>158</sup> For approximately three years, the JCCSW, a lively network of experienced advocates, fostered women's political activism in Iowa City.<sup>159</sup>

The JCCSW kept close tabs on city government. Its members wrote to the city council and attended city council meetings regularly, using their collective voice to speak on issues of concern to women, such as the appointment of more women to city commissions.<sup>160</sup> Their allies on the Iowa City Human Relations Commission, including Mori Costantino, demanded regular reports on the city's progress toward meeting the goals established by the EEOC agreement. Costantino, who served on the commission during most of the 1970s, frequently raised issues related to women, asking why women were not encouraged to apply for the position of meter reader or questioning whether the firefighter test discriminated on the basis of sex.<sup>161</sup>

In March 1975, the personnel office reported to the city council that "the City of Iowa City has made considerable progress in seeking and employing females" since signing the EEOC agreement.<sup>162</sup> Specifically the report noted that the city had expanded

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<sup>157</sup> Newsletters and meeting minutes in Eggers Papers, Johnson County Council on the Status of Women, IWA.

<sup>158</sup> The Iowa Women's Political Caucus, a state chapter of the National Women's Political Caucus, was the largest state chapter during the mid-1970s.

<sup>159</sup> Mary Mascher, now a state representative, got her start as a young woman with the JCCSW.

<sup>160</sup> Numerous appearances by members of JCCSW in minutes of city council meetings between 1973 and 1975.

<sup>161</sup> See for example, Human Relations Minutes, January 28, 1974, Document 74-326 on microfiche at City Clerk's office; Human Rights Commission Minutes, May 22, 1978, Document 1153 on microfiche at City Clerk's office.

<sup>162</sup> Memo to members of the City council from Personnel Office, Date March 25, 1975, LEP, Box 4, Folder 22, SHSI.

its recruitment efforts; hired the “first female” into job categories such as animal control supervisor, street maintenance worker, and landfill attendant; and revised its pay plan “with the most apparent reclassifications affecting the female-dominated clerical positions.”<sup>163</sup> Iowa City was also making steady progress towards the goal of having women comprise 33 percent of its workforce, which was no easy task.<sup>164</sup> One reason was that several large departments were exclusively male: police, fire, and public works. Special effort was put into recruiting women into all these departments. The last one to be cracked was the fire department, which occurred when Linda Eaton was hired in 1977.<sup>165</sup>

#### Standing Up to Sexual Harassment in the Private Sector

In the spring of 1974, the Iowa City Human Relations Commission received a sex discrimination complaint from Dale McCormick, a local woman apprentice carpenter. “The men at my job put dirty pictures and objects up where I hang my coat,” McCormick’s complaint began. She went on to relate that her male co-workers also directed “harassing verbal statements” at her, which were “meant to embarrass me, but they also imply I am incompetent, not to be taken seriously. I have reported the pictures to my foreman and job superintendent asking them to stop it. They will do nothing.”<sup>166</sup>

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<sup>163</sup> Ibid.

<sup>164</sup> In 1976, 27% of city’s workers were women. Letter to Candy Morgan, Human Relations Director of Iowa City from William G. Lorenz, Supervisory, Equal Opportunity Specialist, EEOC, 3 September 1976, LEP, Box 4, Folder 24, SHSI.

<sup>165</sup> In 1978, when almost 30% of the city’s workers were women, the EEOC released the City from any further obligation to continue reporting. To Sophie Zukrowski, Civil Rights Specialist, Iowa City from John D. Fultz, Employment Specialist, EEOC, 22 May, 1978, LEP, Box 4, Folder 24, SHSI.

<sup>166</sup> Complaint Before the Iowa City Human Relations Commission, March 26, 1974. Dale McCormick Papers, Box 2, IWA.

McCormick's complaint addressed an area of sex discrimination that the law had not yet recognized: sexual harassment. Women began using Title VII to resist sexual harassment on the job in the early 1970s, but judges were slow to accept their argument that sexual harassment was a form of sex discrimination. Women, many of them African American, lost five of the first seven cases to reach federal court.<sup>167</sup> The judge who heard the first case in 1974 reasoned that Title VII had not been violated because the woman was fired for refusing to *have* sex, not because *of* sex.<sup>168</sup> Furthermore, McCormick's complaint raised an issue that has been even more complicated to litigate, which we now call "hostile environment." It was 1980 before the EEOC issued new guidelines for interpreting Title VII that included harassment, 1986 before the U.S. Supreme Court defined sexual harassment as illegal, and 1993 before the U.S. Supreme Court clarified that a woman did not have to prove that she was psychologically damaged in order for the harassment to be illegal.<sup>169</sup> Women like McCormick, who began complaining about sexual harassment in the early and mid 1970s, played a critical role in developing the legal concept and the social recognition of sexual harassment as a form of sex discrimination.<sup>170</sup>

McCormick had moved to Iowa City in 1965 to attend the University of Iowa after graduating from high school in Sigourney, Iowa, where she was already an outspoken proponent of the civil rights movement. In Iowa City, she became involved in

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<sup>167</sup> Augustus B. Cochran III, *Sexual Harassment and the Law: The Mechelle Vinson Case* (Lawrence: University Press of Kansas, 2004).

<sup>168</sup> *Barnes v. Train*, 13 Fed. Empl. Prac. Cas. 123 (D.D.C. 1974); later reversed in *Barnes v. Costle*, 561 F.2d 983 (D.C. Cir. 1977).

<sup>169</sup> *Meritor Savings Bank, FSB v. Vinson* 477 U.S. 57 (1986); *Harris v. Forklift Systems, Inc.* 510 U.S. 17 (1993).

<sup>170</sup> On the importance of working-class and blue-collar women in developing sexual harassment law, see Carrie N. Baker, *The Women's Movement Against Sexual Harassment* (Cambridge and New York.: Cambridge University Press, 2008), especially Ch 4.

the anti-war movement and the women's liberation movement.<sup>171</sup> By 1970, McCormick and several other members of the Iowa City Women's Liberation Front had formed a collective to publish *Ain't I a Woman?* (*AIAW*), a radical women's journal with national distribution.<sup>172</sup> Collective members filled the pages of *AIAW* with discussions of the theoretical and practical issues they confronted as feminists: sexuality, class, race, child care, and the power dynamics of all sorts of individual and social relationships. In the summer of 1970, McCormick and several other *AIAW* collective members traveled to New York to meet the legendary women who had transformed *Rat*, an underground leftist publication, into a radical women's journal.<sup>173</sup> The Iowa women discovered, however, that their big city sisters had nothing to teach them. "*Rat* is having more trouble than we are," they reported. If the trip was disappointing, it was also empowering to learn that they were on the cutting edge in both their analysis of women's oppression and their plans to attack it.<sup>174</sup>

After receiving her BA in 1970, McCormick worked for a year coordinating the Action Studies program at the UI, then decided to seek better-paying work. In 1971, she apprenticed as a carpenter with Local 1260 of the International Brotherhood of Carpenters and Joiners. She struggled to find employment. Many foremen made excuses for not hiring her such as telling her that there was no women's restroom at the job site or

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<sup>171</sup> The biographical information on McCormick comes from documents in the Dale McCormick Papers at IWA and interview with Dale McCormick, 5 June 2008 in Iowa City, Iowa.

<sup>172</sup> Published from 1970 to 1974, although only sporadically after early 1973. All copies available at IWA and on microfiche in Media Services, UI Main Library.

<sup>173</sup> Women announced their takeover of *Rat* with the January 1970 issue, which included Robin Morgan's now-famous "Goodbye to All That," a stirring essay that electrified women liberationists across the nation. Reprinted in *Dear Sisters: Dispatches from the Women's Liberation Movement*, eds. Rosalyn Baxandall and Linda Gordon (New York: Basic Books, 2000), 53-57.

<sup>174</sup> See *Ain't I a Woman?* Vol. I, No. 3 (Fall 1970), article on trip to NY. Articles are not signed, like almost all *AIAW* articles, but McCormick told me that she went on the trip.

explaining that the work was too heavy, but McCormick persisted and worked on several jobs before the Knutson Construction Company hired her to work on Iowa City's new post office in late 1973. Things quickly went wrong. McCormick's co-workers turned nearly any conversation with her into an opportunity to make a sexual innuendo or gender-based insult. Even thirty-five years later, McCormick, a woman of medium build no more than 5' 4" tall, vividly recalled what happened the day she discovered a *Playboy* pinup taped to the wall under her coat hook:

I just lost it. . . . I went stomping off to the superintendent's shack . . . And I said, "Tom, they're at it again." And he said, "You know, there's nothing I can do. Boys will be boys. Don't let them get to you." And I said, "Well, they have [gotten to me]. . . if you're not going to do anything, I'm going to." And I took out my hammer . . . and I marched into the warmup shack and there they all were—all their lunch boxes were lined up on the bench . . . and I said, "OK, who's behind all this? Who's putting the dirty pictures up?" "Oh no, no, it's not me, it's not me," [they all said]. So I just took my hammer and I said, "Well, this shit has got to stop." And I slammed it down into the nearest lunch box and this was in the day of thermoses, and there was a psssssst cuz I broke it and a tinkle tinkle of glass."<sup>175</sup>

McCormick drove straight to city hall, where, arriving just five minutes before closing time, she spoke with a woman in the personnel office.<sup>176</sup> McCormick readily grasped that the men's treatment of her, a result of unequal gender-based power, was a form of sex discrimination, but she was unsure about whether she could bring a legal complaint against the men. Agitated and still dressed in her dirty work clothes, McCormick explained that her problem was not that the company was refusing to hire her. "I have the job," she explained, but her co-workers were hanging pornographic photographs near her locker, and she just wanted to know if they could do that. "They certainly cannot!" the woman responded. And although the law, in fact, was far from certain on this point, she handed McCormick three forms and urged her to file complaints

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<sup>175</sup> Dale McCormick interview, 8 June 2008, Iowa City, Iowa.

<sup>176</sup> McCormick believes she was the secretary, but cannot be sure.

with the appropriate federal (Equal Employment Opportunity Commission), state (Iowa Civil Rights Commission), and local (Iowa City Human Relations Commission) agencies. McCormick did as she was told.<sup>177</sup>

McCormick also consulted Sharon Mellon, a local woman attorney, who, after discussing the case with Clara Oleson (now a student at the UI Law School), concluded that the law offered little recourse. She advised McCormick to follow through with the administrative agencies.<sup>178</sup> Not surprisingly, the Iowa City Human Relations Commission, which no doubt had the smallest backlog, was the first to take action on McCormick's complaint. Investigators visited the work site and took statements from McCormick's co-workers and supervisors. "It was the best thing I ever did," McCormick recalled. "I started feeling like I was protected by this bubble of justice." In fact, McCormick, who, in 1975, became the first woman journeyman carpenter in the U.S., believes it allowed her to finish her apprenticeship.<sup>179</sup>

The Iowa City Human Relations Commission found that McCormick's complaint had "probable cause" and the Knutson Construction Company agreed to the proposed settlement terms, which included posting signs forbidding harassment at all their work sites and providing workers with information on who to contact if harassment did occur. For McCormick, however, these were not the most important results. Long before the formal settlement, she recalled, "I understood somewhere in my body that the good of this has already happened. The good of this was, there was a change in power at that job

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<sup>177</sup> Information and quotations in this paragraph from interview with Dale McCormick, 8 June 2008.

<sup>178</sup> To Dale McCormick from Sharon A. Mellon, September 19, 1974, Dale McCormick Papers, Box 2, IWA. Mellon no doubt consulted Oleson because Oleson was the recognized local expert in sex discrimination law.

<sup>179</sup> Interview with Dale McCormick, 5 June 2008.



site. . . . The balance of power shifted . . . and the harassment stopped. . . . And that's what I got out of it."<sup>180</sup>

Perhaps one of the reasons that McCormick's complaint resulted in a positive change at her workplace was that several long-time civil rights activists sat on the IC Human Relations Commission, including two women, Mori Costantino and Elizabeth Diecke, and the commission's chair, Phillip Jones, an African-American man who had graduated from the UI in 1963, and then returned in 1968 to become the first staff person in the admissions office dedicated to recruiting minority students. These local human rights commissioners, who had no legal training, easily understood that the harassment McCormick had experienced was a form of sex discrimination long before the law spelled this out in explicit terms. And even though their ruling could not be used as precedent in a court of law, it remained a valuable resource for local groups and individuals, and became part of the grassroots movement that led to new EEOC regulations in 1980, defining sexual harassment as a form of sex discrimination.

We cannot know how many women, like McCormick, filed sexual harassment complaints with local or state commissions because these agencies do not make their records public, nor do they retain them.<sup>181</sup> But surely when women began organizing and speaking out about sexual harassment on the job publicly in 1975 and 1976, it became a national issue in part because local women were already fighting harassment in their communities with the few tools they had. As a result of her struggle, when the fire chief told Linda Eaton that she could not breastfeed on the job, Dale McCormick

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<sup>180</sup> Ibid.

<sup>181</sup> The administrator at the Iowa City Human Rights Commission (formerly the Iowa City Human Relations Commission) told me they have no records going back to the 1970s. The Iowa Civil Rights Commission decided in the 1970s to dispose of all records that were five years old. I assume they continue this practice.

appeared before the city council to speak on Eaton's behalf and to share her experiences of working in a male-dominated occupation.<sup>182</sup>

Throughout the 1970s, women in Iowa City participated in the slow, uneven, and incomplete process of bringing gender equity to the American workplace. They denounced forms of sex discrimination that had not yet been articulated on the national stage or successfully established as legal concepts, such as disparate treatment and hostile environment, while championing comparable worth, an approach to equitable pay for women that would gain national attention in the 1980s. Iowa City's women activists created social change that was ahead of the law, and as a result, they had a hand in shaping sex discrimination law. Their history of activism made Iowa City a promising place for Linda Eaton to get a positive hearing on the cutting-edge women's employment issue that she was raising: breastfeeding at work.

The experiences of women activists in Iowa City demonstrate that law could be a powerful ally in the fight against sex discrimination, but only in the hands of forceful and persistent advocates. Women like Oleson, Eggers, and Costantino educated themselves on sex discrimination law by doing their own research, compiling and analyzing data, and writing reports. They then educated employers, prodded administrators and regulatory agencies, and stayed engaged to see that agreements and court orders were carried out, a task that has been especially difficult for working women who cannot afford the time this takes.

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<sup>182</sup> McCormick went on to have an impressive and eclectic career. She wrote two books on carpentry for women, one of which, *Against the Grain*, was published by the Iowa City Women's Press and still fondly recalled and greatly treasured by many Iowa City women. McCormick moved to Maine in the early 1980s; she taught carpentry skills to women then set up a non-profit institution dedicated to preparing women to work in the skilled trades. Later she served in the state legislature and as the state treasurer. She credits Clara Oleson with first suggesting to her that she consider serving as an elected official.

But law has its own set of limitations. One of them is that the politics of law tends to return power to the powerful, a pattern that would become familiar to those fighting sex discrimination. Oleson recognized this as early as 1972 when she stated, “Minorities tend to . . . think a decision will be made, and everything will be all better. This is just not so. There are lots of little battles and winning one does not mean victory.”<sup>183</sup> In fact, winning a battle sometimes shifted the same battle to a new arena.<sup>184</sup>

Many of the women who took up the fight for women’s employment rights in Iowa City straddled two branches of the women’s movement that scholars have analyzed as distinct.<sup>185</sup> They were mainly white, middle-class women in their thirties and forties whose participation in both the civil rights movement and formal organizations such as the League of Women Voters and the American Association of University Women had shaped their politics and prepared them to participate in the women’s movement. These women bridged two local communities often thought of as distinct as well—the University of Iowa and the broader Iowa City community. Tracing their activism reveals a close and dynamic relationship as women accessed university resources and drew “town and gown” together through their dense networks. Allies in positions of power in the city and the university were critical to the successes the women achieved. As women and civil rights activists became members of councils, committees, and boards, they took women’s issues seriously and allocated resources to address them.

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<sup>183</sup> “HEW investigates discrimination charges against UI,” *The Daily Iowan*, 24 July 1972, 2.

<sup>184</sup> After the UI abolished the student spousal exemption clause, for instance, it raised the minimum wage for participation in TIAA-CREF, which again limited women’s ability to participate.

<sup>185</sup> Jo Freeman in *The Politics of Women’s Liberation* (1975) identifies the “older,” (formal organizations) and “younger” (decentralized networks) branches; Barbara Ryan in *Feminism and the Women’s Movement* (1992) agrees with Freeman’s definition, but calls them “small group” and “mass movement;” Sara Evans in *Tidal Wave* (2003) describes an “older group” as “professionals” and the “younger branch” as civil rights and student activists.

Although many Iowa City women joined the fight for women's employment rights, Oleson stood out from the rest. Bold, tireless, and supremely confident, Oleson "made you think she knew, even if she didn't," one long-time Iowa City feminist commented.<sup>186</sup> A tall woman with a powerful presence, Oleson commanded attention when she acted and when she spoke. As a catalyst for change, Oleson had earned the respect of Iowa City's feminists, although her confrontational style even intimidated her allies at times.<sup>187</sup> As McCormick recalled, "We all loved Clara Oleson and thought she was the smartest thing going."<sup>188</sup> The Johnson County Commission on the Status of Women nominated Oleson for a regional HEW award for her role in enhancing the status of working women in Iowa, which she received in 1975 (see Figure 4.3).<sup>189</sup> Representing Linda Eaton in 1979 was a continuation of Oleson's commitment to seeking justice for working and working-class women by eliminating discriminatory employment practices, and the experience and knowledge that she brought to that task had, so far, kept Eaton on her job.<sup>190</sup> Throughout her long years of activism, Oleson commented, her focus was always the same: "I felt that sex discrimination in employment was the root of women's oppression."<sup>191</sup>

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<sup>186</sup> Interview with Linda McGuire, 29 January 2009, Iowa City, Iowa.

<sup>187</sup> Interviews with former members of NOW, Candy Morgan, and Lolly Eggers. Also see letter to Clara Oleson from Mary Jo Small, in which Small expresses dismay because she "thought we were on the same side, working for women." Boyd Papers, Box 88, Folder 79, UI Archives.

<sup>188</sup> Interview with Dale McCormick, 5 June 2008.

<sup>189</sup> Letter to David A. Jepsen from Mary Coogan, director of WRAC, July 16, 1976, WRAC Records, Box 10, IWA; poster in Eggers Papers, JCCSW newsletters folder, IWA.

<sup>190</sup> Des Moines attorney Roxanne Conlin noted that Oleson was an innovative legal thinker. "Clara is much better than I am thinking of the arguments, although sometimes the arguments she thinks of are so radical they can't be in the law even though they should be," Conlin said. Interview with Roxanne Conlin, 21 August 2007, Des Moines, Iowa.

<sup>191</sup> Quotation in Noun, *More Strong-Minded Women*, 272. Oleson closed her law practice in the mid-1980s and took a position at the UI Labor Center, where she remained for the rest of her career. In 1996, she became the fourth recipient of the Jean Y. Jew Women's Rights

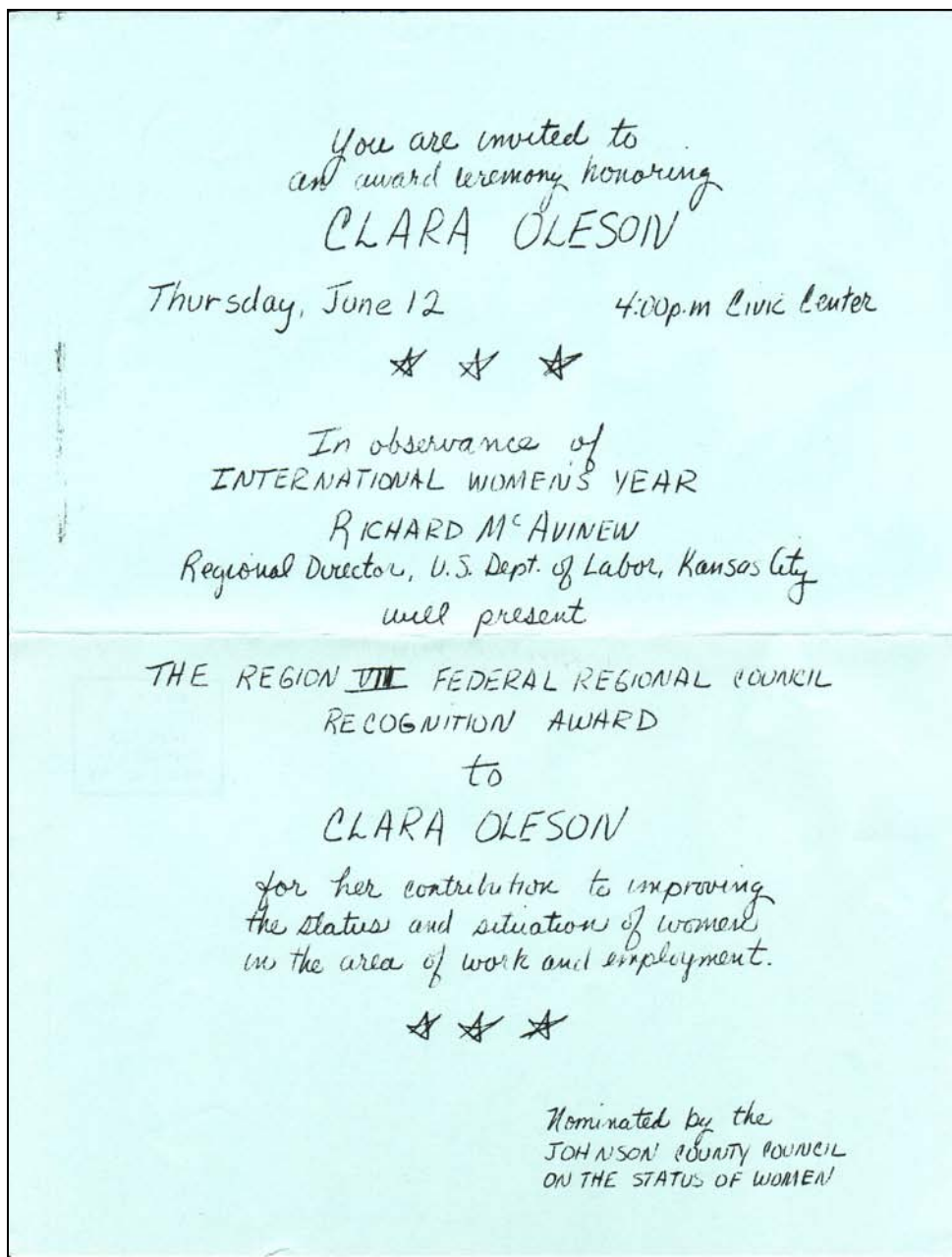


Figure 4.3. Invitation to celebration honoring Clara Oleson for winning HEW regional award, 1975. Lolly Eggers Papers, Iowa Women's Archives.

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Award, an honor given to one woman on campus each year by the UI Council on the Status of Women and WRAC.

CHAPTER FIVE: EQUAL RIGHTS, MOTHERS' RIGHTS, AND  
WORKERS' RIGHTS: COMMON GROUND IN THE FIGHT FOR  
WOMEN'S ECONOMIC CITIZENSHIP

As Eaton and her supporters celebrated Judge Chapman's decision to grant her request for a temporary injunction on January 30, 1979, city officials accepted their defeat with professional grace. The assistant city attorney told reporters that "the city will cooperate and comply fully" with the court order allowing Eaton to breastfeed at the fire station until the Iowa Civil Rights Commission (ICRC) ruled on her complaint.<sup>1</sup> Despite their differences over the no-nursing rule, Eaton and the chief did agree on one point: they hoped that the media's attention to the case would diminish and that life would return to normal around the fire house. To that end, the chief ordered the firefighters to coat the station's large glass windows with opaque soap.<sup>2</sup> The strategy seemed to work; deprived of the opportunity to film inside the fire station, the crowd of reporters disappeared. But while the national media frenzy faded, Eaton's fight for justice was just beginning.

One month after her successful petition for an injunction in Johnson County District Court, Eaton won a second major legal victory. The Iowa Civil Rights Commission notified Iowa City officials on February 28, 1979, that its preliminary investigation of the complaint filed by Iowa Attorney General Tom Miller charging the City of Iowa City with violating Iowa's Civil Rights Act by refusing to allow Eaton's son to visit the fire station twice a day for breastfeeding had resulted in a finding of "probable cause." The city's no-nursing rule discriminated against Eaton in two ways, the report

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<sup>1</sup> *Daily Iowan*, 31 January 1979; *Iowa City Press-Citizen*, 31 January 1979, 2A.

<sup>2</sup> *Iowa City Press-Citizen*, 31 January 1979; City of Iowa City Petty Cash receipt for "privacy paint," 30 January 1979, Miscellaneous Documents, Daphne Fuhrmeister Papers, in possession of author.

asserted. First, the city was subjecting Eaton to “differential treatment” based on her sex. Since all firefighters were allowed to have visitors for “necessary business,” and since breastfeeding, the investigator concluded, was “necessary,” the city was not giving Eaton equal treatment. Second, the city’s rule had a “disparate impact” on Eaton, the report stated, because it forced her to choose between motherhood and employment.<sup>3</sup>

The commission’s finding was a blow to the city. It was the second time the law had sided with Eaton, and it meant that the city was obligated to enter into negotiations with ICRC officials and Eaton in an attempt to reach an agreement that would satisfy the ICRC, Eaton, and the city. The city continued to be confident in its position, however, and did not intend to lose this fight. The assistant city attorney’s comment that the report was “a very limited look, a preliminary investigation made by one person” signaled that the city intended to dispute the ICRC’s finding and was unlikely to agree to the commission’s reconciliation proposals.<sup>4</sup>

Fortunately for Eaton, she did not have to face the city alone. As the legal process continued to unfold—and indeed, since the first day of her confrontation with the fire chief—many organizations expressed support for her, and three organizations sustained their involvement in her case from start to finish. Although their reasons for supporting her differed considerably, the Johnson County/Iowa City National Organization for Women, La Leche League, and the Iowa Socialist Party had all reached the same conclusion: Eaton was right, the city was wrong, and the issue was worth a fight.

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<sup>3</sup> To City of Iowa City and Iowa City Fire Department from Aaron B. Carter, Director of Compliance Iowa Civil Rights Commission, 28 February 1979 Re: CP# 01-79-5630 Thomas J. Miller, Attorney General State of Iowa and Case Summary CP#5630 Miller vs. Iowa City, 27 February 1979. These documents were part of the Iowa City City Council packet for March 6, 1979; they are available on microfiche at the Iowa City Clerk’s office.

<sup>4</sup> Jerald Heth, “Rights group finds ‘probable cause’ of sex bias in Eaton case,” *Des Moines Register*, 1 March, 1979, 1A.

The Johnson County/Iowa City National Organization for Women (JC/IC NOW) committed itself wholeheartedly to the case and led a vigorous campaign to secure equal employment rights for Iowa City's first woman firefighter. Charging the city with sex discrimination, JC/IC NOW emphasized that Eaton was seeking the same privilege the other firefighters enjoyed—"the right to use her 'personal time' as she [chose] while on duty."<sup>5</sup> Under the leadership of their energetic president, Susan Hester, the members of the local NOW chapter set out to eliminate what they viewed as an obvious and egregious example of sex discrimination in their community. From NOW's perspective, it was unthinkable that an organization dedicated to advocating equal rights for women would let the city's actions go unchallenged.

La Leche League (LLL), a Chicago-based international organization that promotes "good mothering through breastfeeding," also raised its voice in support of Eaton.<sup>6</sup> The League believes that motherhood is a woman's most important job, and that breastfeeding is an essential part of motherhood. LLL President Marian Tompson and other League officials and mothers defended Eaton by pointing out the nutritional, psychological, and social benefits of breastfeeding for babies, mothers, families, and society as a whole.<sup>7</sup> In LLL's view, society should support every mother who wants to breastfeed her baby.

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<sup>5</sup> Letter to Neal Berlin from Susan Hester, president of JC/IC NOW, 18 January 1979, JC/IC NOW Records, Box 11 LE Scrapbook, IWA. The same sentiment was expressed in *Daily Iowan*, 19 January 1979, 1A; *Iowa City Press-Citizen*, 22 January 1979, 1A; and JC/IC NOW Press release 24 January 1979, JC/IC NOW Records, Box 6, LE1 Folder, IWA.

<sup>6</sup> Although the full name of the organization is La Leche League International (LLLI), it is commonly referred to simply as La Leche League, so I have done so as well.

<sup>7</sup> See Memos from Faye Young, January 29, 1979, La Leche League Records (hereafter LLL Records), Box 75 Board of Directors Correspondence and Memos, Special Collections and Archives, John T. Richardson Library, DePaul University, Chicago (hereafter DePaul); *La Leche League NEWS*, March-April 1979, p39, LLL Records, Box 12, DePaul; and Report on February 1979 Marian Tompson, LLL Records, Box 87, Marian Tompson's reports as president, DePaul.



The Iowa Socialist Party's (ISP) small but active chapter in Iowa City got involved in Eaton's case for yet another reason: "[A]ll workers need to be protected from the alienating effects of their labor; that is, persons deserve to maintain their human identities while working," the group explained in a resolution supporting Eaton that was passed at its January 1979 meeting.<sup>8</sup> The ISP's analysis did not conflict with either NOW's or LLL's, but it recognized that, in addition to Eaton's gender, her class position was at issue as well. The ISP believed that as a worker, Eaton was entitled to both equal rights (a workplace free from sex discrimination) and mothers' rights (freedom to provide maternal care to her child).

One of the distinctive characteristics of Eaton's case was that women fighting for equal rights found themselves in solidarity with women fighting for maternal rights and socialists fighting for workers' rights. Historically, ideology and class have complicated the alliances among feminists, maternalists, and socialists, but Eaton's case revealed that, in practice and at the local level, there was also a good deal of networking among these groups. Eaton's case upended stereotypes about liberal and conservative women, about feminists and "women's libbers," and about what it meant to take a pro-woman position.

### The Linda Eaton Task Force: NOW Fights for Gender

#### Equality

The late 1970s, one long-time Iowa City feminist recalled, was a "golden era"<sup>9</sup> during which feminist activism flourished amid a sprawling network of alternative organizations and spaces. Some, such as the Emma Goldman Clinic, the Iowa City Women's Press, the Women's Resource and Action Center, Grace & Rubie's Restaurant,

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<sup>8</sup> The meeting was held on January 28, 1979. Iowa City Socialist Party Minutes, Papers of Bill Douglas, Box 1, ISP, Minutes 79-80, SHSI.

<sup>9</sup> Interview with Linda McGuire, 29 January 2009, Iowa City, Iowa.

and the Plainswoman Bookstore, were explicitly feminist. Others, such as the New Pioneer Co-op, Free Medical Clinic, The Clearing, The Unitarian Universalist Church, and Stone Soup Restaurant, embraced feminism as a central tenet along with other goals. Feminists gathered in these spaces for meetings, workshops, dances, lectures, or companionship.<sup>10</sup> Meanwhile, the University of Iowa brought feminists together in women's studies and women's history courses.<sup>11</sup> Most importantly, feminists held positions of power in state and city government and at the university, giving them access to resources and meaningful input into policy decisions.<sup>12</sup>

In an effort to coordinate and focus the wide range of feminist activities, Iowa City feminists organized a day-long “Strategic Overview of Local Feminism” in November 1978. One of the main topics of the session, attended by thirty women from nearly a dozen groups, was the “anti-feminist backlash represented by the political swing to the right in the November election,” in which Iowa's pro-choice U.S. senator, Dick Clark, had been defeated by a conservative Republican.<sup>13</sup> State representative Minnette

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<sup>10</sup> See WRAC newsletters on the wide reach of late 1970s feminist activism in Iowa City—programs, issues, small groups, legislative issues, and cross-organizational activities of feminists.

<sup>11</sup> Many courses originally offered through Action Studies had been worked into the regular curriculum by the late 1970s.

<sup>12</sup> Minnette Doderer and Jean Lloyd-Jones, both members of JCCSW and NOW, served in the Iowa state legislature in the late 1970s. Two JCCSW members were elected to city council in 1974, Penny Davidsen and Carol deProse (also a NOW member). In 1979, deProse served on city council along with Mary Neuhauser, a strong supporter of women's rights and ERA. Members of the Iowa City Human Rights Commission included JCCSW members Mori Costantino, Sally Smith, and Linda McGuire (director of WRAC). The city's staff included Linda Ragland and Candy Morgan, both members of JCCSW; Ragland held a leadership role in JCWPC and Morgan belonged to NOW. At the University, May Brodbeck became the first woman vice-president for academic affairs in 1974, appointed by President Sandy Boyd. The University of Iowa Council on the Status of Women began in 1976, women's studies began in 1972, and the number of women faculty was on the rise.

<sup>13</sup> Roger Jepsen beat Clark in what was widely perceived as a victory in the culture war. Jepsen served one six-year term and was defeated by Tom Harkin in 1984.

Doderer “exhorted the women present to take every possible political action in order to defend our hard-won freedoms.” The group decided to form a Women’s Network to coordinate local efforts on the “immediate political priorities” of Iowa City’s feminist community, which included support for Emma Goldman Clinic and reproductive rights, legislative progress on gay rights, and passage of Iowa’s ERA.<sup>14</sup>

Linda Eaton was not involved in Iowa City’s feminist or women’s rights organizations and, when asked, denied that she was a feminist. Although Eaton agreed that men and women should receive equal pay for equal work, to her this seemed a matter of common sense, not feminism. While the media, and others, often suggested that Eaton’s decision to nurse her baby at the fire station was a feminist move, her explanations were grounded in economic terms. “I’ve got to get back to work because I’m going in debt,” she told a reporter as she explained that she had been borrowing money to make ends meet after taking a substantial pay cut at the maintenance job during her pregnancy.<sup>15</sup> For Eaton, the burden of working-class life weighed more heavily than the burden of her sex.

The problems that Eaton encountered as a firefighter, however, were inextricably linked to her womanhood. Whether she thought of herself as a feminist or not, Eaton had initiated a fight that feminists recognized as their own because it addressed the gendered dimensions of economic opportunity. And even as she tried to finesse her hand—“It’s

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<sup>14</sup> Mary Coogan, “Strategic Overview of Feminism,” reported in WRAC newsletter, December 1978, WRAC Records, Box 23, Dec 1978 newsletters, IWA; IC/JC NOW’s brochure “Celebrating Our Commitment to Women: A Year of Accomplishment May 1978–May 1979,” JC/IC NOW, Box 1, Memorabilia, IWA; JC/IC NOW newsletter February 1979 Volume 2, No. 2, p12 reports on the second organizational meeting of the Women’s Network on February 8, 1979.

<sup>15</sup> Jerald Heth, “Firefighter told she can’t nurse baby while on duty,” *Des Moines Register*, 17 January 1979, 1A; Carol Gulotta, “She’s a Firefighter, a Mother . . . And She Wants to Breast-Feed Her Child at Work, but They Won’t Let Her,” *Los Angeles Herald Examiner*, 21 January 1979, A3.

definitely discrimination, not against me as a woman, but as a nursing mother”<sup>16</sup>—and insisted that she was not “pushing feminism” at the fire department,<sup>17</sup> Eaton’s fight to breastfeed at the fire station was widely understood as a feminist fight, especially when JC/IC NOW announced that it was making her case one of its top priorities.<sup>18</sup>

Members of JC/IC NOW discussed Linda Eaton’s situation during their January 1979 board meeting, five days before she was to return to work from her maternity leave. Although the minutes do not indicate who raised the topic, a well-informed person provided information that had not been published in the newspapers:

When pregnant she was moved to another position with a cut (\$350/month?) in salary. Now ready to return to work and would like to breast-feed her 3½ month old son during her personal time. Fire unit does not want her back on these conditions. . . . Does NOW want to enter the situation. Decided yes. She is apparently a working class woman, gutsy, but has no support. Motion passed to give her support in a manner she wants.<sup>19</sup>

When JC/IC NOW members met with Eaton, they were taken aback at her “reluctance” to become involved with a feminist organization, but their offer to pay her legal fees was no doubt too tempting to turn down.<sup>20</sup> Oleson and Eikleberry, with whom JC/IC NOW members were well acquainted, agreed to take the case, and NOW began

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<sup>16</sup> Jerald Heth, “Working Mom Again Told No Nursing,” *Des Moines Register* 18 January 1979, 3B.

<sup>17</sup> Jerald Heth, “Firefighter told she can’t nurse baby while on duty,” *Des Moines Register*, 17 January 1979, 1A.

<sup>18</sup> Local reporters also flagged the case as feminist because of Clara Oleson’s previous activities and reputation. In addition, because Eaton did not speak of her case as a feminist or women’s rights issue, many Iowa Citizens believe that her attorneys (especially Oleson) and NOW “used” Eaton to make a point. I have found no evidence to support that interpretation.

<sup>19</sup> Minutes of Board of Directors of JC/IC NOW, 17 January 1979, Records of JC/IC NOW, Box 1, IWA.

<sup>20</sup> Interview with former NOW members Susan Hester, Ann Seacrest (formerly Raschke), Cindy Alloway, Jane Stricklin, Kathy McKirchy, and Linda Albright conducted by author, 20 January 2008, Washington, D.C.

raising money to pay their fees.<sup>21</sup> As the legal bills quickly mounted and it became obvious that the case would be lengthy, JC/IC NOW deepened its commitment by signing a contract with Eaton's attorneys to raise a total of \$10,000 and forming the Linda Eaton Task Force to oversee this enormous undertaking.<sup>22</sup> Although it took nearly eight months and proved to be a bit more difficult than they had anticipated, a former NOW member recalled, "We didn't think of it as a big project. . . . We thought we would be successful because we knew we were right."<sup>23</sup> In addition to their confidence, the group had another valuable asset. "We had a spitfire leader who told us we could do anything, and we followed her."<sup>24</sup>

Susan Hester, the president of JC/IC NOW, grew up in Greensboro, North Carolina, where she learned valuable lessons from her mother about women's economic citizenship. When Hester's mother decided to open one of the first private preschools in the nation in 1949, the year of Susan's birth, local bankers laughed at her loan application. Undaunted, Hester's mother borrowed \$800 from friends and family to finance the school; by the time Hester was in high school, her mother had opened and was managing many preschools across the state, and her father had quit his job as a route salesman to help her. In 1971, three days after graduating from Furman University in

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<sup>21</sup> Both women were members of NOW; in addition, Eikleberry provided legal services for the chapter. "Secretary Report February General Meeting," JC/IC NOW Records, Box 1, Minutes 79, IWA; Curt Seifert and Jim Mullendore, "Eaton defies no-nursing rule," *Iowa City Press-Citizen*, 22 January 1979, 1A; JC/IC NOW Press Release, 24 January 1979, JC/IC NOW Records, Box 6, LE Folder 1, IWA.

<sup>22</sup> "Recent Actions, Motions, and Decisions from February," JC/IC NOW Records, Box 1, Minutes 79, IWA; "March General Meeting Minutes," JC/IC NOW Records, Box 1, Minutes 79, IWA; To Jane Eikleberry from Susan Hester, 24 September 1979 in JC/IC NOW Records, Box 5, LE Folder 1, IWA; and To Iowa NOW members from Ann Raschke, January 1981, in possession of author.

<sup>23</sup> Interview with former NOW members, 20 January 2008, Washington, D.C. Speaker is Jane Stricklin.

<sup>24</sup> Ibid. The speaker is Ann Seacrest.

