

Aftermath and Consequences

You can always tell the pioneers from the arrows in their backs.

At this point, most of the people I wrote about in this book are dead. Some died relatively young; some are still trudging on. Some lived very full lives; some didn't. Of those I've corresponded with, or who left oral histories or memoirs, there are two generalizations that can be made. Working in the civil rights movement opened our minds and closed a lot of doors. This is consistent with what I've read about other social movements. Those on the cutting edge of social change seldom benefit and often pay a price. Yet we keep doing it. Anyone watching the nightly news knows that the human race is well supplied with people who will sacrifice themselves to make the world a better place.

In 1984, the three University of Wisconsin sociologists who had surveyed the SCOPE volunteers sent out another questionnaire, to which they received 148 responses. That was 60% of the 223 who answered the first 1965 questionnaire. They found that almost all SCOPERS still had very positive feelings about the summer of 1965 but only a few maintained ongoing relationships with either the local people or other volunteers they had worked with. Politically, they were still liberal, adopting progressive positions on the new issues that had emerged in the previous 20 years, such as feminism and abortion. Few described themselves as radicals; none as conservative. While a couple voted Republican for President, only half voted for Democrats. Third-party candidates were preferred, at least for President. On issues, "black progress" had become even more important than it was in 1965. They were well educated; 92 percent finished college and two-thirds pursued some type of graduate education. Most found jobs in the non-profit sector, or in government, especially as teachers. Many were in private practice as counselors of one sort or another. Insofar as lives could be measured, they had pursued service rather than power or money. (Marwell letter of May 15, 1984, in Hawkins papers, 5:22p80; Marwell, et. al. 1987). In 1993, the sociologists published an article based on the combined responses of 138 white SCOPERS. They concluded that compared to their peers, "former activists are more highly educated, less likely to be married, less likely to have children, more likely to be in service-related professional occupations, and less likely to be highly paid or to be married to someone who is highly paid." (Demerath, et. al., 1993, 193) What the answers to the questionnaires didn't say was how much of this was choice and how much was circumstance.

My own experience taught me that choice was limited by circumstances. A resume that showed the years that I had worked for change organizations, especially for SCLC, closed doors. A resume that left these out, raised questions. My small arrest record affected major decisions in my life.

When I paid my fine for the FSM arrest in the summer of 1967, I thought my record was clear. I had paid my debts to society for my five arrests and three convictions. I was wrong. As I would learn repeatedly over the years, once you are convicted of a crime, your debt to society is never paid and your record is never clear. Many times in my life I have filled out applications for jobs. They often asked about arrests. None of those that did ever offered me a job. Over time there was a change in the wording of the question from queries about all arrests, to queries about convictions only, to queries about felonies, or misdemeanors in the last ten years. Since all my convictions were misdemeanors, after many years I could occasionally answer "no"

truthfully. But as society gets more and more afraid of putting miscreants in positions of trust, employers, particularly governments, are reluctant to hire anyone with any criminal record at all. If that person harms someone, and the employer is sued as a result, the fact that the employee had a criminal record, no matter how old or how irrelevant, is evidence of negligent hiring.

I went to graduate school in Political Science at the University of Chicago in part because the application did not ask about arrests. Entering in 1968, I received my Ph.D. in 1973. My dissertation on *The Politics of Women's Liberation: A Case Study of an Emerging Social Movement and Its Relation to the Policy Process* was published in the Spring of 1975; it was in print for twelve years. In September, it won a one-time prize given by the American Political Science Association for the Best Scholarly Work on Women and Politics. That year I also published an edited volume entitled *Women: A Feminist Perspective*. It quickly became the leading textbook for introductory women's studies courses, which were just emerging. I found that I had a talent for translating complex ideas from social science into words suitable for undergraduates. *Women* went into five editions and was in print for over thirty years. My six months as a rewrite editor for *Modern Hospital* served feminism in ways that would have shocked the men in charge.

