



“What was good enough in the 1960s is not good enough today”: Sex, Race, and Business Opposition to Equal Opportunity Policy in 1970s America

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The restructuring of the American political economy in the 1970s, and its impact on business firms, played an important and under-examined role in impoverishing women’s claims to the equal opportunity legacy. Focusing on Western Electric, a major American manufacturer and subsidiary supplier to the Bell System, and the sex discrimination litigation brought against the company’s Kearny, N.J., plant in 1973, *Kyriazi v. Western Electric*, this essay examines how slowing productivity, recession, and a decrease in federal contracts attenuated the company’s commitment to equal opportunity measures. Jockeying from nonchalance to outright hostility to the sweeping sex discrimination claims in the *Kyriazi* case, Western Electric executives and managers responded in a manner far removed from the company’s leadership on fair employment practices in the 1960s, which had been focused primarily on the plight of unemployed and underemployed black males in declining urban centers. Ultimately, while the lack of interest and gender-blind remaking of equal opportunity policy for women did not become fully fledged until the 1980s, the events at the Western Electric Kearny Works and in the *Kyriazi* litigation reveal that it had its roots in the economic downturn, and resulting corporate opposition to the liberal state, that first took shape in the 1970s.

The liberal policies of the 1960s that sought to shape a more inclusive America produced many gains, but also ambiguous outcomes. By the 1970s, flashpoints of controversy, such as the busing of children to achieve racial equality in schools and affirmative action in higher education and

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the workplace, highlighted both the expansive possibilities of the liberal and civil rights agendas and the deepening divide between the intent of policy and the difficult realities of implementation and outcome. While remedying the historical discrimination and exclusion of minority and disadvantaged populations furthered the entrance of blacks and women into many avenues of American life, most especially the workplace, these advances came at the sometimes real but often imagined expense of the white male majority.¹ The growing resentments of “middle Americans,” as *Time* magazine named them in 1970, whether legitimate or not, fueled the broader backlash against the civil rights movement, modern feminism, and the liberal state, while aiding the rise of the new conservatism that marked the decade.²

But the focus on racial resentment, antifeminism, and white backlash as explanatory mechanisms for liberalism’s failures have tended to overshadow other critical factors at work. Most importantly, economic downturn played an equally crucial role in the limits imposed on liberal policy by the 1970s. Spiraling inflation, a series of recessions, and the restructuring of the economy away from its industrial base unmoored the very foundations on which the liberal state rested. Austerity measures further fractured the labor–liberal Democratic coalition, already substantially weakened and in disarray over the impact of the Vietnam conflict and internal party turmoil. Meanwhile, liberal policies that hinged on the expectations of continued economic growth and an expanding pool of employment, such as equal opportunity and affirmative action, became increasingly untenable as the diminishing returns of the 1970s dramatically altered the landscape of implementation.

Recent scholarship has examined how the hardships posed by economic restructuring in the 1970s played a “pivotal” role in the shift away from industry in the United States, and in the process pitted the

¹ Historian Nancy MacLean has called it the “opening of the American workplace”; see Nancy MacLean, *Freedom Is Not Enough: The Opening of the American Workplace* (Cambridge, Mass., 2006).

² On the rise of conservatism in the 1970s, see Bruce J. Schulman, *The Seventies: The Great Shift in American Culture, Society and Politics* (New York, 2001); Julian Zelizer and Bruce J. Schulman, *Rightward Bound: Making America Conservative in the 1970s* (Cambridge, Mass., 2008). On the definition of Middle Americans, see “Man and Woman of the Year: The Middle Americans,” *Time* (5 Jan. 1970). For the classic and more recent works on backlash, see Thomas Byrne Edsall and Mary D. Edsall, *Chain Reaction: The Impact of Race, Rights and Taxes on American Politics* (New York, 1991); Steve Fraser and Gary Gerstle, eds., *The Rise and Fall of the New Deal Order* (Princeton, N.J., 1989); Jonathan Rieder, *Canarsie: The Jews and Italians of Brooklyn Against Liberalism* (Cambridge, Mass., 1985); Rebecca E. Klatch, *Women of the New Right* (Philadelphia, 1987); Donald T. Critchlow, *Phyllis Schlafly and Grassroots Conservatism: A Woman’s Crusade* (Princeton, N.J., 2005); and Dan T. Carter, *The Politics of Rage: George Wallace, the Origins of the New Conservatism, and the Transformation of American Politics* (Baton Rouge, La., 2000).

collective rights of unionized workers against the individual rights of blacks over claims to a declining pool of jobs. Judith Stein has shown how this made moot the gains of anti-discrimination measures in the steel industry when plants laid off workers by the thousands, moved their operations, or simply closed their doors.³ Equally, the challenges of economic restructuring in the 1970s, as Jefferson Cowie has argued, undermined organized labor and, indeed, the very concept of the working class through the lost hope of “blue collar universalism.” As he tells it, this universalism, which hinged on the decade’s old effort to achieve a full employment policy, could have effectively remade the New Deal coalition along lines of class, transcending collective and individual workplace rights or the competing claims of white males, blacks, and women, in the process.⁴ Both Stein and Cowie make important contributions to reframing and balancing the narrative of the seventies away from backlash and the new conservatism’s inexorable rise by finding the failed industrial and labor policies of the Democrats at the root of liberalism’s decline.

Building on the work of these scholars, this essay explores more fully an under-examined dimension at the root of the faltering liberal state and, more specially, the complicated outcomes of equal opportunity for women in the 1970s. While the state and policy makers played a crucial role, business firms, and especially industrial factories, became a primary site in which the remaking of a more inclusive America through fair employment and equal opportunity policies came into direct conflict with the constraints of economic downturn, thereby playing an important and under-examined role in impoverishing women’s claims to the equal opportunity legacy.⁵ Following events at Western Electric, a major American manufacturer and subsidiary supplier to the Bell System (AT&T), and the sex discrimination litigation brought against the company’s Kearny, N.J., plant in 1973, *Kyriazi v. Western Electric*, this essay traces the shift in the company’s changing reception to and implementation of equal opportunity policies over time. An analysis of the transition from the “Plan for Progress” program for African American workers to the increasing resistance to the *Kyriazi* case reveals that economic restructuring, accompanied by increasing regulatory pressures and declining federal contracts, served to make Western Electric increasingly inflexible and even hostile to equal opportunity policies for women, at the same moment that the momentum behind gender justice was gaining ground. These transformations turned on the fulcrum of the

³ Judith Stein, *Pivotal Decade: How America Traded Factories for Finance in the Seventies* (New Haven, Conn., 2010); and *Running Steel, Running America: Race, Economic Policy and the Decline of Liberalism* (Chapel Hill, N.C., 1998).

⁴ Jefferson R. Cowie, *Stayin’ Alive: The 1970s and the Last Days of the Working Class* (New York, 2012). Cowie has described this as a reinvigorated “blue collar universalism.”

⁵ *Kyriazi v. Western Electric*, 461 F. Supp. 894 (Fed. Dist. N.J., 1978).

family-wage structure and the place of gendered and racialized workers in relationship to that structure. Ultimately they shaped the increasing ambivalence of Western Electric executives and managers toward the gaining ground of women's equal opportunity policies over time.

Examination of these events at Western Electric in the 1970s helps explain why the response to sex discrimination claims at the Kearny Works proved so much more resistant and recalcitrant than the response to equal opportunity for unemployed and underemployed black males in the 1960s. More broadly, it furthers our understanding of why social policies and legal remedies designed to further gender justice in the workplace did not have the transformative effect intended by their creators and advocates over time. As importantly, the story of *Kyriazi v. Western Electric* and Kearny Works reveals a fundamental tension in the postwar liberal state. At once rooted in social welfare and labor policies shaped by the family-wage system, the liberal state's equal opportunity apparatus worked to dismantle discrimination and to level inequities in the labor market. Initially intended to address racial discrimination on the job, the policy push to employ more African American males did not threaten to overthrow, and in fact further buttressed, the merits of the male breadwinner ideology. But when applied to sex discrimination, this regulatory apparatus set in motion policy dictates and legal actions that threatened to dismantle and unseat the very family wage structure in which many policies of the state had been cast. This incompatibility held deep implications for the outcome of gender justice in the workplace. As labor historian Alice Kessler-Harris notes in her study of women's pursuit of equity in the workforce over the course of the twentieth century, "women's economic citizenship" proved limited by the constraints of a social welfare policy still deeply rooted in the family-wage system and the understanding of women as aberrations in the labor market, with no automatic claims to the right to work.⁶

While Kessler-Harris and others have traced this fundamental tension at the level of social, labor, and economic policy, less studied has been how these tensions played out in the context of economic restructuring and at the level of policy implementation and anti-discrimination legal remedies that women pursued against individual employers. Making a stronger case for businesses' role in shaping equal opportunity policy and workplace rights, this essay draws not only on the work of 1970s scholars like Stein and Cowie, who examine the fall of the liberal state from the perspective of economic policy, class, and the failures of the labor-liberal coalition, but it also builds on the work of business and policy historians who call for greater attention to the role that corporations play in shaping policy outcomes. While Kim Phillips-Fein has broadened the scope and periodization of mobilized business opposition to the New Deal state,

⁶ Alice Kessler-Harris, *In Pursuit of Equity: Women, Men and the Quest for Economic Citizenship in 20th-Century America* (New York, 2001), 10.

drawing it back to the 1940s and following it through the 1960s, Jennifer Delton has provided an equally compelling argument for corporations as the shock troops of affirmative action for African Americans, advancing integration efforts as early as the 1940s, long before the federal government mandated it.⁷ Providing a bookend to Delton's work, this essay finds an equally significant role that corporate opposition played in limiting the reach of equal opportunity measures by the 1970s. In the case of *Kyriazi v. Western Electric* and the Kearny Works, this unfolded at the level of the workplace and courtroom, exposing how opposing aims—a company deeply invested in the family-wage system and the women who embraced the tenets of equal opportunity and economic citizenship—shaped the intersection of liberal rights policies with the practical outcomes of gender justice. While Kleo Kyriazi's efforts to upend and remake the family-wage system at Western Electric Kearny Works through her sex-discrimination, class-action case proved a critical threat, African American workers did not represent the same level of threat to the family wage rhetoric and reality for Western Electric. In fact, the embrace of African American equal opportunity initiatives was furthered by the family-wage rhetoric and the appeals to resurrect black manhood in urban centers, as the mid-1960s "Plan for Progress" initiatives demonstrate.