South Carolina with a bachelor's degree in sociology, Hester married a fellow classmate and the couple moved to Washington, D.C., where Hester's husband was enrolled in seminary. "I took a very, very traditional route," Hester recalled. "I hadn't yet been really introduced to feminism."<sup>25</sup>

Within a few short years, however, feminism became the driving force in Hester's life. She experienced her first "feminist click" after she was hired as a corporate researcher in Washington, D.C. Instead of the research assignments she had expected, Hester was assigned secretarial duties. When she did perform research assignments, the young men in the office received credit for the writing that she had done. In 1974, Hester and her husband moved to his hometown, Atlanta, Georgia, and she joined the city's NOW chapter. "And that was the beginning," Hester explained. Atlanta NOW was a large, sophisticated, well-organized chapter that had a significant presence in the national organization. Atlanta NOW schooled Hester in feminism and grassroots organizing—and she never looked back. She chaired the fundraising committee, worked on the newsletter committee, and held several leadership positions. In November 1977, after attending the International Women's Year Conference in Houston, Texas, Hester—somewhat reluctantly—joined her husband in Iowa City, where he had been accepted into the University of Iowa's writing program. She enrolled in a master's program in public administration, but "that wasn't my life," she explained. Feminist activism was her passion, and upon discovering that Iowa City lacked a NOW chapter, Hester set about organizing one.<sup>26</sup>

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<sup>25</sup> Information in this paragraph from interview with Susan Hester, 7 August 2009 via telephone.

<sup>26</sup> Ibid.

NOW chapters had been active in Iowa since 1971, when the first chapter was chartered in Des Moines.<sup>27</sup> Many Iowa Citians held at-large memberships in NOW, and at least one serious attempt to form an Iowa City chapter was made in the mid-1970s, but it had not resulted in a stable chapter.<sup>28</sup> During the mid-1970s, the most active Iowa NOW chapters were in Des Moines, Cedar Rapids, and Dubuque, and more intermittently, in Ames and Grinnell. By 1979, when Hester led the effort to reactivate the Iowa City chapter, NOW had been active in many additional communities across the state including Fort Dodge, Mason City, Algona, Ottumwa, and the Waterloo–Cedar Falls area. Beginning in the mid-1970s, Iowa NOW held state conferences, but NOW's influence on the women's movement in Iowa was most evident at the local level.<sup>29</sup>

Under Hester's leadership, JC/IC NOW became an energetic advocate for gender equality and women's rights in Iowa City. Over forty women and men attended the first meeting in May 1978, and within a year, the chapter had over one hundred and fifty dues-paying members.<sup>30</sup> Four administrative committees and seven issue-oriented task forces (ERA, reproductive rights, lesbians' rights, media, consciousness raising, banking, and

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<sup>27</sup> Cedar Rapids can make a credible claim of being first NOW chapter in Iowa, although it may not have been the first to be chartered. The Cedar Rapids Women's Caucus began in the late 1960s, and eventually became a NOW chapter in the early 1970s.

<sup>28</sup> A local chapter of NOW is referenced in JCCSW newsletter #11 (January 1975) and Minutes of JCCSW coordinating committee December 2, 1974, Papers of Lolly Eggers, IWA. Also see notice of NOW chapter organizing in Iowa City and notice of 1976 state NOW conference to be held in Iowa City that makes reference to recently-formed local chapter in WRAC Records, Box 11, IWA. The notice for the 1976 conference says that there are 10 Iowa NOW chapters and over 650 Iowa NOW members, half of whom held only at-large memberships in national NOW. Iowa NOW Records for the 1983 conference state that Iowa has 16 active chapters with over 1600 NOW members, about 700 at-large and 900 in chapters. The ERA was one reason for this growth. As I have not seen any Iowa City NOW newsletters or meeting minutes prior to 1978, I cannot verify the dates of its existence, but when Susan Hester contacted the national office in 1978, they had records of an inactive chapter in Iowa City.

<sup>29</sup> See papers of Sarah Hanley (CR NOW); Louise Noun (Des Moines NOW); and Ruth Scharnau (Dubuque NOW) at IWA, in addition to chapter records.

<sup>30</sup> NOW Membership list, 5/15/79 in JC/IC NOW Records, Box 2, Membership, IWA.

labor) set to work. Monthly membership meetings featured speakers on a wide variety of feminist topics, and the chapter hosted celebrations such as birthday parties for Susan B. Anthony and Margaret Sanger. JC/IC NOW published a substantial monthly newsletter that included a calendar of events, reports from task forces and committees, and information on local feminist events, activities, and issues. When the chapter celebrated its first birthday in May 1979, JC/IC NOW announced its accomplishments, which included introducing resolutions to the city council calling for Iowa City to join the national boycott on spending money in states that had not ratified the ERA and endorsing the extension period from 1979 to 1982 for ERA ratification (both of which passed); sponsoring the fifth-largest NOW ERA Walk/Run in the nation; creating a slide show on media stereotypes of women; investigating local bank policies; and initiating a defense fund to support Linda Eaton's fight against sex discrimination at the fire station.<sup>31</sup>

JC/IC NOW's decision to take up Eaton's case thrust the organization into a whirlwind of activity. In the initial weeks, the rapid developments in the case coupled with the demands of the local, national, and international press set a frenetic pace for the members of the Linda Eaton Task Force, especially Hester, who directed the effort and served as JC/IC NOW's chief spokesperson. JC/IC NOW pursued two main objectives: securing justice for Eaton by pressuring the city to allow her to breastfeed and raising money to pay for her legal defense. One of the main strategies for achieving these objectives was to secure publicity for the case. Publicity, they believed, would keep political pressure on the city and raise awareness among people likely to make donations to the cause.

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<sup>31</sup> "Celebrating Our Commitment to Women: A Year of Accomplishment, May 1978-May 1979," JC/IC NOW, Box 1, Memorabilia, IWA; "Dear Friend" from Susan Hester (undated) in JC/IC NOW, Box 3, LE Legal Fund, IWA.



## the facts about fire-fighter **LINDA EATON...**

### UPDATE

On May 1, the City of Iowa City forced the Linda Eaton case back into court, requesting that the temporary injunction, which allows Linda to breastfeed her son at the firehouse, be overturned. Leaving the injunction in effect, Judge Ansel Chapman said, "I'm constantly perplexed at the obstacles placed in the way of women today when they seek to accept responsibilities and and rewards that may be attached to activities that have been seen by men as part of the male domain." The Linda Eaton case is far from over.

### WHAT HAS HAPPENED

Linda Eaton, hired by the Iowa City Fire Department in August 1977, has had an unblemished work record and has proven to be a highly qualified fire-fighter. Before returning from her maternity leave in January 1979, she told the Fire Chief of her decision to breastfeed her son, Ian, twice during her twenty-four hour shift, for short periods, at the time when other firefighters were taking naps, showering, or visiting with family or friends. Her claim that this would not be disruptive, and would not interfere with her ability to respond to a fire call was verified on January 26. On that day, during the time she was breastfeeding Ian, an alarm sounded, and even though she was in the women's locker room, she was the second fire fighter to the truck, beating all but one of her male co-workers. Despite the proof, the Fire Chief and the city have continued to object to Eaton's breastfeeding at the Firehouse and only legal action by Eaton's attorneys prevented the city from disciplining and discharging her.

The local union of which Linda is a member, the Iowa City Association of Professional Firefighters, Local 610, AFL-CIO, unofficially sided with management stating that Eaton was getting "special privileges" and was "making a mockery of the profession of Firefighting." However, other local AFL-CIO affiliates, including the Iowa City Federation of Labor, American Federation of State, County, and Municipal Employees (AFSCME), Local 183, and the International Brotherhood of Electrical Workers (IBEW) of Cedar Rapids, Iowa, have publicly supported Eaton and contributed to her legal fund.

### WHERE THINGS STAND NOW

Eaton is protected for the time being from disciplinary action for breastfeeding at the Firehouse by a temporary injunction issued by Johnson County District Court in January. The Iowa Civil Rights Commission, originally intervening at the request of the State Attorney General's office, found probable cause of a case of sex discrimination and ordered conciliation between the City and Eaton's Attorneys. During conciliation the City has refused to bargain in good faith, as evidenced by their offer to "allow" Eaton to take a one-year unpaid leave of absence. The next step is an Administrative Hearing conducted by a Hearing Officer from the Civil Rights Commission, to determine the merits of the case. The City has indicated that it will contest Eaton's right to breastfeed all the way to the Federal District Court if necessary. The City appears willing to waste large amounts of taxpayer's money in order to prevent a City employee from exercising her civil rights.

Figure 5.1. The facts about fire-fighter Linda Eaton, prepared by JC/IC NOW. Records of JC/IC NOW, Iowa Women's Archives.

Drawing on Hester's experiences in Atlanta NOW, the Linda Eaton Task Force pursued many methods of generating local, regional, and national publicity for Eaton's case. The day after Eaton returned to work, the task force took advantage of the unprecedented media presence in Iowa City by calling a press conference where Hester distributed a press release to dozens of reporters, ensuring that NOW's arguments were included in the stories published in hundreds of local newspapers across the nation.<sup>32</sup> The task force also created a "Fact Sheet" (see Figure 5.1), which summarized Eaton's history with the Iowa City Fire Department and the legal developments in her struggle for the "right to a non-discriminatory work environment."<sup>33</sup> JC/IC NOW solicited donations to the Linda Eaton Legal Fund by sending the "Fact Sheet" to targeted audiences such as subscribers to *Ms. Magazine*, other local feminist organizations, and NOW chapters in Iowa and the Midwest.<sup>34</sup> In addition, the task force published an article about Eaton's case in *NOW National News* and assembled a speaker's bureau to make presentations for local groups about the issues raised by the Linda Eaton case. One of the most well-known and long-remembered fundraising efforts was the selling of buttons with slogans such as "Fight Fires and Sexism," "Support Linda Eaton," and "Sexism: A Burning Issue" (see Figure 5.2). For many months, no feminist or left-leaning political gathering

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<sup>32</sup> Johnson County/Iowa City National Organization for Women, January 24, 1979. JC/IC NOW Records, Box 6, LE 1 folder, IWA.

<sup>33</sup> "The Facts about Fire-Fighter Linda Eaton," JC/IC NOW, Box 6, LE 1 folder, IWA.

<sup>34</sup> The 1979 Iowa NOW conference packet included a published report on the Eaton case, and a resolution of support was passed at NOW's Midwestern regional conference the same year. Although JC/IC NOW did not specifically pattern their actions on the national campaign to support Joanne Little, it similarly used the NOW network to help a local woman who lacked resources. Little's case is mentioned in February 1975 minutes of JCCSW and Feb 1975 newsletter, (Eggers Papers, IWA) and it was publicized via NOW chapters in other parts of Iowa. (See Ruth Scharnau Papers, IWA). For a scholarly treatment of Little's case, see Genna Rae McNeil, "'Joanne is You and Joanne Is Me': A Consideration of African American Women and the 'Free Joan Little' Movement, 1974-75," Ch 14 in *Sisters in the Struggle*, edited by Bettye Collier-Thomas and V.P. Franklin (New York: New York University Press, 2001): 259-279.

in Iowa City was complete without a table distributing “Fact Sheets” and selling Linda Eaton buttons.



Figure 5.2. Three of the many buttons worn by Eaton’s supporters in Iowa City. In possession of author.

Linda Eaton Task Force members also sought publicity by asking nationally known individuals who came to Iowa City to speak out about the Eaton case during their visits. One dramatic success, in NOW’s view, involved popular singer Phoebe Snow, who performed in Iowa City in late March 1979. JC/IC NOW members knew that Snow had a young daughter with special needs, so they felt she might be receptive to their request to speak about Eaton’s case during her performance. NOW members got in touch with Snow’s public relations agent and arranged to pick her up at the airport, which gave them the opportunity to explain Eaton’s situation and solicit her help. Hancher

Auditorium was full to capacity when Snow took the stage that evening, and several JC/IC NOW members in the audience waited to see if they had been persuasive.

I seem to remember sitting in the audience thinking, “Will she do it? Will she do it? Will she actually do it?” . . . And then at a break in the singing, she said, “OK, I’ve been contacted by some people, I don’t like to do this, and I’m not sure what’s going on, but I just have to trust them. There’s some people in town that have told me about this firefighter breastfeeding.” And of course people in the audience went wild. And we thought, “She’s going to do it!” And then she talked for quite a while. She talked about her daughter and she kept saying, “I can’t believe I’m going to do this, but I’m going to tell you about trying to pump breast milk for my daughter,” and you could see her shaking her head thinking, “I’m not doing this in front of a huge auditorium,” but she was obviously touched by it.<sup>35</sup>

The glowing reviews of Snow’s performance included lengthy descriptions of her endorsement of Eaton: another publicity success for NOW.<sup>36</sup>

NOW also solicited help from President Jimmy Carter’s former advisor, Midge Costanza, during her April 1979 visit to Iowa City to give the keynote speech at a women’s conference. Costanza was more than happy to speak out about the case. As far as she was concerned, the city council was at fault for allowing city officials to treat Linda Eaton so badly. Council members, she said, should “stand up and provide leadership . . . I’ve been in the city council. It’s called guts, folks.”<sup>37</sup> The headline was another publicity coup for JC/IC NOW: “Costanza defends Linda Eaton.”

NOW members further capitalized on Costanza’s visit by asking her to host a fundraiser for Eaton in Washington, D.C. Noting that Eaton’s case reflected “the whole

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<sup>35</sup> Interview with NOW members, 20 January 2008, Washington, D.C.

<sup>36</sup> Curt Siefert, “Snow feels ‘super’ and shows it,” *Iowa City Press Citizen*, 22 March 1979; Jim Healey, “Snow melts Iowans’ hearts,” *Des Moines Sunday Register*, 25 March 1979, 8H.

<sup>37</sup> Marlene Perrin, “Costanza defends Linda Eaton,” *Iowa City Press-Citizen*, 17 April 1979; almost identical quote appeared in Deb Amend, “Costanza: Still fighting,” *The Daily Iowan*, 18 April 1979.

struggle of women in this country who have to deal with the double standard,” Costanza readily agreed, and Hester arranged for national NOW to sponsor the event the following month (see figure 5.3).<sup>38</sup> Eaton, Hester, and two other NOW members made the trip, which resulted in a substantial (and much needed) donation to the Linda Eaton Defense Fund and a feature article about Linda Eaton’s case in the *Washington Post*.<sup>39</sup> Hester also met with staff members of NOW’s Legal Defense and Education Fund, who took an interest in the case and offered valuable assistance.<sup>40</sup> By seeking and securing the involvement of national NOW, Hester helped to transform Eaton’s local case into a national feminist cause.

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<sup>38</sup> Rod Boshart, “D.C. NOW holds benefit for Eaton’s legal fund,” *The Daily Iowan*, 17 May 1979.

<sup>39</sup> Minutes-June 20, 1979 Board Meeting, JC/IC NOW, Box 1, Minutes 1979, IWA; Joseph McLellan, “The High Cost of Lunch At the Firehouse: Linda Eaton’s Fight to Nurse on the Job,” *The Washington Post*, 18 May 1979, Style Section, C1.

<sup>40</sup> Minutes from General Meeting-June 6, 1979, JC/IC NOW, Box 1, Minutes 79, IWA; To Sandra Jenkins, LDEF from Susan R. Hester Re: Update on Activities in Eaton case, 6/27/79, JC/IC NOW, Box 11, Scrapbook, IWA; Minutes from General Meeting-July 11, 1979, JC/IC NOW, Box 1, Minutes 79, IWA; General Meeting Sept 5, 1979, JC/IC NOW, Box 1, IWA.

*Linda Eaton* wants to breastfeed her baby. The fire-fighting officials in Iowa City say it interferes with firefighting when the baby visits her on her personal time. But it takes her less time to stop feeding and get to the truck than it does for a man who is in the showers. WE SUPPORT HER FIGHT AGAINST SEX DISCRIMINATION. (More details of the law suit will be available at the fundraiser.)

*Midge Costanza*

. . . INVITES *You* TO JOIN HER  
FOR FUN AND FUNDRAISING FOR LINDA.

Please come - and bring others too. (Time is short for advertising so please spread the word!) Linda will need as much as \$10,000 to defend her rights through legal battles.

Organized by the  
National Organization  
for Women in D.C.  
466-2934  
for  
Johnson City/Iowa City NOW  
P.O. Box 946 Iowa City 52240  
(coordinating LEaton fundraisers)

..meet Linda and Midge  
Wine and Cheese 6 - 8 p.m.  
Thursday, May 17th  
CWA Brick Room, 1015 20th St NW  
Donations \$10 to \$100 at the door  
\*20th & K Streets  
Farragut North or West subway stops

Figure 5.3. Announcement of fundraising event in Washington, D.C. hosted by Midge Costanza and NOW. Records of JC/IC NOW, Iowa Women's Archives.

Costanza's criticism of the Iowa City City Council echoed JC/IC NOW's frustration with the council. NOW members were well acquainted with the city council; they attended council meetings on a regular basis to raise women's issues and had worked with council members to pass resolutions supporting the national ERA boycott and extending the deadline for ERA ratification. Thus, from the beginning of Eaton's

case, pressuring the city council to put an end to the no-nursing rule had been one of NOW's main strategies; NOW members appeared before the council to speak about Eaton's case, and they persuaded other Iowa Citizens to do the same.<sup>41</sup> Savvy about the political workings of the council, Linda Eaton Task Force members also telephoned the council members they considered most sympathetic to women's issues: Clemens Erdahl and NOW member Carol deProse.

The conversations with deProse and Erdahl proved discouraging, however, as both indicated that there was little the city council could do. After consulting with the city manager and the fire chief, deProse told NOW member Ann Raschke that the city viewed the contract with the firefighters' union as the controlling document. Because the contract did not include provisions for "personal time" as such, the city did not believe that Eaton had a valid complaint. Some members of Iowa City's feminist community, distressed by what they perceived as a lack of support from deProse, invited her to a contentious meeting where deProse recalls "women yelling at me and no one listening to what I might have to say." Councilman Erdahl, meanwhile, explained that the council was constrained by the city charter, which gave the city manager the authority to handle personnel matters. Erdahl told NOW that he would like to help Eaton, and he promised to discuss the matter with other council members to see if there were enough votes to address the situation at the policy level. Erdahl apparently did not succeed in rallying

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<sup>41</sup> Minutes of March 6, 1979 IC City Council meeting where NOW member Susan Guenther urged council to take action, as well as many others, including a man listed as Charlie East. (It is likely that this was Charlie Eastham, who was active in city politics for many years.) A summary of the comments prepared by Sophie Zukrowski notes that East "said it is time for the Council to start acting responsibly and to stop acting foolishly." Zukrowski penciled in, "Angie—I bet this remark went over well with C.C." Memo to File from Sophie 14 March 1979, LEP, Box 4, Folder 15, SHSI; Minutes of April 10, 1979 council meeting show that Susan Hester and Dale McCormick appeared; city council minutes on microfiche at city clerk's office.

enough support among other council members, however, since the council allowed the city manager to continue supporting the no-nursing rule.<sup>42</sup>

JC/IC NOW's frustration with the city council intensified as conciliation, the next step in the legal process, got underway. At a meeting in early April 1979, representatives of the Iowa Civil Rights Commission, which acts as an advocate for complainants during conciliation, initiated the process by offering a ten-part agreement to city officials and Eaton's attorneys.<sup>43</sup> Approximately one week after this meeting, an anonymous source revealed to the press that the city had rejected six of the provisions, including allowing Eaton to continue breastfeeding at the fire station, awarding Eaton back pay with interest for the days she was suspended, and writing a letter of apology.<sup>44</sup> When asked who had the authority to accept or reject the agreement, Mayor Robert Vevera replied that this responsibility rested with the city manager. Conceding that the city manager would

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<sup>42</sup> Information in this paragraph from handwritten notes by Ann Raschke and Susan Hester in JC/IC NOW Records, Box 6, LE Folder 1, IWA; handwritten notes in Susan Hester's personal files in possession of author; written responses from Carol deProsse to author, 27 August 2007; interview with Clemens Erdahl, 6 September 2007, Cedar Rapids, Iowa; interview with NOW members 20 January 2008 in Washington, D.C.

In her written response to my questions, deProsse notes that while she supported Linda Eaton's right to breastfeed, she felt that "to settle it [the Eaton case] on the local level would have prevented it from becoming not only a national story, but an international one as well. I believe to this day that women's rights in this area were increased because of the protracted nature of the matter."

<sup>43</sup> *Iowa Civil Rights Commission Annual Report 1979*, 11. "In conciliation we are not neutral, rather we take on the cloak of an advocate because we have determined that the complainant was a victim of illegal discrimination."

<sup>44</sup> Rod Boshart, "City to refuse commission's resolution of Eaton dispute," *The Daily Iowan*, 11 April 1979, 1A; Curt Seifert, "New discord hinted in Linda Eaton case," *Iowa City Press-Citizen*, 11 April 1979; and Margy McCay, "Iowa City officials refuse to OK agreement on Eaton," *Des Moines Register*, 12 April 1979, 7A.

No one ever took responsibility publicly for revealing this information, although one report opined that it was a member of city council. Nothing suggests to me that the source was a member of the legal team for either the city or Eaton, especially since neither side stood to benefit from the public disclosures.



probably consult with the council, Vevera went on to emphasize that “this is an administrative matter, this is not policy. We make the policy and he runs the city.”<sup>45</sup> NOW members were dismayed that the city’s elected officials continued to maintain that the Eaton case was a problem they could not solve.

With Eaton’s permission and participation, JC/IC NOW arranged a press conference at which Hester, exhorting the city to reach a conciliation agreement with Linda Eaton, delivered a scolding to the city council (see Figure 5.4). The council’s claim that the city charter prohibited it from participating in personnel matters was disingenuous, Hester accused, because, in fact, the council had met with city officials in executive sessions in January and again in April, during which time the council gave its approval to the city manager’s course of action in the Eaton case. “The city council members cannot continue to claim that they are not involved in the decision making in this case,” Hester charged. City council members, she went on, “are accountable to the citizens of this city. They are responsible for seeing that there is no discrimination in city employment and they are responsible for seeing that taxpayers [sic] money is not used to extend a needless battle.” Iowa Citizens, Hester stated, should “make their support of Linda Eaton and their desire for conciliation known” to the city council members.<sup>46</sup>

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<sup>45</sup> Rod Boshart and Roger Thurow, “Eaton: Would have signed commission’s agreement,” *The Daily Iowan*, 12 April 1979, 1A.

<sup>46</sup> “Press Conference 4/12/79 at Chamber of Commerce Board Room,” JC/IC NOW Records, Box 6, LE folder 1, IWA.



Figure 5.4. *Daily Iowan*, 13 April 1979. Susan Hester and Linda Eaton holding a press conference on the conciliation proposals. Eaton's son, Ian, in the center.

Hester provided copies of the city's counterproposals at the press conference, which demonstrated that the city had not changed its position about the no-nursing rule. The city offered Eaton three options: an unpaid leave of absence of up to twelve months; the opportunity to pump her breasts twice per shift at the fire station; or employment in another department "with a schedule which will enable her to more easily meet her personal needs." The offer noted that the city had openings in several positions with higher pay than Eaton was currently receiving including bus driver, animal control officer, and maintenance worker.<sup>47</sup> "I definitely don't think any of them (the three points in the city's proposal) are acceptable," Eaton told the press. "I'm a professional

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<sup>47</sup> Miller v City of Iowa City Conciliation Offer, LEP, Box 4, Folder 8, SHSI.

firefighter, and that's where I want to stay.”<sup>48</sup> In her written response to the city, Eaton's attorney Jane Eikleberry explained that “most importantly, none of the offers avoids treating Ms. Eaton differently from the other firefighters because of her sex.”<sup>49</sup> Eaton countered the city's proposal with her own offer, but it contained essentially the same provisions as the ICRC proposal, and the city ignored it. Failure to reach a conciliation agreement meant that the legal battle would go on, and the ICRC scheduled a public hearing on the case for August.

NOW's press conference precipitated a nasty public exchange between council member Carol deProse and the Iowa City Human Rights Commission that demonstrated how divisive the Eaton case had become. DeProse, who had attended the press conference, was quoted in the newspaper the following day:

The Iowa Civil Rights Commission is the most prejudicial and biased governmental body I've ever encountered. They walked into the door with this proposal that gives the whole thing to Linda Eaton. They were prejudiced to begin with. The Iowa Civil Rights Commission is discriminating against the city.<sup>50</sup>

When the Iowa City Human Rights Commission met ten days later, it released a unanimous statement taking “strong exception to public comments made by a member of the Iowa City City Council impugning the Iowa Civil Rights Commission's handling of the Linda Eaton case.” The commission explained that deProse's comments demanded a response because they cast doubt on the work of all civil rights agencies by suggesting that such agencies did not follow fair and impartial procedures. Therefore, the

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<sup>48</sup> Rod Boshart and Roger Thurow, “Eaton: City plan ‘not acceptable,’ *The Daily Iowan*, 13 April 1979, 1A.

<sup>49</sup> To Ms. Angela Ryan from Jane L. Eikleberry, 11 April 1979, LEP, Box 4, Folder 8, SHSI.

<sup>50</sup> Rod Boshart and Roger Thurow, “Eaton: City plan ‘not acceptable,’ *The Daily Iowan*, 13 April 1979, 3A. Similar, but not identical quotation in “Eaton retains her hope of conciliation with city,” *Iowa City Press-Citizen*, 12 April 1979, 2A.

commission stated, “we wish to go on record opposing this particular outburst and further request a more judicious response by any City official in the future.”<sup>51</sup> The final salvo came during the city council’s meeting the following day when council members Vevera, Balmer, and Roberts “agreed that deProsse had a right to express her opinion. Roberts also agreed that the opinion was correct.”<sup>52</sup> NOW continued asking the council to intervene in Eaton’s case without success. In the fall of 1979, when NOW sponsored a candidate forum for the upcoming city council election, each candidate was asked to explain his or her position on the still-unresolved Eaton case.

Since the beginning of NOW’s involvement with Eaton’s case, JC/IC NOW Labor Task Force chair Kathy McKirchy had reached out to local and national labor organizations for support. McKirchy focused her initial efforts on Local 610, the Iowa City firefighter’s union, a difficult task since many Iowa City firefighters had already announced their support for the fire chief. The president of the International Association of Fire Fighters (IAFF) in New York made matters worse by declaring, “She [Eaton] is really overdoing it. . . . The fire chief should stick by his guns.”<sup>53</sup> Warning that breastfeeding would interfere with Eaton’s ability to perform her duties, the president of the IAFF went on to say that it would be fine for Eaton to bring her baby to the fire station, “but that isn’t the same as nursing a baby, my God.”<sup>54</sup>

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<sup>51</sup> “For Immediate Release—23 April, 1979” in the city council’s packet of April 24, 1979, on microfiche at City Clerk’s office, Document 79-825; “DeProsse’s comments on Eaton case criticized,” *Iowa City Press-Citizen*, 24 April 1979.

<sup>52</sup> Minutes of the Iowa City City Council, 24 April 1979, on microfiche at City Clerk’s office.

<sup>53</sup> Rod Boshart and Roger Thurow, “Firefighters union takes no stance in Eaton case,” *The Daily Iowan*, 24 January 1979, 1A. Comments of McClennan on 3A, see “Union officer: Eaton overdoing it.”

<sup>54</sup> *Ibid.*

Appalled at the lack of support for one of its own members, McKirchy wrote to the presidents of the firefighters' unions. She chastised them for "siding with management," condemned their "sexism," pleaded with them to show solidarity across lines of race and gender, and called upon them to "close ranks in these days of strong anti-union activities" by supporting women workers.<sup>55</sup> McKirchy's appeal was unlikely to resonate with Iowa City's firefighters—persuading male-dominated skilled unions, such as firefighters, to accept women and non-whites within their ranks, has been an uphill battle.<sup>56</sup> Furthermore, Local 610 had never been active in the Iowa City Federation of Labor, nor was it viewed as a partner in seeking gender and racial justice for workers by progressive labor leaders in Iowa City.<sup>57</sup>

Realizing that the firefighters' unions were not going to offer Eaton any support, McKirchy called upon the Coalition of Labor Union Women (CLUW) for help. CLUW, a national organization of women unionists founded in Chicago in 1974, worked within existing labor organizations to put women's issues on labor's agenda.<sup>58</sup> One scholar has described CLUW as an organization that "bridged" the labor and women's movement by addressing working-class women's concerns from both a class and a gender

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<sup>55</sup> To Mr. William H. McClennan, Fire Fighters International Association from Kathy McKirchy, Labor Task Force, 24 January 1979, JC/IC NOW, Box 11, LE Scrapbook, IWA; To Mr. Donald Crow, President, Iowa City Association of Professional Fire-Fighters, Local 610 from Kathy McKirchy, Labor Task Force of JC/IC NOW. 21 January 1979, JC/IC NOW Records, Box 11, LE Scrapbook, IWA.

<sup>56</sup> See Ruth Milkman and Alice Kessler-Harris.

<sup>57</sup> Interviews with Dennis Ryan, Jim Walters, and Bill Peterson.

<sup>58</sup> Several national organizations for working women were founded in the early 1970s. In addition to CLUW, these included Women Employed (1973); Nine-to-Five (1973); and the Women's Alliance to Gain Equity, or Union WAGE (1971). CLUW's distinction was that all its members were union members; CLUW's members were from many unions including AFSCME, UAW, CWA, textile workers, teachers, steelworkers, and many of its leaders had worked within the women's movement as well as the labor movement.

perspective.<sup>59</sup> McKirchy approached CLUW to see if it might, through its contacts in the labor movement, be able to “put pressure on” the firefighters’ union.<sup>60</sup> Although the lack of additional correspondence or any other evidence of its involvement in the Eaton case indicates that CLUW did not provide assistance, the fact that McKirchy asked for CLUW’s help demonstrates JC/IC NOW’s tenacity and resourcefulness, and its confidence in the national significance of Eaton’s case.<sup>61</sup>

Despite the opposition of her own union, Eaton did receive support from some members of the local labor community. “The firefighters’ position is not the position of all of labor,” stated Laura Iliff, president of Local 183 of the American Federal, State, County, and Municipal Employees (AFSMCE), which represented city employees. “In our union, we try to combat sexism,” said Iliff, a city bus driver.<sup>62</sup> Local 183 was chartered in the mid-1970s, at the height of the dramatic national trend of public sector unionization, and Iliff’s comments reflected the fact that progressive women and men had

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<sup>59</sup> Silke Roth, *Building Movement Bridges: The Coalition of Labor Union Women*, Contributions in Sociology, Number 138, Dan A. Chekki, Series Adviser (Westport, Connecticut and London: Praeger, 2003).

<sup>60</sup> To Naomi Baden from Kathy McKirchy, 30 January 1979, CLUW Records, Box 53, Folder 6, The Archives of Labor and Urban Affairs, Walter P. Reuther Library, Wayne State University, Detroit, Michigan.

<sup>61</sup> There was a CLUW chapter in eastern Iowa at the time, but if McKirchy solicited their assistance, I find no record of it. Notes in CLUW Records at the Reuther Library indicate that Betty Talkington, longtime union member and activist from Cedar Rapids, Iowa, who was one of the signers of the original NOW chapter in 1966, helped start a CLUW chapter in eastern Iowa in the mid-1970s. (For more on Talkington, see Chapter Six.) I have not located any records related to the chapter’s membership or activities, however, and no CLUW chapters exist in Iowa today.

CLUW most likely had few ties to the International Association of Fire Fighters because so few women were firefighters at that time. Today, a member of the IAFF is on CLUW’s Board of Directors.

<sup>62</sup> Rod Boshart and Roger Thurow, “Firefighters union takes no stance in Eaton case,” *The Daily Iowan*, 24 January 1979, 1A.

led Local 183's organizing drive and shaped its politics.<sup>63</sup> Under Iliff's leadership, Local 183 passed several resolutions supporting Eaton. Members of Local 183 also attended city council meetings and wrote letters to the editor on Eaton's behalf. "There was like a wave of support" for Eaton among Local 183 members, recalls a longtime city bus driver, because most of them felt the city "was out of line" for forcing Eaton to choose between her job and breastfeeding.<sup>64</sup> Iowa City Federation of Labor president and NOW member Dennis Ryan also spoke up for Eaton. "Speaking on behalf of and representing eight locals affiliated with the AFL-CIO," Ryan appeared before the city council to support his "fellow worker" and to condemn the city for sabotaging labor's strength by pitting women against men.<sup>65</sup> A newly updated "Linda Eaton Fact Sheet" reported that Eaton received public support and financial contributions from Local 183, the Iowa City Federation of Labor, and the International Brotherhood of Electrical Workers in Cedar Rapids, Iowa.<sup>66</sup> While this union support was helpful, it was hardly forceful or widespread, suggesting that most union workers in the area did not find Eaton's grievance to be significant.

Throughout the spring and summer of 1979, Hester's energy, drive, and focus kept the Linda Eaton Task Force on track to meet its fundraising goal. Most notably, she

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<sup>63</sup> On public unions, see Joseph A. McCartin, "Turnabout Years: Public Sector Unionism and the Fiscal Crisis," Chapter 11 in *Rightward Bound: Making America Conservative in the 1970s*, eds. Bruce J. Schulman and Julian E. Zelizer (Harvard University Press: Cambridge, MA and London, England, 2008): 210-226.

The leadership of the unionization drive came largely from transit and the library, interview with Jim Walters. To this day, most of the union's leadership comes from members of the transit department, per Bill Peterson, long time city bus driver and union steward.

<sup>64</sup> Interview with Bill Peterson, 22 February 2010, Iowa City, Iowa.

<sup>65</sup> City of Iowa City memorandum to file from Sophie [Zukrowski], March 14, 1979, LEP, Box 4, Folder 15, SHSI.

<sup>66</sup> "the facts about fire-fighter Linda Eaton . . . Update," [May 1979], JC/IC NOW Records, Box 2, LE Defense Fund, IWA.

succeeded, with the help of national NOW, in locating a fiscal agent to handle a large anonymous donation to the Linda Eaton Defense Fund.<sup>67</sup> By September 1979, JC/IC NOW had fulfilled its commitment of raising \$10,000 for Eaton's defense, and although this did not mark the end of JC/IC NOW's involvement in the case, whose outcome was still uncertain, the group was proud of this accomplishment.<sup>68</sup> The successful fundraising campaign was due, in no small part, to Hester's leadership. She introduced JC/IC NOW members to the techniques and strategies she had learned in Atlanta NOW, she knew how to draw upon the resources of the national NOW office and NOW networks, and her confidence emboldened the rest of the members, who recall the Eaton campaign with exhilaration and satisfaction.<sup>69</sup> "Meetings and phone calls and brainstorming sessions—all before computers and cell phones—youthful energy . . . [and] a belief we could accomplish anything," summed up one member's recollection.<sup>70</sup> Impressed with Hester's leadership and accomplishments in Iowa, national NOW recruited her to work in its Chicago office. In January 1980, Hester, who had received her master's degree in public administration at the University of Iowa and whose marriage had ended, left Iowa City to begin her new position with NOW.<sup>71</sup>

JC/IC NOW's sustained, complex campaign on behalf of Linda Eaton, Hester later stated, was "vintage NOW."<sup>72</sup> During the 1970s, national NOW encouraged its

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<sup>67</sup> Minutes JC/IC NOW July 11, 1979 General Meeting, JC/IC NOW Records, Box 1, Box 1, IWA.

<sup>68</sup> To Jane Eikleberry from Susan R. Hester, 24 September 1979, JC/IC NOW, Box 5, Linda Eaton 1, IWA.

<sup>69</sup> Interview with former NOW members, 20 January 2008. The importance of Hester's leadership was a point that everyone (except Hester) mentioned at least once during the interview.

<sup>70</sup> Biographical Information Sheet of Ann Seacrest (formerly Raschke), 2008, in possession of author.

<sup>71</sup> Interview with Susan Hester via telephone, 7 August 2009.

<sup>72</sup> Interview with Susan Hester via telephone, 21 September 2007.



chapters to identify a specific, local example of sex discrimination and to eliminate it through relentless political pressure and, above all, relentless publicity. The reasoning behind this strategy, JC/IC NOW members explained, was that a significant part of the challenge of ending sex discrimination was convincing people that it existed. JC/IC NOW members seized upon Eaton's case as a "perfect" opportunity to make a real difference in the struggle for gender equality precisely because it was "so local," "so visible," and "so obvious and illogical" that it served both as an example of how sex discrimination worked and a rallying point for eliminating it.<sup>73</sup>

JC/IC NOW members recognized that Eaton's case invoked a wide range of women's issues such as supporting women in nontraditional jobs, the role of women in unions, and the competing responsibilities women faced as workers and as mothers, but the most important issue, for NOW, was gender equality. This was true not only because eliminating sex discrimination was central to NOW's mission, but because the ratification of the ERA was NOW's top national priority as well as the focus of an intense effort by JC/IC NOW members. Therefore, when Hester wrote to the city manager about the case, she stated that "Ms. Eaton deserves equal rights to family activity while working as a firefighter."<sup>74</sup> And in fundraising letters, task force members described the case as "a woman's fight for equality on the job" and urged feminists to support Eaton's fight for "equal opportunity."<sup>75</sup> For JC/IC NOW, the Eaton case provided evidence that the nation needed to ratify the Equal Rights Amendment.

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<sup>73</sup> Interview with Hester, 7 August 2009. Hester used the word "perfect," but this sentiment came from all NOW members I talked with; interview with NOW members, 20 January 2008. Quotes from Susan Hester and Cindy Alloway. All members made similar points about the importance of the case for JC/IC NOW.

<sup>74</sup> To Mr. Neal Berlin from Susan R. Hester, 18 January 1979, JC/IC NOW, Box 11, Scrapbook, IWA.

<sup>75</sup> See Dear Friend from Susan Hester, 18 June 1979; Fundraising letter of April 10, 1979 signed by Susan Hester and Lynne Adrian, both documents in JC/IC NOW, Box 11, Scrapbook, IWA. Also letter of Sept 24, 1979 to Jane Eikleberry thanking her for working



Figure 5.5. *Daily Iowan*, 6 April 1979. Woman wearing buttons supporting the ERA and Linda Eaton.

Throughout the Eaton campaign, NOW members understood that Linda Eaton did not share their passion for securing equal rights for women through political action. “For her, it was personal,” explained Hester.<sup>76</sup> Eaton had been clear with NOW from the outset that she was not a feminist, and the lack of reciprocity in their relationship—Eaton’s cause was NOW’s, but NOW’s cause was not Eaton’s—meant that NOW and Eaton did not collaborate on the case. Eaton did not, for example, attend NOW meetings

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towards “equal treatment” (JC/IC NOW, Box 5, LE Folder 1, IWA) as well as resolutions introduced to regional NOW meetings calling for elimination of sex discrimination (JC/IC NOW, Box 11, Scrapbook, IWA).

<sup>76</sup> Interview with NOW members, 20 January 2008.

or discuss strategy with them. In fact, since Eaton and NOW members “didn’t really relate” to one another, they had surprisingly little direct contact with each other.<sup>77</sup> Eaton felt a bond with a different group of women—nursing mothers—who were thrilled to see a woman, at long last, carrying their banner. “Women’s Lib so often excludes our feelings as mothers,” an admiring mother wrote to Eaton. “Your stand is not only a stand for women’s lib, but for mother’s lib!”<sup>78</sup>

“Good Mothering Through Breastfeeding”: La Leche  
League, Maternalism, and Working Mothers

In sharp contrast to the distance between her and NOW, Eaton had strong ties to La Leche League (LLL). Her older sister, Lana, with whom Eaton had a close relationship, was a League leader, and Eaton explained that it was Lana who had educated her about the importance of breastfeeding.<sup>79</sup> Eaton also told the press that she was a LLL member and, on one of the few occasions that Eaton framed her decision to defy the fire chief’s no-nursing rule within a larger context, she described it as a “fight for nursing mothers.”<sup>80</sup> During the 1960s and early 1970s, the relationship between LLL and NOW was cool, largely due to the philosophical differences between these two groups of mainly white, middle-class women.<sup>81</sup> The convergence of domestic and paid

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<sup>77</sup> Ibid.

<sup>78</sup> Letter to Linda Eaton, LEP, Box 1, Folder 12, SHSI.