Both of those books reflected what I had learned from the civil rights movement, as well as the problems it created. I worked on *Women* for most of my grad school years. Initially I looked for articles on women in the scholarly literature when I did research for term papers. There wasn't much that wasn't very old. The Suffrage Movement had generated a few studies, of a sort, but published research on women faded within a few years of that movement's end. What little contemporary material there was on women was mostly in a sub-field of Sociology on Marriage and Family. That field not only viewed women very traditionally, but didn't have much to say about black women. At conferences, I ran into other women scholars (mostly grad students) interested in researching and writing about women. I invited them to write a chapter for the book, tentatively named *New Thoughts on Women*. Those that submitted chapters got my professional editing job, along with comments about where they failed to include black women, whose lives and circumstances were not always identical to those of white women. Writers using economic and labor statistics could rely on the literature produced by the Women's Bureau of the federal Department of Labor, which made a point of collecting and reporting data by race as well as sex. Those writing on other topics often told me that they found very little. One day I went to the shelves in the University library that housed the three scholarly journals on blacks – *The Journal of Negro History*, *The Journal of Negro Education*, and *Phylon*. I sat on the floor pulling volumes off the shelves and leafing through every single page looking for information on women. My writers were right; black scholars ignored women just as much as white scholars did. What I did find, I sent to my authors with instructions to use it unless they found something better.

In addition to material on black women in individual chapters, I wanted a chapter specifically on black women but I couldn't find anyone willing to write it. I asked all of the black scholars I knew or ran into – especially grad students at the University of Chicago – but didn't get any takers. When I went to political science conferences in other cities and other academic conferences in Chicago, I looked for papers as a source for potential contributors. I found nothing specifically on black women. Pauli Murray let me reprint the chapter she wrote for a different book on "The Liberation of Black Women." A few years later I found a black female scholar willing to write an original article for the second edition.

As part of my research for my dissertation, I went to Berkeley in December, 1972 to pour through the materials at the Women's History Research Library, a collection of early feminist publications which was housed in Laura Murra's living room. Except for a brief foray to Northridge to visit my mother (who was dying of emphysema), I spent a lot of time sitting on Laura's floor going through her collection of newsletters, leaflets, pamphlets and whatever. I took a trip across the bay to talk to Aileen Hernandez, who lived in San Francisco. She was one of the few black women active in a feminist organization. She had been a labor organizer before being appointed by LBJ as the only woman on the Equal Employment Opportunity Commission created by Title VII of the 1964 Civil Rights Act. There she observed the men ignore complaints by women (including black women) in order to concentrate their resources on the problems of minority men. She left the EEOC and helped found the National Organization for Women in 1966. In 1970, she became NOW's second President, succeeding Betty Friedan. I met her at that meeting held just outside Chicago.

Aileen was very helpful, both in telling me what NOW had been doing on the national level for the last few years and in explaining why there were so few black women members. She confirmed what I had observed in the WSO (and other places). Black men wanted to empower black men; they thought black women had too much power over men's lives, not too little opportunity to pursue their own goals. They wanted to dominate black women the way they saw white men dominating white women. They also wanted the deference, support and adoration that they saw white women giving to white men. I'd heard something similar from Pauli Murray, who told me that once Black Power became popular, black women who consorted with white women (as she had often done) were denounced by black men as traitors to their race.

I did lots of traveling in the Spring of 1973; some for job interviews and some for research. One of the women I sought out when in New York City was Eleanor Holmes Norton, whom I'd met in 1970 when she headed the ACLU's women's rights project. She had told me then that "black and white women are in a race to change places." I had read her chapter in the anthology *Sisterhood is Powerful* in which I also had a chapter and thought she could help me find other black feminists to interview for my dissertation as well as give me useful information. I walked into her office expecting a fascinating conversation and walked out in tears. I wasn't prepared for her oral brutality. She spent the whole time trashing me for the "sins of white feminism." Knowing nothing about my personal experience or views, she verbally walked over me with hob-nailed boots. I'd certainly heard about the "sins of white feminism" before but I'd never been attacked as though I were personally responsible. Slightly astounded, I mostly sat silent. I spoke up only when she stated that white women couldn't possibly understand black women because they worked outside the home and white women didn't. While a greater percentage of black women than white women were in the labor force, it was a statistical difference, not an absolute difference. I came from an extended family of women who had always worked and couldn't imagine not working. I also knew the labor statistics by race and sex in detail. When I tried to say that's not exactly true, she cut me off.