The "Smoking Gun"

In the summer of 1976, the Western Electric Company, longtime manufacturing subsidiary to AT&T, earned a place of infamy in the arc of equal employment opportunity enforcement. Embroiled in the pre-trial discovery phase of *Kyriazi v. Western Electric*, a sex-discrimination, class-action case brought against its Kearny, N.J., plant in 1973, attorneys for the plaintiff discovered the "smoking gun" evidence of discrimination in the company's files.⁸ More than ten years after the passage of Title VII of the 1964 Civil Rights Act, Western Electric Kearny Works' managers and supervisors persisted in the use of sex preferences on internal forms to fill open jobs and grades within the work organization.⁹ In a dramatic turn,

⁷ Kim Phillips-Fein, "Top Down Revolution: Businessmen, Intellectuals, and Politicians against the New Deal" (Ph.D. diss., Columbia University, 2005); Kim Phillips-Fein, *Invisible Hands: The Making of the Conservative Movement from the New Deal to Reagan* (New York, 2008); and Jennifer Delton, *Racial Integration in Corporate America, 1940-1990* (New York, 2009).

⁸ Ruth Gerber Blumrosen, "Wage Discrimination Revisited," *Women's Rights Law Reporter* 8 (Winter 1984): 119n81; and *Kyriazi v. Western Electric* 461 F. Supp 894 (D.N.J. 1978).

⁹ Dee Alpert, interview by author, 11. The requisition forms, which were used by supervisors to request new employees for open positions within their units, featured boxes for supervisors to check whether they desired a male or female employee. Among the handful of forms that Alpert found still attached to the Placement Lists, the check-boxes were very clearly marked "male." More than ten years after the passage of Title VII of the 1964 Civil Rights Act, Western Electric's

when the Federal District Court ordered Western Electric to turn over the remaining forms in question to the plaintiff's counsel, the company sent a stack of documents that had clearly been altered. It proved a clumsy attempt to "obscure the fact that supervisors using the forms had [initially] indicated [illegal] sex preferences."¹⁰

The plot thickened as handwriting "sleuths" from the Questioned Documents Laboratory in Manhattan were brought in to examine some 2,062 forms for evidence of alteration. The lab determined that documents originally typed with an "X" in the "male" or "female" columns, depending on the job, had been changed much later with a ball point pen to indicate either sex as acceptable.¹¹ More critically for Western Electric, the court found that the Labor Relations employees from the Kearny Works had perjured themselves on the stand by lying about the alterations. By August 1976, the regional and national media picked up the explosive story of Western Electric's misconduct and "cover-up," and the news reverberated through the ranks of women's workplace rights advocates and equal opportunity enforcement agencies.¹² Dee Alpert, legal consultant for the plaintiff on the *Kyriazi* case, described it as the first incident she knew of in which "a corporation . . . confessed perjury and the changing of

use of requisition forms with sex preferences clearly violated the law. For Alpert, the moment was, at first, one of disbelief and then one of "aha!" She remembered calling an intern over and saying, "I'd like you to look at this and tell me do you see what I see, because it was so horrific, it was black and white. It was simply astounding." Alpert and her team quickly "went through all of those shopping carts and found maybe ten or fifteen of these things and copied them and went back to Vladeck's office and basically said, you're not going to believe what we found!" The Western Electric Kearny Works plant was referred to as WeKearny or the Kearny Works; employees were known as WeKearnyans.

¹⁰ *Kyriazi v. Western Electric* (D.N.J. 1978), 914-15. Testimony during the trial in 1977 revealed that under the direction of one of their managers, a Mr. Riordan, employees within the Labor Relations Organization, the very unit in charge of overseeing equal opportunity, had gone back and checked off both boxes and then lied about it in their initial depositions given to the plaintiff attorneys.

¹¹ Paula Bernstein, "A Case for Women," *Daily News* (New York), 16 Aug. 1976, p. 36.

¹² Bernstein, "A Case for Women,"; "Western Electric & A Cover-up," *New York Post*, 16 June 1976; Arthur K. Lenchan, "Western Electric Admits Altering Personnel Data," *The Star-Ledger* (Newark, N.J.), 16 June 1976; and "AT&T's Western Electric Tells Judge That Employees Altered Data in Sex Bias Case," *Wall Street Journal*, 17 June 1976, p. 7. The alteration of the forms was referenced in numerous articles regarding the 1978 opinion in *Kyriazi v. Western Electric* as the crucial tipping point in the case. See "Sex-Bias Victim Wants Her Old Job Back," *Bergen-Passaic Record* (New Jersey), 1 Nov. 1978; "Unit of AT&T Loses Initial Round in Case the Alleges Sex Bias," *Wall Street Journal*, 1 Nov. 1978, p. 48; and "A Greek-American Woman Systems Analyst Who Won a Sex-Discrimination Case Plans to Return to Her Industrial Engineering Job," *Hellenic Times* (New York), 9 Nov. 1978.

documents” in a major sex discrimination suit.¹³ Unfortunately for Western Electric, the events persuaded Federal District Court Judge Herbert J. Stern to broadly “reject” the testimony of company managers and personnel as “unworthy” in the *Kyriazi* liability hearings in the late summer of 1977, and to find for “direct evidence of discriminatory intent” by sex on the part of the defendant in October 1978.¹⁴

For those who sided with the defendant, Western Electric, the poorly executed strategy to cover up past violations of Title VII law boiled down to the misguided actions of a few managers at the Kearny plant. Caught red-handed with damning evidence, these individuals panicked and, in turn, directed their hapless employees to alter the internal forms.¹⁵ Higher-level managers, corporate executives, and the company’s outside counsel disavowed any prior knowledge or approval, either formal or tacit, of the illegal actions that had been undertaken by plant personnel. But attorneys and advocates who sided with the plaintiff, Kleo Kyriazi, read the episode much more conspiratorially.¹⁶ They saw it as an inchoate strategy on behalf of Western Electric to subvert and contest the *Kyriazi* class-action case at every turn. To the judge and the plaintiff’s team, the incident sounded just one note in an increasing chorus of hostility and resentment on the part of Western Electric to the sex discrimination claims advanced in the suit; to equal opportunity for women; and, more broadly, to the struggles for gender justice.

It was a resistance that proved all the more striking in contrast to Western Electric’s leadership on fair employment policies just a decade prior. In the early 1960s, at the height of the civil rights movement, the company had been a prominent player in corporate voluntary equal opportunity initiatives. Western executives had worked closely with the administration of John F. Kennedy in 1961 to craft Executive Order 10925, which introduced the nation to “affirmative action” policy for federal contractors. The company had also been one of the first signatories to the federal “Plan for Progress” program, in which major corporations pledged to take steps to address the problem of unemployed and underemployed black males, the central figures of the urban crisis.¹⁷ By the mid-1960s, the

¹³ Quoted in Bernstein, “A Case for Women,” 6.

¹⁴ *Kyriazi v. Western Electric* (U.S. Dist. N.J. 1978), 919.

¹⁵ In fact, managers and executives for the Kearny plant and Western Electric corporate would insist that they knew nothing about the alteration of the forms and would have never given their employees the approval to engage in such an act. Court transcripts reveal otherwise, however. Assistant managers at the Works gave their tacit approval of the act, so long as it turned out well for the company. As soon as it began to turn sour, however, the employees in the Labor Relations Unit were thrown under the bus.

¹⁶ Kleo Kyriazi’s given name was Kyriaki Kyriazi, but she went by the name Kleo K. Kyriazi when she arrived in America. In some records, Kleo is spelled with a C.

¹⁷ On the urban crisis, see Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton, N.J., 1996).

equal opportunity initiatives undertaken at the corporate level had trickled down to Western Electric's major manufacturing sites, including the Kearny Works, which launched a variety of talent identification, workforce training, and skills upgrade programs designed to increase opportunities for African American workers drawn from within the plant ranks and from the local labor force.¹⁸

But by the 1970s, a number of factors dramatically undercut Western Electric's incentive to maintain its proactive corporate citizenship on equal opportunity initiatives. A series of executive orders and mandates from the Department of Labor's Office of Federal Contract Compliance (OFCC) tightened affirmative action requirements and shifted compliance from voluntary to mandatory for federal contractors. Increased scrutiny of industry-wide and "systemic" discrimination by the newly empowered Equal Employment Opportunity Commission (EEOC) and the district-level federal courts accompanied this regulatory sea change. These transformations engendered an undertone of hostility and resentment on the part of Western Electric's corporate executives, plant managers, and frontline supervisors to the ever-growing burdens of employment regulations and to broad-based sex-discrimination class actions like the *Kyriazi* case. Corporate newsletters at the time decried the shift as the devolution of the early civil rights movement into a number of "outrageous" sub-culture movements, like "women's lib," that expected ever-greater institutional accommodation for "social diversity."¹⁹

Yet, at the practical level executives and managers grudgingly admitted that, like it or not, the regulatory transformation furthered by this alleged devolution made the "Plan for Progress" approach increasingly outmoded. What had worked for Western Electric's handling of black workers' opportunities in the 1960s proved insufficient in the regulatory and judicial mindset of the 1970s, when the struggles for women's workplace rights were gaining ground.²⁰ As corporate executive Arthur G. Foster commented on the company's equal opportunity policies in 1972, "to put it bluntly, what was good enough in the 1960s is not good enough today."²¹ Rather than making a voluntary effort toward the spirit of equal opportunity, while gaining national press for their corporate leadership, Western Electric by the early 1970s had to meet numerical goals by the

¹⁸ Western Electric Company, Inc., Kearny Works, *Pattern of Participation* (Kearny, N.J., 1966), 1-33.