<sup>79</sup> Certification as a League Leader is a lengthy process through which a nursing mother demonstrates her knowledge of and commitment to League philosophy, and also her ability to help breastfeeding mothers with a wide range of problems. Leaders retain their status perpetually.

<sup>80</sup> Jerald Heth “Firefighter told she can’t nurse baby while on duty,” *Des Moines Register*, 17 January 1979, 1A. Similar sentiments expressed in Letter to editor from Linda R. Eaton, *Iowa Woman*, Vol. 1, No. 1 Jan/Feb 1980, 6; and KCRG newsreels, Tape No. 103, Counter number 396-410, “Eaton,” 1/24/79, SHSI.

<sup>81</sup> On the relationship between feminism and La Leche League see Linda M. Blum and Elizabeth A. Vandewater, “Mother to Mother’: A Maternalist Organization in Late Capitalist

labor in the life of a working-class woman in the late 1970s, however, illuminated some common ground.

La Leche League was founded in 1956 in Franklin Park, Illinois, by seven white, Catholic, middle-class women.<sup>82</sup> As Mary White and Marian Tompson nursed their babies at a Christian Family Movement picnic in July 1956, other mothers commented to them, regretfully, that they had tried to breastfeed but had failed. Tompson understood. The baby at her breast was her fourth, but the first she had nursed. Tompson, who had insisted on natural childbirth at the hospital for her second and third babies, had wanted to breastfeed; when problems arose, however, her physician had told her to give the babies formula. Through the Christian Family Movement, Tompson met Dr. Gregory White, Mary White's husband, a proponent of natural childbirth and breastfeeding. Dr. White delivered Tompson's next baby at home, and with his support and encouragement, she was now successfully breastfeeding her daughter. Tompson felt certain that other women could breastfeed if they had similar support. She and Mary White decided to start a group that would share information on breastfeeding with other women. In October 1956, the seven "founding mothers," all of whom had experienced the disappointment of

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America," *Social Problems* 40:3 (August 1993): 285-300; Lynn Y. Weiner, "Reconstructing Motherhood: The La Leche League in Postwar America," *The Journal of American History* (March 1994): 1357-1381; Christina G. Bobel, "Bounded Liberation: A Focused Study of La Leche League International," *Gender & Society* 15:1 (February 2001): 130-151; Jule DeJager Ward, *La Leche League: At the Crossroads of Medicine, Feminism, and Religion* (Chapel Hill and London: University of North Carolina Press, 2000); Linda M. Blum, *At the Breast: Ideologies of Breastfeeding and Motherhood in the Contemporary United States* (Boston: Beacon Press, 1999); and Bernice L. Hausman, *Mother's Milk: Breastfeeding Controversies in American Culture* (New York and London: Routledge, 2003), esp Ch 5.

<sup>82</sup> The name "La Leche League" was suggested by Dr. Gregory White, husband of founder Mary White and one of the League's foremost medical advisors. The founders sought a name for their organization that did not have the word "breast" in it; they were afraid that the newspapers would not print it. Dr. White used to give his pregnant patients a medal of the shrine of the Spanish Madonna, Nuestra Señora de La Leche y Buen Parto (Our Lady of Happy Delivery and Plentiful Milk).

being unable to breastfeed their first babies, met at the White's home with a few of their pregnant friends—and mother-to-mother support for breastfeeding began.<sup>83</sup>

The seven founders knew each other through their ties to the Christian Family Movement and their interest in natural childbirth and breastfeeding.<sup>84</sup> Several were patients of Dr. White and had given birth in their homes under his supervision. The founders' birthdates ranged from 1915 to 1931, but most were born in the 1920s and married in the 1940s; among the seven, they bore and raised a total of fifty-six children. Five of the founders attended college and three completed a four-year degree. Most had been raised in Chicago, and had moved to the suburbs in the 1950s with their husbands—among them a doctor, an engineer, an accountant, and a lawyer—to raise their families. The seven founding mothers shaped LLL's philosophy, which developed over the coming years, through their own experiences and in dialogue with other mothers.<sup>85</sup>

The League's central philosophy, captured in its motto “good mothering through breastfeeding,” crystallized in 1958 as the founders realized that they were interested in more than the “techniques” of breastfeeding. “Mothering is our objective,” stated a 1959 League pamphlet. To the founders, “good mothering” included natural childbirth, exclusive breastfeeding for the first six months of a baby's life, and baby-led weaning, which might mean nursing a child who was two or three (or more) years old.<sup>86</sup> In the

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<sup>83</sup> The seven founders are: Mary White, Marian Tompson, Mary Ann Kerwin, Mary Ann Cahill, Edwina Froehlich, Betty Wagner, and Viola Lennon. Information in this paragraph from Kaye Lowman, *The LLLove Story* (Franklin Park, Illinois: La Leche League International, Inc., 1978); and Lowman, *The Revolutionaries Wore Pearls* (Schaumburg, Illinois: La Leche League International, Inc., 2007).

<sup>84</sup> Five of the founders belonged to the Christian Family Movement; all of them had read *Childbirth Without Fear* by British physician Dr. Grantly Dick-Read.

<sup>85</sup> On the influence of Catholicism on League philosophy, see Jule DeJager Ward, *La Leche League: At the Crossroads of Medicine, Feminism, and Religion* (Chapel Hill and London: University of North Carolina Press, 2000). Biographical information from the two Lowman books.

<sup>86</sup> Lowman, *LLLlove*, 18-22; *Pearls*, 6.

early 1970s, the League distilled these important concepts, along with others, in a document titled “We in LLL Believe.” Concepts two and three emphasized that a nursing mother and her baby must be in close proximity to each other at all times, while concept eight addressed the unique role of the father to serve as the mother’s “provider, protector, helpmate, and companion” and whose support “enables her to mother the baby more completely.” These concepts signified the founders’ understanding that a nuclear family composed of a breadwinning husband and a homemaker wife was an uncomplicated fact of life, and a necessary one for “good mothering.”<sup>87</sup>

Demographic data on League members is imprecise at best, but scholars agree that most League mothers have been white, middle-class, well-educated, married, and until the 1980s, full-time homemakers.<sup>88</sup> At the same time, photographs and images of African-American women (in middle-class attire) appeared on the covers of League pamphlets as early as 1968, and by the early 1970s, League leaders in a few locations had initiated outreach programs to non-white and “resource-deprived” women who “were not being reached by traditional La Leche League meetings.”<sup>89</sup> This evidence suggests that

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<sup>87</sup> In the early days, the League had separate meetings for fathers, which were originally led by Dr. Herbert Ratner, Dr. White’s mentor. “In the beginning, we had a lot of trouble getting the husbands to go,” a founder recalled. *The LLLove Story*, 62, 17.

<sup>88</sup> Blum and Vandewater, “Mother to Mother,” 286, notes the “white, middle-class base” of LLL and quotes an earlier study finding that “few low-income or single mothers are drawn to the League because its philosophy assumes an ‘intact’ family with a good male provider.” Also see Bobel, “Bounded Liberation,” 133, 146.

Since the League itself did not collect demographic data, scholars have relied on focus studies, observations at state and national conventions, and the knowledge of women who have held leadership positions in LLL over a long period of time. Now that LLL’s papers are in a public archives, perhaps more information on local outreach efforts in non-white and lower income communities will be uncovered.

<sup>89</sup> The cover of the League’s pamphlet included a photograph of a mother nursing her child. The photograph changed each year. In 1968, 1972, and 1974, the woman on the cover was African-American. On the outreach programs, see Lowman, *The Revolutionaries Wore Pearls*, 56.

even if most League members were middle-class and white, the League did not believe that “good mothering” was bound by lines of race or class.<sup>90</sup>

The League grew rapidly during the 1960s and 1970s, providing mother-to-mother support for breastfeeding through monthly meetings, newsletters, and phone consultations. By the late 1970s, the League had certified over 14,000 volunteer Leaders and established some 4,000 groups in forty-four countries, although most members were in the U.S. The League had fifty-two paid employees and produced a monthly newsletter for 60,000 LLL mothers.<sup>91</sup> In Iowa, LLL groups began forming in the mid-1960s; by the late 1970s, there were over 150 leaders and 69 groups in cities and towns of all sizes including Des Moines, Cedar Rapids, Mason City, Iowa City, Fort Dodge, Perry, and Hudson.<sup>92</sup>

Over the years, the questions and needs of nursing mothers changed. By the late 1970s, for example, the League had been called upon by breastfeeding mothers who were in prison, undergoing divorce proceedings, tapped for jury duty, asked to leave public places, or denied the opportunity to nurse or express breast milk at their place of employment.<sup>93</sup> Because the League based its advice on scientific findings and stayed current on the latest research, it had built a solid reputation within the medical

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<sup>90</sup> Jule Ward notes that the League has been involved in “outreach beyond middle-class America” since the mid-1960s. See Ward, *La Leche League*, 102-3.

<sup>91</sup> Vera Chatz, “Nurturing a World of Information Hungry Mothers,” *The Washington Post*, 11 March 1979, G6; Celia Ersland, “La Leche League’s gentle persuasion,” *The Press Democrat*, 1 March 1978, 6C [Bay area of California]; Judy McDermott, “Global network of crusaders carries nursing call to mothers,” *The Oregonian*, 15 July 1978, Section C.

<sup>92</sup> Information on Iowa League groups from “News Inserts—Iowa,” LLL Records, Box 13, DePaul.

<sup>93</sup> Marian Tompson’s reports to the board for February, March, and April 1979, LLL Records, Box 87, De Paul.

community as a credible source of information on breastfeeding.<sup>94</sup> Nursing mothers facing difficult challenges, like Eaton, turned to the League, therefore, hoping that the information provided by LLL would bolster their requests for arrangements that would allow them to continue nursing.

In early January 1979, shortly before returning to work at the fire department, Eaton sought advice from Mary Flanagan, a new LLL leader in Iowa City.<sup>95</sup> The previous leader in Iowa City, Mary Kay Wissink (who was married to an Iowa City firefighter), had been leading LLL groups for twenty years and was eager to retire. Eaton explained to Flanagan that her job as a firefighter would keep her away from her baby for twenty-four hours at a time, and asked for suggestions on how to continue nursing under those conditions. Although Flanagan had been a League leader for over six years, she did not have much experience counseling working mothers. After several conversations, Flanagan recalled, “I suggested the possibility of having the baby brought to work.”<sup>96</sup> Eaton seemed “skeptical” of that idea at first, but after considering her options—no doubt in consultation with her sister—she decided that having her baby brought to the fire

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<sup>94</sup> The League had a medical board of directors, the American Medical Association referred inquiries to LLL, and the *Journal of Pediatrics* endorsed the League, for example. (Noted by Marian Tompson in letter to editor, *NY Times Sunday Magazine*, 4 July 1971, 15.) In 1979, the American Association of Pediatrics revised its recommendations on breastfeeding by adopting several points the League had been making for years, including the fact that breast milk was superior to cow’s milk and that infants benefited from exclusive breastfeeding for six months.

The support for LLL was not universal among physicians, however. At least one medical authority wrote that the League’s advice contained “misrepresentations, errors, innuendos” and used “scare techniques, present[ed] as fact unilaterally.” Although some of the criticism was based on medical information, a good deal was aimed at the League’s philosophy and assumptions. Even this strong critic, however, noted that “LLL has done a tremendous amount of good.” William E. Homan, “Mothers’ milk or other milk?,” *New York Times Sunday Magazine*, 6 June 1971, 75-81.

<sup>95</sup> Flanagan joined LLL in 1971 and became a leader about two years later.

<sup>96</sup> Interview with Mary Flanagan, 24 February 2010, Iowa City, Iowa.



station was the best alternative.<sup>97</sup> Perhaps it was the fire chief's refusal to grant Eaton permission to nurse her baby at the fire station that prompted Eaton's sister to get in touch with LLL's main office in Illinois about Eaton's predicament. This turned out to be a good decision, because LLL President Marian Tompson, a dynamic, thoughtful woman and effective public advocate for breastfeeding, proved to be a staunch ally.

Since LLL understands breastfeeding to be an essential part of "good mothering," Tompson viewed the fire department's no-nursing rule as an attack on motherhood. She defended Eaton by emphasizing that breastfeeding has many benefits for babies, mothers, and society at large. "Studies show that the most healthy babies are those who are fed only mother's milk for the first six months of life," Tompson told an Iowa City reporter. Because of this, she went on, "it seems to us that not only women's groups should be supportive of Linda's right, but other interests, like the city's insurance company." Tompson also explained that while pumping her breasts might be an option for Eaton, "we're also talking about a relationship that develops between a mother and child with the actual contact of breast feeding."<sup>98</sup> LLL's director of public relations, surmising that local reporters might ask League leaders to comment on Eaton's case, offered advice to the League's area coordinators across the nation. Bemoaning the media's emphasis on "the 'rights' issue," she counseled League leaders to "stress the positive aspect of a mother trying to do the best for her baby. Emphasize that breastfeeding offers more than superior nutrition and protection from certain diseases. It also has many psychological advantages for the baby."<sup>99</sup> LLL's support for Eaton reflected its philosophy that society

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<sup>97</sup> Ibid.

<sup>98</sup> Curt Seifert and Jim Mullendore, "Eaton defies no-nursing rule," *Iowa City Press-Citizen*, 22 January 1979, 1A.

<sup>99</sup> Memos from Faye Young, January 29, 1979, LLL Records, Box 75, DePaul. Young's guess that local League leaders might be contacted was correct. Anne Lillich, president of LLL of Southern California was interviewed by a reporter for an article on Eaton in the *LA Times*, for example, Mark Jones, "Breast-Feeding at the Firehouse," *Los Angeles Times*, N/D, 1A; Mary Ann

should support breastfeeding for all mothers. “We are the first to say this is not the ideal breastfeeding situation,” the public relations director noted, “but life itself is not always ideal!”<sup>100</sup>

LLL’s involvement in Eaton’s case deepened when Tompson was invited to appear with Eaton on *The Phil Donahue Show*, the number-one syndicated talk show on daytime television (see Figure 5.6).<sup>101</sup> *Donahue*, which launched what one scholar calls a “revolution” in talk shows by introducing the audience-participation format, often focused on women’s issues.<sup>102</sup> Tompson had been a guest on *Donahue* several times and she accepted the invitation without hesitation. “I always said yes to things like that,” she recalled. “Anything to help people understand more about breastfeeding.”<sup>103</sup> One of Tompson’s most vivid memories of the show was the cold reception Eaton received from the studio audience. “I don’t believe that babies belong at work,” one woman stated emphatically, drawing applause from the studio audience. “You should look for another job,” advised another. Again the audience applauded. Donahue, perplexed that a significant portion of his mainly female audience felt that Eaton was out of line, asked Tompson to offer her perspective. The audience’s reaction did not really surprise her, Tompson stated, because most people do not realize that breastfeeding is very different

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Kerwin, a LLL founder who lived in Denver, was asked to comment by reporters in Denver; see Diane Eicher, “Reactions Vary on Firehouse Nursing Issue,” *The Denver Post*, 5 February 1979, C1.

<sup>100</sup> Memos from Faye Young, January 29, 1979, LLL Records, Box 75, DePaul.

<sup>101</sup> *The Phil Donahue Show* first aired in Dayton, Ohio, on station WLWD (now WDTN) in 1967. In 1970, the show was picked up for national syndication. In 1974, Donahue moved the show to Chicago, and in 1985, he moved to New York.

<sup>102</sup> Bernard M. Timberg, *Television Talk: A History of the TV Talk Show* (Austin: University of Texas Press, 2002), 7-8, 68-71.

<sup>103</sup> Interview with Marian Tompson, 9 August 2008, Evanston, Illinois. Tompson’s first appearance on Donahue’s show was in 1969, when it was taped in Dayton, Ohio, and not yet nationally syndicated.

from bottle feeding. “Breastfeeding benefits society and all of us,” Tompson declared, because breastfed babies are healthier and require fewer health care dollars. Soon more supportive voices from the audience chimed in. “I’m really proud of you!” one young woman enthused, while another lamented the fact that “society hasn’t made room for people to be homemakers, mothers, *and* professional people.”<sup>104</sup> Tompson wrote about Eaton’s case in the League’s newsletter and reported to the board of directors that “as the show ended, many women came up to tell her [Eaton] that the show had changed their minds and they wished her good luck.”<sup>105</sup>



Figure 5.6. Backstage at *The Phil Donahue Show*, February 1979, Chicago, Illinois. From left, in front row, Phil Donahue, Marian Tompson, and Linda Eaton. Photo courtesy of Marian Tompson.

<sup>104</sup> Audiotape and videotape of *The Phil Donahue Show* in possession of author.

<sup>105</sup> *La Leche League NEWS*, March-April 1979, pp39-40; Report on February 1979, Marian Tompson, LLL Records, Box 87, Folder-Marian Tompsons’s Reports as President, DePaul.

Following her appearance on *Donahue*, Eaton received hundreds of heartfelt letters from nursing mothers, many of them LLL members, from all parts of the nation. “I wish I could explain just how much respect I have for you, and how . . . you’ve inspired me,” began a typical letter.<sup>106</sup> Many women tucked a dollar or two into their letters as they told Eaton how much they admired her for “standing up” and “speaking out” for breastfeeding, motherhood, and family togetherness. These nursing mothers, some of whom worked outside the home, thanked Eaton and encouraged her not to give up; they reminded her that thousands of people supported her and that she was paving the way for others. “You should be very proud of what you’re doing,” wrote a LLL mother from Massachusetts. “All women can benefit from your courage and all of us will benefit from this very unfair fight.”<sup>107</sup> In fact, one young mother in New York who benefited directly from Eaton’s fight wrote to say, “Thanks to you and your determination, my employer has generously given me permission to have my baby visit me (for feedings) during my ‘free time’ at work.”<sup>108</sup> Eaton read all the letters she received and responded to many of them with appreciation.<sup>109</sup>

Some viewers at home, like members of the studio audience, revised their opinion of Eaton after seeing her on *Donahue*. “I expected you to be overly-defensive and lash out about basic rights,” wrote a male viewer.<sup>110</sup> Instead, he and others saw a beautiful,

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<sup>106</sup> Dear Linda from Sue Bredenus, 2 February 1979, LEP, Box 1, Folder 4, SHSI.

<sup>107</sup> Dear Linda from LaLee Nelson, 15 February 1979, LEP, Box 1, Folder 7, SHSI.

<sup>108</sup> Dear Linda from Marcia B. Miller, n.d. LEP, Box 1, Folder 2, SHSI.

<sup>109</sup> Letters to Linda Eaton in LEP, Boxes 1 and 2, SHSI. The Eaton papers include close to 800 letters. The bulk of letters come from nursing mothers, working mothers, and mothers who were both working and nursing. In addition, men and women with connections to the fire service tended to write, and Eaton received a few solicitous proposals from men. I know that Eaton responded to many letters because some letters begin by thanking her for her response.

<sup>110</sup> Dear Linda, LEP, Box 1, SHSI.

young mother who was devoted to her baby and trying to do the best she could for him.

Eaton received many letters describing reactions similar to the one this woman had:

I just saw your Phil Donahue interview. When I first read of your experiences in the paper I thought, “Ah-ha—another women’s libber trying to show off!” I apologize! After hearing you express your views on Motherhood and dedication to your child I wholly support you.<sup>111</sup>

*Donahue* viewers found Eaton sympathetic because they did not perceive her to be driven by political motives, but by maternal love.<sup>112</sup>

From La Leche League’s perspective, the *Donahue* show was a public relations success. “Linda calmly and confidently presented her views on the importance of breastfeeding, while lovingly holding her son in her arms through the one-hour interview,” reported the editor of LLL’s newsletter.<sup>113</sup> Marian Tompson reported to the board of directors that her appearance with Eaton on *Donahue* “gave me an opportunity to make some important points about breastfeeding and family togetherness.”<sup>114</sup> The League received many positive letters about the program. “Such well-spoken, positive, and articulate comments need to be heard in public more,” wrote a LLL leader from Idaho, who was frustrated with the misinformation about breastfeeding and LLL that she often encountered.<sup>115</sup> Tompson and Eaton’s appearance on *Donahue* also generated additional high-profile opportunities for LLL to advocate breastfeeding. Just a month

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<sup>111</sup> Dear Linda from Donna McClure, n.d. LEP. Box 1, Folder 2, SHSI.

<sup>112</sup> The most effective plaintiffs in civil rights cases, according to Mary Bonauto, lead lawyer on the Massachusetts gay marriage case, are not activists, but people who are just “living their lives,” but are “running up against a clearly defined problem because of a misguided law.” See Margaret Talbot, “A Risky Proposal,” *The New Yorker*, 18 January 2010, 40-51.

<sup>113</sup> *La Leche League NEWS*, March-April 1979, 39.

<sup>114</sup> Report on February 1979, Marian Tompson, LLL, Records, Box 87, DePaul.

<sup>115</sup> To the Board of Directors from Carol Kritz, 10 May, 1979, LLL Records, Box 75, DePaul.

after the *Donahue* show, a television producer who had seen the program invited Tompson to participate in a series of three television talk shows in Baltimore, Philadelphia, and Boston on the issue of nursing in public places.<sup>116</sup> Although Eaton's work schedule made it difficult for her to travel, she participated in a radio talk show with a local League leader in Pittsburgh.<sup>117</sup>

In addition to strengthening Eaton's hand by publicly endorsing her actions, Tompson and the League assisted Eaton's legal team. During the Iowa Civil Rights Commission's initial investigation of Eaton's complaint, the investigator consulted two physicians who were recommended by the League.<sup>118</sup> One of the doctors offered several reasons why Eaton might not be able to pump her breasts successfully during her twenty-four hour work shifts, while the other stressed the importance of the "psychological relationship between the mother and the child."<sup>119</sup> Eaton's attorney, most likely at Tompson's suggestion, also referred the investigator to a 1976 *American Journal of Clinical Nutrition* article written by a pediatrician who worked closely with the League.<sup>120</sup> This information on breastfeeding was central to the investigator's

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<sup>116</sup> Tompson appeared on these shows with Barbara Damon, a New Jersey mother who had lost her membership in a community swimming pool after she refused to cease nursing her two-month old baby near the toddler pool while covered with a towel. Damon's case occurred at the same time as Eaton's. Tompson reported to the board of directors that the programs were well-received and gave her "a good opportunity to discuss breastfeeding as opposed to breast milk." "Ahoy April 1979!" LLL Records, Marian Tompson, Marian Tompson's Reports as President, Box 87, DePaul.

<sup>117</sup> Dear Marion from Linda Eaton, 16 February 1979; To Linda Eaton from Marion Tompson, 5 March 1979, both from personal files of Marian Tompson.

<sup>118</sup> In his report, the investigator notes that "The respondent, the charging party, and the Complainant referred this investigator to the LaLeche [sic] League as the experts in breastfeeding." See Case Summary, CP#5630, *Miller vs. Iowa City*, Page Three, in the March 6, 1979 City Council Meeting packet of the Iowa City City Council, Document #463 on microfiche at the city clerk's office.

<sup>119</sup> Ibid.

<sup>120</sup> The article was written by Derrick B. Jelliff, who later testified at Eaton's hearing. The article described a "newly discovered human hormone called prolactin . . . produced by the

finding that Eaton's complaint had "Probable Cause" because it demonstrated, to his satisfaction, that "it is necessary for the Complainant to breastfeed while on duty and male firefighters are allowed visits for necessary business."<sup>121</sup> After the city rejected the commission's conciliation proposal, Tompson provided additional assistance to Eaton's attorneys as they prepared for a public hearing, including an amicus brief that LLL had filed in a case in Oregon and an offer to testify at the hearing.<sup>122</sup>

Because the League was supporting Eaton, JC/IC NOW approached Tompson in the spring of 1979 and asked LLL to contribute to Eaton's legal defense fund. Tompson relayed the request to LLL's executive board, but the board turned it down. Although Tompson does not recall the specific reasons for this decision, she notes that the League operated on a very tight budget and seldom made a donation of any kind.<sup>123</sup> Some disappointed NOW members believed that LLL declined their request because the League was a "conservative" organization that did not want to be associated with NOW or with Eaton, a single mother.<sup>124</sup> Although the support that Tompson and League

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sucking action of the child." See Case Summary, CP#5630, *Miller vs. Iowa City*, Page Four, in the March 6, 1979 City Council Meeting packet of the Iowa City City Council, Document #463 on microfiche at the city clerk's office.

<sup>121</sup> Ibid. The commission was referring to things such as having a family member stop by to pick up a paycheck, deliver a message, retrieve a forgotten item, etc. Because firefighters are away from home for twenty-four hours at a time, visits for these types of housekeeping errands were considered both essential and routine.

<sup>122</sup> To Marian Tompson from Jane L. Eikleberry, 23 July 1979, personal files of Marian Tompson. Although grateful for the offer, Eikleberry noted that it would not be necessary for Tompson to testify as two doctors who were breastfeeding experts, one of whom wrote the above-mentioned article, had agreed to do so.

<sup>123</sup> Interview with Marian Tompson, 9 August 2008. Tompson relayed the board's decision in a telephone call, so there is no written explanation of the board's reasoning, or at least, not one that I have found. NOW's response to the decision in letter to Marian Tompson from Ann Raschke, 7 August 1979, personal papers of Marian Tompson.

<sup>124</sup> Interviews with Susan Hester, 7 August 2008, and Marge Penney, 6 August 2007.

mothers had offered Eaton calls these conclusions into question, it was not unreasonable of NOW members to believe that LLL preferred to keep its distance from NOW.

LLL has had a fraught relationship with the women's movement.<sup>125</sup> The League's advocacy for breastfeeding includes a philosophical approach to family structure, gender roles, and motherhood that many feminists found disempowering, while NOW's focus on women's economic independence seemed to the League to dismiss the social and economic significance of mothers. At the same time, however, both LLL and self-identified feminists revolutionized health care for women by challenging the medical establishment, rejecting the authority of male physicians, researching women's experiences, publishing information by and for women about women's reproductive health, and encouraging women to trust themselves.<sup>126</sup> During the 1970s, many nursing feminists called upon the League for assistance because they appreciated LLL's nonmedical, woman-centered approach to breastfeeding.<sup>127</sup> Still, when the feminist authors of *Our Bodies, Ourselves* recommended LLL's *Womanly Art of Breastfeeding*, they warned their readers that it included "sickening stuff about how a woman's role is to bear and raise children."<sup>128</sup>

Much of the friction between second-wave feminists and maternalists during the 1960s and 1970s was caused by different understandings, or the perception of different understandings, of motherhood. Marian Thompson recalls this encounter with Betty Friedan at a conference in 1963:

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<sup>125</sup> See scholarship cited in footnote at beginning of this chapter.

<sup>126</sup> The story of the Boston Women's Health Collective, authors of *Our Bodies, Ourselves*, is remarkably similar to LLL's story.

<sup>127</sup> In Iowa City, there were several points of connection between feminists and LLL. For example, LLL held brown bags at WRAC (See Oct 77 WRAC newsletter).

<sup>128</sup> Boston Women's Health Book Collective, Inc., *Our Bodies, Ourselves* (New York: Simon and Schuster, 1976), 315.



She was talking about how important it was for women to get a paycheck, to know how valuable they were. And so I stood up with my nursing baby in my arms and I said, “Miss Friedan, you know, I really don’t need a paycheck to feel valuable. I just look at my baby nursing and growing and happy and I feel that I really have a role that’s important in this world.” And she said, “You are building your self-esteem at the expense of your baby.”<sup>129</sup>

In her keynote address at Iowa’s 1975 LLL convention, Tompson explained that perhaps the difference between herself and “unhappy women” such as Friedan was that “[I] was experiencing a different kind of motherhood, a different concept of motherhood.”<sup>130</sup> In sum, LLL mothers feared that feminists did not value motherhood, while feminists feared that maternalists valued motherhood to the exclusion of their own autonomy.

The philosophical tension between maternalism and feminism tended to obscure the fact that, at the local level, some League mothers identified with the women’s movement. They did not see a conflict between supporting women economic rights and maternal and infant health. In 1980, a League mother from Tennessee published a letter-to-the-editor in the League’s state newsletter describing the similarities between feminists and LLL mothers. Mary White, one of the League’s founders, begged to differ. “We must point out that there is a very basic difference between LLL and the feminist movement,” White wrote. “La Leche League is dedicated first and foremost to the needs of the child. The feminist movement, on the other hand, is entirely preoccupied with what the women themselves want. . . . LLL stands for GIVING. Unfortunately, the feminist movement seems to stand for GETTING.”<sup>131</sup> White’s reply, published with the

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<sup>129</sup> Interview with Marian Tompson, 9 August 2008. Tompson also revealed that NOW members picketed one of LLL’s early meetings because “they felt we were keeping women in the kitchen and at home.” Tompson noted that Friedan and NOW changed over the years, and that LLL and NOW later worked together on issues such as making sure that breastfeeding mothers were eligible for unemployment benefits in Illinois.

<sup>130</sup> Keynote Address-Marian Tompson, “It’s a Whole New World,” LLL Records, Box 87, DePaul.

<sup>131</sup> LLLI editor’s note to Deborah A. Johnson’s letter to the editor, Tennessee insert, LLL News, March-April 1980. Copy attached to Letter to Mrs. White from Pat Buck, 1 April

original letter, drew sharp criticism. “I am deeply hurt and upset by your determination to totally disavow feminism. Either you are mistaken about feminism or I am mistaken about La Leche League,” began a lengthy reply to White from a League leader in Elizabethton, Tennessee. “I became an LLL Leader because I am a feminist. . . . Feminism encourages women to be proud of themselves as women. It means women helping women. Isn’t this just what La Leche League does?”<sup>132</sup> Founder Betty Wagner also rebuked her friend and longtime colleague. “These are pretty strong words. Not sure all Bd. members or I would agree fully. Was your lumping all feminists as one wise? . . . Really wish you hadn’t worded this quite so strongly. . . . Love, Betty.”<sup>133</sup>

League mothers also disagreed about the most pressing issue on the feminist agenda in the late 1970s—the ratification of the Equal Rights Amendment. During a Family Policy brainstorming session at its 1979 convention to determine whether LLL might wish to advocate specific policies at the upcoming White House Conference on the Family, some LLL mothers praised the ERA as a measure that supported homemakers, while others decried it as “an attack on the American family.”<sup>134</sup> But even though some League mothers supported the goals of the women’s movement, the League leadership, and perhaps a majority of the membership, believed that the League, not the women’s movement, addressed their felt needs.

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1980, LLL Records, Box 24, DePaul. White was perhaps the most conservative of the League’s founding mothers.

<sup>132</sup> To Mrs. White from Pat Buck, 1 April 1980, LLL Records, Box 24, DePaul. Emphasis original.

<sup>133</sup> Handwritten notes on photocopy of Tennessee insert, LLL Records, Box 24, DePaul.

<sup>134</sup> Memo to Marion Thompson [sic] from John McKnight, Subject: La Leche League and Family Policy, 25 September 1979, LLL, Box 87, DePaul. This debate shows why LLL developed a firm policy on “no mixing causes” and refrained from taking a public stand on ERA, abortion, and other issues.

Eaton's indifference to feminism may have been typical of League mothers in the 1970s, but her status as a working-class, single mother who supported herself with a full-time job outside the home was not. Her decision to seek the League's advice was an indication of the growing awareness of the benefits of breastfeeding in the U.S., and of the fact that the League's reputation, and its membership, was not confined to pockets of white, middle-class women. And the League's embrace of Eaton, despite her failure to live up to its ideals, demonstrates how its relationship with working mothers was changing in the late 1970s as more of its core constituents—white, middle-class, married mothers—entered the workforce, and as more working-class women, like Eaton, sought its help.

LLL was slow to offer assistance to working mothers. In the 1950s and 1960s, LLL assumed that all mothers, like the founding mothers, had breadwinning husbands and did not intend to work outside the home when their children were young. This assumption was reflected in the LLL's concepts for "good mothering," one of which stated that "the baby has a basic need for his mother's love and presence, which is as intense as his need for food. This need remains even though his mother may be absent."<sup>135</sup> Based on this concept, League leaders strongly discouraged women from working outside the home.<sup>136</sup> Advice for working mothers who wished to breastfeed was not included in La Leche League's manual, *The Womanly Art of Breastfeeding*, until 1981.<sup>137</sup>

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<sup>135</sup> Lowman, *LLL Love Story*, 62.

<sup>136</sup> League leaders varied in how they emphasized and conveyed League guidelines, and working mothers experienced different receptions in the League based on their individual leader's attitude.

<sup>137</sup> Marian Tompson told me that this was not because the League did not wish to help working mothers, but because most mothers were not in the workforce at that time. Interview with Marian Tompson, August 2008.

By 1976, however, the League had received enough inquiries from working women to prompt the publication of its first pamphlet offering nursing advice to women who worked outside the home (see Figure 5.7). The cover of the pamphlet, however—including its title, “Beastfeeding and Working?”—conveyed the League’s doubts. The line drawings depicted busy women who paid more attention to their work than their children. The inclusion of an African-American woman suggests that breastfeeding links women of all races, while the attire of the four women also suggests that they all belong to the middle class. Most important is the central figure of the clock, which overshadows the child. An important principle of breastfeeding, as LLL teaches it, is that babies need to be fed on demand, not on schedule. The clock warns that working outside the home will put deprive babies of the need to eat on demand.

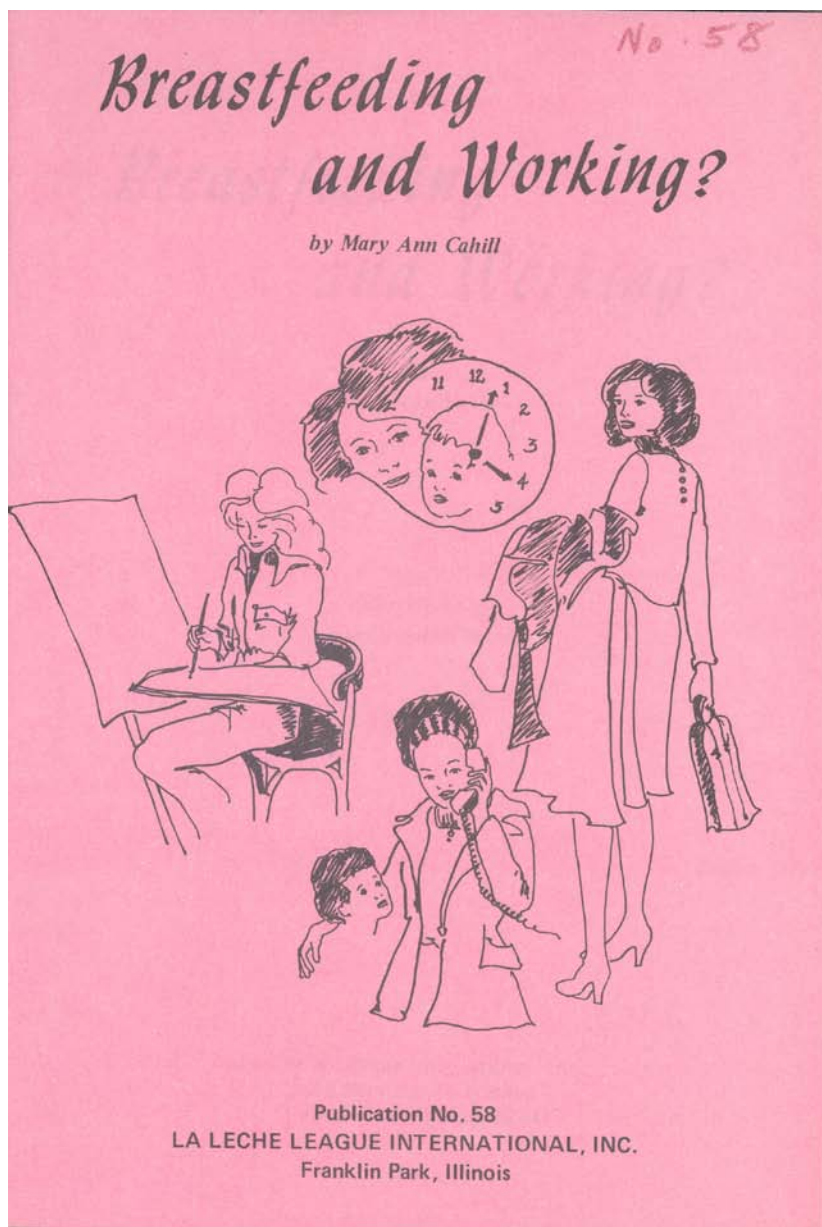


Figure 5.7. “Breastfeeding and Working?” published by La Leche League International, 1976. LLL Records, DePaul University.

The text of “Breastfeeding and Working?” began by detailing the disadvantages and difficulties of nursing while working, and urging women to ask themselves, “Do we need the extra money—really?” There are many alternatives to working, LLL suggested, such as borrowing money, reducing expenses, and setting up payment plans with

creditors. Halfway through the booklet, after noting, “If you have discovered that, after all, you will not be able to stay home with your baby, then you just have to make the best of it,” the pamphlet shifted to providing useful information such as how to pump and store milk, and how to arrange breastfeeding around a working schedule. Lest a working mother forget that the League was not endorsing her decision to work outside the home, however, the pamphlet ended with a cautionary tale of the difficulties endured by a nursing mother in Washington, D.C., who returned to work when her daughter was one year old. To continue nursing, this mother rose an hour early each morning and spent time nursing every evening before dinner. She was often tired. “I do not recommend this kind of arrangement. . . . It is not easy to work full time and be a mother—in fact it can be absolutely grueling. . . . Hopefully, some day we will be together again in a normal mother-child relationship.”<sup>138</sup>

Working mothers, and LLL leaders who assisted them, complained that the pamphlet was offensive and judgmental. A League leader from Idaho wrote to the board of directors that while she agreed with the League’s basic philosophy on mother-baby togetherness, “some of the wording in our reprint tends to make the working mother feel accused and guilty—and I don’t think that’s good.”<sup>139</sup> Another leader agreed, lamenting what she called the pamphlet’s “pejorative tone” towards working mothers.<sup>140</sup> The League received enough feedback in this vein that the chair of the committee responsible for League publications recommended that it be revised. Although “Breastfeeding and

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<sup>138</sup> Mary Ann Cahill, “Breastfeeding and Working?” Publication No. 58 (Franklin Park, Illinois: La Leche League International, 1976). Quotations on 8, 12, 24. (Cahill is a LLL founder.)

<sup>139</sup> Dear Board Members from Mary Therese McConnell, 14 June 1979, LLL Records, Box 76, DePaul.

<sup>140</sup> Handwritten response on memo to RISC ladies from Marybeth Doucette, 19 November 1981, LLL Records, Box 21, DePaul.

Working?” contains excellent information, she wrote, “it has unfortunately also evoked a rather negative ‘How much help does or can LLL care to give me?’ response from many a reader (and Leader).”<sup>141</sup>

At the same time, more working mothers, such as Linda Eaton, began looking to the League for assistance. A nursing mother from California who returned to work when her third child was four months old encouraged the League to give more attention to the growing number of working mothers who wanted to breastfeed. “I realize that the generally held view is to discourage working motherhood,” she wrote, “but let’s face facts: there are more and more working mothers, and thus an increasing number of mothers and babies who could be helped by our encouragement.” She suggested that LLL might “schedule meetings at more reasonable hours” and educate employers so they understood why nursing mothers had to express their milk several times during the workday. “There may be some who feel that by recognizing working motherhood they are condoning something they feel to be wrong. However, by refusing to meet this very real fact of modern life we are refusing to meet the needs of hundreds of thousands of babies.”<sup>142</sup>

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<sup>141</sup> Dear RISC ladies!! from Marybeth Doucette, Chariman, RISC, Re: Working & Nursing, 19 November 1981, LLL Records, Box 21, DePaul. (emphasis original)

<sup>142</sup> To LLL News from Marianna Villalobos, 28 September 1979, LLL Records, Box 76, DePaul.