I left wondering why she had agreed to the interview if all she wanted to do was use me as a punching bag. I was just a student, researching a dissertation on a topic she supposedly knew a lot about. I wasn't the head of an organization or in any position to do anything about the "sins" for which I was being excoriated. There was no audience to her dumping on me, so it wasn't a performance. The only explanation I could come up with was the historic dislike of black women for white women. Some of this was generic; black women disliked white women

in the same way that workers disliked bosses and tenants disliked landlords. Some derived from the historical “cult of white womanhood” which held up white womanhood as the standard which black women could not meet. While the “cult” was Southern in origin, so were most black women. The reality was that there were very few close, personal relationships between black and white women. Neither knew the other; they only knew the stereotypes.

The result was that most of what I had to say about black women in my dissertation and the subsequent book came from secondary sources. Of course, I had my own observations, having lived or worked in the black community for roughly two years, but I couldn’t cite those in a dissertation. I have also stayed away from Eleanor Holmes Norton. When I find myself in the same room with her, I go to the other side. Just looking at her brings back a host of very painful memories.

My civil rights experience polished my speaking skills. I did very little public speaking while *in* the civil rights movement, but I listened to a lot of preaching and a lot of polished oratory. It stuck. When I began to speak in public, it all came out. Indeed I had to tone it down; my style was initially too preacherly for academic audiences. However, the skill I needed most wasn’t how to speak but how to *tom*. In the jobs that I held, a talent for sycophancy would have taken me further than a talent for speaking. While I learned *about* toming in the civil rights movement, I didn’t really learn how to *do* it.

While in grad school I published a lot of articles and book chapters, and gave a lot of guest lectures on the new topics of “women” and “women’s liberation.” My last year, I hunted for a job while writing my dissertation. My credentials, including copies of some of my 20 publications, were sent to 25 schools with openings in American Government. I had seven interviews. I did not get an offer from any Political Science Department. Late in the year, I finally got one from an American Studies Department at a small state college. After four years of teaching, I was denied reappointment. I hunted for a full-time teaching job for four years but could not find one. Sometimes I would be told explicitly that “we don’t need anyone to teach women and politics.” I taught basic American Government; I *wrote* about women and politics. Over the years I watched other women slowly get tenure track jobs, and after a decade or two, actually get tenure. The ones who got there first were those who took on a lot of departmental administrative and counseling tasks. Those who published a lot frequently had trouble; those who published on women had more trouble. Just as the white South punished blacks who became too big, male academics pushed out women who competed with them for prestige. (<https://www.jofreeman.com/academicwomen/femscholar.htm>)

I did get two one-year fellowships in Washington, D.C. where I decided to stay and seek a position as a policy analyst. Every such position I asked about said they didn’t want a Ph.D. to do policy analysis; they wanted someone with a law degree. This led me to apply to law school twelve years after I had concluded that it wasn’t feasible. By then I had learned that Kayo Hallinan had appealed the State Bar’s denial and the California Supreme Court had ordered his admission. (*Hallinan*, 1966) He went on to practice law and eventually be elected as the District Attorney of San Francisco County.

In 1979, I entered New York University School of Law in hopes of using my skills at researching, writing and speaking to pursue larger social goals as well as earn a living. By then memories of campus disruptions were fading and admissions quotas on women had been

removed by Title IX of the Education Amendments Act of 1972. In fact, I was given a prestigious Root-Tilden Scholarship, which was restricted to men from the time it was established in 1951 until 1969, when women students at NYU Law persuaded the school to drop the sex restriction. Some law school application forms still asked about arrests; at least one admissions officer asked for detailed information after I sent in my application. None of those law schools admitted me. But I had no trouble from the Ethics Committee of the New York State Bar when I was interviewed in 1983 after passing the bar exam. I was told that the interview, by one member only, would take about five minutes. I was the fifth interviewee. The others did take about five minutes each. Mine took less than two minutes. The Committee member looked at me, looked at my lengthy bar application, looked at me, then looked at the bar application once again. "I see you have a few civil rights arrests," he said. "Yesss," I replied, waiting for the other shoe to drop. "Well, I think you'll make a fine attorney," he said definitively. "Congratulations." I smiled in relief. He was black.