¹⁹ "EEO: The Legal Aspect," *News Briefs/Background* (Monday, 12 June 1972), 4, Loc: 105-01 03 01 to 04, AT&T Archives; and "AT&T Says Discrimination Charges Are Intemperate and Irresponsible," *News Briefs/Background* (Monday, 18 Jan. 1971), 10, Loc: 105-01 03 01 to 04, AT&T Archives.

²⁰ There was increasing scrutiny by federal agencies and the courts over the issues of disparate impact and systemic discrimination within work organizations.

²¹ "EEO: The Legal Aspect."

letter of the law, while suffering public flagellation in federal district court and in the national media over their missteps in the *Kyriazi* case.²²

But Western Electric's response to these transformations stemmed from more than just hostility to burdensome regulations, annoyance with embarrassing and potentially costly legal actions, and outrage at what some saw as the "extreme" and "self-serving" positions of women's liberation. Economic restructuring in the 1970s dramatically raised the stakes in the equal opportunity calculus for AT&T's manufacturing subsidiary at the same moment that anti-discrimination policy initiatives shifted to concerns over sex discrimination. Long critical to Western Electric's labor force, women constituted nearly 40 percent of workers in the clerical ranks or on the factory floor. But while they labored in large numbers at the company's plants, women almost always worked in sex-segregated job grades and at gendered wage scales. Undergirding this sexual division of labor was the family-wage system, or the prescriptive structure that defined "male labor as the norm and female labor as an aberration." Emerging in the late nineteenth century and codified through the New Deal and the Great Society legislative initiatives, the family-wage system "shape[d] a labor market biased toward men (especially white men) and dictated social welfare policy" that "shor[ed] up male-breadwinner households."²³ Representing an important variation of the family-wage structure, as it played out at the plant level, Western Electric maintained the place and wages of women in the gendered occupational hierarchy through appeals to this rationale, while diverging from its prescriptions by employing women—many of whom were mothers and wives—in large numbers for labor-intensive work in telephone and electrical assembly.²⁴

As rising production costs and a series of innovations in micro-electronics and telecommunications in the 1970s rendered Western

²² Christopher Bonastia, *Knocking on the Door: The Federal Government's Attempt to Desegregate the Suburbs* (Princeton, N.J., 2006), 28-29. While EO 10925 and the PCEEO ostensibly held contractors to the letter of the law by threatening to cancel contracts of the corporations that refused to comply, it was generally acknowledged that enforcement was lax and operated largely in a voluntary manner. The focus on the "Plan for Progress" initiative stands as an example of this. Moreover, President Kennedy had adopted the more conciliatory tack of creating the PCEEO, rather than pursuing congressional legislation, in part to appease Southern Democrats in his party. Statistics reveal that "Plan for Progress" firms failed to make significant improvements in their employment of black workers, especially in white-collar jobs. The passage of Title VII of the 1964 Civil Rights Act was intended to address the discrimination that the early affirmative action initiatives had failed to dislodge.

²³ Nancy MacLean, "Postwar Women's History: The 'Second Wave' or the End of the Family Wage?" in *A Companion to Post-1945 America* ed. Jean-Christophe Agnew and Roy Rosenzweig (Malden, Mass., 2006), 235-59, at 238.

²⁴ *Ibid.*

Electric's pre-World War II plants increasingly obsolete, female employees became ever more integral to profit margins by providing cheap labor and an expendable workforce. A precipitous decline in the company's percentage of defense contract work further attenuated Western Electric's commitment to meeting equal opportunity obligations for women in the full spirit of the law.²⁵ Thus, as national policy conversations and the legal strategies created to fulfill the policy prescriptions of the mid-1960s shifted in focus from race to sex, they coincided with Western Electric's opposing need to strengthen its long-standing investment in the sexual division of labor and the rationale of the family-wage structure. The "practical struggles for gender justice" furthered by the *Kyriazi* case threatened to undermine and remake the family-wage system at the same moment that Western Electric looked to preserve many of its functions.²⁶

These ill-fated circumstances placed the rising tide of women's equal opportunity at odds with the forces of economic restructuring. They drove the particularly hostile and recalcitrant response on the part of the company to the claims of systemic sex discrimination advanced in the *Kyriazi* case and to the remaking of the gendered workforce that it signaled, which threatened to interfere and possibly even overturn critical functions of the occupational hierarchy. At the plant level, these transformations complicated the implementation of equal opportunity policies for women. The Kearny Works heralded no "Plan for Progress" initiative for female employees in the early 1970s, as it had for African American males in the 1960s. Instead, equal opportunity for women, while rhetorically accommodated, met with many kinds of practical resistance, while every effort was made to subvert the legal arguments made in the *Kyriazi* case.

Racial Justice and Equal Opportunity Leadership in the 1960s

When Judge Herbert J. Stern found Western Electric liable for discriminating against women in the *Kyriazi* case, corporate spokesman Bruce Brackett noted the company's "disappointment" in the court's opinion.

²⁵ In 1974, renewed antitrust investigations into the monopolistic arrangement of the Bell System, which focused heavily on the subsidiary relationship with Western Electric, furthered the sense that the company was under unjustified attack. By mid-decade, executives and managers began expressing deep affront at the nuisance of broad-based sex discrimination legal actions like the *Kyriazi* case, and the larger conciliatory discrimination action brought against its parent, AT&T. Finding these suits without merit, executives pointed to the company's record of proactive response to the issues of fair employment for African Americans in the past. Western Electric was also encouraged by OFCC compliance officers who often looked the other way or who articulated that the company only had to try to meet the equal opportunity obligations as best as possible.

²⁶ MacLean, "Postwar Women's History," 236.

Brackett insisted to the regional and national newspapers that “Miss Kyriazi’s” accusations remained “unfounded.” Moreover, he underscored the point that “Western Electric takes great pride in its efforts to insure equal opportunity in its personnel policies.” He noted that the company had “a strong affirmative action program and has made every effort to assure equal opportunities for women at Kearny and at all other company locations.”²⁷

In citing Western Electric’s strong commitment to equal opportunity and affirmative action, Brackett referred to a number of regulatory and legal measures that shaped the company’s policies in the late 1960s and early 1970s. These included a series of presidential executive orders; the EEOC’s sex and race discrimination charges against Western’s parent company AT&T; investigations by state civil rights divisions into the company’s discriminatory practices; and the tightening of the Department of Labor’s (DOL) Office of Federal Contract Compliance (OFCC) guidelines in 1970 and 1971. As a whole, these measures furthered Western Electric’s compliance with a number of fair employment and anti-discrimination mandates. But Brackett also referred to the company’s long-touted leadership on equal opportunity and affirmative action, a role first assumed in the early 1960s when the company embraced the “explosive pace” of the civil rights movement.²⁸

In July 1961, under the leadership of company president H. I. Romnes, who later became the chairman of AT&T, Western Electric signed onto President Kennedy’s widely hailed “Plan for Progress,” which outlined a “company-specific blueprint for equal opportunity.”²⁹ The initiative, which involved 192 defense contractors, including Lockheed Corporation and Western Electric, encouraged corporate voluntary compliance with desegregation of their workforces and an end to racial discrimination in hiring and employment.³⁰ The much-publicized signing of the “Plan for Progress” followed on the heels of Western Electric’s participation in a series of discussions with the president’s office on the crafting of the landmark 1961 Executive Order 10925. The order catapulted the phrase “affirmative action” into the national psyche and established the PCEEO, which was granted the power to review the employment policies and workforce statistics of defense contractors as well as those of government

²⁷ Kyriazi v. Western Electric 461 F. Supp (D.N.J. 1978); “Unit of AT&T Loses Initial Round in Case That Alleges Sex Bias,” *Wall Street Journal*, 1 Nov. 1978, p. 48; “Sex-Bias Victim Wants Her Old Job”; and “A Greek-American Woman System Analyst Who Won A Sex-Discrimination Case Plans to Return to Her Industrial Engineering Job.”

²⁸ Stephen B. Adams and Orville R. Butler, *Manufacturing the Future: A History of Western Electric* (New York, 1999), 174.

²⁹ *Ibid.*, 171.

³⁰ “Negro Progress in 1961,” *Ebony* (Jan. 1962), 24.

offices, and to “cancel contacts or debar contractors” found in violation of fair employment standards.³¹

In addition to Western Electric’s contributions to the crafting of the executive order for affirmative action and the “Plan for Progress” signing under Romnes’s presidency, the company hosted two conferences in the mid-1960s at which executives consulted with leading civil rights activists about equal opportunity issues. The conferences came on the heels of efforts, beginning in 1962, to move more blacks and Hispanics into the managerial pipeline by instituting periodic “open enrollments” at all Western Electric facilities. During these enrollment periods, supervisory candidates could nominate themselves for consideration. Management introduced the program to mediate and bypass a process that had previously functioned by sponsorship only, tending to reproduce managerial staff consisting solely of white males.³²

Under the leadership of Romnes and, after 1964, of his successor Paul Gorman, Western Electric indeed became “a model to follow” on equal opportunity for African American workers. But the company’s corporate leadership on civil rights issues stemmed from motives more complex than the belief that fair employment “is right.”³³ For example, management’s insistence on opening integrated facilities in the South, most notably the Shreveport, Louisiana, plant, stemmed not only from a desire to appease federal agencies, but also from the need to control the labor calculus. By incorporating blacks into the workforce, Western gained employees who, by that time, were often equally or better educated than white employees and worked for less. Moreover, Western Electric tacitly leveraged black employees against unionization efforts. At the Pointe Breeze Baltimore plant in 1963, when African Americans agreed to vote against the Teamsters’ organization efforts in exchange for a more enlightened approach to civil rights on the part of management, the company happily agreed.³⁴

Moreover, while Romnes’s motives lay in part with what historians Stephen Adams and Orville Butler describe as his “humanism” and his regard for “the larger community as part of the businessman’s responsibility,” the evidence makes clear that Western Electric championed “the issue of equal opportunity because the government wanted it to.”³⁵ Defense contracting constituted 25 percent of Western Electric’s core business in the 1960s, a relationship that was partly a holdover from World War II and partly a result of the continuing buildup of America’s defense infrastructure during the Cold War. In order to facilitate their mutually dependent relationship with the federal government, Western

³¹ Bonastia, *Knocking on the Door*.