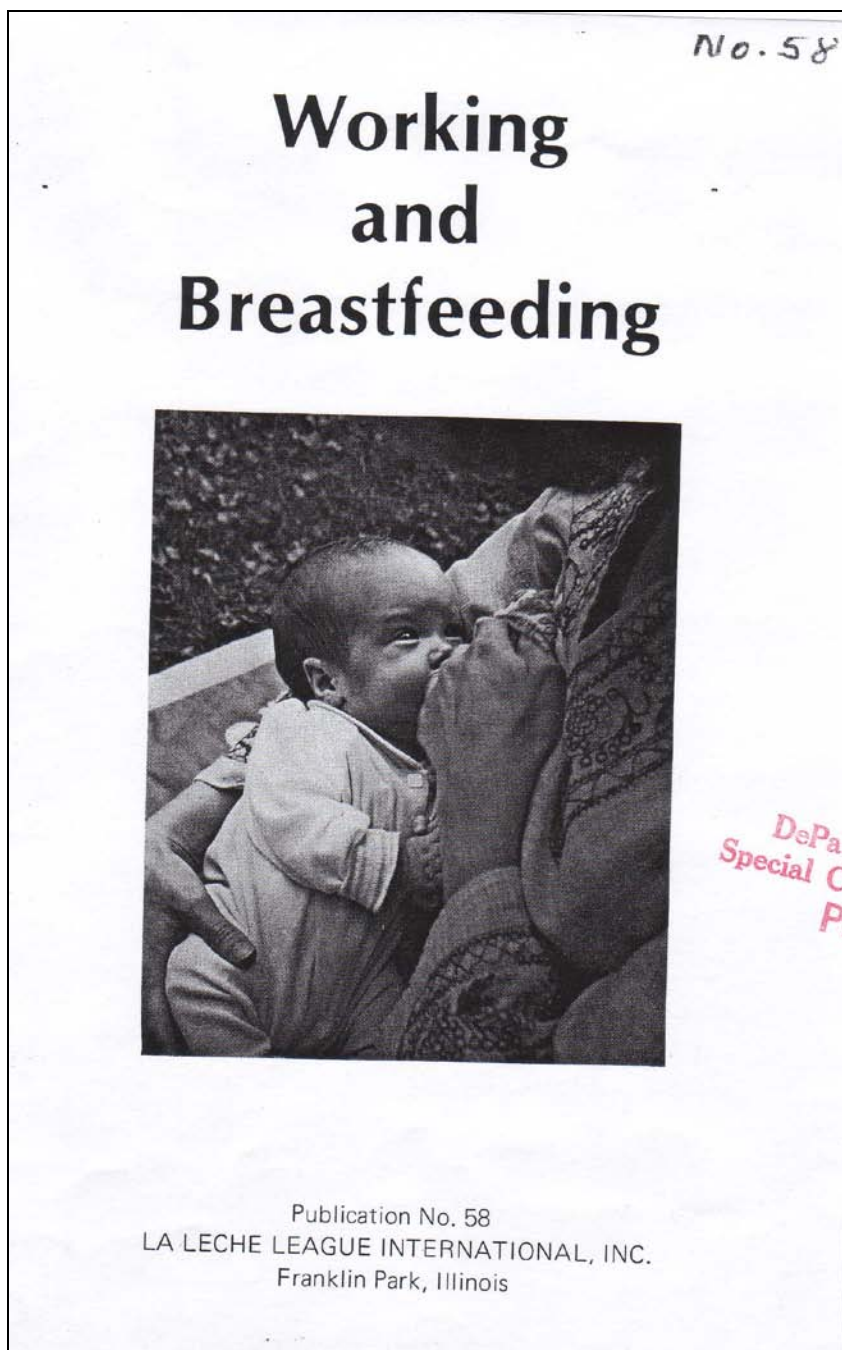


Figure 5.8. “Working and Breastfeeding,” published by La Leche League International, 1982. LLL Records, DePaul University.

The League responded by publishing a revised pamphlet, “Working and Breastfeeding,” in 1982 (see Figure 5.8). The new pamphlet presented a sharp contrast to



its former version. The busy women minding the clock had been replaced with a simple photograph of a baby at the mother's breast in what appears to be a homelike environment. The photograph suggests that working mothers will enjoy quiet nursing time with their babies, and the title of the pamphlet, no longer punctuated with a question mark, projects greater confidence that working and nursing can be combined successfully.

The text also began on a more supportive note than the previous publication. "Can a mother breastfeed her baby if she is going to be employed outside of the home? Most assuredly, she can." The new pamphlet had been reorganized so that the practical information on nursing and working was placed at the beginning and the stories of working mothers who were nursing were much more upbeat. Nevertheless, the pamphlet still included many warnings about the consequences for babies who were separated from their mothers throughout the day. "Our plea to any mother who is thinking about taking an outside job is, 'If at all possible, don't.'" The pamphlet concluded with a brief but emphatic argument that analogized the time a mother spends with her baby to a wise economic investment. "The early months and years set the course for the rest of your child's life, and they can never be recaptured," the League cautioned.<sup>143</sup> Still, the pamphlet represented an effort on the part of the League to provide better support for nursing mothers in the workforce.<sup>144</sup>

Throughout the 1970s and 1980s, the League's relationship with working mothers changed slowly and unevenly. In 1979, after much controversy and discussion, the

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<sup>143</sup> Mary Ann Cahill and Kaye Lowman, eds. "Working and Breastfeeding" Publication No. 58 (Franklin Park, Illinois: La Leche League International, Inc., 1982). Quotations from 5, 17, 24.

<sup>144</sup> In December 1983, the League published "Practical Hints: For Working and Breastfeeding," a much shorter pamphlet that contained neither warnings about the disadvantages of working and nursing nor suggestions on how to avoid working while nursing.

League reaffirmed its policy that working mothers could not become certified League leaders.<sup>145</sup> The League's executive secretary and one of its founders, Edwina Froehlich, responded to a nurse from New Jersey who complained about the policy. "We are sorry indeed that our decision . . . is sometimes construed as LLL judging mothers who [work outside the home]. We certainly do not mean it to do so. Our goal is to keep mothers aware of this need of the baby [to be with his mother] that is so crucial to his optimal emotional growth. . . . This does not mean that we believe all others are poor mothers."<sup>146</sup> It did mean that working mothers were seen as inappropriate models of "good mothering," however, and this, to some mothers, conveyed the message that a mother who worked outside the home was inferior to one who did not.

*The Womanly Art of Breastfeeding* included a chapter on working and nursing for the first time in its revised 1981 edition, but the chapter was devoted to persuading nursing mothers to remain out of the work force.<sup>147</sup> Practical information on working and nursing was placed in a later chapter titled "Special Circumstances," which addressed topics such as nursing after a cesarean-section, nursing twins, and nursing a child with a cleft palate. As more of the mothers attending League meetings worked outside the home, the League struggled—with mixed results—to convey its belief that nursing babies

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<sup>145</sup> Mary Ann Cahill, "Mother-Baby Separation: New Guidelines from the Leader Applicant Department," *Leaven*, Vol. 15, No. 3 (May-June 1979). The League did not certify its first working mother as a League leader until 1987, and only after much internal debate. See several folders in Box 41, LLL Records. Note that I have seen occasional references to working mothers who served as leaders prior to this, but have not been able to verify the circumstances surrounding their certification. In the League's records, the 1987 certification is listed as "the first."

<sup>146</sup> To Sharon Halinievski (sp?) from Edwina Froehlich, 31 August 1979, LLL Records, Box 76, DePaul.

<sup>147</sup> LLL's newsletters contained many testimonies on the benefits of making do on one income and keeping a mother at home. See "Thoughts on Mother-Baby Separation" by Kathy Mitchell in "Nurturing Notes from Iowa" #67, July/August 1979 for a typical example.

were healthier if they were not separated from their mothers without insinuating that the babies of working mothers were receiving inadequate care.<sup>148</sup>

The League's support for Linda Eaton—a single, working-class, working mother—undoubtedly contributed to the gradual process through which the League became more responsive to the needs of working mothers. League President Marian Tompson, Iowa City League Leader Mary Flanagan, and hundreds of LLL mothers across the nation supported Eaton even though the League's policies and culture disapproved of nursing mothers working outside the home.<sup>149</sup> “I really respect the way she [Eaton] approached the situation and figured out what it was she wanted to do for Ian [her son],” Flanagan stated.<sup>150</sup> LLL's support of Eaton also demonstrates that while LLL did not embrace the feminist agenda, it was not an antifeminist organization.<sup>151</sup> By focusing solely on promoting breastfeeding, it evolved over time and attempted to meet the changing needs of nursing mothers of all races and classes in the late twentieth century.

Tompson and Eaton exchanged warm notes as Eaton's case wound its way through the legal system. Eaton was proud that her example might encourage other working women to breastfeed. “It's good to know that maybe my situation will make it easier for the advancement and incidents [sic] of breastfeeding relationships to increase

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<sup>148</sup> Weiner, “Reconstructing Motherhood,” 1380, “League leaders estimated that by the 1980s, . . . up to half of the women attending meetings were employed outside the home.” Attitudes towards working mothers depended greatly upon the local leader and the ethos of the local group—some were very welcoming while working mothers reported feeling very uncomfortable in others.

<sup>149</sup> Many LLL mothers who wrote to Eaton noted that they knew she would rather be a full-time mother if she could.

<sup>150</sup> Interview with Mary Flanagan, February, 2010, Iowa City, Iowa.

<sup>151</sup> Contrast with antifeminist Phyllis Schlafly's opposition to Eaton. Schlafly stated that breastfeeding was a wonderful thing, but should take place at home, to which Marian Tompson responded, “Well, she doesn't really support breastfeeding then.”

and flourish,” she wrote to Tompson.<sup>152</sup> Eaton did not maintain an active membership in the Iowa City chapter of the League, but the League’s maternalist values continued to inspire her.<sup>153</sup> As she made clear on several occasions, she would quit her job before she quit nursing, if it came to that. Eaton’s affinity for the League was underscored by the fact that, after the Iowa Civil Rights Commission ruled on her case, she offered to undertake a speaking tour to raise money for LLL. “I have lots of energy to put into something worthwhile!” she wrote to Tompson.<sup>154</sup> For Eaton, “good mothering through breastfeeding,” not the feminist goal of gender equality, was such a cause.

LLL’s maternalist defense of Eaton differed greatly from NOW’s view that Eaton deserved equal rights. Nonetheless, the politics of maternalism and the aims of second-wave feminism merged in Eaton’s case because her claims as a mother could not be separated from her claims for equal rights in the workplace. Even if the ideology of feminism and maternalism diverged, the Eaton case highlighted the common ground between these two movements of white, educated, middle-class women: the intersection of domestic and paid labor in women’s lives.<sup>155</sup> Middle-class women may not have experienced this convergence until the late twentieth century, but it was nothing new to

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<sup>152</sup> Dear Marian, Love Linda, 28 March 1980, from Marian Tompson’s personal papers.

<sup>153</sup> Eaton commented on *Donahue* that the city need not worry about all the other women bringing their babies to work because “most secretaries wouldn’t bother breastfeeding their babies.” This indicated that she had absorbed the League’s teaching that “breast is best,” and that she took pride in being a better mother than women who chose not to breastfeed, even though they might belong to a higher social or economic class.

<sup>154</sup> To Marian from Linda R. Eaton, 14 April 1980, LLL Records, Box 87, Correspondence & Memos, Marian Tompson, DePaul.

<sup>155</sup> NOW and LLL have worked on several initiatives since then. In Illinois, for example, they collaborated to assist nursing mothers retain eligibility for unemployment benefits by having the question “Are you breastfeeding?” removed from the questionnaire. Per Marian Tompson, 9 August 2008. In 2010, NOW endorsed a bill before Congress to provide breastfeeding breaks for working women.

working-class women. Perhaps for this reason, the ideology of a movement with working-class origins most fully articulated the nature of Eaton's predicament.

“Every Mother is a Working Mother”: The Iowa Socialist  
Party and the Political Economy of Motherhood

When Iowa City feminist, pacifist, and Iowa Socialist Party member Jean Hagen learned that Iowa City's only woman firefighter might lose her job for breastfeeding her baby at the fire station, Hagen knew she had to speak up. “It was outrageous what was happening to her,” Hagen recalled. As a union member who had served on the Iowa City Federation of Labor, Hagen knew the kind of “conservative attitudes” Eaton was up against—and not just from her boss, but her co-workers as well. Hagen's activism began around 1970 when she joined an anti-war group while attending community college in her home town of Mason City, Iowa. When she moved to Iowa City to attend the University of Iowa in 1972, Hagen's activism broadened. She answered the telephone for the rape crisis line; took part in the 1976 Continental Walk for Disarmament and Social Justice; spent a summer at a Catholic Worker farm in upstate New York with the movement's founder, Dorothy Day; joined the Iowa Socialist Party; and by 1979 was also active in the Mobilization for Survival, an organization working to end the use of nuclear weapons and nuclear power. To Hagen and other ISP members, showing support for Eaton was imperative. “It was a workers' rights issue. It was a women's issue.” And it was right in their backyard.<sup>156</sup>

The Iowa Socialist Party was a vibrant component of Iowa City's political left in the late 1970s and 1980s. After nearly forty years of inactivity, the ISP had been reconstituted by a handful of activists under the leadership of Bill Douglas, a graduate

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<sup>156</sup> All information and quotations in this paragraph from interview with Jean Hagen, 25 June 2007, Iowa City, Iowa.

student in the History Department at the University of Iowa. Like Hagen, Douglas was committed to pacifism and the use of nonviolence.<sup>157</sup> From there, it was a short step to socialism, Douglas explained, when he realized that “the causes of war seemed to be economic. So I decided if I was a pacifist, I was also a socialist.”<sup>158</sup> In 1979, after nearly two years of organizing, the ISP consisted of twenty-nine dues-paying members, most of whom lived in Iowa City and Ames.<sup>159</sup> The breadth of their activism was impressive. ISP members participated in pickets, rallies, boycotts, and acts of civil disobedience on issues related to prisoners’ rights, war and draft resistance, nuclear power, and unfair labor practices.<sup>160</sup> Although the ISP’s radical critique of capitalism marginalized its effect on electoral politics, and its direct action tactics sometimes rankled the sensibilities of would-be liberal allies, the ISP’s contribution to, and impact on, Iowa’s progressive community was considerable.<sup>161</sup> The ISP’s bold words and actions made it a key partner in local and regional coalitions, a valuable communication

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<sup>157</sup> Douglas opposed the Vietnam War and received C.O. status from Selective Service (although he later had a very high lottery number). In 1973, shortly after graduating from college, Douglas answered Cesar Chavez’s call to join the United Farm Workers in a massive civil disobedience campaign against grape growers in California. Interview conducted by author with Bill Douglas, 1 August 2007, Des Moines, Iowa.

<sup>158</sup> Ibid.

<sup>159</sup> Matt Schaeffer and Duncan Stewart, “Still the Iowa Idea: The Resurgence of the Iowa Socialist Party, 1978-1988,” unpublished paper presented at the Iowa Forum, Des Moines, Iowa, 2000, in possession of author. Several specific pieces of information about the ISP’s history in this paragraph are from this paper.

<sup>160</sup> Bill Douglas, “State Organizer’s Report & Plea for Direction,” undated [spring 1979], Bill Douglas Papers, Box 1, ISP Minutes 1979-80, SHSI Labor Collection.

<sup>161</sup> An especially controversial ISP member, Joe Grant, was arrested for spray painting anti-war slogans on “Old Jet,” an old fighter plane placed as a monument near the Iowa City airport, for instance. The ISP defended Grant for striking against the symbols of war, seeing his action as similar to the Berrigan brothers spilling blood on files. They saw violations of property in the service of saving lives as ethical. Others, even in the anti-war community, felt Grant had gone too far.

link among progressive organizations, and an independent center of activism in movements for peace, economic justice, and human rights.<sup>162</sup>

The ISP's commitment to feminism, which was not shared by the Socialist Party-USA at the time, was a key factor in its members' decision to make a strong show of support for Linda Eaton.<sup>163</sup> Although feminists and socialists had worked together in the early twentieth century on issues such as women's suffrage and birth control, ideological differences over whether capitalism or patriarchy was the root cause of women's oppression tended to divide them.<sup>164</sup> In the 1970s, feminist activists and academics such as Heidi Hartmann, Zillah Eisenstein, Gayle Rubin, Linda Gordon, and the members of Boston-based Bread and Roses integrated feminism and Marxism, arguing that patriarchy and capitalism were inseparable.<sup>165</sup> ISP members embraced this analysis—especially since feminism was a central concern for Hagen and other ISP members—and socialist feminism served as the “theoretical underpinning” for much of the ISP's political work.<sup>166</sup> ISP members read and distributed socialist-feminist

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<sup>162</sup> ISP was active in the Mobilization for Survival, Iowa Peace Network, Black Hills Alliance, Hawkeye Labor Council, Catholic Worker movement, boycott support committees for J.P. Stevens and INFAC (Nestlé's), Central American solidarity work, and strike committees for Clinton Corn and Delevan.

<sup>163</sup> Interview with Jean Hagen. After a meeting with the SP-USA's national committee in the summer of 1977, Douglas wrote that “engrained sexism” was a “serious problem” in the Socialist Party. Dear Comrade from Bill Douglas, 6 June 1977, Bill Douglas Papers, Box 1, Correspondence, SHSI. Also see Schaeffer and Stewart, 5-7 on opposition to feminism within SP-USA and how the ISP eventually succeeded, in 1983, in revising the platform of the Socialist Party USA to include feminism as a central component.

<sup>164</sup> Meredith Tax, *The Rising of the Women: Feminist Solidarity and Class Conflict, 1880-1917* (New York: Monthly Review Press, 1980).

<sup>165</sup> For an introduction to this literature, see *Capitalist Patriarchy and the Case for Socialist Feminism*, ed. Zillah R. Eisenstein (New York and London: Monthly Review Press, 1979). For overview of 1970s socialist-feminism, see Sara Evans, *Tidal Wave*, 158-168.

<sup>166</sup> Email communication with Bill Douglas, 8 April 2010. Besides Hagen, ISP members included several women who had come of age as feminists such as Linda Nelson Manuel, Leighton Berryhill, and Jerry Blackmon. But the ISP men embraced feminism as well,

readings, maintained a task force on sexism, and disavowed an often-heard socialist dismissal of feminism by declaring that “feminism cannot be postponed to some indefinite date ‘after the revolution.’”<sup>167</sup> An ISP member explained the value of socialist feminism this way: “The combination of socialism and feminism has created a strong, comprehensive perspective . . . [that] reveals certain, often overlapping, inequalities.”<sup>168</sup>

The Eaton case exemplified the socialist-feminist insight that class and gender oppression are entwined by revealing, in stark terms, the gendered structure of capitalism. Eaton’s case “wasn’t your typical worker-versus-management issue,” explained Hagen. “There was that, but it was her co-workers harassing her because of her gender too.”<sup>169</sup> From its socialist-feminist perspective, the ISP declared that Eaton had a right as a working mother to breastfeed at the fire station because “the liberation of women means the right for them to participate in society as women, not as genderless automatons.”<sup>170</sup> Thus, while the ISP supported the ERA, its vision of gender equality, filtered through Marxism, unapologetically incorporated gender difference. Mindful of the need to “link theory and action,”<sup>171</sup> the ISP responded to the city’s treatment of Eaton by employing three main tactics: direct action, education, and electoral politicking.

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perhaps because of the strong connection between women’s activism and peace activism; ISP worked with WILPF, for example.

<sup>167</sup> “Women,” *Free Flowing* Vol. 5, No. 5 (Fall 1978), 3, Social History Project Publications, Box 1, SHSI.

<sup>168</sup> Linda Nelson Manuel, “Socialist Feminism,” *The Iowa Idea*, Vol. II, No. 1 (November-December 1979), Social History Project Publications, Box 1 at SHSI.

<sup>169</sup> Interview with Jean Hagen, 25 June 2007.

<sup>170</sup> Iowa City Socialist Party Minutes, Papers of Bill Douglas, Box 1, ISP, Minutes 79-80, SHSI.

<sup>171</sup> Douglas, “State Organizer’s Plea,” undated [1977-1978]. Bill Douglas Papers, Box 1, SHSI.



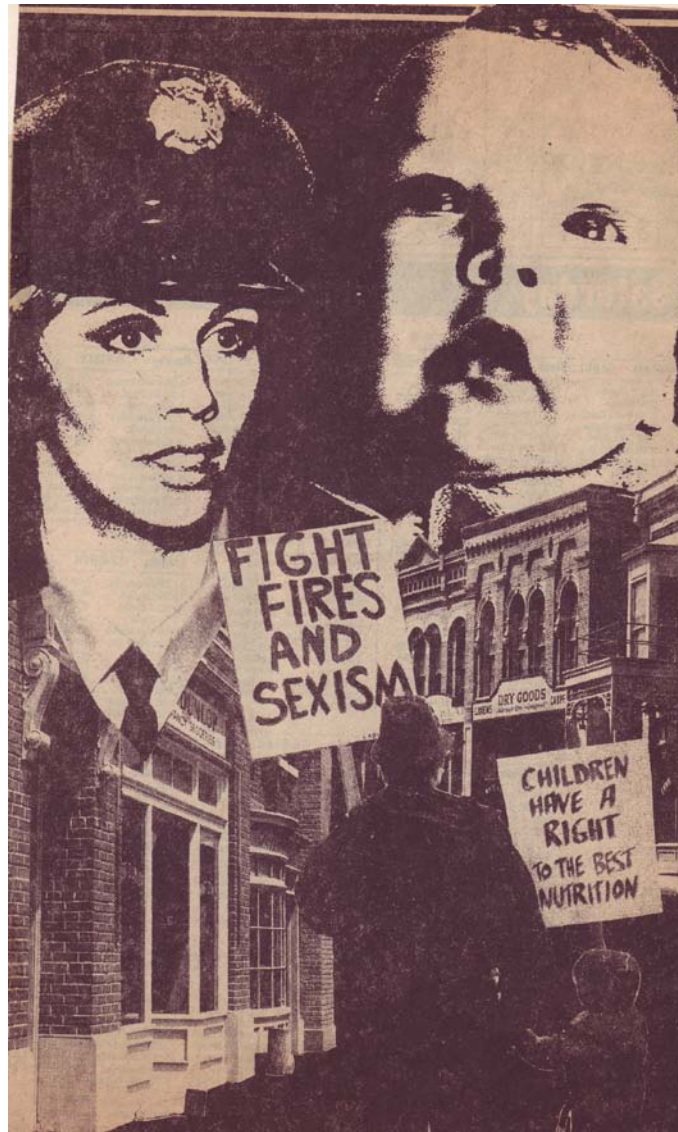


Figure 5.9. *Des Moines Register*, 27 January 1979. This drawing accompanied a humorous editorial in support of Linda Eaton. ISP member Joe Grant and his daughter Charity are depicted in the drawing.

ISP members were well-known for their use of direct action. Most ISP members had been arrested at least once during nonviolent civil disobedience actions protesting

the Vietnam War, the draft, nuclear power, nuclear weapons, or unfair labor practices.<sup>172</sup> Picketing and marching, which were “kind of common back in the late 1970s,” were additional forms of direct action often used by the ISP.<sup>173</sup> ISP members believed that pickets raised awareness, publicized injustices, and challenged passersby to consider their own position on the issue.<sup>174</sup> Marching, chanting, and carrying signs with slogans such as “Fight Fires and Sexism” and “Keep Ian Eatin’,” ISP members maintained a steady vigil at the fire station for nearly a week, until Judge Chapman’s injunction ensured that Eaton would not be fired. Some ISP members demonstrated their feelings in more colorful ways: one delighted the protesters with his folksy rendition of Loudon Wainright III’s homage to breastfeeding, “Rufus is a Tit Man” (complete with amusing improvised lyrics), while another drew a different sort of attention for her mischievous, and illegal, act of throwing a cream pie at the city manager during his press conference.<sup>175</sup>

The prankish and irreverent flamboyance of some ISP members overshadowed—in the mainstream media—the group’s serious commitment to education and dialogue. Throughout 1978 and 1979, the ISP sponsored weekly public discussions that often featured films or guest speakers on a wide range of issues, maintained an inventory of socialist publications, and published two newsletters that included thoughtful articles

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<sup>172</sup> For instance, ISP members were arrested at Delevan (Des Moines, labor); Palo (nuclear power); Iowa City (draft resistance); Marion, Illinois (prisoners’ rights); SAC base in Omaha (war resistance).

<sup>173</sup> Interview with Bill Douglas.

<sup>174</sup> Interviews with Bill Douglas and Jean Hagen. “It also made us feel like we were doing something,” Douglas noted.

<sup>175</sup> Jeffrey Morgan was the folk singer, see *Daily Iowan*, 2 February 1979; Barbara Blevins threw the pie, which ISP member Jean Hagen felt was “stupid.” The pie-throwing was mentioned in the Introduction and Chapter 1; Morgan’s song mentioned in Chapter 1.

about local, regional, and national issues.<sup>176</sup> ISP members saw it as their duty to “bring a radical perspective” to the public conversation about Eaton’s case by examining the multiple issues it involved. Therefore, the ISP invited representatives from LLL, the local chapter of NOW, and local labor unions to participate in a panel discussion intended to highlight the intersecting issues of maternal rights, women’s rights, and workers’ rights. The slogan that appeared on the poster, “Every mother is a working mother,” became the most popular button in the ISP inventory (see Figure 5.10).<sup>177</sup> The slogan’s message can be decoded in at least two ways. It breaks barriers between stay-at-home and working mothers by recognizing that domestic labor is just as important as paid labor. At the same time, it reflects the feminist-socialist critique that capitalism is a patriarchal institution because it derives profits from the reproductive labor of women, but fails to compensate women for their domestic work.

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<sup>176</sup> Socialists in western Iowa published the quarterly *Missouri Valley Socialist* from 1981 to 1984. The *Iowa Idea* had a much longer life. It began in 1979 and appeared three to six times per year for the next decade. Schaefer and Stewart, 8.

<sup>177</sup> Email communication with Bill Douglas. It is still very popular today in multiple forms including bumper stickers and buttons.

**RIGHTS**

*Every  
Mother  
is a  
Working  
Mother*

**- a mother's  
- a baby's  
- a worker's**

wednesday, 7:30 pm  
January 31  
grant wood rm., imu

AVCE/tpf

A PANEL DISCUSSION ON  
THE LINDA EATON CASE WITH

- \* a representative from the NATIONAL ORGANIZATION FOR WOMEN
- \* Mary Flanagan of LA LECHE LEAGUE
- \* Dennis Ryan, president, CITY FEDERATION OF LABOR

sponsored by

Iowa Socialist  
Party (SP-USA)

918 east bloomington—iowa city  
319•338•3051 52260


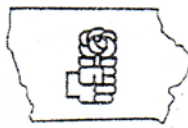



Figure 5.10. Poster for forum on Linda Eaton's case sponsored by the ISP, January 1979. Karen Kubby Papers, State Historical Society of Iowa.

The ISP's third strategy was to advocate justice for Eaton through the electoral process. In 1978, the ISP had run six candidates for state and federal offices in Iowa on a platform to "reconfigure state government, change the economics of agriculture, and

redress inequities of race, gender, and class.”<sup>178</sup> All the candidates did very poorly. In 1979, the year in which Eaton’s case was making its way through the legal process, the ISP decided to run candidates for Iowa City’s city council. Believing that the ISP had cultivated a political base in Iowa City, and that Iowa City “deserved a much more progressive government,”<sup>179</sup> two ISP members stepped forward to be candidates. Linda Nelson Manuel and Don Doumakes, both white, married, and twenty-four years old, ran on a progressive platform called The People’s Alliance.<sup>180</sup> ISP members agreed that Eaton’s case should be a key plank in its platform.<sup>181</sup>

The People’s Alliance platform led with its feminist plank. “We believe that feminism ought to be a guiding principle in city government.”<sup>182</sup> Specific feminist proposals in the platform included better daycare facilities, a feminist-run shelter for battered women, more attention to the city’s affirmative action program, and the creation of a Young Women’s Resource and Action Center. Regarding Eaton’s case, the platform was bold and direct: the People’s Alliance candidates would settle with Eaton “on her terms” and fire those responsible for the current “unjust” policy, including the city

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<sup>178</sup> Schaefer and Stewart, 3.

<sup>179</sup> Bill Doulgas, “State Organizer’s Report & Plea for Direction,” undated [March/April 1979], Bill Douglas Papers, Box 1, SHSI; interview with Jean Hagen.

<sup>180</sup> They took the name from a failed 1974 campaign of local progressives. I am guessing that they wanted to avoid running as socialists. Their campaign brochure does not indicate that they are ISP members.

<sup>181</sup> See undated notes about what the platform should include by Bill Douglas, Linda Nelson Manuel, Don Doumakes, and Jayne (last name unknown) in Linda Nelson Papers, Box 1, City Council, SHSI.

<sup>182</sup> “Platform of the People’s Alliance 1979,” Linda Nelson Papers, Box 1, City Council, SHSI. Other key planks were Energy and the Environment, Decent Living Conditions, (which addressed issues related to downtown urban renewal and city services), and miscellaneous proposals including gay rights, decriminalization of marijuana, and an advocacy program for city jail prisoners.

manager and the “human rights” specialist.<sup>183</sup> The Eaton case had personal resonance for candidate Linda Nelson Manual, who was pregnant at the time and especially eager to press for policies that treated working mothers fairly.<sup>184</sup> Although the People’s Alliance garnered very few votes in the election, their campaign kept Eaton’s case in the public eye and, most importantly, reinforced the political nature of the issue.<sup>185</sup>

The ISP also saw the Eaton case as an opportunity to enlarge its sphere of influence by forging stronger connections with local feminist groups.<sup>186</sup> The ISP and JC/IC NOW, for example, did not have a direct working relationship, hence NOW’s agreement to participate in the discussion forum on Eaton’s case was a step in the right direction as far as the ISP was concerned.<sup>187</sup> Closer collaboration with NOW seemed especially promising because national NOW was strengthening its links to organized labor, a central ISP constituency. Two resolutions adopted by national NOW in the late 1970s had consequences for feminist and labor networking in Iowa City. First, NOW urged its chapters to form labor task forces (which JC/IC NOW did), and second, NOW urged its chapters to take an active role in the national boycott against J.P. Stevens, an issue that was already on ISP’s agenda.<sup>188</sup>

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<sup>183</sup> The quotation marks around “human rights” specialist expressed the ISP’s belief that this individual’s actions were not at all in keeping with Eaton’s interests, but had served the interests of the city.

<sup>184</sup> Telephone conversation with Linda Nelson, 7 June 2007.

<sup>185</sup> In 1989, on her third try, Karen Kubby became and first and only ISP member elected to public office when she won a seat on the Iowa City City Council, where she served with distinction for eleven years, easily winning re-election.

<sup>186</sup> Douglas, “State Organizer’s Report & Plea for Direction.” ISP’s feminist outreach included Brown Bags at WRAC and involvement in Mobilization for Survival’s Feminist Task Force.

<sup>187</sup> Interview with Bill Douglas.

<sup>188</sup> “National Organization for Women Policy Manual, Issues, 1979,” 59-60. NOW Records, Box 1, Folder 21, Schlesinger Library, Radcliffe Institute, Harvard University,

NOW was particularly interested in this fight because women, who comprised 40 percent of J.P. Stevens's 44,000 workers, remained, for the most part, in the lowest pay grades. In addition, all employees at J.P. Stevens, the second largest textile company in the nation, endured untenable conditions, including a dangerous work environment, substandard pay, few benefits, gender and racial discrimination, and harassment if they attempted to organize a labor union.<sup>189</sup> Although the Textile Workers Union of America (TWUA) had won an election to represent the workers at a North Carolina plant in the mid-1970s, J.P. Stevens "refused to negotiate in good faith," so in 1976, the union called for a consumer boycott.<sup>190</sup> In response to national NOW's resolution urging its members to support the boycott, JC/IC NOW participated in a national day of solidarity with J.P. Stevens's workers in November 1978 by sponsoring a "rally day" that included a movie and speakers.<sup>191</sup> Throughout 1979, both the ISP and JC/IC NOW publicized the

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Cambridge, MA (hereafter Schlesinger). ISP held a discussion forum on the J.P. Stevens boycott in fall 1977.

<sup>189</sup> "Women: Boycott J.P. Steven Products," undated [1978], NOW Records, Box 90, Folder 30, Schlesinger. For a full history of what some have called organized labor's most important fight of the 1970s, see Timothy J. Minchin, *"Don't Sleep with Stevens!": The J.P. Stevens Campaign and the Struggle to Organize the South, 1963-1980* (Gainesville: University Press of Florida, 2005).

<sup>190</sup> L Berryhill, *Iowa Idea*, Vol I, No. 5 (July/August 1979), Iowa Social History Project Publications, Box 1, SHSI. By 1976, when the strike was called, the TWUA had merged with the Amalgamated Clothing Workers of America to form the Amalgamated Clothing and Textile Workers' Union (ACWTU), which carried on the fight against Stevens until reaching a settlement in 1980.

<sup>191</sup> Board meeting minutes, 8 November 1978, JC/IC NOW, Box 1, IWA. "J.P. Stevens Project," *JC/IC NOW Newsletter*, Vol I, No. 6 (November 1978), 10, JC/IC NOW, Box 7, IWA.

In typical NOW fashion, NOW also secured publicity for the J.P. Stevens boycott. See Tom Drury, "Stevens Co. workers fight for union rights," *Daily Iowan*, 1 December 1978, 1. Also a letter to the editor in November 30, 1978, *Daily Iowan* signed by Kathy McKirchy, and co-signed by numerous labor unions, including Iowa City Association of Professional Fire Fighters Local 610. I have not ascertained how the co-signatures were obtained.

J.P. Stevens boycott in their newsletters (see Figure 5.11), and in June 1979, members of both organizations participated in a leafleting campaign at the local K-Mart.<sup>192</sup>

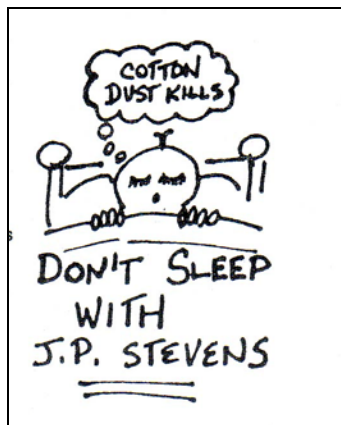


Figure 5.11. “Don’t sleep with J.P. Stevens.” This image appeared in many issues of both the JC/IC NOW and ISP newsletters throughout 1979 and 1980.

On an issue even more closely linked to the Eaton case, one which addressed the politics of breastfeeding in a global context, JC/IC NOW and ISP also supported the national boycott against Nestlé. INFACT (Infant Formula Action Coalition), a Minneapolis-based organization, initiated the boycott in 1977 because of Nestlé’s “unethical practices in marketing and advertising infant formula in Third World countries.”<sup>193</sup> The contaminated water supplies in many areas, INFACT charged, caused infants to suffer from severe malnutrition and even to die as a result of being fed

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<sup>192</sup> Minutes from General Meeting, June 6, 1979, JC/IC NOW, Box 1, IWA; L Berryhill, “J.P. Stevens Boycott Activity,” *Iowa Idea*, Vol. I, No. 5 (July-August 1979) and bd [Bill Douglas], “J.P. Stevens Boycott” *Iowa Idea*, Vol. I, No. 2 (January 1979), p4, in Iowa Social History Project Publications, Box 1, SHSI.

<sup>193</sup> “Stouffers Target of Nestle Boycott,” *Iowa Idea*, Vol. I, No. 3, (March/April 1979), Iowa Social History Publications Project, Box 1, SHSI.



formula instead of breast milk.<sup>194</sup> NOW and ISP newsletters ran articles describing INFACT's findings on Nestlé's marketing practices, including a list of all the companies owned by Nestlé (see Figure 5.12). Both organizations urged their members to boycott all the companies on the list. ISP members organized a picket at Nestlé-owned Stouffer's Restaurant in Cedar Rapids, Iowa, when First Lady Rosalynn Carter paid a visit in January 1979.<sup>195</sup> (In the summer of 1979, a La Leche League board member proposed that the League go on record supporting the Nestlé boycott, nearly bringing the League, NOW, and the ISP into another alliance, but the proposal was withdrawn.<sup>196</sup>) Although NOW and the ISP did not become close political allies in the late 1970s, the ISP continued reaching out to work with NOW on feminist and labor issues.

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<sup>194</sup> "Labor Task Force: Nestlé Boycott," *JC/IC NOW Newsletter*, Vol. 2, No. 5 (June 1979), 3, JC/IC Records, Box 7, IWA.

<sup>195</sup> "Stouffers Target of Nestle Boycott," *Iowa Idea*, Vol. I, No. 3, (March/April 1979), Iowa Social History Publications Project, Box 1, SHSI.

<sup>196</sup> The resolution was withdrawn because of LLL's policy of not "mixing causes." Agenda—Board Meeting—September 25-26, 1979, LLLI, LLL Records, Box 70, DePaul. Dr. Derek Jelliffe, a big supporter of the boycott and of the League may have encouraged the League to support it. The Nestlé boycott continues to this day, under the auspices of Baby Milk Action. See their website at: <http://info.babymilkaction.org/nestlefree>

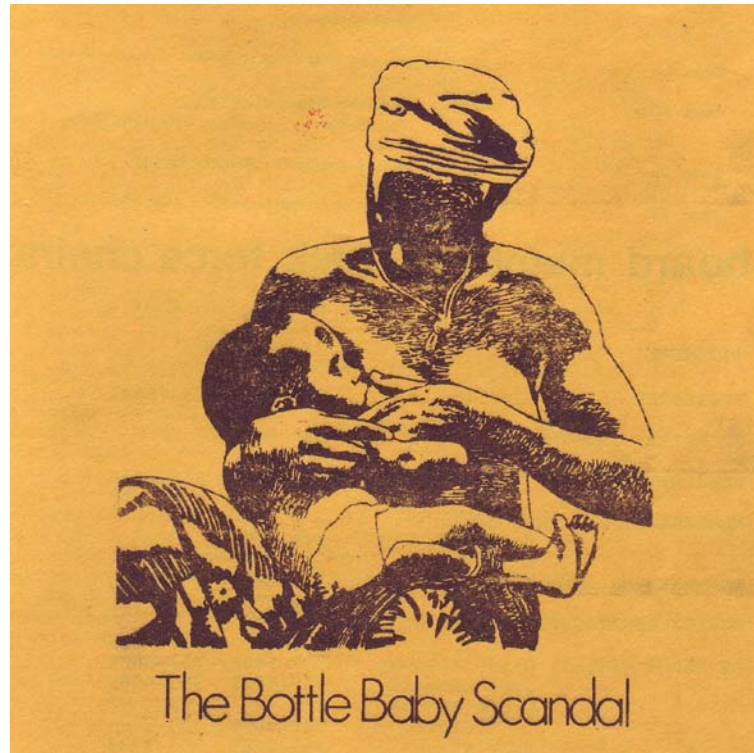


Figure 5.12. “The Bottle Baby Scandal,” cover of JC/IC NOW’s newsletter, Vol 2. No. 4 (April/May 1979). JC/IC NOW Records, Iowa Women’s Archives.