I wasn't always so lucky. After graduating from NYU School of Law in 1982 I clerked for a federal magistrate. He was a kind man and it was a good job, but as is typical of clerkships, it was only for one year. I began my hunt for my next job a few months before the clerkship ended. I searched for almost a year and a half before I took the only job that I was offered, even though it was one I didn't really want. During that time I sent out over a thousand resumes and had 25 interviews, mostly for jobs I didn't want. After the clerkship ended, I moved to Washington, D.C., partially to work on California Senator Alan Cranston's presidential campaign and partially because I thought getting a job as a policy analyst would be more likely if I was already in DC. One interview for a job I wanted very much was with the Federal Election Commission. I wasn't surprised to get a second interview. I was probably the only one of several hundred applicants who had taken a law school course in election law and had published a law review article on federal election law. But I was surprised that the only question raised at the second interview was my arrest record (which wasn't revealed by my resume). I learned that when the FEC had phoned the magistrate for a reference he informed them that I had been in jail, but would not explain when or why.

The magistrate only knew about one arrest, as I was discreet about my political past. But he did know that I was a civil rights worker because he recognized what SCLC was when he saw it on my resume. We didn't talk about it. My secret came out spontaneously when he asked me to recommend a sentence for a woman who had pled guilty to income tax evasion. I suggested three days in jail (plus a fine) remembering that that was about the maximum time of discomfort and dismay before one began to adjust to jail life. "Three days in jail?" he said with great astonishment. "It's only her first offense!" "My first offense, I got fifteen days," I retorted. He sentenced her to a fine and probation, never asking me why I got fifteen days, where or for what.

Curious about whether he was volunteering the information or was prompted, I enlisted a friend as an investigator. I gave her his office phone number, telling her to phone him at 7:30 in the morning – when his secretary would not be there to answer the phone – pretending to be researching me for a potential job with a private law firm. My friend reported back that he had high praise for the quality and quantity of my work, but did volunteer without prompting that I had been in jail. When she asked about the circumstances, he told her to ask me directly. I don't think the magistrate intentionally did me a disservice; my guess is that he thought he had an obligation as an officer of the court to disclose everything relevant to a potential employer. But whatever his intention or his knowledge of the consequences, it apparently outweighed his praise

for my work. I have no way of knowing how many potential employers received this information, but only one, the FEC, asked me about it, and that one didn't offer me a position even though I probably had more knowledge of federal election law than anyone else applying for that entry level job.

There was one other DC legal job that I lost by what was on my resume. That was an entry-level legal job at the Federal Trade Commission – nothing my activist past should have any impact on. I was asked to interview three times, which is a pretty good indicator that they are serious about you. At the third interview I was told that all new hires had to be approved higher up for political acceptability. Would I be willing to take some items off of my resume? “What did you have in mind?” I replied. “The following will have to go,” I was told: SCLC (not surprised), the ACLU (my first summer job in law school) and the Brookings Institution! When I heard that one, I laughed. That was the most prestigious entry on my resume. I was still chuckling when they escorted me out of the room. A couple days later I got a standard form rejection letter. I guess they took my laughter as a no, though it would have been hard to erase almost three years from my work history without drawing attention to the holes. I've told this story to many people. Those outside the beltway react with the same surprise that I did. Those inside the beltway nod knowingly. I learned that the Brookings Institution was on the Reagan Administration's enemies list.

Like my arrest record, I'll never know how many jobs I lost because of those entries on my resume. While no one ever referred to my sex as a possible problem, I doubt women were getting the opportunities that men were. I had additional baggage. From the questions I was asked, I inferred that my age and civil rights work disqualified me from everything for which I applied. More than one person whom I asked to review my resume said it looked more suitable for the Carter Administration than the Reagan Administration, even though civil service jobs are supposed to be non-partisan. Not only were the right politics (or no politics at all) a qualification for getting a civil service legal job, but a qualification in private firms as well, at least in DC in the 1980s. As for public interest groups, I saw virtually no openings advertised anywhere; the few I sent my resume to never replied at all. As best I can tell, knowledge of those jobs traveled byword-of-mouth; they weren't advertised in public sources available to anyone looking for a job.