³² Quoted in Adams and Butler, *Manufacturing the Future*, 171.

³³ *Ibid.*, 142-47, 172-83.

³⁴ *Ibid.*, 169-70, 176-77.

³⁵ Quoted in *ibid.*, 171.

Electric sought to project the image of a “good corporate citizen” to the Kennedy and Johnson administrations. Compliance with equal opportunity mandates not only maintained defense contracts, but also helped avert the regulatory and legal eye of the Department of Justice (DOJ) and the Federal Communications Commission (FCC). Perennially investigating the Bell System as an anti-competitive monopoly with inflated rates, these federal agencies had last resolved a set of charges against AT&T in 1956. The 1956 decree with “Ma Bell” stripped Western Electric of all non-telephone work *except* its defense contracts, signaling the importance in which this special relationship was held.³⁶ In the early 1960s, Western and Bell System executives hoped to deter any future DOJ investigations; equal opportunity compliance proved one easy way to mitigate this possibility.

In addition to the stick of defense contracting, the records reveal that Western Electric’s “leadership” on equal employment opportunity for black workers often proved rhetorical at best. The results of the initiatives were slow in coming: “Two years after Romnes signed the company’s first ‘Plan for Progress,’ the percentage of black employees at Western had increased from just over 3.5 percent to just about 4 percent.” The number of black supervisors remained “less than one-tenth of 1 percent of the total”; and the large majority of black workers employed by the company remained in the unskilled labor force.³⁷ The small gains made at Western Electric mirrored the numbers reported by other corporate participants in the “Plan for Progress.” Critics pointed to the ineffectiveness of voluntary affirmative-action employer programs in their push to gain more sweeping anti-discrimination legislation in the Civil Rights Act of 1964.³⁸

Despite the slow pace of change, the momentum behind the “Plan for Progress” initiative migrated down to the many facilities across the Western Electric system. In 1966, the Kearny Works, or WeKearny, one of the company’s major manufacturing sites in northeastern New Jersey, issued their own *Pattern of Participation* report, a result of the federal directive. The report outlined the problems of the “urban revolution” in the Newark, N.J., region. It also highlighted the programs undertaken at the Kearny Works, in concert with the Newark Business and Industrial Coordinating Council (BICC) and the Urban League, and with federal funding supplied by the 1962 Manpower and Development Training Act, to address the “employment and upgrading of Negro workers.”

The Newark, N.J., and New York City metropolitan area, which had once placed the Kearny Works within proximity of a “good labor market, water for transportation, [and] the railroad,” had changed significantly by

³⁶ Ibid., 172. On the 1956 antitrust case, see Peter Temin and Louis Galambos, *The Fall of the Bell System: A Study in Prices and Politics* (New York, 1987), 9-68.

³⁷ Adams and Butler, *Manufacturing the Future*, 172.

³⁸ Bonastia, *Knocking on the Door*, 29; “Negro Progress in 1961,” 24; and Ethan Katsh, *Taking Sides: Clashing Views on Legal Issues*, 14th ed. (New York, 2011).

the 1960s. The very benefits that at one time had made the industrial northeast appealing, over time proved a liability. The old infrastructure and roads made it difficult for trucks to reach plants in increasingly congested urban areas. Moreover, the local labor market presented the Kearny Works with significant challenges in the matter of requisite skill and aptitude of potential employees. As discussed in the *Pattern of Participation* report, many “clerical openings [went] unfilled for two to four weeks and too many duly-certified high school graduates from the two cities [were] unable to pass the modest employment entrance tests. In fact, one-half of the whites and two-thirds of the Negro applicants fail[ed] these basic exams.”³⁹ Noting the out-migration of “White and Negro middle class families”—a “familiar pattern of postwar and suburban growth”—accompanied by the in-migration of “semiliterate” and “unskilled” Negroes from the “rural South” as well as of Puerto Ricans, and the increasing remainder of less-well-off Negroes left in the urban core, Western Electric management identified the under-education and under-employment of the “hardcore” as the root of the “welter of social and economic problems of Kearny’s urban environs.”⁴⁰

Citing the company’s “vital stake in the long-term health of the Newark–Jersey City” area and its “direct interest in working on the problems now undermining the community,” Kearny Works management detailed the multi-pronged agenda it followed in *Pattern of Participation*. This included “Talent-Search and Training” to identify and upgrade minority employees already within its ranks; a “Skills Escalation Program” that trained unemployed or underemployed urban Negroes in machine shop and math skills through the SEED (Skills Escalation and Employment Development) and “Jobs Now”; an effort to highlight the benefits of industrial vocation as an employment option within the schools through a work-study program for dropouts; and a “Narrowing the Distance” initiative that geared students and curriculum toward industrial work. Finally, a summer internship for teachers and counselors sought to familiarize educators with the benefits of careers within the electrical industry for vocational and even some college-bound students.⁴¹

But by 1966 the results of these programs proved mixed. In its own words in the *Pattern of Participation* report, Western Electric management cited the “broadening dialogue” between urban workers, the community, educators, and industry as a conversation that was “to be

³⁹ Kearny Works, *Pattern of Participation* (Kearny, N.J., 1966), 2, vertical file B10, “Western Electric and Kearny Industries,” Kearny Free Public Library, Kearny, N.J.

⁴⁰ *Pattern of Participation*, 1. For a historical analysis of the urban crisis in Detroit, which in many ways mirrors the transformation of Newark, and which finds its roots in postwar housing policy, see Thomas J. Sugrue’s *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit*.

⁴¹ *Pattern of Participation*, 6-7, 17.

continued.”⁴² The Kearny Works “Talent Search and Training” initiative resulted in only a handful of black employees being included in a new staff-training program. In addition, the work-study dropout program, according to the company, proved an “uncertain return on investment” and drew “heavily on . . . supervisor[s]’ time and effort.”⁴³ Finally, the race riot that gripped the city of Newark in July 1967, resulting in the deaths of 26 people, the injury of 725, and the arrest of many more, compounded the sense that the *Pattern of Participation* programs had missed the mark. Indeed, state commission reports later named the loss of jobs for black males at major manufacturers like Western Electric as one of the important factors setting the stage for the unrest that ensued.⁴⁴

By 1975, the Kearny Works’ *Work Force Profile*, an equal opportunity report issued nine years after the *Pattern of Participation* report, showed that minority employees still constituted only 3.2 percent of officers, managers, and professionals, or 22 people, while the majority of the remaining 2,092 blacks at WeKearny, out of a total of 11, 541 employees, remained cordoned off in the operative, clerical, and service grades, with only a sprinkling in the technician grades.⁴⁵ Despite Western Electric and the Kearny Works’ various programs intended to address the employment problems of minorities within the company and the local community, the outcome of these initiatives failed to produce significant movement of

⁴² *Ibid.*, 30, 32. On the relationship of these programs to increasing support from the liberal administration on affirmative action as a race-conscious policy in the context of urban ghetto riots in the mid-1960s, see John David Skrentny, *The Ironies of Affirmative Action: Politics, Culture and Justice in America* (Chicago, 1996), 67-110.

⁴³ *Pattern of Participation*, 6-7, 17.

⁴⁴ Governor’s Select Commission on Civil Disorder (Hughes Commission), “Report for Action: An Investigation into the Causes and Events of the 1967 Newark Race Riots” (State of New Jersey, 1968, 1972); *Newark Riots—1967*, Rutgers, the State University of New Jersey (online), accessed on 30 Jan. 2009; available at http://www.67riots.rutgers.edu/n_index.htm; Nathan Wright, Jr., *Ready to Riot* (New York, 1968); and National Advisory Commission on Civil Disorders, “Report of the National Advisory Commission on Civil Disorders” (New York, 1968). State commission reports later named the lack of employment and loss of jobs for black males at major manufactures like Western Electric as an important factor in the race riot that gripped Newark in the summer of 1967, resulting in the deaths of 26 people, the injury of 725, and the arrest of many more. It is important to note that Western paid the work-study students—all male—at a rate of only \$1.50 an hour for a 40-hour work week: bargain wages, to say the least, and certainly a somewhat lopsided return on investment in the company’s favor.

⁴⁵ *Work Force Profile*, Kearny Works, 1 Jan. 1975, pp. 1-5, in *Appendix to Plaintiff’s Amended Pre-Trial Memorandum*, *Kyriazi v. Western Electric*, 11 Oct. 1976, box 1, folder 043b, Judith Vladeck Papers, Tamiment Library & Robert F. Wagner Labor Archives, Bobst Library, New York University, N.Y. [hereafter, JVP]. Vladeck was Kyriazi’s attorney.

black workers up through the workforce ranks. As *Kyriazi* case legal consultant Dee Alpert later commented, Western Electric's efforts to bring African Americans into the workforce proved "a bunch of hooey," or more perniciously, a lot of "lip-service" and "sleight of hand" with no real tangible outcome.⁴⁶

Where Western Electric and the Kearny Works did make inroads, however, was in the overall employment of African Americans. From the early 1960s to the decade's end, "the number of minority employees at Western Electric increased from about 6,800 to more than 28,000," a percentage change from "4.6 to 13.9 percent." At the Kearny Works in 1975, the total minority population, including blacks, Hispanics, and Asians, constituted nearly 24 percent of the workforce or 2,744 people. As historians Adams and Butler tell it, this was "a stunning change for a company with a long history of not hiring minorities."⁴⁷ But it was a "stunning" change precipitated, in part, by the dramatic growth of the company in the 1960s to over 200,000 employees and \$5 billion in annual sales.⁴⁸ At the same time, the shifting racial composition of the local workforce dictated the increased hiring of African Americans in order to fill basic labor needs. This proved especially true for older plants like WeKearny, where the acceleration of "white flight" in the Newark and Jersey City areas made for ever-greater numbers of black workers in the constituent workforce population. More importantly, black women, who were segregated to the lowest labor grades and discriminated against as much by sex as by race, made up an overwhelming majority of this 24 percent minority population. Of the 2,744 minority employees of the 11,541 total employees at the Kearny Works in 1975, 1,772 were women.⁴⁹

Ultimately, the "Plan for Progress" and *Pattern of Participation*-type initiatives tended to focus on the problem of black males, garnering no significant benefit to black women from the skill-training and talent search programs. Informed by the family-wage system and underscored by the infamous 1965 Moynihan report, which cited the problem of absent black fathers at the heart of the impending urban crisis, this pattern of planning reflected a race- and family-conscious approach to Lyndon Johnson's "War on Poverty" programs. But while black males continued to find the promise of these programs hollow—of only 972 minority men at

⁴⁶ Dee Alpert, interview, telephone interview, Sept. 2005.