Linda Eaton had no personal contact with ISP members, nor did she indicate any knowledge of, or affinity for, their political philosophy. Yet the socialists’ insistence on Eaton’s right to perform both paid and domestic labor *on her own terms* echoed Eaton’s concerns, and those of the working mothers who wrote to her, about the economics of motherhood. Eaton received many letters from women who had quit their jobs during pregnancy or after childbirth due to their employers’ inflexibility.<sup>197</sup> A nursing mother from Ohio who told Eaton that she had been forced to resign from her job when she was unable to negotiate an extension of her unpaid leave to continue nursing, for instance,

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<sup>197</sup> The Pregnancy Discrimination Act passed in 1978. Many women spoke of their earlier experiences, but often the PDA would not have covered their needs, especially for adequate time or facilities to breastfeed or even to pump their breasts during the work day.

decried the injustice of “being forced to choose between good job/good mother.”<sup>198</sup>

Other women kept their jobs but suffered great indignity. A woman from Washington State wrote about her daughter’s experience. Returning to work when her baby was one month old, the young mother made a quick trip home at noon each day to nurse her baby for the next six months:

But what I want to emphasize is that her boss didn’t pass up an opportunity to make remarks. “When are you going to wean that baby?” etc. Mainly because he wanted her to work overtime. Which she did on several occasions, coming home for supper and returning. Then there wouldn’t be all that much work to do and she would arrive back home after only an hour. They seemed out to prove a point that women shouldn’t be given “concessions” I guess.

Funny, over the years women have been expected to work long hours over washboards and canning kettles and nurse babies. Now that we have automatic washers and are moving into gainful employment—meaning its pays \$\$\$—they seem determined to keep women down by humiliation.<sup>199</sup>

The women who wrote these letters would probably have been surprised to know how closely their views aligned with those of Iowa City’s socialist-feminists.

The ISP made two distinctive contributions to the public conversation about the Eaton case. First, although the number of picketers who joined Hagen and other ISP members in front of the fire station was small, their physical presence made visible the widespread outrage within Iowa City’s large feminist community. The presence of protesters had great symbolic value, tying Eaton’s fight to the tradition of nonviolent, democratic dissent in the U.S. that had marked other campaigns for social justice. Second, the ISP offered an analysis of Eaton’s case that included attention to both class and gender. Iowa City’s socialist-feminists understood that real justice for Eaton meant

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<sup>198</sup> Dear Linda from Pay Lyons, 26 January 1979, LEP, Box 1, Folder 3, SHSI.

<sup>199</sup> Dear Mrs. Eaton from Mrs. Margery E. Bell, 23 January 1979, LEP, Box 1, Folder 3, SHSI.

equal rights *and* maternal rights.<sup>200</sup> And while the radical restructuring of work/family arrangements (and the meaning of gender equality) that this analysis called for never became part of the public debate, Eaton's effort as a single mother to rearrange the intersection of paid and domestic labor in her own life earned the admiration and support of the ISP. "It's important to try things that haven't been allowed before," Jean Hagen reflected. "Linda was a real pioneer."<sup>201</sup>

The fight for economic citizenship has divided women as much as united them. In the early to mid-twentieth century, labor and Progressive women fought for protective legislation, while leaders of the National Woman's Party pursued an Equal Rights Amendment. Since the late twentieth century, feminists and maternalists have eyed each other suspiciously, each wondering if the other will undermine their access to resources. This long debate over whether women have more to gain by emphasizing their differences from men (their femininity and reproductive labor) or their equality to men (their humanity and paid labor) is about more than gender—it also involves women's lived experience of race and class in the U.S. Scholars have noted, for example, that working-class women and women of color have been less likely to join white, middle-class feminists in demanding gender equality. Instead, working-class women and women of color have preferred to fight for access to economic rights in solidarity with the men in their families and communities.<sup>202</sup>

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<sup>200</sup> In this sense they were similar to the socialist women of the early twentieth century who "knew there was a dialectical relationship between the movement for women's liberation and the labor movement, and refused to give up either." Meredith Tax, *The Rising of the Women: Feminist Solidarity and Class Conflict, 1880-1917* (New York: Monthly Review Press, 1980), 14.

<sup>201</sup> Interview with Jean Hagen, 25 June 2007.

<sup>202</sup> Among the many who discuss this, I am especially indebted to Joan C. Williams, *Unbending Gender: Why Family and Work Conflict and What to Do About It* (Oxford and New York: Oxford University Press, 2000) and Sherna Berger Gluck, "Whose Feminism, Whose History? Reflections on Excavating the History of (the) U.S. Women's Movement(s)," in

An unusual aspect of Linda Eaton's fight for economic citizenship was that it brought together three groups with different ideological approaches to empowering women: the maternalism of La Leche League, the liberal feminism of the National Organization for Women, and the socialist feminism of the Iowa Socialist Party. Despite the ideological tensions among the groups, they all desired the same outcome in the case—that firefighter Eaton be allowed to breastfeed her child during work breaks. The circumstances of Eaton's case allowed each group to advocate this common solution while still calling attention to its particular issue: the value of breastfeeding, the need for gender equality, and the rights of workers. The controversy began as a labor dispute, but feminists, who had a more powerful presence in Iowa City than progressive labor advocates, took the lead.

JC/IC NOW provided the leadership that enabled Eaton to challenge the city's no-nursing rule. While the ISP offered the most comprehensive analysis of the case, JC/IC NOW devised and executed the most effective strategy for helping Eaton. NOW members employed a wide range of sophisticated tactics, making creative use of resources in their tireless pursuit of the \$10,000 fundraising goal. Because of NOW's commitment to her case, Eaton had enough funds to pursue her lengthy legal challenge. Iowa City's feminist community, which rose to Eaton's support, was key to NOW's success.<sup>203</sup>

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*Community Activism and Feminist Politics: Organizing Across Race, Class, and Gender*, ed. Nancy Naples (New York and London: Routledge Press, 1998): 31-56.

<sup>203</sup> Some members of the lesbian community were an exception to this statement. "We saw it as a straight woman's issue," recalled Sue Buckley. "It was not central to our politics." By the mid-1980s, Buckley stated, the lesbian community had shifted its understanding of the need for inclusion, diversity, and alliances among women, but in 1979, there was "no enthusiasm for motherhood" in the lesbian community. Interview with Sue Buckley, 14 August 2008, Iowa City, Iowa.

Although the late 1970s is well-known for an upswing in antifeminist and New Right activism, it was also a moment of vigorous feminist initiatives and solidarity. Progressive and liberal women were not in retreat; instead, young feminists were joining the fight for women's rights, especially the fight for the ratification of the ERA. The women in their twenties and early thirties who reactivated Johnson County/Iowa City NOW were part of this new wave of feminists.

Eaton's disavowal of feminism is especially intriguing given her significant debt to the women's movement. Without the local women's movement, Eaton would not have been hired by the Iowa City Fire Department in the first place, let alone have the resources to fight the no-nursing rule. Why then, did she feel so disconnected from feminism? Class differences offer a partial answer. Eaton did not share the connection many Iowa City feminists had to the University of Iowa, for example. Many Iowa City feminists, and most JC/IC NOW members, were students, staff, faculty, or college-educated wives. They may have taken an interest in labor and class issues, but JC/IC NOW members lived in a world apart from Linda Eaton, and they knew it. "We were a bunch of white, upper-educated, upper middle-class grad students and she was like a firefighter, working class, strong woman. . . . She was the generic woman we were working for!"<sup>204</sup> While NOW was trying to change the world, Eaton just wanted to pay her bills and nurse her baby.

But Eaton's distance from feminism cannot be explained by class difference alone. La Leche League, after all, for which Eaton expressed a great affinity, was also anchored in the middle class. One likely explanation is that Eaton was influenced by her sister's affiliation with the League. According to a longtime friend, family was the most important thing in Eaton's life and she was especially close to her sisters.<sup>205</sup> In addition,

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<sup>204</sup> Interview with NOW women, 20 January 2008. Speaker is Ann Seacrest.

<sup>205</sup> Interview with Patty Harmon, 23 August 2007, Council Bluffs, Iowa.

Eaton had no interest in politics and was no doubt more at home with LLL's celebration of family than NOW's political engagement with gender relations.

It is also likely that Eaton appreciated the League's affirmation of her motherhood. As one scholar of the League noted, "Certainly the League's exaltation of motherhood has affirmed many mothers who find little respect in the mainstream."<sup>206</sup> Although this scholar was referring to the marginalization of breastfeeding mothers, in Eaton's case this "exaltation" may have served to alleviate her stigmatized status as a single mother.

LLL's affirmation of Eaton's motherhood was, at the same time, a positive affirmation of her sexuality. Eaton's sexual attractiveness had made her a threat at the fire station when she was first hired. But now, as a mother, her attractiveness bolstered her credibility by reassuring television viewers that she was not a "radical feminist" or a "dyke." And in contrast to the long-held association of working and working-class women with sexual promiscuity, LLL did not view Eaton as a bad girl, but as a good mother. For while LLL ideology supported nuclear family arrangements, its mission of helping all breastfeeding mothers had the potential to blur class lines and unite women through the biosocial practice of breastfeeding.

While NOW, LLL, and ISP fought for her in public, Eaton contended alone with daily life at the fire station. She enjoyed her job, but working with resentful co-workers was stressful. Perhaps it was the fortitude she displayed during this time that made her attorney Jane Eikleberry describe Eaton as "one of the strongest people I ever met in my whole life."<sup>207</sup> Although the picketers left after Judge Chapman granted Eaton's petition

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<sup>206</sup> Christine Bobel, 138.

<sup>207</sup> Interview with Jane Eikleberry, June 5, 2007.

for an injunction and the reporters left after the fire chief soaped the windows, the public debate continued, tensions at the city were on the rise, and life at the fire station was anything but normal.



CHAPTER SIX: LAW IN ACTION: THE IOWA CIVIL RIGHTS ACT  
AND THE EXPANSION OF WOMEN'S EMPLOYMENT RIGHTS

To the public, Eaton appeared to be winning. She had broad support in the community and two major legal victories behind her. Out of the public view, however, life inside the fire station was becoming increasingly difficult and lonely for Iowa's breastfeeding firefighter. Relations with co-workers were tense. And city officials, who had shown no willingness to compromise during the conciliation process, continued to defend the policy that made it impossible for Eaton to breastfeed at the fire station as a legitimate exercise of management's rights.

As a matter of constitutional and statutory law, the fire department was not obligated to allow Eaton to breastfeed her son at the fire station.<sup>1</sup> Although the International Labour Organisation adopted a Maternity Protection Convention in 1919 that included provisions for nursing breaks and strengthened this convention in 1952 with a revision specifying that nursing mothers should receive two half-hour paid nursing breaks during an eight-hour workday, the U.S. was one of the many nations that did not ratify either of these conventions.<sup>2</sup> A more promising moment for breastfeeding to become a protected workplace right for U.S. women had arisen in 1978, when the

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<sup>1</sup> Women had no legal right to breastfeed in most public places during the 1970s (and beyond), and were routinely asked to leave restaurants, parks, and shopping malls. Since the 1990s, many states have passed laws permitting women to breastfeed in any public location in which a woman and her child have a right to be present. Iowa passed this law in 2002 (Iowa Code §135.30A (2002)); Iowa also permits breastfeeding mothers to be exempted from jury duty (Iowa Code §607A.5 (1994)). Available on the website of the National Conference of State Legislators at <http://www.ncsl.org/default.aspx?tabid=14389>

<sup>2</sup> C3 Maternity Protection Convention, 1919, accessed on 16 June 2009 at: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C003>; Maternity Protection at Work, Report V (1) (Geneva: International Labour Organization, 1997), 93; International Labour Conference 88<sup>th</sup> Session 2000 report IV (2B) Maternity protection at work, Revision of the Maternity Protection Convention (revised), 1952 (No. 103), and Recommendation, 1952 (NO. 95), (Geneva: International Labour Office, 2000). 11. The International Labour Organisation, headquartered in Geneva, was founded under the auspices of the League of Nations and is now an affiliate of the United Nations.

Pregnancy Discrimination Act (PDA) clarified that Title VII's prohibition of sex discrimination included pregnancy discrimination. But the issue of breastfeeding was not on the feminist agenda at the time, and the PDA made no mention of breastfeeding. Its omission meant that breastfeeding was not a right a working woman could claim.<sup>3</sup>

Therefore, despite the 1977 report of the American Association of Pediatrics recommending exclusive breastfeeding for the first six months of an infant's life, U.S. employers offered working women little opportunity to follow this guideline. Informally, some professional women negotiated arrangements that allowed them to breastfeed at work. But most women, like Eaton, were forced to give up nursing or quit their jobs.<sup>4</sup>

Despite the law's silence on breastfeeding, Eaton's attorneys had reason to be confident. Contrary to public perception, they were not arguing that Eaton had a legal right to breastfeed, but that her employer's denial of permission to breastfeed (while men were permitted similar activities) constituted gender discrimination. Iowa had been a leader in outlawing employment practices that discriminated against women, and Eaton's

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<sup>3</sup> The first ruling on breastfeeding from a federal appeals court came in 1981. The case began in 1979, the same year Eaton sought permission to breastfeed at the fire station, when Janet Dike, a kindergarten teacher in Florida, was forced to take an unpaid leave of absence after her supervisor ordered her to cease nursing her baby during her lunch break in a private location. Dike sued. The district court dismissed her claim as frivolous, but the U.S. Fifth Circuit Court of Appeals reversed, finding that breastfeeding was a right that merited constitutional protection. It blunted that right, however, by noting it should be balanced against an employer's right to make reasonable rules. Back in district court, the judge applied the lowest form of scrutiny to find that the school district's restrictions on breastfeeding were reasonable, as have subsequent courts. What began as a hopeful ruling rendered Title VII useless as a way to fight breastfeeding restrictions at work. See *Dike v. School Board of Orange County Florida* 650 F.2d 783 (5<sup>th</sup> Cir. 1981). For discussion of *Dike* and other litigation, see Sijke Selinda Barkhuis, "Breast-feeding and the Law," 3 *Texas Journal of Women and the Law* 417 (1994) and Shana M. Christrup, "Breastfeeding in the American Workplace," 9 *Am. U.J. Gender Soc. Pol'y & L.* 471 (2001).

<sup>4</sup> A sociologist noted that her recent study of breastfeeding included only middle- and upper-class women because, "Simply put, it was hard for me to find women in entry-level, blue-collar, and unskilled positions who were able to keep their job and nurse. Many women with these kinds of jobs use formula. Other simply leave the workforce." See Barbara L. Behrmann, *The Breastfeeding Café: Mothers Share the Joys, Challenges, & Secrets of Nursing* (Ann Arbor: University of Michigan Press, 2005), 160.

early legal victories boded well. For this reason, the city had to make a convincing case that it did not have a no-nursing rule, just a policy forbidding regular family visits.

Back at the Station / Back in Court

Iowa City's male firefighters felt "a lot of resentment against Linda Eaton . . . [because of] the breastfeeding issue and the court battle, and this, the publicity," an Iowa City firefighter testified in August 1979.<sup>5</sup> They were "angry" and "tense" over what they perceived as special treatment, and they blamed Eaton for creating a "stressful atmosphere" at the fire department.<sup>6</sup> Firefighters were particularly upset about the press coverage, which they believed gave an inaccurate and unflattering portrait of the fire department.<sup>7</sup> As the weeks and months went by, Iowa City's firefighters grew weary of the unwanted attention and the politicization of their workplace. They "just wanted the problem to go away," recalled a retired firefighter.<sup>8</sup> To those who understood the dynamics of fire departments, this turmoil at the Iowa City Fire Department was no surprise.<sup>9</sup>

While Eaton nursed her son under the protection of the injunction, members of Local 610 continued the campaign they had waged against Eaton since her pregnancy. In mid-February 1979, the regional vice-president of the International Association of Fire Fighters (IAFF) attended a Local 610 meeting, where the firefighters discussed "kicking Eaton out of the union."<sup>10</sup> The main purpose of the meeting, though, was to ask the

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<sup>5</sup> Testimony of Nate Hopkins, ICRC hearing, 491, LEP, Box 9, Folder 3, SHSI.

<sup>6</sup> Testimony of Richard Craig, ICRC hearing, 585; Hopkins, ICRC hearings, 536.

<sup>7</sup> Interview with Dean Langstaff, 8 September 2008, Iowa City, Iowa.

<sup>8</sup> Interview with Nate Hopkins, 4 September 2008, Iowa City, Iowa.

<sup>9</sup> Interview with Dave Loney, 12 January 2009, via telephone.

<sup>10</sup> Testimony of Richard Craig, ICRC hearing, 564.

IAFF for assistance in challenging the legality of Eaton's transfer to the maintenance department during her pregnancy.<sup>11</sup> Local 610 had hired a lawyer to look into it, but the attorney had said that "it was too late" to do anything about it. But the leaders of Local 610 wanted to pursue the matter, and they were hoping that the IAFF would help foot the legal bill. To their dismay, however, the IAFF declined to get involved.<sup>12</sup>

The firefighters' animosity toward Eaton increased when Chief Keating instituted new procedures and policies that firefighters viewed as infringements on their prerogatives. The most significant changes affected visitors to the fire station.<sup>13</sup> Beginning in late January, the chief instructed shift supervisors to keep a daily log of all visitors, which he intended to review regularly.<sup>14</sup> In mid-April, the chief issued the first written policy on visitors, including specific provisions that visits were to be "brief," "infrequent," and "not habitual."<sup>15</sup> A second memo, issued two weeks later, clarified that "brief means 10 to 20 minutes" and "infrequent and not habitual means visitation shall not occur each working shift nor set a pattern."<sup>16</sup> Firefighters and their families felt constrained by these new rules. Firefighters began receiving visitors outside the station

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<sup>11</sup> Testimony of Nate Hopkins, ICRC hearing, 490.

<sup>12</sup> Testimony of Nate Hopkins, ICRC hearings, 491; Interview with Nate Hopkins, 4 September 2008, Iowa City, Iowa.

<sup>13</sup> The chief also sent out a memo on February 5, 1979, about when it was permissible to retire to the dormitory and a memo on February 15, 1979, forbidding the use of derogatory language about women.

<sup>14</sup> At May hearing, Chief Keating testified that the log started on January 31 (42); at the August ICRC hearing later that year, he testified that he started on January 24 (748). Testimony of Captain Wayne Fjelstad, 10-11; and Chief Keating, 27-29, 42-45; Proceedings in Johnson County District Court, May 1, 1979 in matter of *Linda Eaton vs. City of Iowa City*, Equity No. 44750 (hereafter May District Court hearing).

<sup>15</sup> To Members of the Fire Department, From Robert P. Keating, Re: Visitors' Policy, Date: April 12, 1979, LEP, Box 4, folder 24, SHSI.

<sup>16</sup> Memo issued April 27, 1979, as read at ICRC hearing by Nate Hopkins, 470.

and many of the firefighters' wives stopped visiting altogether.<sup>17</sup> Iowa City's firefighters blamed Linda Eaton for these changes and believed that, because of her, "their freedoms were being reduced."<sup>18</sup>

Eaton faced each workday knowing that her colleagues resented her presence. "People don't come right up to me and say, 'I wish you weren't here. Go away.' But that's just the feeling I get," she testified.<sup>19</sup> The firefighters made comments in her presence that were not addressed to her, but which, she felt, were "directed at" her, and the men seemed to take pleasure in knowing that she heard these comments.<sup>20</sup> She felt isolated and on guard.<sup>21</sup> Her fight to breastfeed Ian at the fire station, Eaton testified, had been "a draining experience."<sup>22</sup>

The distressing events that Eaton had to handle included attacks on her character. In sharp contrast to the mothers of La Leche League, who praised Eaton for being a "good mother," many of Eaton's detractors characterized her as a "bad woman." Firefighter Dick Craig first raised this issue during a local television interview.<sup>23</sup> Like many of the firefighters, Craig believed that Eaton might be in violation of Iowa's Civil Service code, which stated that government employees should be of "good moral character."<sup>24</sup> The male firefighters discussed this issue at great length. "The fact that

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<sup>17</sup> Testimony of Steve Dolan, ICRC hearings, 597; and Jesse King, ICRC hearings, 625.

<sup>18</sup> Testimony of Jesse King, ICRC hearings, 624. Others agreed that the firefighters felt that Eaton was to blame for the new rules. These included Steve Dolan, Richard Craig, and Nate Hopkins (534).

<sup>19</sup> Testimony of Linda Eaton, ICRC hearings, 930.

<sup>20</sup> *Ibid.*, 966-967.

<sup>21</sup> *Ibid.*, 931.

<sup>22</sup> *Ibid.*

<sup>23</sup> KCRG news, 16mm reel, [circa January 21, 1979], SHSI.

<sup>24</sup> Firefighter Nathan Hopkins testified that this was widely discussed within the department, Hopkins testimony, ICRC hearing, 478.

she was a single parent was a big problem in the fire department,” confirmed firefighter Jesse King.<sup>25</sup>

In letters to the fire department, to the editors of newspapers, and to Eaton herself, anonymous individuals accused Eaton of sexual impropriety. “That Linda Eaton, She is not a desent [sic] woman . . . She is a single mother,” someone wrote on a postcard mailed to the Iowa City Fire Department from Arizona.<sup>26</sup> Many likened breastfeeding to sexual intercourse. “Pretty soon you’ll be having sex right of front of anybody,” wrote a woman who signed herself “An irritated housewife.”<sup>27</sup> Some letter writers took a nasty tone. “Morally she smells. You boys have a prostitute among you,”<sup>28</sup> wrote a individual from New Jersey, while others chided Eaton for distracting the men with her display of sexuality.<sup>29</sup> Most disturbing was a brief typed note threatening violence against Eaton and her “ugly bastard” (see Figure 6.1).

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<sup>25</sup> Testimony of Jesse King, ICRC hearing, 626.

<sup>26</sup> To the Fire Department, postmarked 5 March 1979 Phoenix, Arizona. Emphasis original. In fact, the word “single” was underlined twice on the postcard, Daphne Fuhrmeister Papers, Folder 2, Clippings, in possession of author.

<sup>27</sup> To Linda Eaton from An irritated housewife, 6 February 1979, LEP, Box 1, Folder 4, SHSI.

<sup>28</sup> Unsigned letter to the Iowa City Fire Department from Jersey City, NJ, undated, Daphne Fuhmeister Papers, Letters to Eaton and station, in possession of author..

<sup>29</sup> See, among others, “An irritated housewife,” LEP, Box 1, Folder 4, SHSI.

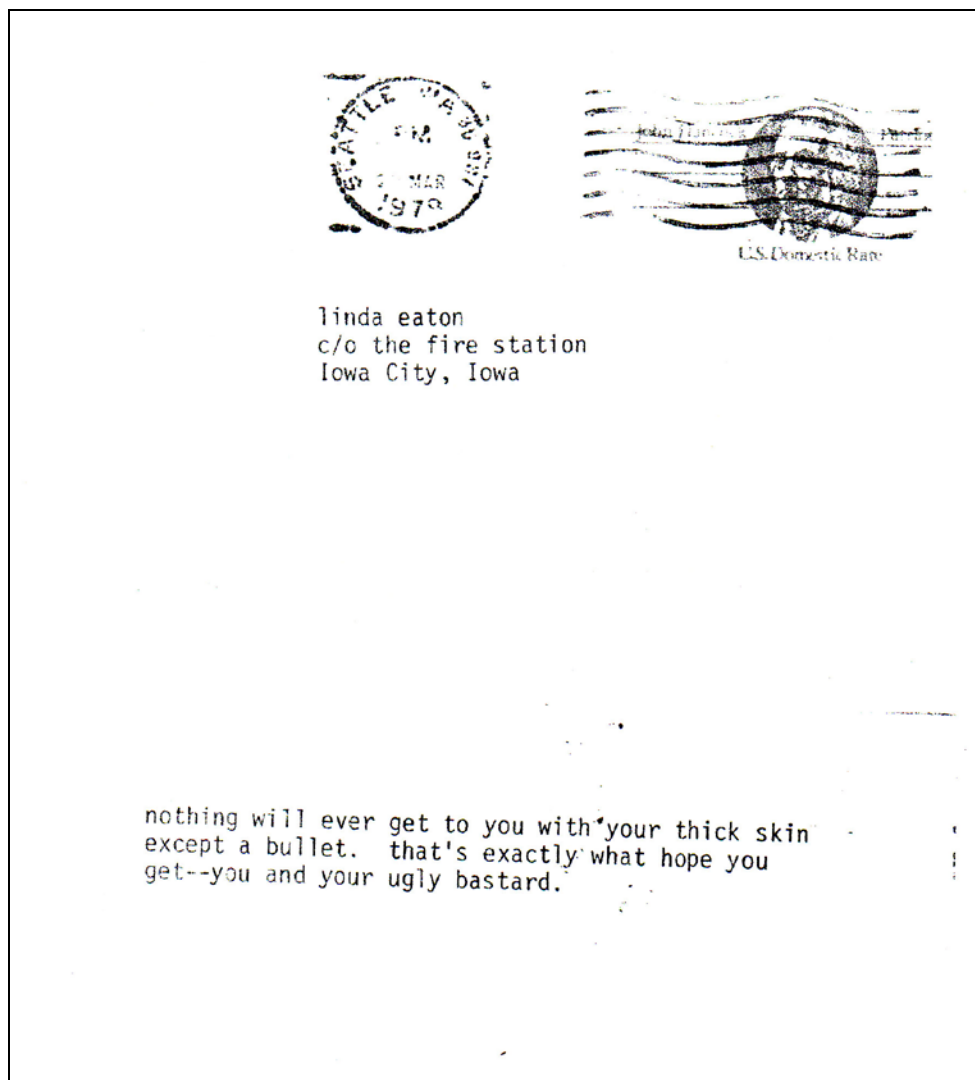


Figure 6.1. Anonymous letter sent to Eaton at the Iowa City Fire Department, March 1979. In Papers of Daphne Fuhrmeister.

Eaton also suffered professional setbacks as a result of her insistence on nursing her son. In April 1979, she received a poor performance evaluation, indicating the tenuous nature of her status at the fire department. In several categories, including Technical Job Knowledge, Quality of Work, and Personality (Ability to Get Along with Others), Eaton's supervisors rated her below the ratings she had received on her six-month evaluation. One supervisor advised Eaton to "slow down some." She was making

mistakes that could be avoided, he said, because she was “trying so hard.”<sup>30</sup> Another criticized Eaton for being “unsociable,”<sup>31</sup> while the third evaluator wrote that Eaton had a “know it all” attitude and “seems to think everything would be great if [she] didn’t have to take orders and obey regulations of the fire department.”<sup>32</sup> After civil rights specialist Sophie Zukrowski reviewed the evaluations, she wrote a memo to the chief noting that the ratings and comments on Eaton’s attitude made her “uneasy.”<sup>33</sup> Suggesting that Eaton might not be the only one to blame for the lack of camaraderie between Eaton and her co-workers, Zukrowski told the chief that she had observed “some ‘antagonistic and negative’ reactions from the men” as they watched Eaton’s appearance on *The Phil Donahue Show*.<sup>34</sup>

Eaton had made mistakes. She nicked the garage while backing in the truck one day. She had trouble handling one-and-a-half-inch hose during a testing exercise.<sup>35</sup> Perhaps of greater concern were incidents in which she failed to comply with department policies. Eaton twice neglected to write her name on the bulletin board when she left town.<sup>36</sup> On her first solo inspection assignment, she took a city vehicle outside city

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<sup>30</sup> City of Iowa City Personal Evaluation Report, Eaton by Battalion Chief Kloos, 4-24-79, LEP, Box 4, Folder 15, SHSI.

<sup>31</sup> Evaluation of Linda R. Eaton by Captain Wayne A. Fjelstad, 4-26-79, LEP, Box 4, Folder 15, SHSI.

<sup>32</sup> Evaluation of Linda Eaton by Thomas L. Hansen, Training Officer, 4/26/79, LEP, Box 4, Folder 15, SHSI.

<sup>33</sup> To Bob, From Sophie, Re: L Eaton’s intermittent evaluation. Undated. [late April 1979], LEP, Box 4, Folder, 15, SHSI.

<sup>34</sup> Ibid. The description of the lowest rating on Personality (which one supervisor had checked), was “negative, antagonistic, arouses resentment.” All on-duty firefighters gathered together to watch the program.

<sup>35</sup> Memo to Neal Berlin from Angela Ryan Re: Calendar of Events in Linda Eaton Case, March 15, 1979, LEP, Box 4, Folder 24, SHSI; also discussed by Linda Eaton in her testimony at ICRC hearing, 973, 976-978.

<sup>36</sup> Calendar of Events in Linda Eaton Case, LEP, Box 4, Folder 24, SHSI.



limits to use the bathroom at her parents' home (later acknowledging that this was “definitely not the right thing to do”<sup>37</sup>), and the chief placed a written reprimand in her file. But the evidence suggests that Linda Eaton was given less slack than other firefighters for these incidents.<sup>38</sup> “Most new people make mistakes,” commented a retired Iowa City firefighter, indicating that Eaton’s performance was equivalent to that of other rookies.<sup>39</sup> A firefighter who had “missed a truck” early in his career—for which he had not been disciplined—predicted that if Eaton were to do such a thing, she would “be highly reprimanded, and possibly fired.”<sup>40</sup>

City officials were monitoring Linda Eaton more closely than any other firefighter. Despite the men’s fears that the visitors’ log was meant to control *their* visits, the fire chief revealed that its “primary purpose” was to collect information about Eaton’s nursing visits.<sup>41</sup> In early April, using information from the log as evidence, the assistant city attorney filed a motion in district court charging Eaton with violating the terms of Judge Chapman’s injunction and requesting that the injunction be “vacated.” Her motion stated that Eaton often exceeded the thirty-minute time limit on nursing visits that had been agreed upon orally in the judge’s chambers, and that she had ignored Chief

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<sup>37</sup> Testimony of Linda Eaton, ICRC hearing, 974.

<sup>38</sup> The Calendar of Events charts Eaton’s misdeed on each shift she worked with details including conversations, times, and names. This accounting suggests that multiple individuals were continually recording Eaton’s actions, with special attention to infractions of the “letter of the law” that would otherwise have been overlooked. Since other firefighters were not similarly monitored, their mistakes were generally covered up with the help of other firefighters or never noticed.

<sup>39</sup> Interview with Nate Hopkins, 4 September, 2008. Hopkins was not on Eaton’s shift, so his comment reflects his observations of other rookies and what he heard from firefighters who had worked with Eaton. Steve Dolan, who was on Eaton’s shift, vouched for her firefighting skills. “She was a good firefighter. I went into a lot of fires with her,” he said. Interview with Steve Dolan, 11 September 2008 in Iowa City, Iowa.

<sup>40</sup> Testimony of Richard Craig, ICRC hearing, 568.

<sup>41</sup> Testimony of Fire Chief Robert Keating, May District Court hearing, 43.

Keating's request that only one babysitter accompany her in the locker room during nursing sessions.<sup>42</sup>

On May 1, Linda Eaton and Chief Keating appeared with their attorneys in Judge Chapman's courtroom for a hearing on the city's motion. Assistant City Attorney Angela Ryan presented data showing that the average length of Eaton's nursing visits between January 31 and March 19 had been 34.5 minutes; that the longest nursing visit had lasted seventy-three minutes; and that on at least one occasion, two women and two children had been in the locker room with Eaton while she nursed Ian.<sup>43</sup> Chief Keating testified that when he spoke with Eaton about these problems, on March 19, he found her uncooperative: Eaton told him that she was not aware of any limits on time or the number of babysitters, and asked him "to show in the Court order where this was recorded."<sup>44</sup>

Eaton's legal team maintained that there had been no verbal agreement on a thirty-minute limit on the nursing visits, and that, in any event, Eaton's average visit length of 34.5 minutes was not significantly longer than thirty minutes.<sup>45</sup> Furthermore, they argued, Eaton had cooperated with the chief. After the March 19 conversation, her average nursing visit had decreased to 26.5 minutes and she had not had more than one babysitter in the locker room.<sup>46</sup> In addition, Eaton testified that the seventy-three minute

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<sup>42</sup> In the Iowa District Court in and for Johnson County, *Linda Eaton v City of Iowa City*, Equity No. 44750, Motion to Vacate Order, Motion to Modify Order, Application for Clarification, filed April 12, 1979. If the judge was unwilling to vacate, the city asked for it to be modified.

<sup>43</sup> Transcript of proceedings, Johnson County District Court, May 1, 1979, *Linda Eaton vs. City of Iowa City et al.* Equity No. 44750, LEP, Box 7, Folder 14, SHSI.

<sup>44</sup> Testimony of Robert Keating, May District Court hearing, 37, 72.

<sup>45</sup> Attorney Jane Eikleberry made a professional statement that she did not "recall the dialogue which is set out in the affidavit from the Assistant City Attorney, nor do I recall any dialogue of a similar nature to that." Eikleberry is referring to a document Angela Ryan submitted during the hearing that "states my recollection of the meeting in Chambers over the 30-minute issue and also my recollection of the phone conversation with Miss Eikleberry." Transcript of proceedings, May 1, 1979, Equity No. 44750, 72-73.

<sup>46</sup> Eaton's testimony, May District Court hearing, 77, 80-81, 84.

nursing visit recorded in the log was an error.<sup>47</sup> On that particular day, Eaton explained, she planned to take a shower immediately after nursing Ian. “And I specifically went and asked my battalion chief . . . did I have to come out and sign out and go back down and he said no. . . . But, you know . . . they ran the visit together.”<sup>48</sup> The seventy-three minutes included the nursing and the shower, and most of that was in the shower. Eaton said, “I take my time usually when I take a shower.”<sup>49</sup>

Eaton’s attorneys also cast doubt on the accuracy of the visitors’ log and the equitable enforcement of the fire department’s new visitor policy. Ryan had emphasized that Eaton’s visitors constituted a large percentage of the total visitors to the fire station, suggesting that if every firefighter had that many visitors, the fire department could not function.<sup>50</sup> But testimony revealed that supervisors used discretion in determining which visitors to record. Supervisors did not record visits from city employees or from individuals who remained outside the station, were on official business, or escaped the supervisors’ notice. Fire buffs, whose visits were not recorded, visited frequently and stayed for an hour or longer.<sup>51</sup> And, despite the newly enacted policy limiting all visits at the fire station to under twenty minutes, twenty-three visits had lasted over thirty minutes, yet the fire chief had advised only two male firefighters that they were not complying with the visitor policy.<sup>52</sup> These revelations tended to support Eaton’s claim that she was being treated differently with respect to visitors.

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<sup>47</sup> Ibid., 75, 78-79.

<sup>48</sup> Ibid., 78.

<sup>49</sup> Ibid.

<sup>50</sup> Testimony of Robert Keating, May District Court hearing, 31-33.

<sup>51</sup> Fire buffs are individuals who spend a lot of time at the fire department and have become almost unofficial members of the department.

<sup>52</sup> Testimony of Robert Keating, May District Court hearing, 51, 53.

The hearing ended before lunchtime, and Judge Chapman announced his decision later that afternoon. He began by chiding everyone. “I really felt that [the injunction] was phrased in such a manner that intelligent people of good will and understanding could cooperate. . . . Apparently that is not necessarily true on the part of both parties.”<sup>53</sup> Then Judge Chapman focused on the city. “There’s been a lot of concern at the station with stopwatches, clocks, making lists, monitoring visits, seeking to bend the rules, but with it all I find that there has been a singular lack of evidence in this hearing that the feeding of Ian . . . has in any way affected the high level of fire protection that we have here in Iowa City.”<sup>54</sup> Judge Chapman ordered the injunction to remain in place, but he modified it with specific instructions that no more than “one or two female babysitters” would be present in the locker room with Eaton and that the nursing visits would “not exceed 35 minutes.”<sup>55</sup>

Judge Chapman also took the opportunity to offer a broad, philosophical statement about the case. “You know, I am constantly perplexed at the obstacles that are placed in the way of women today when they seek to assume the responsibility and accept the reward which may attach to activities which in the past have been considered by men as part of their so-called domain,” he stated.<sup>56</sup> These comments had no legal force, but they represented a powerful affirmation of Linda Eaton’s actions, and an equally powerful rebuke to the city. And with that, Judge Chapman handed city officials their third loss in the legal arena.

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<sup>53</sup> In the Iowa District Court, in and for Johnson County, *Linda Eaton vs. City of Iowa City*, Equity No. 44750, Transcript of Proceedings, May 1, 1979, 95. Judge Chapman noted that the attorneys “did discuss a 30-minute limit,” but he did not state that they had agreed upon that limit.

<sup>54</sup> *Ibid.*, 96.

<sup>55</sup> Equity No. 44750 Order, In the Iowa District Court, in and for Johnson County, *Linda Eaton vs. City of Iowa City*, filed May 1, 1979.

<sup>56</sup> Transcript of Proceedings, May District Court hearing, 96.

After Judge Chapman refused to terminate Eaton's nursing visits, she experienced new and more disturbing incidents on the job. In early June, Jane Eikleberry notified Angela Ryan and Chief Keating that Eaton's "gear had been moved from its proper place," that "her pair of leather firegloves is missing," and that "the volume of her speakers in the women's locker room was turned down."<sup>57</sup> Ryan promised an investigation.<sup>58</sup> In July, Eaton amended her civil rights complaint against the city by adding charges of harassment and retaliation.

Although all Iowa City firefighters wanted "the problem to go away," the anti-Eaton campaign did not have universal support among the firefighters. One firefighter told his family and friends that he was appalled at how Eaton was being treated at the fire station, while another considered himself Eaton's "friend" throughout the ordeal.<sup>59</sup> A firefighter who retired in 2003 believed that a majority of the men had no strong feelings about Eaton's nursing; they "just wanted to do their jobs and be let alone."<sup>60</sup> And Eaton told a reporter while she was in Washington, D.C., for the NOW fundraiser that some

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<sup>57</sup> To Ms. Angela Ryan from Jane L. Eikleberry (cc: Chief Robert P. Keating), 8 June 1979, LEP, Box 2, SHSI.

<sup>58</sup> Letter to Jane Eikleberry from Angela Ryan, 13 June 1979, LEP, Box 2, Folder 7, SHSI.

<sup>59</sup> Interview with Bev Klug, 5 June 2007, Iowa City, Iowa; Interview with Steve Dolan, 11 September, 2008.

<sup>60</sup> Interview with Nate Hopkins, 4 September 2008. Similar sentiment expressed in interview with Dean Lanstaff, 8 September, 2008. Studies of women in policing (and other male-dominated occupations) give credence to this claim. Scholars have identified three groups of men: a very small supportive group, a very small hostile group, and the majority, who are ambivalent and can be swayed one way of the other. Susan E. Martin, *Breaking and Entering: Policewomen on Patrol* (Ewing, NJ: University of California Press, 1980) and *On the Move: The Status of Women in Policing* (Washington, DC: The Police Foundation, 1990) cited in "Women in Blue-Collar Occupations: Traditional and Nontraditional" by Brigid O'Farrell in *Women: A Feminist Perspective*, 5<sup>th</sup> Edition, Jo Freeman, ed. (Mountain View, California: Mayfield Publishing Co., 1995).

firefighters had told her privately that “they don’t mind [the nursing] at all, but they can’t say anything.”<sup>61</sup>

The interlocking political, personal, and social dynamics that animated the masculine culture of the Iowa City Fire Department restrained the majority of the fifty male firefighters from showing support for Eaton in public or at the fire station. Long-standing political antagonisms between firefighters and city administrators might have dictated that the firefighters would side with Eaton. Despite this history and the fact that many firefighters believed that the city had put the department in an “embarrassing position,” however, they had no intention of taking Eaton’s side.<sup>62</sup> “Her grievance was not seen as important,” recalled a former president of Local 610.<sup>63</sup>

The personal politics at the fire house, especially on Eaton’s shift, exacerbated tensions.<sup>64</sup> Certain firefighters could not resist the “temptation to inflame” the situation, and since “no one felt it was in their interest to have empathy for anyone else,” this was easy to accomplish.<sup>65</sup> The result was that “this was not a fight that you wanted to get into. . . . There were not going to be any winners,” recalled one firefighter.<sup>66</sup> The influence of firefighters’ wives “cannot be underestimated” either, according to one firefighter. “They inflamed everybody” and pressured their husbands to have Eaton removed.<sup>67</sup> Young firefighters had to protect their careers. The firefighter who

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<sup>61</sup> Mark Rohner, “Eaton fund-raiser held in Washington,” *Iowa City Press-Citizen*, 18 May 1979.