I had already spoken with the NYU placement office about my inability to get a public interest job when I received no offers for my second summer job. My first summer job at the ACLU had been unpaid. An interview with the NAACP Inc. Fund for my second summer job was my only other public interest interview in all the years I looked for a job. NYU Law had a special fund to pay students working for public interest firms during the summer, so I would have cost the NAACP Inc. Fund nothing. I suspect this is the one time that having SCLC on my resume was beneficial, but it only got me an interview, not a job. I left with the feeling that a 35-year-old white woman was not exactly what they had in mind for a summer associate.

When I spoke to the NYU placement director about this lack of interest, she said that public interest firms were always low on funds so didn't want to spend time training anyone. They only wanted people (for full time jobs, not summer jobs) with experience. She recommended that I find a job in the government or private sector so I could get that experience. I expanded my search parameters. When I did get an interview with a private law firm, I was asked a version of “What are you doing here? Aren't you really the public interest type?”

Judging from the questions I was asked, my Ph.D. was also a problem. I was repeatedly asked why I wanted to leave college teaching for the mundane practice of law. I said the academic job market is very tight, but the only interviewer who nodded knowingly was a man whose wife had a Ph.D. and couldn't find an academic job. Everyone else seemed to think it meant that I was downwardly mobile, which implied that there must be something wrong with me. I had run into this in my last year in law school when I looked for my first post-graduate job. The NYU placement office offered a service by which it sent to all of the legal employers in New York City resume summaries written by students without names or other identifying information. Those recipients who wanted to know more asked for full resumes by number. Students were notified which potential employers had asked for a full resume. The placement office allowed me to write two such summaries, which were given different numbers. Both included the same law school information but in different words so the duplication wouldn't be obvious. One included my U. Chicago Ph.D.; the other did not. The summary without the Ph.D. got many more requests for a full resume than the one with. Furthermore, all the employers who requested the resume with the Ph.D. also requested the one without, indicating that the extra degree was not an extra asset.

I was unemployed for sixteen months after my clerkship ended (except for the Cranston campaign). Ironically, the only job I was offered was with the Kings County (Brooklyn) District Attorney's office, which did not ask me about arrests or convictions until *after* I was hired. Former Congresswoman Elizabeth Holtzman was the District Attorney. In her year between public jobs (after defeat for the U.S. Senate) she taught at NYU Law School, where she was the professor from whom I had taken the course on election law and for whom I wrote the term paper I later published in *Pace Law Review*.¹ When she ran for D.A., she promised to "upgrade" the office by hiring graduates from more prestigious law schools who were reluctant to take the low salary given to entry level A.D.A.s. I had minimal interest in criminal law or any desire to be a prosecutor, but exhausted and demoralized from over a year of fruitless searching, I let her recruit me.

It was the worst job I ever had. Bar none. Not because of the work, but because of the highly punitive nature of the office. In a functional bureaucracy, policy flows downward and information about problems flows upward so they can be addressed and hopefully solved. In a dysfunctional organization those channels are blocked, or skewed. At the Kings County D.A.s office, ADAs found out about policies by violating them. It was a little like touching an invisible, electrified fence. There were no signs; just shocks. Anyone who mentioned a problem to a supervisor was a complainer. Complainers were bad people. Bad people were prosecuted and punished. This was an extreme form of a male culture in which "toughness" was the measure of virtue. Those who could take punishment and dish it out rose to the top. Those who couldn't, left or were driven out. This culture probably grew when the D.A.'s office was all male. As I knew from working in the South, cultural change is hard and does not happen quickly. Even though the D.A. was a woman as were almost half of the ADAs, the culture still favored the tough.

Once again I learned to keep my civil rights past a secret, though one could argue that

¹ "Political Party Contributions and Expenditures Under the Federal Election Campaign Act: anomalies and unfinished business," 4:2 *Pace Law Review*, Winter 1984, pp. 267-296.

that demonstrated my “toughness.” My first day in court when I heard the judge bang his gavel, I had a flashback to the Grenada Co. jail in 1966. For a long moment, I heard the deputy bang his billy club against the wall to get my attention before beginning his sex talk. I don’t know how long I stared off into space, but when court adjourned for the day, I was called into my supervisor’s office to explain myself. Still new enough to be naïve I told him the truth. He said that made me sound like a psych case; the DA’s office didn’t want any psych cases on their staff. That was just the first of many bad experiences. While working there, I wrote long letters to my friends describing the many pathologies I observed in the operation of that office; they found it hard to believe that a workplace could be so bad.