⁴⁷ Adams and Butler, *Manufacturing the Future*, 182. This information is from the 1969: *A Year of Progress: Summary report on Equal Opportunity Activities and Programs at Western Electric Company*, 1. The number of minorities includes all, not just black males, but also women and Hispanics. At Western Electric in 1975, the total minority population, 2,774 minorities of 11,541, was 24% of the workforce; with 2,114 black workers (19%) of the 2,774; but 1,772 of the 2,744 were women, leaving only 972 minority men.

⁴⁸ *WE Special Issue: "100 Years in the Bell System"* (Sept.-Oct. 1981): 18.

⁴⁹ *Work Force Profile*, 1-5, in *Appendix to Plaintiff's Amended Pre-Trial Memorandum*, *Kyriazi v. Western Electric*, 11 Oct. 1976, box 1, folder 043b, JVP.

WeKearny, only 631 were black males in 1975, and the majority of them labored in the lowest grades—black women were employed in ever larger numbers at the Kearny Works. Over time the variable of sex both facilitated and undercut Western Electric’s broad, but substantively hollow, claims to equal opportunity fulfillment for “Negro” employees.⁵⁰

Toward Gender Justice in the 1970s

In contrast to the employment of African Americans, Western Electric had long looked to women as an important labor sources. In the 1960s and the 1970s, Western Electric Kearny Works advertisements still appealed to prospective female employees to “Be the Other Half of the Team,” encouraging them to join the plant labor force as stenographers, typists, and comptometer operators, those who “dictate letters, prepare reports and run computers” and support the rest of the (male) workforce. For Kleo Kyriazi’s legal team, these advertisements, which could be found in the “help wanted—female” classified section of the newspaper, clearly demonstrated an unselfconscious sexism on the part of the company.⁵¹ But for the women of WeKearny, many of whom became class members in the *Kyriazi v. Western Electric* case, the advertisements were often read in a variety of less negative and less overtly sexist ways.⁵² While they may have been “the other half of the team,” segregated by sex to particular labor grades within the plant, both in clerical work and in manufacturing, female employees were attracted to the Kearny Works in large numbers. Comparatively speaking, women earned more at Western Electric than at other manufacturing and service-industry opportunities in the region. Despite the sexual division of labor and the realities of work in an industrial plant, electrical manufacturing constituted a “good job” for women throughout much of the twentieth century.⁵³

⁵⁰ Daniel P. Moynihan, *The Negro Family: The Case for National Action* (Washington, D.C., 1965); and MacLean, “Postwar Women’s History,” 235-59.

⁵¹ The National Organization for Women (NOW), formed in 1966 and termed the NAACP for women, focused on eradicating discriminatory sex-segregated help-wanted ads as one of its first major issues. See Ruth Rosen, *The World Split Open: How the Modern Women’s Movement Changed America* (New York, 2000).

⁵² “Be the Other Half of the Team,” Western Electric employment advertisement in the “Appendix to the Plaintiff’s Amended Pre-trial Memorandum,” 11 Oct. 1976, box 1, file 043b, p. 55. The ad, listed under the “Help Wanted Women” section of the classifieds from 1970, reads: “Be the Other Half of the Team: At Western Electric we work in teams. Some people dictate letters, prepare reports and run computers. They need ‘THE OTHER HALF OF THE TEAM’ . . . the steno . . . the computer operators . . . who help them get correspondence under way, who type their reports, and keypunch cards.”

⁵³ Ronald W. Schatz, *The Electrical Workers: A History of Labor at General Electric and Westinghouse, 1923-60* (Urbana, Ill., 1983), 32.

Historically, the Western Electric Kearny Works always relied on a critical contingent of female employees, whether they labored in the clerical staff or on the factory floor. As typists, wire women, process checkers, keypunch operators, assemblers, coil-winders, and in a variety of other positions, women constituted nearly 40 percent of the WeKearny workforce at any given time. Even on the opening day of the newly constructed plant in 1925, reporters had photographed women as some of the first employees on site.⁵⁴ Labor-intensive assembly and piecework characterized electrical and telecommunications production for most of the twentieth century. Manufacturers looked to capitalize on women's supposedly more nimble fingers, their willingness to endure repetition, their malleable natures as employees, and their acceptance of lesser wages. As a result, a sexual division of labor developed to keep in careful balance a workforce where women sometimes neared half the employees and where they often labored in close quarters with men.⁵⁵ "The least skilled male workers [almost always] earned more than the most capable female." Despite the fact that electrical manufacturing constituted a good job for women, sex segregation in particular kinds of work, exclusion from skilled, craft, and managerial work, and wage discrimination in the form of gendered pay scales, limited women's ambitions in an industry where their labor had long been critical to efficiency and cost control in the labor-intensive manufacturing process dominated by piecework.⁵⁶

Despite token advances in hiring African Americans in the 1960s under the "Plan for Progress" and *Pattern of Participation*, Western Electric made virtually no attempt to hire women into occupational categories or grades where they were not already present.⁵⁷ As written in the *Kyriazi v. Western Electric* opinion, "females [were] excluded, or virtually excluded, from jobs in Officers and Managers, Professional, Technical, and Craft categories."⁵⁸ Only a few women held supervisory roles, and even then they managed only the designated female job grades. By 1970, no woman held a position above section chief, and Western Electric strictly excluded females from management training programs.⁵⁹

⁵⁴ Adams and Butler, *Manufacturing the Future*.

⁵⁵ Deslippe, "Rights, Not Roses," 91. As Dennis Deslippe writes in his study of the electrical unions and working-class feminism, "women electrical workers [had historically] . . . labored in factories where there existed job segregation, separate seniority lists, and separate wage scales.

⁵⁶ *Ibid.*

⁵⁷ Adams and Butler, *Manufacturing the Future*, 172. Also see chap. 5 on African-American workers at Western Electric and the Kearny Works in the 1960s.

⁵⁸ "Proposed Findings of Fact and Conclusion of Law, Vol. 1" *Kyriazi v. Western Electric*, n.d. (1975?), 2, in author's possession.

⁵⁹ Adams and Butler, *Manufacturing the Future*, 182. As Adams and Butler note in their 1999 history of the company, "the path to Western Electric executive suites usually included a six-month program of management training known as 'charm school.' [But] by the end of the 1970s, no woman had ever been invited to

In 1973, Kleo Kyriazi, one of the first female industrial and information systems engineers employed at the South Kearny, N.J., manufacturing plant, challenged the long-standing patterns of women's employment at WeKearny. Kyriazi should have been the model of equal opportunity's promise for working women; instead, the treatment she endured at the hands of her male co-workers and company management, including her firing for insubordination in 1971 when she dared to protest, spawned a major class-action, sex discrimination case, *Kyriazi v. Western Electric*. The *Kyriazi* case spent a decade, from 1973 to 1983, winding through the legal system. On July 16, 1975, Federal District Court Judge Herbert J. Stern certified the lawsuit as a class action, determining that the discrimination suffered by Kleo Kyriazi proved typical of the discrimination suffered by all women at the Kearny Western Electric Works.⁶⁰ Kyriazi's attorney, Judith Vladeck, later described the litigation as revealing "for all time the anatomy of sex discrimination in America," so damning was the evidence against the company.⁶¹

The opposing parties in *Kyriazi v. Western Electric* went to court on July 7, 1977. After months of acrimonious testimony and legal maneuver-

charm school"; and an outside board member, Juanita Kreps, remained the only corporate female executive. Ironically, Kreps, the first female Secretary of Commerce, had made her scholarly reputation studying gender and age discrimination in the labor market. Juanita M. Kreps was a professor of economics at Duke University; the first woman to fill the role of U.S. Secretary of Commerce (1977-1979); and the first woman to serve as board member of the New York Stock Exchange. She authored a number of books, including *Sex in the Marketplace: American Women at Work* (Baltimore, Md., 1971); *Sex, Age and Work: The Changing Composition of the Marketplace* (Baltimore, Md., 1975); and *Women and the American Economy: A Look to the 1980s* (Englewood Cliffs, N.J., 1976).

⁶⁰ *Kyriazi v. Western Electric* (1978), 894-9; and Judith P. Vladeck, *The Kyriazi Case Reviewed: Keynote Speech by Judith P. Vladeck at the 1979 Annual Meeting of the Advisory Board of the Institute for Education and Research on Women and Work* (Ithaca, N.Y., 1980), 3.