<sup>62</sup> Interview with Dave Loney; Interview with Nate Hopkins.

<sup>63</sup> Interview with Dave Loney, 12 January 2009.

<sup>64</sup> At least one firefighter believes things may have turned out differently had Eaton been on a different shift. Interview with Dean Langstaff, 8 September 2008.

<sup>65</sup> Interview with Dave Loney; Hopkins and Dolan agreed that Shift One had some particularly difficult personalities.

<sup>66</sup> Interview with Dave Loney, 12 January 2009.

<sup>67</sup> Interview with Dave Loney, 30 December 2008.

considered himself Eaton's friend, for instance was unwilling to risk his future at the department by speaking out for her.<sup>68</sup> The publicity, which firefighters believed was "unfair" and "wrong," drew them together in a defensive posture.<sup>69</sup> And perhaps most importantly, "when the chief was unhappy, the firefighters were supposed to take care of it. That was understood. It was a paramilitary situation," explained a former firefighter.<sup>70</sup> Some firefighters may have had no problem with Eaton's nursing, but they saw no benefits—and many costs—to risking their status within the masculine culture of the department by standing with her.

Jesse King, the only firefighter who did support Eaton publicly, paid a heavy price. The animosity that Iowa City's firefighters felt for King was second only to their animosity for Eaton herself.<sup>71</sup> King, the only African American on the force, resigned from the fire department in May 1979. To the fury of the other firefighters, he told a local reporter that he was leaving, in significant part, because the fire department was a "bastion of conservatism."<sup>72</sup> Firefighters lambasted King for maligning the department. "It's done a hell of a lot to hurt our image," complained firefighter Pat Akers to a newspaper reporter.<sup>73</sup>

Firefighters had been upset with King since January, when, by speaking to the press and testifying for Eaton, he had violated basic rules of etiquette for new firefighters,

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<sup>68</sup> Interview with Steve Dolan, 11 September 2008.

<sup>69</sup> Curt Seifert, "Co-worker cries 'Enough!' in Eaton issue," *Iowa City Press-Citizen*, 1 June 1979, 5A; interview with Dean Langstaff.

<sup>70</sup> Interview with Dave Loney, 12 January 2009.

<sup>71</sup> Interviews with Hopkins and Loney.

<sup>72</sup> Curt Seifert, "Black firefighter quits 'because of conservatism,'" *Iowa City Press-Citizen*, 26 May 1979, 5A.

<sup>73</sup> Curt Seifert, "Co-worker cries 'Enough!' in Eaton issue," *Iowa City Press-Citizen*, 1 June 1979, 5A.

including “keep your mouth shut” and “don’t talk shit about other firefighters.”<sup>74</sup> To violate these rules within the confines of the fire station would have been bad enough, but to do so in public was unforgivable.<sup>75</sup> In fact, when Local 610’s members met with the representative from the IAFF in February, they discussed “throwing Jesse King out of the union for his comments that he had made to the news media on the Linda Eaton case.”<sup>76</sup> King’s role in the controversy underscored the long and complex historic connection in the U.S. between race and sex discrimination.

### How Sex Discrimination Became Illegal in Iowa

When Iowa women used the Iowa Civil Rights Act to advance their claims to economic citizenship in the late twentieth century, they stood on the shoulders of civil rights activists who had initiated a fight for laws against racial discrimination in the late 1940s. Historians have revealed how World War II gave new impetus to the ongoing movement for racial justice in the U.S.<sup>77</sup> As the war drew to a close, civil rights activists across the nation flooded state legislatures with proposals aimed at eliminating the long-standing employment practices that denied economic citizenship to African Americans.<sup>78</sup>

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<sup>74</sup> *Real Heat*, 29; Ellen Kirschman, *I Love a Fire Fighter: What the Family Needs to Know* (New York and London: The Guilford Press, 2004), 59.

<sup>75</sup> Interview with Nate Hopkins.

<sup>76</sup> Testimony of Nate Hopkins, ICRC hearing, 489.

<sup>77</sup> See Timothy Tyson, *Radio Free Dixie: Robert F. Williams and the Roots of Black Power* (Chapel Hill: University of North Carolina Press, 1999); Martha Biondi, *To Stand and Fight: The Struggle for Civil Rights in Postwar New York City* (Cambridge: Harvard University Press, 2003); Risa L. Goluboff, *The Lost Promise of Civil Rights* (Cambridge: Harvard University Press, 2007), and George Lipsitz, *Rainbow at Midnight: Labor and Culture in the 1940s* (Urbana: University of Illinois Press, 1994).

<sup>78</sup> Arthur Earl Bonfield, “The Origin and Development of American Fair Employment Legislation,” 52 *Iowa L. Rev.* 1043 (1967), 1068. For recent scholarship on state fair employment law-making from the 1940s to the 1960s, see David Freeman Engstrom, “The Lost Origins of American Fair Employment Law: State Fair Employment Practices Bureaus and the Politics of Regulatory Design, 1943-1964,” (PhD. diss., Yale University, 2006) and Anthony S. Chen, *The Fifth Freedom: Jobs, Politics and Civil Rights in the United States, 1941-1972* (Princeton: Princeton University Press, 2009).



These proposals contrasted sharply with existing statutes that forbade racial discrimination in employment. They were broader in scope (not limited to specific classes of employment); they were more comprehensive (covered unions and employment agencies as well as employers); and most significantly, they created an independent administrative agency “whose exclusive purpose would be the enforcement of equal employment opportunity through flexible administrative processes.”<sup>79</sup> In 1945, New York became the first state to adopt a statute with these provisions. Its importance “as a precedent and a general model for legislation in this area cannot be overstated,” wrote a legal scholar.<sup>80</sup> By 1963, twenty states had passed statutes “substantially modeled on the 1945 New York act.”<sup>81</sup> Iowa was not among them.

World War II changed U.S. women’s lives as well, yet almost none of the state fair employment practices bills introduced between the late 1940s and the mid-1960s forbade sex discrimination.<sup>82</sup> The leading advocates for women’s employment rights during this time period disagreed over strategy. One group, led by the National Woman’s Party, supported an Equal Rights Amendment, while the other coalition sought “equality

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<sup>79</sup> Bonfield, 1069. Analyses of existing anti-discriminatory statutes found the lack of effective enforcement to be a serious defect. For an analysis of the Iowa statute, for example, see Robert Edwards Goostree, “Civil Rights in Iowa: The Statute and its Enforcement” (Ph.D. diss., University of Iowa, 1950).

<sup>80</sup> Bonfield., 1073.

<sup>81</sup> Ibid.

<sup>82</sup> New York’s FEP statute, (the Ives-Quinn bill), upon which most FEP proposals were modeled, did not include sex. Dorothy Sue Cobble notes that two state FEP laws passed prior to 1964 included sex, but she only identifies one state, New Jersey. See Cobble, *The Other Women’s Movement: Workplace Justice and Social Rights in Modern America*, (Princeton and Oxford: Princeton University press, 2004), 89. Jo Freeman also says that two states had laws prohibiting sex discrimination in employment prior to 1964, but she identifies them as Hawaii and Wisconsin. See “How ‘Sex’ Got Into Title VII: Persistent Opportunism as a Maker of Public Policy,” *Law and Inequality: A Journal of Theory and Practice* 9 (March 1991), 163.

that takes account of differences.”<sup>83</sup> Between the end of World War II and the mid-1960s, the latter—led by women at the Women’s Bureau of the U.S. Labor Department and including many women’s affiliates of the AFL-CIO, the League of Women Voters, and the American Association of University Women—gained more political support. Two of the most important items on its agenda were minimum-wage and equal-pay laws.<sup>84</sup> By the end of 1962, thirty-three states had passed minimum-wage laws, twenty-two states had enacted equal-pay laws, and Congress seemed poised to pass a federal equal-pay act as well.<sup>85</sup> By these standards, Iowa, which lacked both measures, offered few protections for working women.<sup>86</sup>

Civil rights activists in post–World War II Iowa, like those across the nation, overlooked sex discrimination and focused their legislative efforts on eliminating discrimination based on race.<sup>87</sup> Despite Iowa’s 1884 Civil Rights Act and the state’s long-held constitutional commitment to racial equality, *de jure* and *de facto* segregation

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<sup>83</sup> Myra Wolfgang, union leader in Detroit, quoted in Dorothy Sue Cobble, *The Other Women’s Movement: Workplace Justice and Social Rights in Modern America* (Princeton: Princeton University Press, 2004), 60.

<sup>84</sup> Cynthia Harrison, *On Account of Sex: The Politics of Women’s Issues, 1945-1968* (Berkeley: University of California Press, 1988); Cobble, *The Other Women’s Movement*. Cobble also describes the ambitious agenda of labor feminists, which included support for working women during pregnancy and child-rearing.

<sup>85</sup> “Equal-Pay Laws, by state—January 1, 1963,” U.S. Department of Labor, M-4 and “Minimum-wage laws, by state—January 1, 1962,” U.S. Department of Labor M-3, Iowa Nurses’ Association Records, Box 62, IWA. On the fight that labor women waged and lost to retain language that guaranteed equal pay for comparable work in the federal Equal Pay Act, see Cobble, *The Other Women’s Movement*, 162-168.

<sup>86</sup> Gladys Nelson, a Republican representative from Jasper County, Iowa, introduced an equal-pay bill in the 1953 session of the Iowa General Assembly, but no action was taken on the bill. Suzanne O’Dea Schenken, *Legislators and Politicians: Iowa’s Women Lawmakers* (Ames: Iowa State University Press, 1995), 75.

<sup>87</sup> Cobble, *The Other Women’s Movement*, 89; Arthur Earl Bonfield, “The Substance of American Fair Employment Practices Legislation I: Employers,” *61 Northwestern University Law Review* 907 (1967), 907-908. Bonfield writes that the “traditional” objectives of state FEP laws were to eliminate discrimination based on “race, religion, and national origin.”

were a fact of life throughout Iowa's territorial and state history, and the 1884 statute offered Iowa's African Americans no viable legal remedy for the routine discrimination they faced.<sup>88</sup> The statute outlawed race discrimination in some public facilities, but failed to address employment or housing discrimination in any manner.<sup>89</sup> In addition, because it was a criminal statute, its enforcement mechanisms were "wholly inadequate" for addressing the problem of racial discrimination.<sup>90</sup> Activists and legal analysts cited the high standard of proof needed for conviction, the racial prejudice of juries, the reluctance of prosecutors to take action, and the narrow manner in which criminal statutes were interpreted as barriers to enforcement.<sup>91</sup> The penalties of a criminal statute were inappropriate as well, since the intent of civil rights legislation was to prevent or eliminate discrimination—collecting a fine did not achieve this goal.<sup>92</sup>

The calls for new legislation became more strident as civil rights activism increased in Iowa during the late 1940s and 1950s, exposing the limitations of the 1884

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<sup>88</sup> Robert Edwards Goostree, "Civil Rights in Iowa: The Statute and its Enforcement" (Ph.D. diss., University of Iowa, 1950); Robert Benjamin Stone, "The Legislative Struggle for Civil Rights in Iowa: 1947-1965" (M.A. thesis, Iowa State University, 1990); Richard, Lord Acton and Patricia Nassif Acton, "A Legal History of African-Americans: From the Iowa Territory to the State Sesquicentennial, 1838-1996," Ch 4 in *Outside In: African American History in Iowa, 1838-2000*, ed. Bill Silag (Des Moines: State Historical Society of Iowa, 2001).

<sup>89</sup> Public facilities included only the specific list contained in the statute, which the courts interpreted very narrowly. In 1892, the statute was amended by expanding the list of establishments, but was still limited given how courts interpreted it. For example, the Iowa Supreme Court ruled that the proprietor of a booth at a fair who refused to offer samples to a Negro woman had not violated the statute because fairs were not covered by the statute; see *Brown v. J.H. Bell Co.* 146 Iowa 89, 123 N.W. 231 (1909).

<sup>90</sup> Arthur Earl Bonfield, "State Civil Rights Statutes: Some Proposals." 49 *Iowa Law Review* 1067-1129 (1964).

<sup>91</sup> *Ibid.*; Goostree, "Civil Rights in Iowa."

<sup>92</sup> *Ibid.*, 1110-1111. Iowa did allow civil lawsuits, but these had some of the same problems as criminal prosecutions such as biased juries and ineffective penalties; in addition, the plaintiff assumed the financial burden of bringing the complaint.

statute.<sup>93</sup> To the disappointment of Iowa's African-American community and its allies—which included local branches of the National Association for the Advancement of Colored People (NAACP), the Iowa Civil Liberties Union (ICLU), church groups, labor unions, activists, and scholars—every civil rights bill introduced in the Iowa legislature between 1947 and 1961 died in committee.<sup>94</sup> Finally, in 1963, after a well-organized, year-long campaign by members of Governor Norman Erbe's Commission on Civil Rights, the Iowa legislature passed a Fair Employment Practices (FEP) bill. It was the first new civil rights legislation in Iowa in over seventy-five years. This breakthrough reflected grassroots civil rights activism, the commission's political strength, the political skills of the popular new governor (Democrat Harold Hughes) and the growing awareness among whites in Iowa that racial discrimination existed in their state.<sup>95</sup>

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<sup>93</sup> On attempts to address race discrimination using the 1884 statute in post-World War II Iowa, see George William McDaniel, "Trying Iowa's Civil Rights Act in Davenport: The Case of Charles and Ann Toney," *Annals of Iowa* 60: 3 (2001), 231-243; Noah Lawrence, "'Since it is my right, I would like to have it': Edna Griffin and the Katz Drug Store Desegregation Movement," *Annals of Iowa* 67: 4 (Fall 2008), 298-330; Roger E. Bradley, "Pre-Brown Civil Rights in Iowa," (2006), unpublished paper in possession of author; and Jessica Peel, "'Just Because It Was Right Was Why I Was There: Edna Griffin and the Civil Rights Movement in Des Moines,'" unpublished paper presented at the May Brodbeck Symposium on Women's History, May 2010, University of Iowa, Iowa City, Iowa.

<sup>94</sup> Stone, "The Legislative Struggle for Civil Rights in Iowa." On the ICLU's role in civil rights legislation, see Edward S. Allen, *Freedom in Iowa: The Role of the Iowa Civil Liberties Union* (Ames: The Iowa State University Press, 1977). Organized labor's involvement with civil rights is a contradictory record in Iowa as elsewhere, but members of some industrial unions, including local chapters of the United Packinghouse Workers of America (UPWA) and the United Auto Workers (UAW) appeared at 1956 hearings on employment discrimination in several cities to urge passage of a state FEP bill; the UPWA also provided financial assistance to a plaintiff who brought civil suit against the Surf Ballroom for race discrimination in *Amos v. Prom* in 1952. (see Bradley).

<sup>95</sup> See Ch 7 of Stone, "The Legislative Struggle for Civil Rights in Iowa" on the 1963 FEP bill. The Erbe Commission was the first to include legislators (3) and it included more African American members than previous commissions. The earlier civil rights commissions in Iowa were the Hoegh Commission to Study Discrimination in Employment, 1955-1956; Loveless Commission on Human Relations, 1958-1960; Erbe Commission on Civil Rights, 1961-1962; and Hughes Commission on Human Rights, 1963-1965.

Iowa's new FEP statute, however, fell short of what civil rights advocates had hoped for. Although the commission had proposed a bill based on New York's statute, its legislative sponsors had been forced to make compromises, and the new bill failed to address many aspects of the employment process such as recruitment, forms of evaluation, and the role of unions. But most importantly, the new statute lacked an effective enforcement mechanism: the provision for an independent administrative agency had not survived the political process. University of Iowa law professor Willard Boyd, a strong proponent of civil rights, suggested to his colleague Arthur Bonfield that he "write some scholarship on the Iowa statute."<sup>96</sup> It struck Bonfield as "a good idea," and he wrote an article for the *Iowa Law Review* urging Iowans to enact a civil rights bill that included the provisions of the New York statute.<sup>97</sup> After his article was published, members of the Iowa legislature called upon Professor Bonfield to draft a new civil rights bill for Iowa.<sup>98</sup>

Arthur Bonfield was just twenty-six years old when he arrived at the University of Iowa in the spring of 1962. Born and raised in New York City in a Jewish family that was "oriented to equality, justice, and fairness," Bonfield's interest in civil rights deepened during his years at Yale Law School, where he studied with the most celebrated constitutional and public law jurists of the day, including Thomas Emerson, Alexander Bickel, and Charles Black.<sup>99</sup> In his early writings, Bonfield argued that law has an important role in the struggle for racial justice. The "freedom to believe" and the

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<sup>96</sup> Interview with Arthur Bonfield, 19 August 2007, Iowa City, Iowa. Boyd was the driving force behind the UI Committee on Human Rights, initiated in 1962. For more on this committee, see Chapter Four.

<sup>97</sup> Arthur Earl Bonfield, "State Civil Rights Statutes: Some Proposals," 49 *Iowa L. Rev.* 1067 (1964); interview with Bonfield, 19 August 2007.

<sup>98</sup> Interview with Arthur Bonfield.

<sup>99</sup> *Ibid.*

“freedom to act” are “separate liberties,” he wrote, and while the law should not restrain an individual’s beliefs, it ought to prohibit conduct that “has a demonstrably ill effect on both the community at large and a particular group of its members.”<sup>100</sup> In the fight against racial discrimination, Bonfield concluded, the “appropriate sphere for law is therefore action—not belief.”<sup>101</sup>

Bonfield’s work on the Iowa Civil Rights Act was not his first involvement with a civil rights issue in Iowa. Future state representative Minnette Doderer, a LWV member who had been a leader in the fight to reapportion Iowa’s legislature since 1955, had enlisted his assistance in that long campaign not long after he took up his position at the University of Iowa College of Law. Like most states at the time, Iowa allocated legislative seats based on area, not population. Rural interests had a disproportionate voice in state government.<sup>102</sup> Reapportionment was a fight for the interests of urban residents—union members, blue collar workers, and African Americans—whose voices were muted in the halls of state government.<sup>103</sup>

The reapportionment battle in Iowa was coming to a head on two fronts.<sup>104</sup> In the political arena, a fierce contest was underway over the Shaff Plan, a proposed

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<sup>100</sup> Bonfield, “State Civil Rights Statutes,” 1080-1081.

<sup>101</sup> Arthur Earl Bonfield, “The Role of Legislation in Eliminating Racial Discrimination,” *Race, Journal of the British Institute of Race Relations*, Volume VII, No. 2, October 1965; and “State Civil Rights Statutes,” 1081.

<sup>102</sup> In Iowa, each county had one of the 108 seats in the house (except the largest nine counties, which had two). The 50 senate districts were drawn with some attention to population, but no county could have more than one senator, regardless of population.

<sup>103</sup> James C. Larew, *A Party Reborn: The Democrats of Iowa, 1950-1974* (Iowa City: Iowa State Historical Department, Division of the State Historical Society, 1980); Stone, “The Legislative Struggle for Civil Rights in Iowa.”

<sup>104</sup> For fuller treatment of the 1950s and 1960s reapportionment battles in Iowa, see Frank T. Nye, “Reapportionment in Iowa,” *The Palimpsest*, Vol. XLV, No. 6 (June 1964); Charles W. Wiggins, “The Post World War II Legislative Reapportionment Battle in Iowa Politics,” in *Patterns and Perspectives in Iowa History*, ed. Dorothy Schwieder (Ames: Iowa State University Press, 1973): 403-430; and John R. Schmidhauser, *Iowa’s Campaign for a*

constitutional amendment to reapportion senate districts based on population, but to retain the representation in house districts based on geography. The Shaff Plan was supported by the Iowa Farm Bureau Federation and the Iowa Manufacturers Association; the opposition was led by the Iowa Federation of Labor and the League of Women Voters. The reapportionment battle was also being fought in the courts, and in 1962, after the U.S. Supreme Court ruled in *Baker v. Carr* that state legislative apportionment plans were subject to federal oversight, suits were filed in many states challenging the constitutionality of state legislative apportionment plans.<sup>105</sup>

Doderer sought Bonfield's help because he had just published an article on *Baker v. Carr*.<sup>106</sup> She drove him to Des Moines, where they met with attorneys for the Iowa Federation of Labor, who were preparing to file a federal lawsuit challenging the constitutionality of both Iowa's current apportionment plan and the Shaff Plan. Bonfield agreed to prepare the brief.<sup>107</sup> In May 1963, the court ruled that Iowa's current legislative apportionment plan was unconstitutional, but it withheld judgment on the Shaff Plan, on which Iowans would vote in December.<sup>108</sup> After Iowans rejected the

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*Constitutional Convention in 1960* Case 30, Egelton Institute Cases in Practical Politics, Rutgers, The State University (New York: McGraw Hill Book Co, 1963).

<sup>105</sup> *Baker v. Carr*, 369 U.S. 186 (1962). As population shifted to urban areas in the mid-twentieth century, efforts across the nation to force states to reapportion had proven fruitless until the decision in *Baker v. Carr*.

<sup>106</sup> Arthur Earl Bonfield, "Baker v. Carr: New Light on the Constitutional Guarantee of Republican Government," 50 *California Law Review* 245 (1962). Bonfield and Doderer met through the League of Women Voters, to which Doderer and Bonfield's wife, Doris, both belonged. Doris Bonfield served on the civil rights committee along with Lolly Eggers, Carol Spaziani, Mori Costantino, and others. Professor Bonfield attended one of their meetings to explain the importance of a new state civil rights bill. This committee organized and carried out a local housing survey and pushed a local civil rights ordinance through city council. More on the LWV's local civil rights activities in Chapter Four.

<sup>107</sup> The attorneys of record were Harry Smith of Sioux City, Robert F. Wilson of Cedar Rapids, and C.A. Frerichs of Waterloo, Minnette Doderer's brother. Bonfield did not have a license to practice in Iowa yet, so his name did not appear on the brief. Interview with Bonfield.

<sup>108</sup> *Davis v. Synhorst*, 217 F. Supp. 492 (S.D. Iowa 1963). Charles Davis was the president of the Iowa Federation of Labor; Melvin Synhorst was Iowa's secretary of state.

Shaff Plan at the polls, the court ordered the Iowa legislature to draw up a new reapportionment plan in time for the 1964 elections.<sup>109</sup>

Reapportionment shifted the political landscape in the state capital, putting political power in urban hands for the first time in Iowa's history and paving the way for the passage of a strong comprehensive civil rights bill.<sup>110</sup> Iowa's 61<sup>st</sup> General Assembly, elected in the fall of 1964, included Iowa's first two African American legislators (one man and one woman), and six women (one African American, one Jewish, four white).<sup>111</sup> It was one of the youngest legislatures in Iowa's history; had the biggest percentage of new members since territorial days; and, for the first time, the largest number of members were Catholics, not Methodists.<sup>112</sup> The enormous popularity of Iowa's Democratic governor, Harold Hughes, and the Democratic Party's national landslide in the 1964 elections swept Iowa Democrats into power as well, making them the majority party in Iowa for the first time since the New Deal era.<sup>113</sup> "The Democrats

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<sup>109</sup> *Davis v. Synhorst*, 225 F. Supp. 689 (S.D. Iowa 1964). Governor Hughes called a special legislative session for this purpose. The representative from Johnson County had resigned from his seat, so a special election was held in Johnson County to elect a representative for the special session. Minnette Doderer won the seat and thus began her thirty-three year career in the Iowa legislature.

<sup>110</sup> Stone cites this as the most important factor in passing the Iowa Civil Rights Act. A recent national study of state FEP laws concludes that "malapportionment" gave conservative Republicans, who blocked state FEP legislation, a majority in "most state legislatures" in the post-World War II period. See Anthony S. Chen, *The Fifth Freedom*, 22.

<sup>111</sup> The African American man was James Jackson and the African American woman was Willie S. Glanton, both from Des Moines. The other five women were Mattie Bogenrief, Gertrude Cohen (Jewish), Minnette Doderer, Mary Pat Gregerson, and Olga Wolcott. The number of women was not a dramatic increase. Prior to 1961, the number of women fluctuated from zero to three. Beginning in 1961, the number of women rose slowly but steadily. In 1973, there were 10 women, and in 1985, 22 women. On women legislators in Iowa, see Suzanne O'Dea Schenken, *Legislators and Politicians: Iowa's Women Lawmakers* (Ames: Iowa State University Press, 1995).

<sup>112</sup> Frank T. Nye, "The 61<sup>st</sup> General Assembly of Iowa," *The Palimpsest* Vol. XLVI, No. 9 (September 1965). Average age was 48; nearly 55% of the members were serving for the first time; and there were 51 Catholics and 39 Methodists.

<sup>113</sup> Larew, *A Party Reborn*. Democrats won most of the state offices and captured 6 of 7 Congressional seats as well.



of Iowa never had it so good,” wrote one journalist after the Democrats won 101 of the 124 house seats and 34 of the 59 senate seats.<sup>114</sup>

The historic 61<sup>st</sup> Iowa General Assembly unanimously passed the Iowa Civil Rights Act of 1965.<sup>115</sup> The act outlawed discrimination based on race, creed, color, national origin, or religion in employment and public accommodations.<sup>116</sup> Most importantly, it created, funded, and granted specific legal powers to an independent enforcement agency, the Iowa Civil Rights Commission. In addition to local civil rights activism, Bonfield explained, the “enactment of the Federal Civil Rights Act [of 1964] provided a substantial political boost. The national consensus that had been built for support of that legislation had spill over effects in Iowa, increasing the receptivity of the people in this state to the enactment of such laws.”<sup>117</sup>

Some supporters of the Iowa Civil Rights Act, including Bonfield, wanted the statute to forbid sex discrimination as well, but “sex” was deleted during the drafting process.<sup>118</sup> This was not the first time that outlawing sex discrimination had been

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<sup>114</sup> Frank T. Nye, “The 61<sup>st</sup> General Assembly of Iowa,” *The Palimpsest* Vol. XLVI, No. 9 (September 1965), 425. Larew says the Democrats had 100 of the house seats.

<sup>115</sup> In early 1965, Professor Bonfield submitted his draft of a new civil rights bill to Donald Boles, chair of the Governor’s Commission on Human Rights. With the governor’s support, Senator John Ely and Representative Roy Gillette quickly steered it through the legislature. Arthur Earl Bonfield, “The Origin and Rationale of the Iowa Civil Rights Act,” a speech delivered on the occasion of the Iowa Civil Rights Commission Celebration of the 25<sup>th</sup> Anniversary of the Iowa Civil Rights Act, July 21, 1990, State Historical Building, Des Moines, Iowa. In possession of author.

The 61<sup>st</sup> G.A. is called historic because it took decisive action on a wide range of issues. It passed a record eight constitutional amendments, abolished capital punishment, increased workman’s compensation and employment security benefits, raised state income tax on higher income brackets, appropriated more money for schools, and approved construction of four new vocational/technical schools in Iowa, among many other items. See Larew and Nye.

<sup>116</sup> In 1965, this was ch. 121, 1965 Iowa Acts 195; in 1979, this was *Iowa Code*, ch. 601A (1979).

<sup>117</sup> Bonfield, “The Origin and Rationale of the Iowa Civil Rights Act.”

<sup>118</sup> *Ibid.*

considered in Iowa. Legislators had added “sex” to the proposed 1955 and 1957 civil rights bills, but the foremost historian of the Iowa Civil Rights Act has characterized these amendments as ploys to weaken the bills.<sup>119</sup> Governor Norman Erbe’s Commission on Civil Rights gave the matter more serious consideration when they drafted the 1963 Fair Employment Practices bill, but the commissioners decided that sex could be “very proper criteria” for employment and dropped it from the bill.<sup>120</sup> Although the federal Civil Rights Act of 1964 had outlawed sex discrimination in employment, key lobbyists and legislators persuaded the advocates of the 1965 Iowa Civil Rights Act that “Iowans were not ready” to outlaw sex discrimination.<sup>121</sup>

And yet, just five years later, with no discernible controversy, the General Assembly amended the civil rights act and made sex discrimination illegal in Iowa.<sup>122</sup> “The times changed drastically,” explained Bonfield, who had drafted the amendment.<sup>123</sup> The focus of civil rights activism and legislation had been on race during the 1960s, he stated, but in the 1970s, it shifted to gender. “The time was right, but . . . it was not induced from the top. It was coming up by a broader recognition now that this was an appropriate thing to do, . . . and when [people] recognized it, it became a foregone conclusion.”<sup>124</sup> In Iowa and across the nation, the women’s movement had brought about this change. Beginning in the late 1960s, the women’s movement advanced the policy initiatives begun by women’s advocates through the Women’s

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<sup>119</sup> *Journal of the House* (1957), 292, 376; Stone, 32, 34, 52, 55.

<sup>120</sup> Minutes of Civil Rights Commission May 15, 1962, p. 3 cited in Stone.

<sup>121</sup> Interview with Bonfield. The provision outlawing discrimination in housing was dropped for the same reason. The Civil Rights Act was amended in 1967 to include housing.

<sup>122</sup> Due to an oversight, the amendment prohibited sex discrimination in employment and public facilities only. The Civil Rights Act was amended later to forbid sex discrimination in housing as well.

<sup>123</sup> Interview with Bonfield.

<sup>124</sup> *Ibid.*

Bureau of the U.S. Department of Labor, the President's Commission on the Status of Women, and the state commissions on the status of women.<sup>125</sup>

National, state, and local efforts on behalf of working women were energized by the 1963 publication of *American Women*, an "invitation to action" issued by President John F. Kennedy's Commission on the Status of Women (PCSW).<sup>126</sup> The report shattered the notion that most American women did not work for wages. And while the commission was divided over whether government policies should *encourage* women to work outside the home, it made sweeping recommendations acknowledging the *fact* that women worked outside the home.<sup>127</sup> The report included recommendations such as affordable daycare, equal pay for equal work, flexible hours, more part-time job opportunities, access to a wider range of job categories for women, and maternity benefits for working women. The PCSW also recommended that each state establish its own commission to implement these recommendations at the state level.

Iowa was one of seven states that had established a commission on the status of women prior to the publication of *American Women*. Iowa's commission got its start when the regional director of the Women's Bureau of the U.S. Department of Labor met

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<sup>125</sup> On the national women's movement, see Sara Evans, *Tidal Wave: How Women Changed America at Century's End* (New York: The Free Press, 2003); Ruth Rosen, *The World Split Open: How the Modern Women's Movement Changed America* (New York and London: Penguin, 2000); Winifred D. Wandersee, *On the Move: American Women in the 1970s* (Boston: Twayne Publishers, 1988); and Susan M. Hartmann, *From Margin To Mainstream: American Women and Politics Since 1960* (Philadelphia: Temple University Press, 1989). On the women's movement in Iowa, see Linda Yanney, "The Practical Revolution: An Oral History of the Iowa City Feminist Community, 1965-1975" (PhD diss, University of Iowa, 1991) and Louise R. Noun, *More Strong-Minded Women: Iowa Feminists Tell Their Stories* (Ames: Iowa State University Press, 1992).

<sup>126</sup> *American Women: Report of the President's Commission on the Status of Women*, 1963, p. 1.

<sup>127</sup> The PCSW did not endorse an Equal Rights Amendment; and, noting that "sex is of a different sort than race," it did not recommend that "sex" be added to existing laws against racial discrimination. For a discussion of this tension within the PCSW, see Alice Kessler-Harris *In Pursuit of Equity*, 213-234.

with Iowa labor women in early 1963 to arrange a two-day statewide conference in Iowa City on “The Employment Problems of Working Women,” at which Esther Peterson, executive vice-chair of the PCSW and longtime director of the Women’s Bureau of the U.S. Department of Labor, gave the keynote address. At the end of the conference, Governor Harold Hughes announced that he was forming a Governor’s Commission on the Status of Women (GCSW) in Iowa. Hughes selected women who had distinguished themselves through their work in the Democratic and Republican parties, the League of Women Voters, the Association of American University Women, the Iowa Federation of Business and Professional Women, and labor, professional, and church organizations.<sup>128</sup> Although hampered by a lack of funding, GCSW members embraced their assignment “to study the problems of women, with special attention to working women.”<sup>129</sup>

The commission’s first report, published in September 1964, showed that the number of women in Iowa’s workforce was on the rise and that it included many mothers of school-age children. The commission recommended a state minimum-wage law, mandatory regular paychecks, an equal-pay law, maternity benefits, high-quality daycare facilities, education geared to assist women in their professional development, and career counseling for women and girls.<sup>130</sup> The commission urged the governor to provide accurate information about women workers to Iowa’s employers. For example, many

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<sup>128</sup> Resumés of commission members show they were leaders in the organizations mentioned and others such as the YWCA, Jaycee-Ettes, National Secretaries’ Association, Iowa Nurses Association, American Legion Auxiliary, and the Women’s International League for Peace and Freedom.

<sup>129</sup> Statement of Governor Harold E. Hughes to the University of Iowa conference on “The Employment Problems of Working Women,” [conference held May 10-11, 1963], Records of Iowa Nurses Association, Box 62, IWA.

<sup>130</sup> *First Report of the Governor’s Commission on the Status of Women*, September 1964, Records of Governor Ray’s Commission on the Status of Women, Box 1, IWA. The GCSW also urged the governor to add “sex” to his May 1964 executive order directing all state boards and agencies to avoid discrimination based on race, religion, color, ancestry or national origin.

employers told members of the commission that they were less likely to hire women because of their high absentee rates. But, the report noted, a recent study found that single women were less likely to be absent from work than single men, and women over the age of forty had excellent attendance records.<sup>131</sup> The broad message of the GCSW's report was that women's capacities were underestimated and underutilized in the workplace.

All the members and officers of the GCSW had an interest in women's labor and employment issues, but perhaps none more than Betty Talkington, the commission's secretary.<sup>132</sup> Talkington, a seasoned union member and the Women's Activities Director for the Iowa Federation of Labor, had grown up in Muscatine, Iowa, where her father was a union organizer. As a child in the 1920s, she helped her father in a failed attempt to organize the workers in the button factories (where she herself later worked as a young wife and mother of two daughters) by distributing flyers to women as they walked by her house on their way to work.<sup>133</sup> In 1954, Talkington divorced her husband, moved to Cedar Rapids, Iowa, and started working at Collins Radio, where she became a member of Local 1362 of the International Brotherhood of Electric Workers.<sup>134</sup> Reflecting on her career in a 1983 interview, Talkington recalled that one

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<sup>131</sup> Ibid., 9.

<sup>132</sup> Chair Marguerite Scruggs, professor of home economics at Iowa State University was a founding member of the Iowa Council on Employment Problems of Women; vice-chair George Moore was head of the Iowa Employment Security Commission; and Norma Bruner, executive secretary, was an inspector for the Bureau of Labor. In a letter soliciting nominees for the GCSW, Marguerite Scruggs and Betty Talkington wrote that "your nominees should be concerned with the status of the working woman and her family." Letter from the Iowa Council on Employment Problems of Women, 27 June 1963, Iowa Nurses Association, Box 62, IWA.

<sup>133</sup> Talkington is not referring to the organizing drive that resulted in a strike in 1911-12, which received national attention, but to a later effort in the 1920s that also failed. The Muscatine button workers finally got a contract in the 1930s. See Kate Rousmaniere, "The Muscatine Button Workers' Strike of 1911-12: An Iowa Community in Conflict," *Annals of Iowa*, 46 (Spring 1982).

<sup>134</sup> Biographical information on Betty Talkington from Noun, *More Strong-Minded Women*, 203-214.

of the things she was most proud of was the publication of the GCSW report, “because we dug down into our pockets to pay for that. The individual members. We didn’t have any Iowa money or any federal money for that.”<sup>135</sup>

Members of the GCSW, including Talkington, attended the annual meeting of the Citizen’s Advisory Council on the Status of Women and the Interdepartmental Committee on the Status of Women, federal councils established by President Lyndon Johnson to carry out the PCSW’s recommendations.<sup>136</sup> At the 1966 meeting in Washington, D.C., Talkington and twenty-seven other women signed a charter for a new, national women’s rights organization that would be independent of the government—the National Organization for Women (NOW).<sup>137</sup> Talkington went on to help found a local chapter of NOW in Iowa, where her active participation in both the labor movement and the women’s movement helped keep the needs of working women at the forefront of the GCSW’s agenda.<sup>138</sup> The commission’s three “highest” legislative priorities for Iowa’s 1967 session were guaranteed regular paychecks, a minimum wage law, and an equal-pay law.<sup>139</sup> Although the commission members did not mount a legislative campaign to pass

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<sup>135</sup> Betty Talkington, Reel 6, 87. Iowa Labor History Oral Project, Iowa Federation of Labor, AFL-CIO, State Historical Society of Iowa, Iowa City, Iowa.

<sup>136</sup> They were “continuations of the president’s commission not only in spirit but also in personnel.” The Interdepartmental Committee included cabinet members who had served on the PCSW, while the Citizen’s Advisory Council included the nongovernmental PCSW members. Harrison, *On Account of Sex*, 174.

<sup>137</sup> “Roll Call of NOW Founders, July 1966 Original Membership List,” NOW Records, Box 1, Folder 30 and “Charter Membership, September, 1966,” NOW Records, Box 1, Folder 29, Schlesinger. Other signators included women of national reputation such as Pauli Murray, Kathryn Clarenbach, Mary Eastwood, and Betty Friedan, and one other Iowan, Lorene Harrington of Cedar Rapids.

<sup>138</sup> Talkington is also one of the key women, like Clara Oleson, who linked the two movements more broadly in Iowa.

<sup>139</sup> To Leslie A. Holland from Marguerite Scruggs, 9 November 1966, Harold E. Hughes Papers, Box G22, Special Collections, University of Iowa, Iowa City, Iowa. Further down the list, under “desirable,” the commission also recommended maternity leave.

any of these bills, they laid the groundwork for the women's rights advocates who followed them.<sup>140</sup>

NOW's founding was prompted, in large part, by the federal government's inattention to enforcing the provision of Title VII of the Civil Rights Act of 1964 that forbids sex discrimination in employment. This powerful legal tool played a central role in building the women's movement as women across the nation filed Title VII claims, challenging long-standing employment practices that discriminated against women.<sup>141</sup> Title VII also unified the women's movement by ending the decades-long strategic disagreement between ERA and labor advocates: equality became their common goal.<sup>142</sup> But Title VII did not help all working women. It did not cover many occupations in which women worked nor did it cover intrastate companies. For this reason, women's rights advocates urged states to include sex discrimination within the scope of their state civil rights bills.<sup>143</sup> By 1967, nearly a dozen had done so.<sup>144</sup>

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<sup>140</sup> Governor Hughes Commission on the Status of Women expired when he left office in 1968.

<sup>141</sup> Over 25% of EEOC Title VII complaints filed in the first year (2500 in raw numbers) were sex discrimination complaints. (Women also filed claims under the Equal Pay Act of 1963 and Executive Order 11264.) On how blue collar and union women used Title VII, see Dennis A. Deslippe, "Organized Labor, National Politics, and Second Wave Feminism," *International Labor and Working-Class History* 49 (Spring 1996): 143-165 and *Rights, not Roses: Unions and the Rise of Working-Class Feminism, 1945-1980* (Urbana: University of Illinois Press, 2000); Nancy MacLean, *Freedom is Not Enough: The Opening of the American Workplace* (New York: Russell Sage Foundation and Cambridge, MA: Harvard University Press, 2006) and "Hidden History of Affirmative Action: Working Women's Struggles in the 1970s and the Gender of Class," *Feminist Studies* 25, no. 1 (Spring 1999): 43-78.

<sup>142</sup> In Nancy MacLean's words, Title VII "cut the Gordian knot." See *Freedom is Not Enough*, 118.

<sup>143</sup> "Report on Progress in 1965 on the Status of Women," Second Annual Report of Interdepartmental Committee and Citizens' Advisory Council on the Status of Women, December 1965, p. 25.