My criminal history record did not keep me from becoming a criminal prosecutor, but it did keep me from becoming a notary public or getting a real estate license. The New York statutes on these professions specifically bar anyone convicted of a felony or certain misdemeanors, including trespassing.² My first two convictions (2nd and 3rd arrests) were for trespassing; that’s what you’re charged with for sitting-in and refusing to leave. After a year, the new ADAs were asked to become notaries so we could verify witness affidavits. When I got the application from the Secretary of State’s office I found that it not only asked about convictions but required a “certificate of conviction” for each one, even those that were not disqualifying. I reluctantly wrote to the criminal courts in the one county in Alabama and the two in California where I had convictions. Only Jefferson County, Alabama, sent me a certificate, for breach of the peace, which was not disqualifying. Alameda County replied that it didn’t keep records over twenty years old and San Francisco County did not reply. After writing more letters and making a couple phone calls, I asked my former roommate, Toni, who was then living in S.F., to go to the courthouse and see if she could pry loose a certificate, or at least a letter saying there was none. She tried, but got only an oral reply that there was nothing on record.

All this put me in the incongruous position of having to apply for a commission from which I was statutorily barred, by disclosing a conviction for which the convicting county would provide no record or even a written statement that there was no record. I did not discuss any of this with my supervisor at the D.A.s office because I knew that he would have no sympathy whatsoever for my plight. He would probably accuse me of hiding my criminal history record when hired; why else would the office hire me? I had fully disclosed my record (all arrests, not just convictions) when I filled out numerous forms my first day on the job, but I did not know at that time about the statutory bar for notaries or that the D.A.s office would want me to become one. Instead of confronting the problem, I stalled. Before I had to face it I parted company with the District Attorney’s office.

Once in private practice I studiously dodged any applications that would require disclosing my record to avoid a repeat of the problem the magistrate had caused. (Bar applications are sealed and can only be opened with a court order). Private attorneys often become notaries, but I could pay someone else to notarize a client’s signature. Friends who worked in the Kings County court system pressed me to put my name on lists for various fiduciary positions to which the court appoints attorneys. Since the applications required

² New York Executive Law §130 says: “No person shall be appointed as a notary public under this article, who has been convicted in this state or any other state or territory, of a felony or any of the following offenses, to wit:...(d) unlawful entry of a building.”

disclosure of all convictions, I demurred. My political friends wanted me to become a notary so I could pass nominating petitions for districts outside those in which I lived, but I did not tell them why I would not do so.

In 1993 I was appointed to a two year term on my local Community Board by the Brooklyn Borough President on the recommendation of my City Council member, for whom I had won a major legal case that facilitated her election in 1991. I filled out an innocuous form. The 1995 reappointment application had a new item: "I (check one) have ___ have never ___ been convicted of a misdemeanor or felony. (If you have, describe and explain on a separate sheet of paper and attach it to the application)." I skipped it and was reappointed. In 1997 I did the same, but this time the Borough President's office informed me that my application was incomplete. Over the phone, I told the Director of Community Boards the full story, explaining that I did not want to create a public record which might haunt me in ways I could not anticipate. "Besides," I said, "I've served four years in this unpaid, powerless position; why do you need a *written* explanation of three, thirty year old misdemeanor convictions?" "It's our policy," he said. "I can't waive it." Next I heard from my City Council member. I told her everything. "Don't worry," she said. "I want you on the Board. I will talk to the Borough President." I did not hear from her again. When I went to the next Community Board meeting, the District Manager informed me that I had not been reappointed and therefore could not participate in the meeting. Soon, I received a letter from the Borough President confirming that I had not submitted a complete application. He thanked me for my service.

In 2001 I retired from the practice of law. Now that it no longer matters, I'm free to disclose everything and did so in this book.