⁶¹ *Kyriazi v. Western Electric* 461 F. Supp 894 (U.S. Dist. N.J. 1978); *Kyriazi v. Western Electric* 527 F. Supp. 18 (U.S. Dist. N.J. 1981); and Vladeck, *The Kyriazi Case Reviewed*, Preface-1. After her initial filing with the New Jersey Division on Civil Rights in April of 1971, Kyriazi filed a sworn charge against the Western Electric Kearny, N.J., Works with the EEOC on 11 Sept. 1972. In addition to her 1971 filing with the New Jersey Division on Civil Rights, Kyriazi filed an unsworn charge with the EEOC on 2 Jan. 1972, followed by a sworn charge on 11 Sept. 1972. Charge file dates, both with the state's civil rights division and the federal EEOC, proved extremely important because they determined the scope of class membership. While Western Electric and their counsel argued for the latter date, the court ultimately certified Kyriazi's first charge on 2 Jan. 1972. Every woman at the Western Electric Kearny Works who had a viable claim of discrimination within 300 days prior to Kyriazi's filing, effectively June 9, 1971, could then join the class action.

ing, the trial concluded in December of that year. Judge Stern issued an opinion ten months later, finding for the plaintiff, Kyriazi, and against the defendant, Western Electric.⁶² By 1980, the company finally agreed to distribute a \$7 million award for back wages and other compensation among all of the eligible women who had filed the proper claim forms.⁶³ Approximately \$150,000 of the award was apportioned to Kleo Kyriazi. In addition, Western Electric agreed to give priority consideration to “those class members who had filed timely claim forms and had been rejected for employment or who had been laid-off by Western and not rehired.” Over 2,200 women at the Kearny Works received awards in the final count, although the potential class members in the case—those women eligible to file claims—had stood at approximately 8,000 when the litigation first began. The proposed settlement also included the implementation of a four-year “Affirmative Action Program,” or AAP.⁶⁴ Designed to bring women into the positions, opportunities, and pay levels from which they had historically been excluded, and to make more transparent the procedures for hiring, training, promotions, and appeals, the court scheduled the AAP to commence on July 10, 1981, and to expire on June 10, 1985.⁶⁵ Incorporation of a secondary sex discrimination case, *Kahree v. Western Electric*, brought the total settlement in the *Kyriazi* case to \$8.5 million and distributed an award of \$1.5 million to more than 1,950 women across the nine other Western Electric facilities in New Jersey.⁶⁶

The *New York Times* and the regional media ran stories on the tentative settlement in the contentious class-action case. Reporters situated *Kyriazi v. Western Electric* within the series of sex discrimination

⁶² Ibid.

⁶³ “Final Order of Settlement” (Newark, NJ: US Dist. NJ, 1980), in *Kyriazi v. Western Electric* (1981), 44.

⁶⁴ *Kyriazi v. Western Electric* 527 F. Supp. 21-22 (D.N.J. 1981).

⁶⁵ Thomas Campion, “Report and Recommendation of Special Master: *Kyriazi v. Western Electric*” (Newark, NJ: 1983), 2, in author’s possession; “Stipulation of Settlement,” and “Affirmative Action Program,” in *Kyriazi v. Western Electric* 527 F. Supp. 18 (U.S. Dist. N.J., 1980). See *Kahree v. Western Electric* 82 FRD 196 (U.S. Dist. N.J. 1979); and “Recommendation for Distribution of Settlement Fund,” *Kahree v. Western Electric*, September 1981.

⁶⁶ See *Kahree v. Western Electric* 82 FRD 196 (U.S. Dist. NJ 1979); Robert Hanley, “\$8.5 Million Accord Reached in Jersey Job Bias Suits,” *New York Times* (8 June 1980), 53; and “Recommendation for Distribution of Settlement Fund,” *Kahree v. Western Electric*, 8 Oct. 1980. The settlement in *Kyriazi v. Western Electric* also subsumed another class-action case, *Kahree v. Western Electric*. The *Kahree* case had been brought by five women against the company’s northeastern regional Newark, N.J., offices, also known as Gateway II, in 1976. Lingering in the courts for years with no trial or finding of liability, the *Kahree* proceedings suffered from lack of adequate legal representation. In exchange for inclusion in the *Kyriazi* settlement, the class members in the *Kahree* case agreed that their suit would not go to trial.

cases and equal opportunity conciliatory actions that had been brought against major employers since the early 1970s, including the 1973 consent decree brokered between the EEOC and AT&T, Western Electric's parent company. In each instance, according to David Rosenbaum of the *New York Times*, "companies and government agencies have been forced to pay back wages to women, raise their salaries and make special allowances in the future to overcome the effects of past discrimination."⁶⁷ Jane Lauer, an associate with the Vladeck firm who had worked closely with the WeKearny class members, lauded the *Kyriazi* settlement as "one of the largest privately-litigated class actions in [the] field." Meanwhile David L. Hilder, Western Electric's vice president of human resources, told reporters that Western Electric considered the *Kyriazi* settlement "a very constructive step in our affirmative action efforts." He went on to note that the company had settled because "to continue litigation . . . would be extremely costly and time-consuming."⁶⁸

Hilder's conciliatory but telling comments spoke to the fact that, while many companies adopted a tone of conciliation when faced with Title VII legal actions, Western Electric opted to fight at every turn. According to Judith Vladeck, Western Electric and their counsel, the firm of Pitney, Hardin & Kipp, engaged in a "war of attrition" in the case, intended to "grind the plaintiff [Kyriazi] into withdrawal, or surrender."⁶⁹ Through a series of legal roadblocks the defendant and its counsel obstructed discovery of evidence; attempted to stay the trial; tried to recuse the judge; and resisted filing the necessary documents laying out what defense they intended to mount in the case.⁷⁰ As Vladeck indicated in her 1979 review of the *Kyriazi* case, given at a Cornell University conference, the money and manpower that Western Electric and its law firm brought to bear

⁶⁷ David E. Rosenbaum, "Working-Women Still Seek Man-Sized Wages," *New York Times*, 27 July 1980, E3.

⁶⁸ Hanley, "\$8.5 Million Accord Reached," 53; and Lucy Komisar, "Firm Paying Women \$8.5M in Bias Suits," 8 June 1980. See also the news stories from earlier that spring covering Kyriazi's sexual harassment tort claim against her male colleagues: Eric Matusewitch, "Kyriazi v. Western Electric: Court Fines Five Bosses for Sexual Harassment," *Ms.* (April 1980), 27; and "Co-Workers Must Pay Sex Bias Victim," *Daily Labor Report*, Bureau of National Affairs, Washington, D.C., 21 Sept. 1979. The news stories in June 1980 followed a series of articles that had followed *Kyriazi v. Western Electric* over the years, especially in 1976 and 1978 during the discovery phase of the case, the subsequent trial, and the 1978 decision.

⁶⁹ "Answer of Plaintiff-Respondent," 11 April 1979, p. 66.

⁷⁰ "Writs of mandamus" are documents presented to a higher court that charge a lower court, in this case Stern's court, with not following the law or its own rulings correctly. In the case of *Kyriazi v. Western Electric*, they were an attempt by the defendant's counsel to appeal the case, before the case had even concluded. "Answer of Plaintiff-Respondent," 1-66.

almost succeeded: “We [did] not have those kinds of resources. I could not afford even to take on all of Western Electric in New Jersey.”⁷¹

Western Electric’s general uncooperativeness and the legal shenanigans in which they engaged, aided and abetted by their counsel, signaled a number of critical assumptions on the part of company executives and the Kearny plant management. First, they believed that the *Kyriazi* case would eventually go away if only they gave it enough time and threw up enough roadblocks. Second, and more important, the failure of Pitney, Hardin & Kipp to put together a proper defense for their clients and instead to rely on specious legal maneuvers stemmed from the belief that the sex discrimination complaint, in contrast to the claims of racial discrimination in the 1960s, lacked merit. In fact, throughout the case proceedings Western Electric and its counsel continued to voice objections to the legitimacy of women’s rights claims, ironically assuming the stance of the aggrieved and persecuted party at times. Judith Vladeck attributed this to their growing regrets over the “trial strategy [they] adopted,” which, she noted, was “a product of [their] own choosing.”⁷²

The actions or inaction of federal agencies only served to corroborate these assumptions. Western Electric had been subject to equal opportunity mandates under the OFCC since the late 1960s. Although the company filed annual affirmative action reports with the agency, as well as with the New Jersey Division on Civil Rights (NJDCR), the plans for streamlining more women and minorities into their workforces were never considered concrete goals. At the *Kyriazi* trial, Kearny Works managers testified that they “were not really bound by” the OFCC affirmative action plans and that the company simply “negotiate[d] . . . with the contract compliance officer.”⁷³ Likewise, the NJDCR affirmative action agreement, signed with the plant managers in early 1974, proved conciliatory in nature; no real enforcement mechanism or legal penalty, beyond modification of the original agreement, existed if the company failed to meet the goals.⁷⁴ When Vladeck asked the OFCC to play a role in the *Kyriazi* case or to at least attend the trial proceedings, agency officials rebuffed her overtures. Like the overburdened and underfunded staff at the EEOC, which had demonstrated similar ambivalence to the *Kyriazi* case in 1973, the OFCC proved too “indifferent” to the proceedings to take an interest. To Vladeck,

⁷¹ Vladeck, *The Kyriazi Case Reviewed*, 13.

⁷² *Ibid.*, 39.

⁷³ Quoted in Vladeck, *The Kyriazi Case Reviewed*, 12.

⁷⁴ Vernon Potter, Director, N.J. Division on Civil Rights to Western Electric, “Finding of Probably Cause,” 6 June 1974, and Potter, Director, N.J. Division on Civil Rights to Western Electric Kearny Works, “Conciliation Agreement,” 7 Jan. 1975, in the “Appendix to Pre-trial Memorandum,” 11 Oct. 1976, p. 56, box 1, folder 043b, JVP.

these responses indicated a broad-based “failure of government agencies to act.”⁷⁵

More critically, economic restructuring in the 1970s dramatically raised the stakes in the equal opportunity calculus for the manufacturing subsidiary at the same moment that anti-discrimination policy initiatives shifted to the concerns of sex discrimination. Long critical to Western Electric’s labor force, women constituted nearly 40% of workers in the clerical ranks or on the factory floor. But while they labored in large numbers at the company’s plants, women almost always worked in sex-segregated job grades and at gendered wage scales. Undergirding this sexual division of labor was the family-wage system, or the prescriptive structure that defined “male labor as the norm and female labor as an aberration.” Emerging in the late nineteenth century and codified through the New Deal and the Great Society legislative initiatives, the family-wage system “shape[d] a labor market biased toward men (especially white men) and dictated social welfare policy” that “shor[ed] up male-breadwinner households.”⁷⁶ Representing an important variation of the family-wage structure, as it played out at the plant level, Western Electric maintained the place and wages of women in the gendered occupational hierarchy through appeals to this rationale, while diverging from its prescriptions by employing women--many of whom were mothers and wives-- in large numbers for labor-intensive work in telephone and electrical assembly.