<sup>144</sup> Arthur Earl Bonfield, "The Substance of American Fair Employment Practices Legislation I: Employers," 61 *Northwestern University Law Review* 1967, 908.

Republican Governor Robert Ray's newly appointed Commission on the Status of Women initiated a campaign to add "sex" to the Iowa Civil Rights Act in early 1970.<sup>145</sup> Betty Durden of Des Moines, the chair of the commission, became a women's rights activist through her involvement with the American Association of University Women (AAUW) and the YWCA. "It seemed to me that [women's rights] was a serious issue," Durden recalled. "It was coming to me from many levels, and I was just becoming more and more interested in it and wondering if I did have a place to be active" in the burgeoning women's movement.<sup>146</sup> When Durden convened the new GCSW in early 1970, the top legislative priorities on its ambitious agenda included the passage of an amendment to add "sex" to the Iowa Civil Rights Act, a no-fault divorce law, the establishment of a statutory commission on the status of women, daycare funding, and the decriminalization of abortion.<sup>147</sup> The commission unanimously approved all these priorities except for the abortion bill, from which one member, a Catholic nun, dissented.<sup>148</sup>

The commission's legislative chair, Ralph Brown, executed an organized campaign to pass H.R. 251, the proposal to add "sex" to the Iowa Civil Rights Act. Brown, a recent graduate of Drake University Law School, had not had any particular interest in women's rights before Governor Ray appointed him to the commission, but Brown eagerly accepted the appointment because he saw it "as an opportunity to make a

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<sup>145</sup> "An Informal Retrospective of Iowa Governor Robert D. Ray's Commission on the Status of Women, 1969-1972," compiled and edited by Betty J. Durden, Chairman. In Records of Governor Ray's CSW, Box 1, IWA. Governor Hughes Commission on the Status of Women expired when he left office. Governors' commissions do not carry over from one administration to the next.

<sup>146</sup> Interview with Betty Durden, 30 July 2007, Des Moines, Iowa;

<sup>147</sup> Governor's Commission on the Status of Women, January 17, 1970. In Records of Ray's GCSW, Box 1, IWA.

<sup>148</sup> "Legislative Program of the Governor's Commission on the Status of Women," undated [1972], 3. Records of Governor Ray's CSW, Box 1, IWA.



contribution to exciting and groundbreaking legal work on an issue whose time had come.”<sup>149</sup> During the 1970 legislative session, Brown stayed in contact with the chairs of key legislative committees until H.R. 251 was brought to the floor and passed in both houses.<sup>150</sup> The bill was supported by the League of Women Voters, the AAUW, and members of the Iowa Civil Rights Commission, who believed that state law should be consistent with federal law.<sup>151</sup> At the end of the 1970 legislative session, Brown reported that two of the GCSW’s top priorities had been accomplished: the passage of a no-fault divorce law and the addition of “sex” to the Iowa Civil Rights Act.<sup>152</sup> “We had strong relationships with legislators,” Brown recalled.<sup>153</sup>

The legislators that the GCSW could count on included a remarkable group of women who worked across party lines to enhance women’s civil, political, and economic rights. Elected to the legislature in the mid-1960s, Joan Lipsky (R-Cedar Rapids), Elizabeth Shaw (R-Davenport), June Franklin (D-Des Moines), Charlene Conklin (R-Cedar Falls), and Minnette Doderer (D-Iowa City) sponsored—and persuaded their colleagues to pass—many significant bills on women’s issues, including the one to add

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<sup>149</sup> Interview with Ralph Brown conducted by Patricia Beam, 2002. Governor Ray’s CSW, AC1055, IWA.

<sup>150</sup> H.R. 251 passed in the house 98-13 (13 not voting) and in the senate 58-0 (3 not voting). *Journal of the House*, February 16, 1970, 524-525; *Journal of the Senate*, April 3, 1970, 1201-1202. See correspondence between Brown, state senator J. Henry Lucken, state senator Ernest Kosek, state representative Floyd Millen, and state representative Elizabeth Shaw. In Ray CSW Records, Box 1, IWA.

<sup>151</sup> Interview with Roxanne Conlin, 21 August 2007, Des Moines, Iowa. Conlin recalls that commissioner Merle Full (Fleming) advocated adding “sex” to the Iowa Civil Rights Act.

<sup>152</sup> Report to Governor’s Commission on the Status of Women from Committee on Legislation affecting Civil and Political Rights, April 17, 1970. In Ray CSW, Box 1, IWA. Brown reported that Governor Ray had asked the commission not to pursue its goal of establishing a statutory commission on the status of women, so they deferred that goal for the time. The abortion reform bill, S.F. 1052 sponsored by state senator Charlene Conklin “received the necessary eight favorable votes in the Senate Social Services Committee” and went to the sifting committee but “the bill was never debated in either the Senate or the House.”

<sup>153</sup> Interview with Ralph Brown conducted by author, 6 March 2007 via telephone.

“sex” to the Iowa Civil Rights Act, during the late 1960s and early 1970s (see Figure 6.2).<sup>154</sup> Their tenure marked a distinct turning point for women in the Iowa legislature, bringing a political focus to women’s issues that had not existed until then.<sup>155</sup> Although their numbers were small (in 1970, there were 177 men and 8 women in the Iowa General Assembly), these women wielded significant power. According to Representative Lipsky, the presence of even one strong-minded woman made a big difference. “A lot of the anti-feminist, anti-woman remarks and actions that they take, they do not do if a woman is sitting there because they are perfectly aware of how insulting, degrading, and unfair they are being,” she recalled. When Lipsky sat on the Employment Security Commission, for example, “it just changed dramatically the rules . . . they were adopting because they didn’t dare suggest that they put some of those rules [that discriminated against women] in when I sat there. I didn’t even have to say anything because they knew I would object. And I wouldn’t allow it.”<sup>156</sup>

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<sup>154</sup> June Franklin, an African American woman, sponsored H.R. 251; these women legislators worked together on welfare, abortion, rape, and the ERA. It is interesting to note that all of these women were elected as a direct or indirect result of reapportionment. All were from urban counties to which representatives were added, opening opportunities for women. Joan Lipsky, for example, was approached by the chair of the Linn County Republicans because they had four new seats to fill.

<sup>155</sup> Franklin and Conklin both left the legislature after the 1972 session; Shaw and Lipsky left after the 1978 session. Only Doderer made her entire career in the Iowa General Assembly, remaining until the year 2000 with a two-year absence (1979-1980) after her defeat for the office of Lieutenant Governor. The energetic Iowa Women’s Political Caucus, formed in 1973, worked hand-in-hand with women legislators throughout the 1970s and beyond to improve women’s legal status.

<sup>156</sup> Interview with Joan Lipsky, 13 June 2007, Cedar Rapids, Iowa.



Figure 6.2. *Des Moines Sunday Register*, 26 February 1967, Cover of *Picture*. The five women members of the 1967 Iowa legislature, from left, June Franklin, Joan Lipsky (standing in back), Minnette Doderer, Elizabeth Shaw, and Charlene Conklin. The headline on the article read, "Alert, Attractive, Intelligent, But Still No 'Petticoat Government' Threat."

In April 1970, Governor Ray signed H.R. 251, outlawing sex discrimination in Iowa. It was an “exciting time,” recalled Betty Durden, whose three children were grown by then.<sup>157</sup> “I thought things were coming together and all sorts of things were going to happen . . . for women. . . . State commissions were organized and important legislation was passed. So I thought, ‘Oh, hurray!’”<sup>158</sup> All sorts of things *were* happening for women in Iowa. In July 1970, a journalist for the *Des Moines Register* wrote a feature article on the Iowa women’s movement. “There is a revolution going on in Iowa,” she reported.<sup>159</sup>

Developing Sex Discrimination Law in Iowa: The First Ten  
Years, 1970-1979

The addition of “sex” to the Iowa Civil Rights Act evoked an “immediate response” from Iowa’s working women.<sup>160</sup> Sex discrimination complaints poured in, accounting for nearly one-third of the total complaints that the Iowa Civil Rights Commission received the following year.<sup>161</sup> The eighty-seven sex discrimination complaints filed between May 1970 and April 1971 originated in twenty different communities around the state; the largest number came from Des Moines and Sioux City,

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<sup>157</sup> Interview with Betty J. Durden conducted by author, 30 July 2007, Des Moines, Iowa.

<sup>158</sup> *Ibid.*

<sup>159</sup> Louise Swartzwalder, “Women of Iowa Unite To ‘Advance,’” *Des Moines Register*, 12 July 1970.

<sup>160</sup> “Iowa Civil Rights Reporter” No. 11, July 1971. The ICRC began receiving sex discrimination complaints even before sex discrimination was illegal in Iowa, which it referred to the regional office of the Equal Employment Opportunity Commission (EEOC) in Kansas City. In 1966, the ICRC referred 150 sex discrimination complaints, more than any state in the nation. See “First Annual Report of the Iowa Civil Rights Commission,” 1966. Accessed on December 21, 2006 at: <http://www.state.ia.us/government/crc/docs/annual66gov.html>

<sup>161</sup> The ICRC had insufficient staff to handle the additional volume of complaints. The GCSW, later the Iowa Commission on the Status of Women, lobbied to increase the funding for the ICRC.

but women in smaller cities and towns, including Dubuque, Clinton, Shenandoah, and Sigourney, filed complaints as well. During the 1970s, as the total number of civil rights complaints in Iowa increased, sex discrimination complaints consistently accounted for approximately one-third of the total.<sup>162</sup> By 1979, when Linda Eaton filed her complaint, the commission was receiving between two and three hundred sex discrimination complaints annually, primarily from white women about employment issues.<sup>163</sup> In particular, women complained about pregnancy and maternity policies.

Employers discriminated against pregnant employees as a matter of course until the 1970s. Standard health insurance policies excluded pregnancy-related costs. Those companies that offered pregnancy and maternity benefits typically extended coverage to male employees' wives, but not female employees. Teachers were required, sometimes by custom but often because of formal policies, to take lengthy unpaid leaves before and after childbirth, and they could not apply sick-leave time toward their maternity leave. Women were not guaranteed their previous job, or any job at all, after returning from unpaid maternity leaves. Women complained to the Iowa Civil Rights Commission that these policies were forms of sex discrimination. The commission agreed and the Iowa Supreme Court backed them. Several years before Congress passed the 1978 Pregnancy Discrimination Act, Iowa law protected working women by insisting that employers could not treat pregnancy differently—in health insurance or personnel policies—than any other temporary disability.<sup>164</sup>

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<sup>162</sup> *Iowa Civil Rights Commission Annual Reports, 1971-1979.*

<sup>163</sup> Men filed complaints too, and non-white women sometimes filed complaints on the grounds of both sex and race discrimination. In the first year, men complained about “ladies day” at a golf course, hair length policies, and a clerical department that preferred a female.

<sup>164</sup> Iowa Departmental Rules, Civil Rights Commission, Chapter 4: “Rules on Discrimination Because of Sex,” Filed October 9, 1972. Also discussed in *Seventh Annual Iowa Civil Rights Commission Report*, July 1973; and “Pregnancy & Your Job Rights,” *IoWoman*, Vol. IX, No. 3 (May/June 1979).

The rapid development and broad construction of Iowa's sex discrimination law can be attributed in significant part to the indefatigable assistant attorney general who headed Iowa's civil rights division, Roxanne B. Conlin. "We were doing law development," Conlin recalled, "*serious* law development."<sup>165</sup> After leaving high school early and completing her undergraduate work in two years, Conlin entered Drake University Law School in the fall of 1963 at the age of nineteen, where several professors chided her for taking up a place that could have been filled by a male student. Conlin married during her second year in law school. Because she became pregnant in her third year, Conlin lost her scholarship and was fired from her job as a law clerk in a well-regarded Des Moines law firm. By the time she finished law school, Conlin was a confirmed feminist; her experiences, she later recalled, "made me understand very clearly the position of women in the law."<sup>166</sup> Conlin felt fortunate when, in 1969, she was offered a part-time job in the attorney general's office.<sup>167</sup>

Conlin's top priority in her new job was to take a civil rights case before the Iowa Supreme Court. "I had to get a case up there and I had to get a case up there fast because every single complaint was resulting in a constitutional challenge," she explained.<sup>168</sup> In 1971, the twenty-seven year old Conlin argued *Iron Workers v. Hart*, the landmark case that tested the constitutionality of the Iowa Civil Rights Act, in front of the Iowa Supreme Court. In a decisive victory for civil rights law in Iowa, the court unanimously ruled that

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<sup>165</sup> Interview with Roxanne Conlin, 21 August 2007. Emphasis original.

<sup>166</sup> Noun, *More Strong-Minded Women*, 118-123. Quotations on 122, 120. Biographical information in this paragraph from this source except where noted.

<sup>167</sup> Interview with Roxanne Conlin.

<sup>168</sup> *Ibid.*

the Iowa Civil Rights Act and the powers granted to the Iowa Civil Rights Commission in the act were constitutional.<sup>169</sup> “We won almost everything,” Conlin recalled.<sup>170</sup>

Two of the court’s findings in *Iron Workers* were especially relevant for how sex discrimination complaints were later handled. First, the court found that the Iowa Civil Rights Commission had the authority to interpret the Iowa Civil Rights Act of 1965 in “broad terms,” meaning that the *intent* of the law was more important than the *letter* of the law.<sup>171</sup> This ruling empowered the commission to take action against forms of discrimination that were not specifically written into the Iowa Civil Rights Act, such as pregnancy discrimination. Second, the court upheld the ICRC’s power to prescribe remedies that went beyond addressing the individual complainant. The remedy, the court stated, need only be designed to accomplish the Iowa Civil Rights Act’s goal of eliminating the “*practice of discrimination*” [emphasis original].<sup>172</sup> This ruling allowed the ICRC to order institutional changes that would eliminate certain forms of sex discrimination more rapidly. The Johnston Community School District, for example, was ordered to change its policy of forbidding the use of sick leave for maternity leave to prevent discrimination against “all others who are or may become similarly situated.”<sup>173</sup>

Empowered by the Iowa Supreme Court’s ruling, Conlin set about the hard work of developing sex discrimination law in Iowa. “We were at the beginning. The question of what the law meant was completely open,” she explained.<sup>174</sup> Conlin started by

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<sup>169</sup> *Iron Workers Local No. 67 v. Hart*, 191 N.W. 2d 758 (1971). At issue in the case was the union’s refusal to admit African Americans.

<sup>170</sup> “The decision was wrong with respect to damages,” Conlin stated. Interview with Conlin, 21 August 2007.

<sup>171</sup> *Iron Workers Local No. 67 v. Hart*, 191 N.W.2d 758 (1971).

<sup>172</sup> *Ibid.*

<sup>173</sup> *Heinen vs. Johnston Community School District*, CP No. 911, Iowa Civil Rights Commission Case Reporter, 1965-1977, 31.

<sup>174</sup> Interview with Roxanne Conlin, 21 August 2007.

writing regulatory rules, which the commission approved in 1972, identifying pregnancy discrimination as a form of sex discrimination.<sup>175</sup> She investigated companies, initiated sex discrimination complaints, and represented plaintiffs at ICRC hearings and court appearances, where her groundbreaking legal briefs shaped the interpretation and enforcement of Iowa's sex discrimination law. Throughout this time, Conlin maintained ties with a small informal network of women attorneys across the nation, which included Ruth Bader Ginsburg, who were doing similar work.<sup>176</sup> The women exchanged ideas and kept each other informed about cases, decisions, and strategies. "We were trying to work together to move the law forward," Conlin stated.<sup>177</sup>

The first public hearing on a case involving pregnancy discrimination in Iowa was held in 1971, when Conlin brought an action against Homesteader's Insurance Company of Des Moines.<sup>178</sup> Homesteader's insurance policy covered pregnancy expenses for

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<sup>175</sup> The rules had many other provisions as well. See Iowa Departmental Rules, Civil Rights Commission, Chapter 4: "Rules on Discrimination Because of Sex," Filed October 9, 1972. Chapter 1, issued a year earlier, outlaws sex-segregated want ads.

<sup>176</sup> Conlin had known some of these women since her law school days. Besides Ginsburg, they included Martha Wiley of Texas, Sylvia Roberts of Louisiana, Jane Picker (sp?) of Ohio, and a woman from California whose name Conlin could not recall. Interview with Roxanne Conlin, August 2007; Noun, *More-Strong Minded Women*, 123. Sylvia Roberts represented Lorena Weeks in an early Title VII case; the Fifth Circuit Court ruled in Weeks's favor in 1969. In Iowa, Conlin considered Clara Oleson a staunch ally in the project of developing sex discrimination law.

<sup>177</sup> Interview with Conlin.

<sup>178</sup> Conlin frequently used her authority to initiate investigations. In this case, she charged Homesteaders' with multiple forms of sex discrimination, including discrimination against pregnant workers. *Iowa Civil Rights Commission vs. Homesteaders Life Insurance Company*, CP No. 416, *Iowa Civil Rights Commission Case Reports, 1965-1977*, 16-24; Norman Brewer, "Maternity-Benefits 'Sex Bias' Argued," *Des Moines Tribune*, undated [June or August 1971].

Conlin's first hearing on sex discrimination was *Huebner vs. American Republican*, a case that is not mentioned in any of the ICRC's published reports. Conlin explained to me that this case involved discriminatory employment practices: American Republican channeled male college graduates into management training, while female college graduates went to the secretarial pool. American Republican settled the case. The original records of Iowa's civil rights complaints and hearings no longer exist; only the published rulings are available.



male employees' spouses but not for female employees. The commission ordered Homesteader's to change its insurance policy and to reimburse all female employees for any pregnancy or maternity expenses "in the like amount received by wives of male employees."<sup>179</sup> In rapid succession, Conlin brought charges against Century Engineering of Cedar Rapids and represented a teacher in a complaint against the Johnston Community School District. In both cases, the commission found that mandatory maternity-leave policies violated the Iowa Civil Rights Act.<sup>180</sup> These rulings put employers on notice: policies that treated pregnant workers differently than other temporarily disabled workers violated Iowa law. Soon, many companies settled when the Iowa Civil Rights Commission began an investigation into their policies. "We did a lot of work that doesn't appear anywhere because the employer would say, 'Fine, what do I have to do?'" recalled Conlin. "They just wanted us to go away."<sup>181</sup>

A few employers, however, did push back by exercising their right to judicial review. In 1974, a Polk County district judge struck down the commission's ruling in *Homesteader's*.<sup>182</sup> But legal protection for working mothers in Iowa was assured after

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<sup>179</sup> *Iowa Civil Rights Commission vs. Homesteaders Life Insurance Company*, CP No. 416 reported in *Iowa Civil Rights Commission Case Reports, 1965-1977*, 23-24. Additional remedies were ordered for other forms of discrimination as well.

<sup>180</sup> *Iowa Civil Rights Commission v. Century Engineering Corporation*, CP No. 291, Hearings held June 1972 and ruling approved October 1972 (pp. 8-14); *Heinen v. Johnston Community School District* CP No. 911, Hearings held September 1972 and ruling approved October 1973. Both cases reported in *Iowa Civil Rights Commission Case Reports, 1965-1977*. The case against Century involved many issues in addition to pregnancy discrimination.

<sup>181</sup> Interview with Roxanne Conlin.

<sup>182</sup> "The Iowa statutory prohibition against discrimination because of sex has no application to maternity benefits," wrote Judge John H. Hughes of the Fifth Judicial District of Iowa. See *Homesteaders Life Insurance Company v. Iowa Civil Rights Commission*, Equity No. 76241 (D.C. Polk County, Iowa, 1974), reported in *Iowa Civil Rights Commission Case Reports, 1965-1977*, 66-70. (By this time, Homesteader's had changed its insurance plan to provide maternity benefits to employees as well as the spouses of employees, but the case involved several other issues as well.) Conlin decided not to appeal. "When doing law development you have to choose your cases carefully. That was not an ideal case to take to the Iowa Supreme Court." Interview with Roxanne Conlin, 21 August 2007.

the Iowa Supreme Court made its first ruling on these issues the following year.<sup>183</sup> *Cedar Rapids Community School District v. Parr* was initiated by two Cedar Rapids schoolteachers who objected to district rules requiring mandatory leaves for pregnant teachers (and dismissal if the teacher was not tenured), and to the policy that pregnant teachers could not use sick leave for maternity leave. Unlike the U.S. Supreme Court, which had ruled that pregnancy discrimination was not a form of sex discrimination in 1974, the Iowa Supreme Court was unpersuaded by the argument that the school district had not discriminated on account of sex because it treated all pregnant employees alike.<sup>184</sup> That argument, the Iowa Supreme Court stated, “misses the mark.” Only women can become pregnant, the court noted, “so the true issue is whether all disabilities, including pregnancy, are treated the same.”<sup>185</sup> The Iowa Supreme Court declared that it was not bound by the recent U.S. Supreme Court decision because the legal questions in the two cases were “factually and rationally” distinct.<sup>186</sup> *Parr*

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<sup>183</sup> *Cedar Rapids Community School District v. Parr*, 227 N.W. 2d 486 (1975). Also reported in the *Case Reports of the Iowa Civil Rights Commission, 1965-1977*, where it is listed as “Cedar Rapids Community School District and Cedar Rapids Board of Education vs. Joan Parr, Judy McCarthy, and the Iowa Civil Rights Commission,” No. 353/2-56518 in the Supreme Court of Iowa on March 19, 1975.

Only three other state supreme courts (Massachusetts, New York, and Wisconsin) ruled that pregnancy discrimination was illegal prior to passage of the 1978 Pregnancy Discrimination Act. Several other states had taken action against pregnancy discrimination through legislation and agency action. Reported in *Discrimination on the Basis of Pregnancy, 1977 Hearings Before the Subcommittee on Labor of the Committee on Human Resources United States Senate, 95<sup>th</sup> Congress, Appendix B, 449.*

<sup>184</sup> The Iowa Supreme Court was rejecting the reasoning in *Geduldig v. Aiello*, 417 U.S. 484 (1974), in which Justice Stewart Potter, writing for the 6-3 majority, stated that the failure of insurance companies to cover costs associated with pregnancy was not sex discrimination because the insurance plan covered “no risk from which men are protected and women are not.” In other words: if all pregnant employees are treated alike, there is no discrimination.

<sup>185</sup> *Cedar Rapids Community School District v. Parr*, 227 N.W. 2d 486 (1975).

<sup>186</sup> *Ibid.*

effectively ended legal pregnancy discrimination in Iowa and became part of the groundswell insisting on an end to pregnancy discrimination in the U.S.<sup>187</sup>

Significantly, even after the U.S. Supreme Court issued another decision in 1976 reaffirming that pregnancy discrimination was not illegal, the Iowa Supreme Court continued to rule that *Parr* was the law of the land in Iowa.<sup>188</sup> The dissonance between state and federal law initially created some uncertainty, however. District judges in Greene County and Linn County, citing the 1976 U.S. Supreme Court decision, reversed commission rulings in two pregnancy discrimination cases.<sup>189</sup> But on appeal, the Iowa Supreme Court overturned the district courts and reaffirmed its ruling in *Parr*.<sup>190</sup> The Iowa Supreme Court insisted it was not bound by the two U.S. Supreme Court decisions, which found that pregnancy discrimination was not unlawful under the equal protection clause of the Fourteenth Amendment of the U.S. Constitution (*Geduldig*) or Title VII (*Gilbert*).<sup>191</sup> “We are construing our own statute,” the court stated. “When, as here, no federal question is involved, we have the final say in such matters.”<sup>192</sup> Furthermore, the

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<sup>187</sup> *Parr* cited numerous U.S. Circuit Court decisions, indicating that federal appellate courts did not agree with *Geduldig* either.

<sup>188</sup> *General Electric Company v. Martha Gilbert*, 429 U.S. 125 (1976). Reversing a lower court ruling cited in *Parr*, Justice Rehnquist affirmed *Geduldig*, stating that “an exclusion of pregnancy from a disability benefits plan providing general coverage is not a gender-based discrimination at all.”

<sup>189</sup> The district judge on *Franklin* was M.D. Sieser; the district judge on *Quaker Oats* was Ansel Chapman. According to Roxanne Conlin, “I think it’s the only bad decision [Judge Chapman] ever made.”

<sup>190</sup> *Quaker Oats Co. v. Cedar Rapids Human Rights Commission*, 268 N.W.2d 862 (1978); *Franklin Manufacturing Company v. Iowa Civil Rights Commission*, 270 N.W.2d 829 (1979). Both cases published in *Iowa Civil Rights Commission Case Reporter*, Vol. III.

<sup>191</sup> The Iowa Civil Rights Commission did so as well. For two examples see *Marilyn Pates v. Clopay Corporation-Wagner Division and International Association of Machinists and Aerospace Workers, AFL-CIO, Local Lodge 1318*, CP # 1693 (March 1978), Iowa Civil Rights Commission Case Reports, 1978-1979, 53-56; *American Chain and Cable Company v. Iowa Civil Rights Commission and Diana Fishel*, CP No. 6-2938 (October 1977), Iowa Civil Rights Commission Case Reports, 1965-1977, 51-53.

<sup>192</sup> *Quaker Oats v. Cedar Rapids*.

court noted, six federal circuit courts had also found pregnancy discrimination to be illegal, and “there has been little enthusiasm among state courts for the *General Electric* decision.”<sup>193</sup>

The rulings of the Iowa Civil Rights Commission and the Iowa Supreme Court contributed to dramatic changes in the pregnancy benefits and maternity-leave policies that companies provided to working mothers in communities across the nation. The case law that Conlin developed in Iowa (and that others developed in other states) prompted lawmakers to revise federal law. Local women and state agencies had taken the lead in protecting women against pregnancy discrimination by insisting that it was a form of sex discrimination. When Congress—frustrated at the U.S. Supreme Court’s rulings that pregnancy discrimination was not illegal—passed the Pregnancy Discrimination Act in 1978, the Iowa Commission on the Status of Women noted that little would change for women in Iowa. “The Iowa Civil Rights Act has prohibited such discrimination against pregnant workers for seven years,” the commission explained.<sup>194</sup>

By the time the Iowa Civil Rights Commission held a hearing on Eaton’s complaint in August 1979, Iowa’s legal track record on sex discrimination was well established. An approving editorial in the *Des Moines Tribune* noted as early as 1972 that the Iowa Civil Rights Commission was taking “a broad view of its responsibility to uphold equal rights for working women.”<sup>195</sup> The commission was skeptical of employers’ claims about policies that applied only to women, and it placed the burden on employers to prove that such policies were not discriminatory. In particular, the

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<sup>193</sup> Ibid.

<sup>194</sup> “Pregnancy and Your Job Rights,” *IoWoman*, Vol. IX, No. 3 (May/June 1979). Iowa’s U.S. senator Dick Clark, who co-sponsored the bill, noted with pride that Iowa had already outlawed pregnancy discrimination. “Statement of Hon. Dick Clark, a U.S. Senator from the State of Iowa,” in *Discrimination on the Basis of Pregnancy Hearings 1977*, 393.

<sup>195</sup> “A Significant Ruling On Women’s Rights,” *Des Moines Tribune*, 19 July 1972.

commission had been a champion for the rights of pregnant women in the workplace. Although it had not previously dealt with a case involving breastfeeding, the commission's rulings showed that it was sympathetic to women's claims about discrimination on the job.

Defining Gender Equality in the Workplace: The ICRC

Rules on *Eaton v. City of Iowa City*, 1979–1980

Across the street from Iowa City's best-known landmark, Old Capitol, in the heart of the University of Iowa's liberal arts campus, sits Phillips Hall, a gray, functional, modernist building that opened in 1965 to house the College of Business Administration.<sup>196</sup> On a typical Monday morning in 1979, one could see students filing into its three hundred-seat auditorium to attend an economics lecture. On Monday, July 30, 1979, lawyers, firefighters, city officials, television and newspaper reporters, and members of the public gathered in Phillips Hall's auditorium for a different purpose—to witness the first day of the Iowa Civil Rights Commission's public hearing on Linda Eaton's sex discrimination complaint.

On the eve of the hearing, the headline in the local newspaper summed up the city's expectations: "City Will Lose Eaton Case."<sup>197</sup> City Manager Neal Berlin stated that he did not expect to get a fair hearing, since the Iowa Civil Rights Commission "has from the beginning taken a position of guilty" towards the fire department.<sup>198</sup> Berlin

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<sup>196</sup> In 1993, when the College of Business Administration moved to its new home in the Pappajohn Business Building (and was later renamed the Tippie College of Business), Phillips Hall became the home of foreign language studies, among other things. I am indebted to local high school humanities teacher David Duer for explaining Phillips Hall's architectural features to me.

<sup>197</sup> Rod Boshart, "City manager: City will lose Eaton case," *The Daily Iowan*, 27 July 1979, 1.

<sup>198</sup> Curt Seifert, "Berlin not optimistic about Eaton hearing," *Iowa City Press-Citizen*, 27 July 1979.

explained that the commission was also an inappropriate forum for resolving the dispute. The commission “deals with the issues differently than they would be dealt with in a court of law,” he told reporters. The City of Iowa City would appeal if the commission ruled in Eaton’s favor, Berlin stated, because “the issues of law in this case . . . require resolution in a court of law.”<sup>199</sup>

As he opened the hearing, hearing officer William Stansbery noted that he expected it to last three days.<sup>200</sup> Although that in itself was unusual (most ICRC hearings lasted one or two days), Stansbery’s estimate was low; Eaton’s hearing took seven days, making it possibly the lengthiest hearing in ICRC history.<sup>201</sup> Throughout the hearing, Linda Eaton sat at the plaintiff’s table with her attorneys, Clara Oleson and Jane Eikleberry, who were joined by the commission’s attorney, Assistant Attorney General Victoria Herring.<sup>202</sup> Assistant City Attorney Angela Ryan handled the case for the city; Chief Keating sat with her at the defense table. The arguments that the attorneys presented to the hearing officer had been made in Judge Chapman’s courtroom and discussed at length in the public square. Although the evidence they presented was more

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<sup>199</sup> Curt Seifert, “Berlin not optimistic about Eaton hearing,” *Iowa City Press-Citizen*, 27 July 1979. Berlin was alluding to the fact that administrative hearings and judicial hearings are governed by distinct procedural rules including different rules of evidence and standards of proof. As noted earlier in this chapter, civil rights advocates specifically sought an administrative agency because they believed that the rules governing judicial hearings were a barrier to eliminating discrimination.

<sup>200</sup> Until 1977, the commissioners served as hearing officers, although beginning as early as 1975, the commission occasionally hired a hearing officer. Stansbery, who earned his J.D. at the University of Iowa in 1973, was hired by the commission in January 1979 after working as staff attorney for Hawkeye Legal Aid Society in Iowa City and the Dubuque Area Legal Services. See *Iowa Civil Rights Commission Annual Report*, 1979, 21.

<sup>201</sup> The records of hearings are incomplete, and sometimes inaccurate. My search of the available records did not turn up another hearing of seven days.

<sup>202</sup> Both Attorney General Tom Miller and Linda Eaton filed complaints against the Iowa City Fire Department. Their complaints were joined in April (although there was some dispute over when the proper papers were filed to complete the process legally) and the ICRC handled them as a single complaint.

detailed and the questioning of witnesses more thorough, to those familiar with the case, the hearing offered few surprises.

Eaton's attorneys relied on established legal doctrines to support their charge of sex discrimination. They presented evidence to show that Eaton was subjected to "differential treatment" by the city. During their unscheduled time, male firefighters routinely engaged in any activity they liked, including showering, visiting, watching television, playing cards, sitting on the bench outside the station, or even napping. Eaton's use of unscheduled time, however, was restricted. "I'm not asking for the City to give me nursing breaks," Eaton testified. "I just want to be able to use the time that other firefighters use to do whatever they feel is important or necessary. I want to use that time to breastfeed my son."<sup>203</sup> Eaton's legal team maintained that the city regulated unscheduled time differently based upon the firefighter's gender.

Eaton's attorney also charged that the city's policies were discriminatory because they had a "disparate impact" on Eaton. The legal concept of "disparate impact" recognizes that neutral rules (those that do not mention race, sex, ethnicity, age, religion, or other categories protected by civil rights legislation) may be discriminatory if they disproportionately affect a protected class of individuals.<sup>204</sup> Eaton's attorneys argued that the city's policy against regular family visits discriminated against Eaton because city officials wrote the rule three months after Eaton had been breastfeeding, and they "knew that this rule would have a disparate impact on women, and on Eaton in particular."<sup>205</sup> Eaton's attorneys argued that the no-regular-visitors policy was a proxy for the no-nursing rule.

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<sup>203</sup> Eaton's testimony, ICRC hearing, 982.

<sup>204</sup> I also discussed disparate impact analysis and the U.S. Supreme Court decision that validated it, *Griggs v. Duke Power*, in Chapters 3 and 4.

<sup>205</sup> Opening statement of Jane Eikleberry, ICRC hearing, 23.

Breastfeeding was necessary at the fire station, Eaton and her attorneys argued, because Eaton's attempts to pump enough milk to last during her twenty-four hour work shifts had been unsuccessful. Although the city called two specialists to cast doubt on this claim, their testimony supported Eaton on key points. The head of the Department of Obstetrics and Gynecology at the University of Iowa testified about a Japanese study in which "increased blood prolactin levels" occurred whether the breast was stimulated through manual expression, a breast pump, or infant suckling.<sup>206</sup> The city intended this testimony to show that Eaton could pump her breasts instead of nursing. Under cross-examination, however, the doctor admitted that it was impossible to measure how much milk was produced from infant suckling as compared to manual expression, and that he had never known a breastfeeding mother who worked twenty-four hour shifts. A pediatrician at the University of Iowa Hospitals testified about a 1958 study he had conducted in which women pumped enough breast milk to feed their babies during seventy-two hour periods. The doctor agreed, however, that the study sample was very small (six babies in one group and four in another) and that while "some women" have been able to pump enough milk to last twenty-four hours or more, "other women who are highly motivated to breastfeed are unable to do it."<sup>207</sup> Both doctors testified that breastfeeding was preferable to formula, especially in the first six months of a child's life, and that women who chose to breastfeed should be assisted and supported. The city's own witnesses validated one of Eaton's legal team's central arguments: some women had to nurse their babies during a twenty-four hour period in order to ensure that the breastfeeding process could continue.

Eaton supported her claim that the policy prohibiting breastfeeding was unreasonable with the evidence that she had been breastfeeding and firefighting

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<sup>206</sup> Testimony of Dr. Roy M. Pitkin, ICRC hearing, 226.

<sup>207</sup> Testimony of Dr. Samuel J. Fomon, ICRC hearing, 1027.



successfully for six months. The city provided no evidence to suggest that Eaton had shirked her duty or that the Iowa City Fire Department's capacity to respond to calls had been diminished because of her breastfeeding.<sup>208</sup> In fact, Oleson undermined the claim that Eaton might be responsible for lowering the department's standards by asking the chief about the fitness of the male firefighters:

Q: Do you think that some of your male firefighters are considerably overweight?

A: I would say that would be a reasonable statement. . . .

Q: Do you think their being overweight interferes in any way, shape or form with any duty that they have to perform as a firefighter?

A: I think that there might be studies indicating this. I'm not sure. . . . I think there are studies indicating that overweight is a potential health problem. . . .

Q: In your opinion, Chief Keating, which is more of a safety and efficiency hazard, a breastfeeding firefighter or a considerably overweight male firefighter?

A: I don't really think I have given any consideration. I don't think I have made any comparisons. I don't think I can respond to that.<sup>209</sup>

Eaton's lawyers suggested that pervasive sexism and racism at the City of Iowa City in general, and at the Iowa City Fire Department in particular, accounted for the

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<sup>208</sup> Of the many firefighters who testified, only two of the battalion chiefs, Kenneth Irving and Ray Wombacher (Eaton's battalion chief was Art Kloos), testified that the breastfeeding had hurt the department, but neither cited any specific way that it had diminished fire protection. Irving said it caused "disruption" and "publicity" that "has taken the men away from their training and thoughts" (1127); Wombacher said it had caused "a bickering attitude, people not getting along as good as they should" (1130). Chief Keating testified that he noticed on several occasions that the men were finishing up work while Eaton had gone downstairs to nurse, and he felt this had a negative impact on the department (706).

<sup>209</sup> Exchange of Clara Oleson and Chief Robert Keating, ICRC hearing, 712-714. Oleson asked most of the firefighters who testified to give their height and weight. Four male firefighters, who were between 5' 11" and 6' 4" tall, weighed from 220 to 280 pounds. Jesse King was 6' tall and weighed 170 pounds. Linda Eaton was 5' 9" tall and weighed 140 pounds. When Dick Craig was on the stand, Oleson asked him his race; he thought she has asked his waist and responded "44."

city's discrimination against Eaton. They reviewed the union's campaign against Eaton, ascertained that sexist and racist slurs were commonplace in the fire department, determined that many of the male firefighters had strong reservations about the hiring of both Eaton and King, and introduced evidence that no training had been provided to prepare the firefighters to work with the first woman and non-white man on the force.

In a stirring closing argument, Oleson declared that "women, as Linda Eaton has done, are destroying stereotyped conceptions of their abilities. They *are* in the male domain. They *have* invaded. They are conquering, and their jobs are important to them."<sup>210</sup> The city, she argued, must not force Eaton to choose between motherhood and work.

The city responded to Eaton's charges with a vigorous defense of its commitment to equality. Chief Keating testified that he turned down Eaton's request to breastfeed because "I saw that it would affect the rest of the department, and I based my decision upon the undesirable effects that I thought would take place."<sup>211</sup> The male firefighters' reactions to Eaton being granted "a privilege that had not been provided for before," Keating testified, was one of the main "undesirable effects" he sought to avoid.<sup>212</sup> The chief noted he was concerned about receiving requests from the men for "comparable time to perform any personal type service," or perhaps even facing a reverse discrimination lawsuit. Chief Keating's testimony conveyed that treating all employees equally was foremost in his mind when he denied Eaton's request, a point underscored by Angela Ryan's assertion that it would be unlawful for the city to allow nursing breaks because "the statute states that an employer cannot discriminate in the conditions of

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<sup>210</sup> KGRC news reels, 7 August 1979, tape No. 176, Counter 218-246, SHSI.

<sup>211</sup> Testimony of Fire Chief Robert P. Keating, ICRC hearing, 766.

<sup>212</sup> *Ibid.*, 692.

employment on the basis of sex.”<sup>213</sup> The divide between the city and Eaton’s team revolved around the meaning of equality.

The city insisted that Eaton was disciplined for “insubordination,” not for nursing.<sup>214</sup> Ryan pointed out that the union contract granted Chief Keating the authority to make workplace rules. She implied that it was really quite simple: the chief had issued Eaton an order and she had violated it. Ryan took exception to the suggestion that the visitor policy was suspect because it was unwritten. “I think anyone familiar with labor law is familiar with the concept of past practice,” she said. “It simply isn’t the case that no rule exists unless it is written.”<sup>215</sup> The important point, Ryan emphasized, was that Eaton requested visits that were “different in kind and different in number” than the visits firefighters were allowed under the unwritten rule.<sup>216</sup> Therefore, she concluded, the chief’s denial of Eaton’s request was not discriminatory, but a reasonable exercise of the rights of management.

Ryan wondered how the city could be guilty of breaking a law that did not exist. Breastfeeding, she reminded the hearing officer, was not a legal right.<sup>217</sup> Ryan urged those who supported breastfeeding in the workplace to “approach the legislature,”<sup>218</sup> arguing that the courtroom was not “the appropriate forum” in which to seek this new right.<sup>219</sup>

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<sup>213</sup> Opening statement of Angela Ryan, ICRC hearing, 40. Angela Ryan also made this point in her opening arguments for the temporary injunction, see District Court hearing, 20, LEP, Box 7, Folder 8, SHSI.

<sup>214</sup> Testimony of Chief Keating, ICRC hearing, 724.

<sup>215</sup> Angela Ryan, ICRC hearing, 33.