As rising production costs and a series of innovations in microelectronics and telecommunications in the 1970s rendered Western Electric’s pre-World War II plants increasingly obsolete, female employees became ever more integral to profit margins by providing cheap labor and an expendable workforce. A precipitous decline in the company’s percentage of defense contract work further attenuated Western Electric’s commitment to meeting equal opportunity obligations for women in the full spirit of the law.⁷⁷ Thus, as national policy conversations and the legal

⁷⁵ Vladeck, *The Kyriazi Case Reviewed*, 11. The OFCC’s reluctance to enforce affirmative action on issues of sex also stemmed from the Department of Labor’s longer-standing resistance to the merits of gender-neutral equality, as embodied in Title VII of the 1964 Civil Rights Act, then the gendered-justice of protective labor legislation that it had long championed. Not until the early 1970s did the agency begin to fully make this shift in its approach to policy.

⁷⁶ MacLean, “Postwar Women’s History,” 238.

⁷⁷ In 1974, renewed antitrust investigations into the monopolistic arrangement of the Bell System, which focused heavily on the subsidiary relationship with Western Electric, furthered the sense that the company was under unjustified attack. By mid-decade, executives and managers began expressing deep affront at the nuisance of broad-based sex discrimination legal actions like the *Kyriazi* case, and the larger conciliatory discrimination action brought against its parent, AT&T. Finding these suits without merit, executives pointed to the company’s record of proactive response to the issues of fair employment for African

strategies created to fulfill the policy prescriptions of the mid-1960s shifted in focus from race to sex they coincided with Western Electric's opposing need to strengthen its long-standing investment in the sexual division of labor and the rationale of the family-wage structure. The "practical struggles for gender justice," furthered by the *Kyriazi* case threatened to undermine and remake the family-wage system at the same moment that Western Electric looked to preserve many of its functions.⁷⁸

These ill-fated circumstances placed the rising tide of women's equal opportunity at odds with the forces of economic restructuring. They drove the particularly hostile and recalcitrant response on the part of the company to the claims of systemic sex discrimination advanced in the *Kyriazi* case and to the remaking of the gendered workforce that it signaled, which threatened to interfere and possibly even overturn critical functions of the occupational hierarchy. At the plant level, these transformations complicated the implementation of equal opportunity policies for women. The Kearny Works heralded no 'Plan for Progress' initiative for female employees in the early 1970s, as it had for African American males in the 1960s. Instead, equal opportunity for women, while rhetorically accommodated, met with many kinds of practical resistance, while every effort was made to subvert the legal arguments made in the *Kyriazi* case.

When Kleo Kyriazi filed her case against Western Electric in April 1973, it exacerbated the already-present tensions over the increasing pace of the equal opportunity program at the Kearny Works and exposed the ever-increasing gap between rhetoric and reality on anti-discrimination and equal opportunity for women at the plant. Regulatory and legal pressures resulted in annual announcements on equal opportunity policy that appeared in the *Kearnygram* (the monthly newsmagazine for the Works), and executives brought in an assistant manager, Norman J. Hobbie, to coordinate the new Equal Opportunity office within the Industrial Labor Relations unit in 1973.⁷⁹ But despite the external and

Americans in the past. Add to this note that Western Electric was also encouraged by OFCC compliance officers who often looked the other way or who articulated that the company only had to try and meet the equal opportunity obligations as best as possible.

⁷⁸ MacLean, "Postwar Women's History," 236.

⁷⁹ Cubby Cuthbertson, the Kearny Works' general manager, issued a statement of policy in the March 1974 issue of the *Kearnygram*, the Works' newsmagazine, which laid out the Affirmative Action plan for the year going forward. In the statement he outlined the company's commitment to equal opportunity measures regardless of "race, color, religion, age, sex or national origin, except where sex is a bona fide occupational qualification." More important, he designated to the Director of Industrial relations the "the overall responsibility of implementing and monitoring the Affirmative Action Program for Kearny Works," and he introduced the new "Equal Opportunity Coordinator" for the facility, Norman J.

internal pressures furthering change at the Kearny Works, the ossified industrial structure and organizational culture of the plant continued to place significant limits on the ability to fulfill the equal opportunity agenda for women in any substantive way.

Evidence in the *Kyriazi* case revealed that it was lower-level managers—the section chiefs—who were the immediate gatekeepers of continued sex-exclusion and sex-segregation at WeKearny. The policies and procedures controlled by these individuals relegated many women to a working life that spanned only a few labor grades. These first-line managers maintained the sexual division of labor through “virtually total authority over each factor in selection for promotion,” and they routinely disqualified women for upgrades and transfers by marking them “not interested” on Placement Lists. Placement Lists, the forms used by supervisors and section chiefs to determine who was next in line to move up the occupational ladder, were rarely shared with employees. Most women never knew when they were “next up” on the list, and the section chiefs consistently failed even to discuss the possibility of upgrade or transfer with their female employees. Instead, these managers tended to use their own authority and judgment to decide whether or not a woman was interested. In addition to marking females “not interested,” the Placement Lists were also littered with potentially discriminatory and vague phrases like “not well qualified,” work “too heavy,” or work “too dirty.” Despite the illegality of these justifications, lower-level supervisors continued the practice fairly unchecked into the mid-1970s.⁸⁰

At the behest of the corporate office, “alarmed at the . . . ‘not interested in promotion’ label utilized by [managers] to justify either the disqualification of a woman or the ultimate award of a promotion to a male,” and in an effort to demonstrate compliance and good performance on equal opportunity as a counter to the impending *Kyriazi* trial, Hobbie launched an audit of Kearny’s procedures for promotion in late 1973.⁸¹ An internal memorandum circulated to all the Kearny Works assistant managers, stating that Placement Lists returned to the “Personnel Department” (Industrial and Labor Relations) with phrasing like “not interested” or “not well qualified,” from that day forward would be returned to department chiefs and sections chiefs, because they were not “defensible from an Equal Opportunity viewpoint.”⁸²

Hobbie, who would report to the Director of Industrial Relations. “Affirmative Action Program,” *Kearnygram* (March 1974), 6-7.

⁸⁰ *Plaintiff’s Amended Pre-Trial Memorandum*, *Kyriazi v. Western Electric*, 11 Oct. 1976, in author’s possession; *Kyriazi v. Western Electric* (1978), 920-23; and Potter, “Finding of Probable Cause,” 6 June 1974; and “Placement List,” in the “Appendix to the Pre-trial Memorandum,” 11 Oct. 1976, box 1, folder 043b, JVP.

⁸¹ *Kyriazi v. Western Electric* (1978), 921.

⁸² J. W. Dietz—41100, to All Assistant Managers, “Re: Audit of Placement Lists,” 6 Sept. 1973, company memorandum, in the “Appendix to the Pre-trial Memorandum,” 77.

But almost half a year later, in February 1974, department and section chiefs had failed to cooperate with the audit. Forced to issue a second memorandum, Hobbie noted that “placement lists have still been returned to the Personnel Organization without explicit reasons for not accepting or disqualifying candidates.”⁸³ The situation reached a boiling point when Methods Organization, the internal procedural compliance unit, began interviewing particular supervisors who had made comments “on placement lists in which they turned down females for specific jobs.” Workers and supervisors mistook the Methods unit interviewers for equal opportunity “Government Representatives,” and a furor ensued on the plant floor. Phone calls poured into the company Equal Opportunity office from Labor Relations, supervisors, and union representatives, all wanting to know who allowed the two federal “equal opportunity” people on the premises. The Local IBEW 1470 recording secretary, Kenneth Kowalski, contacted Norm Hobbie, complaining that “the audit was creating a great deal of unrest because of the surplus situation of many employees. . . . employees were being uncooperative with the interviewers because they misconstrued the intent of the interviews” and suspected that they were being targeted for layoffs.⁸⁴

As the response to the audit interviews reveals, the forces of economic restructuring that impacted Western Electric in the early 1970s shaped the heightened and anxious response toward equal opportunity compliance at the Kearny plant. In the wake of inflation and declining productivity, the WeKearny workforce contracted from a high of 15,000 in 1970 to approximately 8,000 during the mid-1970s, placing many workers in “surplus” status, subject to bumping or layoff at any moment. Industrial and Labor Relations managers concluded that the economic conditions and the necessity of a quiescent workforce precluded any further action on equal opportunity audits “until economic conditions stabilized.” But by the summer of 1976, economic conditions had not improved sufficiently enough for the audit to be reinstated.⁸⁵ At the time the *Kyriazi* case went to trial in 1977, section chiefs continued to disregard equal opportunity-mandated guidelines for Placement Lists. When asked by Judge Stern to produce updated documentation on all the women who were passed over for upgrades and promotions, Ellis Vines of the Equal Opportunity unit, who worked under Norm Hobbie at the time, testified that the some four hundred managers over the course of four years had simply “forgotten” to fill out the necessary paperwork.⁸⁶

⁸³ N. J. Hobbie, “To All Assistant Managers, Re: Placement List Comments,” 6 Feb. 1974, company memorandum, in “Appendix to the Pre-trial Memorandum.”

⁸⁴ K. J. Kubicki—04210, “Memorandum for Record, Re: Procedural Audit Suspension 2/75,” 23 June 1976, company memorandum, in “Appendix to the Pre-trial Memorandum,” 93.

⁸⁵ *Ibid.*

⁸⁶ *Kyriazi v. Western Electric* (1978), 922; and Hobbie, interview, 4-5.