<sup>216</sup> *Ibid.*, 34.

<sup>217</sup> *Ibid.*, 44-45.

<sup>218</sup> *Ibid.*

<sup>219</sup> *Ibid.* Ryan’s argument is similar to the dissent in *Griswold v. Connecticut*, a touchstone for today’s strict constructionists. *Griswold* is the first Supreme Court decision to

To counter the charges of sexism and racism, City Manager Neal Berlin described Iowa City's robust affirmative action plan. He testified that the city council was very supportive of affirmative action, that he had reorganized the Department of Human Relations to make it more effective, and that the city had made "concerted efforts" to recruit and hire women and minority candidates.<sup>220</sup> For Berlin, considered a liberal leader by many Iowa Citizens (especially in comparison to former City Manager Ray Wells), having to defend himself against charges of racism and sexism was no doubt an uncomfortable experience.

The task of refuting the charges of racism and sexism within the fire department proved more challenging. Ryan employed several strategies. First, implying that sexism did not exist, witnesses such as Chief Keating and personnel analyst June Higdon testified that Eaton never complained about any problems, and Ryan pointed out that Eaton had stated publicly on many occasions that the men cooperated well with her on the job. Second, Ryan demonstrated that Jesse King—the African-American firefighter who had accused the fire department of being sexist and racist—had used the word "nigger" while watching a television program at the fire station one evening, suggesting that this term might not be a racial slur after all. And third, Ryan asserted that the use of ethnic insults and "nicknames for blacks and women" at the fire station was part of a "reasonably equal exchange of banter" that, for the most part, was "said with some degree of affection and acceptance."<sup>221</sup> In Ryan's calculus, using names for white males

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recognize a constitutional "right to privacy." In that case, the U.S. Supreme Court struck down a Connecticut statute outlawing birth control for married persons. The dissent said that there was no constitutional right to birth control, and if the people of Connecticut did not like the law against it, they should change the law through the legislature, not the courts.

<sup>220</sup> Testimony of Neal Berlin, ICRC hearing, 869-870.

<sup>221</sup> Angela Ryan, while questioning Steve Dolan, ICRC hearing, 607.

such as “farm boy” or “Norskie” was no different from referring to a woman as a “cunt.”<sup>222</sup>

Ryan agreed that discrimination had occurred at the fire station, but she saw Eaton as the guilty party. Ryan objected to the assertion of the Iowa Civil Rights Commission in its finding of probable cause that “the mother is the primary figure, and the father is secondary to the child at this point in the child’s life.”<sup>223</sup> The U.S. Supreme Court, she noted, had been striking down employment laws that embodied such “romantic paternalism” and “sexual stereotypes” for over fifteen years on the grounds that they discriminated against women.<sup>224</sup> “I think that it should also be pointed out that most people have come to the point that protective legislation is one of the best examples of the cure being worse than the disease,” Ryan stated.<sup>225</sup> By seeking maternal privileges, Ryan suggested, Eaton was undermining the progress that had been made toward gender equality in the workplace.

Equality is a winning argument in the United States. When the public debate over whether Eaton was seeking equal rights or special privileges moved into the legal arena, the attorneys for both sides insisted that their client was the party seeking equality. While this strategy would be expected from Eaton, its use by the city signaled that an approach used by the opponents of affirmative action was gaining currency.<sup>226</sup> Ignoring the

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<sup>222</sup> First quotation from Ryan questioning Nate Hopkins, ICRC hearing, 519; second from Ryan questioning Steve Dolan, ICRC hearing, 607.

<sup>223</sup> Ryan quoting from the commission’s report in her opening argument, ICRC hearings, 34.

<sup>224</sup> Ryan’s opening statement, ICRC hearing, 36.

<sup>225</sup> *Ibid.*, 45.

<sup>226</sup> Especially after the 1978 U.S. Supreme Court decision in *Bakke*, which seemed to validate, at least in part, complaints about “reverse discrimination.” In that case, a white male who had been denied admittance to the UC-Davis School of Medicine filed a racial discrimination suit because the admission policy held a certain number of slots for minority students. The Supreme Court ordered the university to eliminate the use of racial “quotas,” while allowing it to use race as one factor to be considered during the admissions process.

distinction between rules that discriminate in order to keep a group out and rules that discriminate in order to invite a group in (and the ways workplace rules are implicitly racialized and gendered), the city positioned itself as the champion of a color-blind, gender-blind world. Eaton's case was but one example of how equality was becoming the banner of conservatives.

Since the law did not mandate nursing breaks at work, the hearing officer would have to rely on analogies, as legal reasoning often does. Oleson and Eikleberry compared Eaton's use of her unscheduled time to breastfeed her baby to a male firefighter's use of his unscheduled time to take a shower. Since one activity was permitted and the other was not, they reasoned that Eaton was receiving unequal treatment based on her gender. But Ryan's focus was on the visitor policy. She stressed that the same visitor policy applied to all firefighters. The city had not treated Eaton differently, Ryan insisted; Eaton made a request for an exception to a policy, and her request was denied. The outcome of the case would depend on which analogy the hearing officer found more compelling.

More than six months later, in March 1980, the Iowa Civil Rights Commission issued its ruling.<sup>227</sup> The commission concluded that Chief Keating had denied Eaton's request not because of the department's policy against regular family visits but because of the city's opposition to breastfeeding. Reasoning that "breast feeding is analogous to pregnancy," the commission found that the city's differential treatment of its breastfeeding employee violated state law against sex discrimination.<sup>228</sup>

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<sup>227</sup> *Thomas J. Miller Attorney General of Iowa, Complainant vs. City of Iowa City and City of Iowa City Fire Department, Respondents*, CP# 01-79-5630 and *Linda Eaton, Complainant vs. City of Iowa City and City of Iowa City Fire Department, Respondents*, CP# 06-79-6031, Findings of Fact, Conclusions of Law, Rulings on Motion and Decision and Order, reported in *Iowa Civil Rights Commission Case Reports, 1979-1980*, 85-102.

<sup>228</sup> *Ibid.*, 97.



Figure 6.3. From left, Jane Eikleberry, Linda Eaton, Clara Oleson, and Victoria Herring, in the lobby of Phillips Hall after Eaton’s hearing, August 1979. Photo from Papers of Louise Noun, Iowa Women’s Archives.

While breastfeeding may have raised legitimate concerns about too many family visits at the fire station, the commission ruled that this had been used as a “pretext” to conceal opposition to the act of breastfeeding itself.<sup>229</sup> The commission cited several pieces of evidence to support this claim: the Iowa City Fire Department had no written policy regarding visitors at the time of Eaton’s request; the chief had failed to cite this policy in his initial verbal and written communication with Eaton; and city officials indicated in their testimony that their goal was to prohibit Eaton from breastfeeding.<sup>230</sup> The commission concluded that the chief’s *stated* reason for refusing to allow Eaton to nurse at the fire station was not the *actual* reason for the refusal.<sup>231</sup>

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<sup>229</sup> Ibid.

<sup>230</sup> Both Sophie Zukrowski and June Hidgon acknowledged that the city tried specifically to prohibit breastfeeding.

<sup>231</sup> “The availability of a nondiscriminatory reason for the city’s action is not a defense for its being motivated by a discriminatory reason.” *Miller vs. Iowa City*, 98.

Oleson and Eikleberry had succeeded in arguing a complex case on a groundbreaking issue. The commission ordered the city to permit Linda Eaton to nurse her baby twice a day at the fire station until she weaned him, and awarded Eaton \$2,000 in damages for emotional distress. The commission also found the city guilty of unlawful retaliation against Eaton, and ordered the city not to use her February 1979 evaluations in any future decisions regarding Eaton's employment, and to "cease the practice of recording visits to Linda Eaton differently from visits to other firefighters."<sup>232</sup>

The ruling ended on a historic note. The Iowa Civil Rights Act had been amended in 1978 to allow attorneys to recover "court costs and reasonable attorney fees."<sup>233</sup> Eaton's case became the first time that attorneys' fees were awarded in a complaint brought under the Iowa Civil Rights Act. The commission ordered Iowa City to pay Oleson and Eikleberry over \$25,000. "It is the first time that civil rights lawyers are on the same basis as anti-trust lawyers," Oleson told the press. "I am pleased, gratified, and happy."<sup>234</sup> The brief that Oleson and Eikleberry wrote to collect the fees became a model used by other attorneys to recover fees in future civil rights cases.<sup>235</sup>

After four months of preparation, seven days of testimony, and reams of paperwork, the Iowa Civil Rights Commission had come to the same conclusion that Eaton had reached immediately: the city did not have a good reason for denying her request to nurse her baby at the fire station.<sup>236</sup> When forced to justify its policy in the

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<sup>232</sup> *Miller vs. Iowa City*, 101.

<sup>233</sup> Iowa Code Ch 601A.15(8) (a) (8).

<sup>234</sup> Rod Boshart, "City loses Eaton bias case," *The Daily Iowan*, 21 March 1980, 1.

<sup>235</sup> Interview with Victoria Herring, 31 July 2007, Des Moines, Iowa.

<sup>236</sup> "They still haven't given me a good factual reason" for denying my request, Eaton complained in January. Boshart and Thurow, "Eaton nurses; is sent home; battle to resume," *Daily Iowan*, 23 January 1979, 1.



legal arena, the city claimed it was a legitimate exercise of management's rights. Eaton had found this to be insufficient. The commission, trained to analyze racial and gender bias in employment policies, found it to be discriminatory.

The ICRC's ruling demonstrated the significance the commissioners placed on the new power to award attorneys' fees. In his proposed ruling, the hearing officer had recommended that no attorneys' fees be awarded. He based this recommendation on his conclusion that the legislature intended attorneys' fees to be awarded only by a court of law, not by the commission.<sup>237</sup> The commissioners disagreed with this interpretation, however, stating explicitly in their ruling that "the Iowa statute gives the authority to award attorneys' fees to the administrative agency for successful aggrieved parties."<sup>238</sup> Furthermore, after computing the amount Oleson and Eikleberry had requested, the commission increased it by 50 percent. "If we are going to encourage the private bar to take part in civil rights litigation, we should compensate attorneys for their expenditure of time," one of the commissioners explained.<sup>239</sup> By offering generous compensation in its first and highly publicized award, the commission signaled its intention to encourage

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<sup>237</sup> *Thomas J. Miller vs. City of Iowa City* CP #01-79-5630 and *Linda Eaton vs. City of Iowa City* CP #01-79-6031, Hearing Officer's Proposed Findings of Fact, Conclusions of Law, Rulings and Motions and Decision and Order. In City Council Packet 2/26/80 on microfiche at the city clerk's office. Part of the reason for this conclusion was that another new provision of the Iowa Civil Rights Act allowed plaintiffs to take civil rights complaints to a court of law after first filing with the commission and waiting 120 days. 601A.16, *Code of Iowa* (1979).

<sup>238</sup> *Thomas J. Miller vs. City of Iowa City* CP #01-79-5630 and *Linda Eaton vs. City of Iowa City* CP #01-79-6031, Findings of Fact, Conclusions of Law, Rulings and Motions and Decision and Order, *Iowa Civil Rights Commission Case Reports, 1979-1980*, 100.

<sup>239</sup> Rod Boshart, "City loses Eaton bias case," *The Daily Iowan*, 21 March 1980, 1. The hearing officer had proposed that, if the commission decided to award fees, it compensate Oleson and Eikleberry only for the hours spent on the ICRC hearing, not those spent on the district court injunction. Again, the commission disagreed, finding that the work done "in any forum" to resolve Eaton's sex discrimination complaint should be compensated.

attorneys to take civil rights cases, even when “success on the complaint is less than certain.”<sup>240</sup>

Eaton’s victory was the result of several factors. A history of women’s employment activism in Iowa City had paved the way by developing local resources, including a strong affirmative action policy at the city and a watchful human rights commission to oversee it. The ICRC’s aggressive pursuit of sex discrimination claims under the Iowa Civil Rights Act had developed a solid body of case law forbidding pregnancy discrimination, which the hearing officer had relied on when he analogized breastfeeding to pregnancy.<sup>241</sup> Eaton had a first rate legal team headed by Clara Oleson, arguably the most experienced and effective attorney in the field of sex discrimination law in Iowa. Oleson and Eikleberry’s strategy of seeking an injunction in district court had been inspired; it allowed Eaton to keep her job, nurse her baby, and establish the compelling evidence that breastfeeding during breaks did not interfere with her job as a firefighter .

The political pressure applied by women’s and community groups also played a significant role. As the experienced defense attorney William Kunstler, who understood the politics of law, had noted on his visit to Iowa City the previous year, applying political pressure in cases like Eaton’s was essential. “If the city feels it’s just a one-woman fight, nothing will happen,” he explained.<sup>242</sup> With NOW involved, Eaton’s case remained an on-going political issue in Iowa City and within feminist networks across the region and nation. The ISP also kept the case on the local political agenda as part of its candidates’ electoral campaign for city council. Finally, Eaton had the personal strength

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<sup>240</sup> *Miller v. City of Iowa City* CP #01-79-5630, *Iowa Civil Rights Commission Case Reports, 1979-1980*, 101.

<sup>241</sup> The ruling cited *Parr* and *Quaker Oats*.

<sup>242</sup> Neil Brown, “Rights lawyer Kunstler defends Eaton,” *The Daily Iowan*, 25 January 1979, 3.

and the support of her family that allowed her to carry the difficult burden of being a plaintiff in a discrimination complaint against her employer.<sup>243</sup>

The ICRC's ruling, coming more than a year after Eaton had won her injunction in district court, was almost anticlimatic. Hester had left Iowa City, and so had Eikleberry. Since Eaton had been breastfeeding for over a year at the fire department, she had already achieved a significant victory. "To me, it just means a continuation of my job and a continuation of what's been going on," she told a reporter.<sup>244</sup> Still, Eaton confessed, the ruling was "a real relief."<sup>245</sup> She would no longer have to worry about losing her job, and could begin to make long-term plans. The ruling was also a vindication of her position. "I felt all along I was right," said Eaton. In the end, the most important thing for Eaton was that the nursing arrangement had worked well for her and her son. For that reason, she told a reporter, her long and difficult struggle had "all paid off . . . it was 100 percent worth it."<sup>246</sup>

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<sup>243</sup> Jane Eikleberry commented to me that after years of representing plaintiffs in lawsuits, she would recommend that a person find any possible way to avoid bringing suit because the process is costly on many levels.

<sup>244</sup> Rod Boshart, "Discrimination ruled in Eaton case," *The Daily Iowan*, 20 February 1980, 1.

<sup>245</sup> Curt Seifert, "Iowa rights panel rules: Pay Eaton's attorney fees," *Iowa City Press-Citizen*, 20 March 1980.

<sup>246</sup> Curt Seifert, "It 'all paid off' for Linda Eaton," *Iowa City Press-Citizen*, 20 February 1980

## EPILOGUE

In his chronicle, *How We Got Here: The 70's: The Decade That Brought You Modern Life (For Better or Worse)*, journalist, editor, and former George W. Bush staff member David Frum inaccurately reports that Linda Eaton won “permission for all future women firefighters to keep their babies with them at the station.” Frum cites Eaton’s case to illustrate his point that U.S. women, instead of being grateful for their new employment opportunities, became inveterate complainers. “Equal opportunity was an opportunity, nothing more,” he writes. And yet, the women’s movement, he charged, went from “arguing that women could do any job that men could do to arguing that any job women could not do would have to be changed so that women could.”<sup>1</sup>

Frum’s complaint was not unique. Men in traditionally male jobs are quoted often saying that women are welcome to work with them, as long as women do the job exactly like the men. When women construction workers asked for restrooms on job sites, or women firefighters asked for tampon machines in the bathrooms, or Linda Eaton asked to breastfeed her baby during her break—the men reminded them that they were not supposed to expect any “special treatment.” Because Linda Eaton asserted her right to work as a woman in a man’s job, the male firefighters and others believed that she had broken an implied condition of her employment: the duty to act like a man.

The situation is more complex than these arguments allow. Feminists did indeed demand gender equality during the 1970s ERA ratification campaign, but the exact contours of gender equality have long been debated among feminists. Historically, feminists have used multiple strategies to secure equitable workplace conditions, and even during the 1970s, some feminists sought to avoid the “dangers of narrowly defined

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<sup>1</sup> David Frum, *How We Got Here: The 70's: The Decade That Brought You Modern Life (For Better or Worse)*, (New York: Basic Books, 2000), 250.

legal equality within an inequitable socioeconomic system.”<sup>2</sup> It is most appropriate, then, to see equality as one strategy among many that women’s rights advocates have used in what Alice-Kessler Harris has called the “pursuit of equity.”<sup>3</sup>

The limits of formal equality have been perhaps most obvious in the workplace, where women workers have long insisted that the “right to earn was not enough.”<sup>4</sup> This is because the U.S. workplace is structured around what Joan Williams calls the “ideal worker” model.<sup>5</sup> The “ideal worker” embodies the needs and norms of middle-class masculinity, presupposing a worker who is always available to his employer and whose wife handles all domestic responsibilities. Furthermore, it presupposes a masculine body—one that is large and tall with upper-body strength; one that does not menstruate, bear children, or sit down to pee. The “ideal worker” norm places women—with different bodies, life cycles, and domestic responsibilities—at a disadvantage in the workplace. And to the extent that women’s needs differ from those of the “ideal worker,” they are stigmatized as problematic, and held up as proof that women cannot perform the job. This is why Joan Williams argues that “women will gain equality only when ideal workers no longer have to drop the baby.”<sup>6</sup>

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<sup>2</sup> Winifred D. Wandersee, *On the Move: American Women in the 1970s* (Boston: Twayne Publishers, 1988), 132.

<sup>3</sup> Alice Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20<sup>th</sup>-Century America* (Oxford and New York: Oxford University Press, 2001).

<sup>4</sup> Eileen Boris and S.J. Kleinberg, “Mothers and Other Workers: (Re)Conceiving Labor, Maternalism, and the State,” *Journal of Women’s History*, Vol. 15, No. 3 (Autumn 2003): 90-117, 107. Also see recent sociological study that explores the effects of formal equality on white and African American women, Susan Thistle, *From Marriage to the Market: The Transformation of Women’s Lives and Work* (Berkeley: University of California Press, 2006).

<sup>5</sup> Joan C. Williams, *Unbending Gender: Why Family and Work Conflict and What To Do About It* (Oxford and New York: Oxford University Press, 2000).

<sup>6</sup> *Ibid.*, 65

When conservative anti-ERA activist Phyllis Schlafly insisted that Eaton not breastfeed at the fire station, she spoke from a specific class position that embraced the “ideal worker” norm and the ideology of separate gendered spheres. Once we consider revising “the male definition of employment,” however, by giving “parity of interest to work inside and outside the home,” the possibility of establishing different workplace norms emerges.<sup>7</sup> As Eaton explained to a reporter, “Nursing is a normal, natural, simple motherly function,” and it need not compromise her work as a firefighter.<sup>8</sup> Women have a long history of weaving together their paid and domestic labor.<sup>9</sup> Indeed, Iowa’s breastfeeding firefighter demonstrated that domestic and paid labor cannot be separated, that equal rights and special rights for women are not distinct, and that there are no separate spheres.

If Frum glossed over the nuances of gender equity raised by Eaton’s case, he was also guilty of leading the reader to conclude that Eaton’s victory set her on the path to the good life. It did not.

As promised, the city was not ready to concede. At its meeting on April 29, 1980, the city council voted 4-3 to appeal the commission’s ruling.<sup>10</sup> Mayor John Balmer released a lengthy statement contesting both the finding of discrimination and the award of attorneys’ fees.<sup>11</sup> With the city budget already stressed and the possibility of laying off employees (including police officers and firefighters) under serious discussion, the

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<sup>7</sup> Quotations from Boris and Kleinberg, “Mothers and Other Workers,” 108.

<sup>8</sup> KCRG 16mm newsreels, SHSI.

<sup>9</sup> Since colonial times, as shown by Laurel T. Ulrich, *A Midwife’s Tale: The Life of Martha Ballard, based on her diary, 1785–1812* (New York: Knopf, 1990). In the 1990s, see Anita Iltis Garet, *Weaving Work and Motherhood* (Philadelphia: Temple University Press, 1999).

<sup>10</sup> Voting to appeal were John Balmer, Robert Vevera, Lawrence Lynch, and Glenn Roberts (who had beaten Carol deProse in the previous election.) Opposed to the appeal were Dave Perret, Clemens Erdahl, and Mary Neuhauser

<sup>11</sup> “Mayor tells ‘city side’ in Eaton case,” *Iowa City Press-Citizen*, 30 April 1980, 5A.

\$26,000 attorneys' fees award, which Balmer called "outrageously high," was no doubt a major concern.<sup>12</sup> Before he cast his vote in favor of the appeal at the council meeting, Mayor Balmer noted that the city council "must sustain management's right to set reasonable work rules."<sup>13</sup>

The city's decision to appeal was disheartening to an obviously disappointed Eaton. "They're making me live from one step to another instead of letting me get on with it," she told a local television reporter.<sup>14</sup> Iowa City's Human Rights Commission urged the city not to appeal. Perhaps more surprising was the announcement by the president of Local 610 that most of the firefighters opposed the appeal as well. They believed that the city was trying to "save face," that it would lose if the case went to the Iowa Supreme Court, and that the publicity "was not going to ease the tension in the Fire Department."<sup>15</sup>

Prior to the April 29 council vote, Eaton had given several interviews in which she indicated that all was not well at the fire department. "I don't want you to think there's unrest at the fire station," she told one reporter. "But I don't want to say everything's peachy wonderful."<sup>16</sup> When pressed by a television reporter on how things

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<sup>12</sup> Balmer quotation in Rod Boshart, "Eaton decision delayed," *Daily Iowan*, 1 April 1980. On the budget and layoffs, see John R. Munson, "City plans reductions in police, fire forces," *Iowa City Press-Citizen*, 29 February 1980, 1A; Rod Boshart, "I.C. safety hit hardest by staff cuts," *Daily Iowan*, 4 March 1980.

<sup>13</sup> Rod Boshart, "Council to appeal Eaton decision," *Daily Iowan*, 30 April 1980, 1. "As far as management rights, if management had been right it would have been a whole other story," Eaton told a reporter. In 2008, John Balmer had a different view of the situation. "In today's world versus back thirty years ago, you would handle this much differently. You would make accommodations for the individual." Interview with John Balmer, 18 June 2008, Iowa City, Iowa.

<sup>14</sup> KCRG newsreels, Video Tape No. 283, 30 April 1980, Counter 470-485, SHSI.

<sup>15</sup> Rod Boshart, "Appeal of Eaton hit by fire union," *Daily Iowan*, 5 May 1980, 1.

<sup>16</sup> Tom Mapp, "Eaton bias ruling seen as costly to Iowa City," *Des Moines Register*, 21 February 1980.

were going, she hedged. “With me and Ian, everything’s fine. In the fire department I think this may never be forgot. But that is as to be expected.”<sup>17</sup> She told a local reporter that she knew the men felt she was getting a privilege they did not have, and that many of them were upset about it.<sup>18</sup> And she told another that while the \$2,000 emotional distress award she received from the commission was welcome, it could not compensate for everything she had been through. “I’m a little isolated around here,” she said. “Nobody likes to talk to me.”<sup>19</sup>

On April 9, 1980, Eaton and Oleson had met with Chief Keating, Angela Ryan, Nate Hopkins (the president of Local 610), Dick Craig, and Roger Scholten (an assistant city attorney) at the UI law library to discuss the harassment Eaton was still experiencing at the fire department.<sup>20</sup> In addition to pranks such as salting her orange juice and insults such as covering her photograph with a black X, Eaton had been thrown to the floor by firefighter Dick Craig during an argument about which television program to watch. Hopkins advised union members at their April 15 meeting “to mend their ways to reduce these problems,” and the union replaced Eaton’s damaged photograph.<sup>21</sup> When Eaton spoke with firefighter Dave Loney a couple days after the meeting, he told her that he did not think things would change.<sup>22</sup> He was right. On April 29, the same day that the city

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<sup>17</sup> KCRG newsreel, Tape No. 255, 19 February 1980, Counter 521-546, SHSI.

<sup>18</sup> Curt Seifert, “It ‘all paid off’ for Linda Eaton, *Iowa City Press-Citizen*, 20 February 1980.

<sup>19</sup> “Civil rights panel awards Eaton \$2,145,” *Des Moines Register*, 21 March 1980.

<sup>20</sup> City of Iowa City Memorandum to Linda Eaton file from Roger Scholten, Re: April 9 meeting, Date: April 14, 1980, LEP, Box 4, Folder 24, SHSI.

<sup>21</sup> Notes of Local 610’s meeting, 4/15/80, LEP, Box 5, Folder 12, SHSI.

<sup>22</sup> Handwritten note to Clara Oleson from Linda Eaton, dated 4-18-80, LEP, Box 2, Folder 8, SHSI.



council decided to appeal the commission's ruling, Oleson send an urgent letter to the chief and the city council, reporting that Eaton's protective rubber gloves had been slit.<sup>23</sup>

Two weeks later, Eaton resigned from the Iowa City Fire Department. "I had hoped it could be another way, . . . [but] to stay longer would only be prolonging the inevitable," she wrote to Chief Keating.<sup>24</sup> Now seemed like the right time, she wrote, since it would prevent the need to lay off the most recently hired firefighter, and spare the department the ordeal of an internal investigation. "Why should all these good men go through a police investigation, more time, expense, and prying into their lives for the sake of one?" she asked. "I guess quitting is my last gesture of good faith to my fellow comrades that they may know I never meant them or the profession harm or dishonor. . . . And on the practical side, why have new uniform and shoes bought, register me for fire school, . . . when its all I can do to stay working here day by day." "Do know that I loved this job and wished to make it my career," Eaton wrote, submitting her resignation "with great regret." Later that day, Eaton handed the chief a second note, in which she clarified her reasons for resigning. "It is because of my complaint of sex discrimination and resulting strains and incidents that I feel I must do so (resign)," she wrote.<sup>25</sup> One of Eaton's close friends noted that leaving the fire department was a "devastating" experience for Eaton; she believed that Eaton had only resigned because she was truly frightened for her safety.<sup>26</sup> Eaton's last day as an Iowa City firefighter was May 27, 1980.

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<sup>23</sup> Rod Boshart, "Council to appeal Eaton decision," *Daily Iowan*, 30 April 1980, 1. An internal investigation was conducted, but the party who slit the gloves has never been identified. City of Iowa City memorandum to city council from city manager, re: investigation of Clara Oleson's complaint of April 29, 1980, Dated June 20, 1980, in LEP, Box 4, Folder 15, SHSI.

<sup>24</sup> Dear Chief Keating, from Linda Eaton, firefighter, May 13, 1980, LEP, Box 2, Folder 27, SHSI.

<sup>25</sup> Chief Keating, Regretfully Linda Eaton, May 13, 1980, LEP, Box 2, Folder 27, SHSI.

<sup>26</sup> Interview with Patty Harmon, 23 August 2007, Council Bluffs, Iowa.

In mid-June, the district court dismissed the city's appeal on a technical point: the city had missed the filing date.<sup>27</sup> Mayor Balmer expressed his disappointment. "The fact is we didn't get a ruling on very valid issues we have raised," he said.<sup>28</sup> He hinted that the city would appeal the district court's ruling, but on July 1, after the city attorney advised the council that they had little chance of winning the appeal, the council voted 6-1 against appeal.<sup>29</sup> "As far as I'm concerned, I'm glad to have the incident over with," said Councilman Clemens Erdahl. "The controversy itself should not have arisen and been carried on this long—and everybody in the country knows it."<sup>30</sup> Linda Eaton's sex discrimination complaint against the city had come to an end.

For over sixteen months, Eaton had prevailed in every legal decision in her case. Ultimately, however, the law was unable to shield her from the antagonism and danger she faced at the fire station. For Eaton, perhaps the greatest frustration came from knowing that it was not difficult to accommodate breastfeeding in the fire house where, unlike most work places, a family atmosphere prevailed and the twenty-four hour work schedule offered ample down time.<sup>31</sup> Both of these factors should have worked in her favor, had the city and the firefighters been so inclined. Ironically, however, for these same reasons, the fire house was also uniquely poised to resist Eaton effectively. The social structure of firefighting culture allows firefighters to exercise considerable control

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<sup>27</sup> Judge Thomas Horan made the ruling.

<sup>28</sup> Rod Boshart, "Appeal of Eaton case thrown out," *Daily Iowan*, 18 June 1980, 1A.

<sup>29</sup> Robert Vevera was the only vote in favor of appeal.

<sup>30</sup> Curt Seifert, "City drops Eaton appeal," *Iowa City Press-Citizen*, 1 July 1980, 1A.

<sup>31</sup> Iowa's only other woman firefighter at the time, Sharon Iossi (now Kieffert) disapproved of what Eaton was doing, but she also said that nursing a baby in a private room at the fire house was no more disruptive than the visits of spouses and children. "In the first place, she's wrong to try it. And in the second place, the fire department made a mistake for worrying about it," Iossi said. Randy Evans, "Female firefighter in Davenport raps Eaton, Iowa City officials," *Des Moines Register*, 28 January 1979, 6A.

over their work environment. A firefighter cannot survive in a department where she or he is not wanted.

The Iowa City Fire Department did not hire another woman firefighter until 1990. “I was really surprised,” recalled firefighter Nate Hopkins. “I didn’t think we’d ever see it.”<sup>32</sup> Janet Vest had previous experience as a firefighter and an emergency medical technician (EMT) in North Liberty, Iowa; she has had several children since joining the department, and is still on the job. In 2000, Tina McDermott joined the fire department. She had also been a volunteer firefighter in her hometown of Peosta, Iowa, and had earned her EMT certificate while still in high school. In 2009, McDermott was promoted to the rank of lieutenant, the first woman officer in the Iowa City Fire Department. “I don’t really think of myself as a FEMALE officer,” McDermott told a reporter. “I do the things the boys do, and I passed all the tests the boys took.”<sup>33</sup> Almost no one who worked with Linda Eaton remains in the department, but she has not been forgotten. McDermott told a journalist in 2009 that Janet Vest paved the way for her; when Vest was hired in 1990, some of the men would not speak to her because of Eaton.<sup>34</sup> Even today, among those who never worked with her, the mention of Eaton’s name elicits bitter comments around the Iowa City Fire Department.

Since leaving the Iowa City Fire Department, Eaton has never regained a foothold on the path to middle-class economic security. In May of 1981, still out of work, she filed a \$1 million lawsuit against the city, the firefighters’ union, the fire chief, the city manager, and the assistant city manager.<sup>35</sup> Represented by Clara Oleson, Eaton claimed

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<sup>32</sup> Interview with Nate Hopkins.

<sup>33</sup> Carla Keppler, “A lifelong dream achieved,” *Cedar Rapids Gazette*, 23 March 2009, 1A. The article notes that the Cedar Rapids Fire Department has five women firefighters, one of whom, Emma Pulver, is a captain.

<sup>34</sup> Interview with Tina McDermott conducted by Erin Tiesman, February 2009. Tiesman’s notes in possession of author.

<sup>35</sup> The story of that case deserves its own in-depth study.

that the city's "negative treatment" of her had caused her to lose her job.<sup>36</sup> In February 1984, Judge Chapman presided over a three-week trial; the five-man, three-woman jury found that the city and city officials named in Eaton's lawsuit were not guilty of violating her civil rights. Several members of the jury believed that Eaton had been treated "unfairly," but they did not believe that the city or city officials had harassed or discriminated against her.<sup>37</sup> Notes written by Judge Chapman, found by his daughter after his death, stated that Eaton "should have won."<sup>38</sup> Since that time, Eaton has worked intermittently at low-wage jobs, surviving, according to a good friend, "by the skin of her teeth."<sup>39</sup> The other two firefighters hired with Eaton retired after full careers with the Iowa City Fire Department: Dean Langstaff in 2003 and Steve Dolan in 2009.

From NOW's perspective, the Eaton case was a major political victory. "We have good news," wrote NOW member Ann Raschke to Iowa's NOW members in January 1981. "While the legal battle was draining on Linda, . . . we, in turn, are happy to report that the concern expressed by many people . . . has paid off."<sup>40</sup> The letter announced that, with the recovery of the attorneys' fees raised by NOW, the chapter had established an Iowa Legal Defense Fund to assist women in asserting their legal rights in the future. The fund was created as a project of national NOW's Legal Defense and

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<sup>36</sup> Val Roskens, "Eaton names city in lawsuit," *Daily Iowan*, 14 May 1981.

<sup>37</sup> Susan Clotfelter and Kristie Bunton, "Eaton juror: We went by letter of law," *Iowa City Press-Citizen*, 3 February 1984, 1.

<sup>38</sup> Handwritten notes in personal papers of Katherine Keller. They are somewhat cryptic, so it is difficult to assess Judge Chapman's legal thought process.

<sup>39</sup> Interview with Patty Harmon. In 1997, Eaton was convicted of third-degree theft, a charge she has denied.

<sup>40</sup> Dear Iowa NOW member from Ann Raschke for the Iowa NOW Legal Defense Fund Project, January 1981. From personal papers of Ann Seacrest (formerly Raschke).

Education Fund, and would be administered by a local seven-person advisory board.<sup>41</sup> The case had also been a tool for building NOW's Iowa City chapter. NOW members pointed to its success in their recruitment efforts, and the case enhanced their status as a politically viable local organization. The local NOW nurtured women's political activism in Iowa City—future Johnson County Attorney Janet Lyness, for example, served as a leader in NOW during the 1980s.

The contrasting outcomes of the case for NOW and Eaton demonstrate why working- and middle-class alliances are often fragile. For Eaton, who was motivated by her personal and “immediate needs,” the personal and immediate outcomes were also the most consequential. The middle-class women of NOW, on the other hand, focused on long-term goals; they envisioned a better future for women workers as a result of Eaton's case. The gap between NOW's political goals and Eaton's personal goals—not an issue when they worked together to keep her in the fire department—widened into an unbridgeable gulf as Eaton struggled, and failed, to retain her job. The dynamics of working- and middle-class alliances remain complex at best, reflecting the uncomfortable truth that the interests of working-class and middle-class workers often diverge.

A 2010 report from the University of California's Hastings College of the Law concludes that U.S. workers experience a higher degree of work-family conflict than workers in any other developed country.<sup>42</sup> The collision of paid and domestic labor affects workers of all classes, yet it remains most problematic for women, especially those in the working class who have little leverage to negotiate with their employers and

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<sup>41</sup> Iowa Legal Defense Fund Charter and Iowa NOW Legal Defense Fund Project By-Laws, Records of NOW Legal Defense & Education Fund, Box 1, Folder 7, Schlesinger.

<sup>42</sup> Joan C. Williams and Heather Boushey, “Three Faces of Work Family Conflict: The Poor, the Professionals, and the Middle Class,” January 2010. Available at: <http://www.worklifelaw.org/Reports.html>

no opportunity to “opt out.” As a result, care-giving continues to jeopardize women’s economic security.

Legislative remedies have had a marginal effect on reshaping employers’ expectations. The provisions of the 1993 Family Medical Leave Act (FMLA) are limited (especially by European standards), and sometimes even eligible workers are denied leaves. The 2010 Patient Protection and Affordable Care Act offers a new measure of protection to nursing mothers in the workforce. The specific provisions, however, (companies must have fifty employees or more; women must use unpaid time; women eligible only until their babies are one year old; and company must provide a place to pump and store breast milk, not to nurse a baby) seem designed to accommodate the workplace more than the nursing mothers.

Activists seeking to create broad social changes in the structure of work in the U.S. are creating a new form of litigation—family responsibilities discrimination.<sup>43</sup> Developed at the WorkLife Law Center, a non-profit research and advocacy organization founded by feminist legal scholar Joan C. Williams in 1998, this strategy is having some success. Although few, the number of cases is growing as women (and men) resist the “ideal worker” norm that still governs the U.S. workplace.<sup>44</sup> Plaintiffs are patching together a variety of federal and states laws (especially Title VII and the FMLA) to bolster their claims, and doing what pioneers have always done: developing new law to address injustice. The lawsuits are having an effect. Appeals courts are upholding claims, and in May 2007, the EEOC issued new guidelines urging employers to “make it easier for all workers, whether male or female, to balance work and personal

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<sup>43</sup> Eyal Press, “Family-Leave Values: Do Workers Have a Fundamental Right to Care For Their Families? The Latest Front in the Job-Discrimination Battle,” *New York Times Magazine*, 29 July 2007, 36-41; web site of WorkLife Law: <http://www.worklifelaw.org/>

<sup>44</sup> Since 1998 close to 1400 cases have been heard, and the upward trend is steep. Cynthia Thomas Calvert, “Family Responsibilities Discrimination: Litigation Update, 2010,” available at: <http://www.worklifelaw.org/pubs/FRDupdate.pdf>

responsibilities.”<sup>45</sup> Eaton’s case can be seen as an early example of a family responsibilities discrimination claim.

When Eaton appeared on *The Phil Donahue Show*, members of the audience counseled her to look for a different job. You can’t have everything, they warned. If you are going to work, you have to give up something. “True,” Eaton replied, “but you can *try* to get it right. And that’s all I’m trying to do.”<sup>46</sup>



Figure 7.1. Official photograph of Linda Eaton, Iowa City Fire Department, circa 1978. Photograph courtesy of Steve Dolan.

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<sup>45</sup> EEOC guidelines on the “Unlawful Disparate Treatment of Workers with Caregiving Responsibilities” available at: <http://www.eeoc.gov/policy/docs/caregiving.html>

<sup>46</sup> Linda Eaton on *The Phil Donahue Show*, taped in February 1979, in possession of author.

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Joe Grant, 10 September 2007, Iowa City, Iowa  
John Balmer, 18 June 2008, Iowa City, Iowa  
John Hayek, 19 June 2007, Iowa City, Iowa  
Kathy Cox, 19 July 2007, West Liberty, Iowa  
Kathy Keller, 20 October 2007, Iowa City, Iowa  
Kathy McKirchy, 20 January 2008, Washington, D.C.  
Ken Donnelly, 14 June 2007, West Liberty, Iowa  
Laura Iliff, April, 2010, Iowa City, Iowa  
Linda Albright, 20 January 2008, Washington, D.C.  
Linda McGuire, 29 January 2009, Iowa City, Iowa  
Lolly Eggers, 16 July 2008 and 13 May 2009, Iowa City, Iowa  
Lory Rieger, 21 August 2007, Des Moines, Iowa  
Marge Penney, 6 August 2007, Iowa City, Iowa  
Marian Tompson, 9 August 2008, Evanston, Illinois  
Marvin Chapman, 8 August 2007, via telephone  
Mary Flanagan, 24 February 2010, Iowa City, Iowa  
Nate Hopkins, 4 September 2008, Iowa City, Iowa  
Pat Jepson, 19 July 2007, West Liberty, Iowa  
Patty Harmon, 23 August 2007, Council Bluffs, Iowa  
Robert Downer, 24 July 2007, Iowa City, Iowa  
Roxanne Conlin, 21 August 2007, Des Moines, Iowa  
Steve Dolan, 11 September 2008, Iowa City, Iowa  
Steve Parizek, 19 July 2007, West Liberty, Iowa  
Sue Buckley, 14 August 2008, Iowa City, Iowa  
Susan Hester, 20 January 2008, Washington, D.C., 21 September 2007 and 7 August 2009 via  
telephone  
Victoria Herring, 31 July 2007, Des Moines, Iowa

Carol deProse, provided written responses

Dave Loney, 30 December 2008 and 12 January 2009, via telephone

Mori Costantino, 11 June 2009, Iowa City, Iowa

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Interview with Lolly Eggers conducted by Ellen Buchanan “Tell Me Your Story”

Interview with Carol Spaziani conducted by Ellen Buchanan “Tell Me Your Story”

*Brotherhood: Life in the FDNY*

*Taking the Heat*

*Some Real Heat*

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