Just as the equal opportunity audits revealed broader economic and job security tensions among the mid-level managers, department heads, and section chiefs at the Kearny Works, the contractions of the WeKearny workforce in the early 1970s also generated friction between the IBEW Local 1470 and the management of the Kearny Western Electric Works. By August 1974, the disagreements between the union and the company over layoffs and benefits resulted in a bitterly fought six-week strike. While WeKearny women walked the line in the 1974 strike, the collective bargaining agreement signed in the aftermath deemed the lowest labor grades—the 32s and 38s (the operatives), and the 202s and 203s (the clericals), which were dominated by females—to be the first laid off at all times.⁸⁷ The new agreement boded poorly for the women of WeKearny, deeming that “when there were layoffs of any substantial size, the women would go first.” Moreover, when recalls began, “the men would be called back first.” Contract law canonized the de facto practice of bumping women first; the brunt of employment anxiety would be shouldered by the Kearny Works’ women throughout the remainder of the 1970s and into the early 1980s.⁸⁸

The calculated collusion on the part of Kearny Works management and IBEW Local 1470 to shift the brunt of bumping and layoffs to those with the least clout in the work organization—WeKearny women—hardly represented a major break from the traditional sexual division of labor in electrical manufacturing.⁸⁹ The disenfranchisement of thousands of women from the historically hard-won benefits of L-I-F-O (last in, first out) at WeKearny in the mid-1970s stood in keeping with the traditional gendered exceptions to seniority that had always characterized the electrical industry.⁹⁰ But the validation of the practice in a collective bargaining agreement in 1974, just as economic conditions throughout the industry worsened, signaled a critical moment when the sexual division of labor and the investment in the family-wage structure not only continued to thrive but became entrenched in new ways.

Under the legal guidance of Pitney Hardin, Western advanced the “family responsibilities” defense, asserting that women at the Kearny Works failed to gain positions in higher jobs grades, more skilled positions, and professional ranks because they were “simply not interested in promotion” and were “unwilling to accept responsibility and [saw]

⁸⁷ As Judge Stern wrote in his 1978 opinion in the *Kyriazi* case: “At the time that the agreement was negotiated, 90% of all grade 32 workers [the operatives] were female; 80% in the grade 202-203 category [the clericals] were female” [emphasis in original]. *Kyriazi v. Western Electric* (1978), 913.

⁸⁸ *Ibid.*, 912-13; and General Agreement G-14, Effective August 27, 1994, 34-35; and Vladeck, *The Kyriazi Case Reviewed*, 6.

⁸⁹ *Kyriazi v. Western Electric* (1978), 894, 913.

⁹⁰ Adams and Butler, *Manufacturing the Future*, 134.

themselves as second wage earners.”⁹¹ Moreover, this defense reflected de facto workplace policy at the Kearny Works, where the “lack of interest” notations on Placement Lists had long restricted women, usually without their consent, from advancing in the occupational hierarchy.⁹²

In addition, testimony given during the *Kyriazi* trial unearthed a deep ambivalence within the Kearny Works’ Equal Opportunity personnel to the very anti-discrimination agenda they were charged with enforcing. Judith Vladeck later recounted that during the trial, Norm Hobbie, who was for a time the “corporate official in charge of Equal Employment Opportunity,” stated that he came to his position with “no experience in affirmative action, never studied it, never took a course, knew nothing about it.” But “he liked ‘the girls,’ [at the plant] and he talked to them at their retirement parties. To him they seemed happy, and it was his impression that they were where they were because they did not want to be upgraded.”⁹³ In his testimony in 1977, Hobbie noted that in a “small sampling of people” that he talked to, he found that “women didn’t want these jobs,” and that they were “happy with the money they make.” According to Hobbie, he tried to understand these women from the point of view of an individual who might be the “second wage earner” in a household.⁹⁴

More alarmingly, Kenneth Kubicki, the head of the Equal Opportunity unit at the Kearny Works in the mid-1970s, told the court that he had never received a “gripe” from a woman because of “sex.” Rather, he said, they lodged complaints about “transfer, because of job assignment, because of downgrading . . . or they feel that they should have been transferred elsewhere.” Despite heading the office specifically meant to address equal opportunity concerns, Kubicki asserted that he did not judge

⁹¹ *Kyriazi v. Western Electric* (1978), 920-24; and Notes on Family Responsibilities, box 15, folder “Notes,” and box 39, folder 0-22a, George Corliss to Mrs. Vladeck, “Re: WE Defenses: Women Are Unwilling to Accept Responsibility and See Themselves as Second Wage Earners,” 16 Aug. 1977, interoffice correspondence, JVP. While knocked down by Judge Stern in 1978, the defense outlined by Lynch and Fortunato, the lead defense attorneys from Pitney Hardin, gained traction less than a decade later in the pivotal *EEOC v. Sears* 1986 decision, in which these arguments won the day, and statistics were tossed out as evidence of a *prima facie* case of systemic sex discrimination. See *EEOC v. Sears, Roebuck & Co.*, 628 F. Supp. 1264 (N.D. Ill. 1986); Alice Kessler-Harris, “Equal Employment Opportunity Commission v. Sears, Roebuck and Company: A Personal Account,” *Radical History Review* 35 (1986): 57-79; Ruth Milkman, “Women’s History and the Sears Case,” *Feminist Studies* 12 (Summer 1986): 375-400; and Jacquelyn Dowd Hall, “Women’s History Goes to Trial: EEOC v. Sears, Roebuck and Company,” *Signs* 11 (Summer 1986): 751-79.

⁹² *Kyriazi v. Western Electric* (1978), 920-24.

⁹³ Vladeck, *The Kyriazi Case Reviewed*, 6.

⁹⁴ “Trial Transcript,” *Kyriazi v. Western Electric*, vol. 6, 18 July 1977, pp. 354-58, box 52, folder “Transcripts,” JVP.

complaints as race or sex issues, but rather as “people” issues.⁹⁵ Kubicki’s assertions were corroborated by Hobbie’s testimony, which relayed that he did not understand that his job required him to look at salary disparities by sex or to address under-utilization of women in particular jobs.⁹⁶ The Equal Opportunity personnel who bore a disregard and even a fundamental misunderstanding of their purpose prefigured the colorblind and gender-blind arguments that gained traction in the 1980s, as well as the ascendancy of reverse discrimination claims and the focus away from quotas, data collection, and statistical analyses of work forces by race and sex.⁹⁷ These developments proved a final leg in the delegitimization of women’s discrimination claims, which threatened to undermine the sexual division of labor in a time of rapid transformation of the political economy.

Conclusion

The transition from the race-based, voluntary compliance to the gender-based court approach, as seen in the transition from the “Plan for Progress” to *Kyriazi v. Western Electric* at the Kearny Works, made for an entirely new set of contingencies for the fulfillment of equal opportunity and affirmative action. Policy implementation and enforcement in the workplace proved critical to the changing shape and tenor of managerial response to the rights claims of women over time. For Western Electric, the changing political economy and the structural shifts of the 1970s heightened these tensions, demonstrating how social policy circumscribed and burdened corporate activity. More important, while changes in social policy certainly shaped the response of business, the business and economic arena in which policy played out critically shaped the breadth of room in which equal opportunity could flourish. As seen in the case of Western Electric, legislative solutions to the problem of discrimination, first crafted in the 1960s, did not easily translate beyond the framework of the postwar liberal economy. Equal opportunity policy shifted to the concerns of women just as the era of postwar affluence came to an end, and the timing proved critical for Western Electric, Kleo Kyriazi, and the WeKearny women. While Western Electric executives commenting on discrimination issues and the *Kyriazi* case commonly linked the growing call for women’s workplace rights as a new twist on long-standing civil

⁹⁵ “Kubicki and Anderson Depositions,” 38-44, box 50, folder “Transcripts,” JVP.

⁹⁶ “Trial Transcript,” *Kyriazi v. Western Electric*, vol. 6, 18 July 1977, pp. 394, 447, box 52, folder “Transcripts,” JVP.

⁹⁷ See “Equal Employment Opportunity Commission v. Sears, Roebuck and Co., testimony of Rosalind Rosenberg, testimony of Alice Kessler-Harris,” in Sybil Lipschultz, ed., *Locating the Role of Labor Politics Within Feminism in the Late Twentieth Century* (New York, 2003), 155-77; Vicki Schultz, “Telling Stories About Women and Work: Judicial Interpretations of Sex Segregation in the Workplace in Title VII Cases Raising the Lack of Interest Argument,” *Harvard Law Review* 103 (June 1990): 1749; and depositions of Kenneth Kubicki and Donald Andersen, box 50, folder “Transcripts,” JVP.

rights demands, the company's response to equal opportunity pressures underwent a marked change over time. By the mid-1970s, the corporate tone became increasingly oppositional, moving from a position of conciliation and pro-activeness to a position of equivocation and, eventually, resistance.

More pointedly, historical patterns of employment and the shifting regulatory and economic environment shaped the politics of possibility for equal opportunity. For black men, this meant a window of rhetorical, if not substantive, equal opportunity leadership at Western Electric in the 1960s, when the civil rights movement was at its height. For women, who had always constituted a larger share of the workforce, even among black workers, the economic implications of their equal opportunity demands in the 1970s, when sex discrimination moved to the forefront, generated greater resistance, even as it was overlaid by some of the same corporate rhetorical adherence afforded to the problem of under-skilled and underemployed "urban negroes" in the 1960s.

Western Electric's opposition to women's claims for equal opportunity and non-discrimination signaled not only the problematic implications for applying theories of race discrimination to sex, but also that what had worked in the previous decade would not translate well in the 1970s. While the Kearny Works had a vested interest in upgrading black workers and tapping into an abundant local labor market; they had more to gain by *not* upgrading female workers, whether black or white, because they continued to underwrite the economic efficiency of the manufacturing workforce.⁹⁸ The seeds of opposition to women's equal opportunity stemmed from deep-rooted patterns that predated *Kyriazi v. Western Electric*. The case provoked so much resistance precisely because it threatened the very heart of the company's long-term investment in a particular sexual division of labor at a time of unprecedented political and economic change. Western Electric's leadership on equal opportunity for minorities in the 1960s provides a useful counterpoint in illustrating this transformation, as it suggests the importance of understanding how race and sex were positioned historically within industrial and organizational structures and how corporate opposition to equal opportunity shaped different outcomes for gender justice in the 1970s.

⁹⁸ For a policy analysis of this phenomenon in the postwar years, see Eileen Boris, "The Gender of Discrimination: Race, Sex, and Fair Employment," in *Women and the U. S. Constitution: History, Interpretation and Practice*, ed. Sibyl A. Schwarzenbach and Patricia Smith (New York, 2003), 273-91.