NATIONAL WOMEN'S POLITICAL CAUCUS CALIF. CONVENTION

"The hand that rocks the cradle can also rock the boat".

Women from all over California and many from out of state met September 29-30 at the Claremont Hotel in Berkeley to discuss, evaluate and change women's role in politics.

Panels and workshops led to stimulated conversations and debates. One unexpected question raised was why don't women support other women seeking political office. The last day may have provided the answer.

More about the NWPC in next month's FN.

Speakers included Aire Taylor, representative from Colorado; S.F. Supervisor Diane Feinstein; and Rena Sessler, chairperson.

Pat Goudvis photos

CHALLENGING THE RATIO:

STANFORD AND U.C. BROUGHT TO COURT FOR SEX-RACE DISCRIMINATION

by Patricia Hanley

At the heart of the social life on every college campus is the iron law of the "ratio". The "ratio" is the number of men versus the number of women in the student body. Stanford University's "ratio," two men to every woman, has brought considerable notoriety. Supposedly, a Stanford man had to learn how to scramble quickly before his chances for quality on-campus female companionship disappeared.

Since the political awakening of the mid-sixties, the Stanford social structure has changed drastically especially with the advent of coed dorms, the gradual decline of fraternities, and a partial breakdown of sex-role stereotypes.

But what has not changed is the "ratio", and, viewed in the cold light of social awareness, it is no longer a simple matter of humorous nostalgia or rueful reality. Instead, the famous and rarely-questioned tradition is recognized as only the most obvious restriction against women, and as a mirror of the wide-spread preferential treatment for white men in both education and employment at the university.

The ratio of men to women at Stanford is greatly at variance with the general population. According to the 1970 California census, white men 16 years and over comprise 37% of the population. At Stanford over a three-year period between 1970-73, the average percentage of white men in the student-body was 69%.

A ceiling quota for women limits the number of women admitted as freshmen to Stanford to 40% of the freshman class; also, the overall student body ratio of women is restricted to approximately one third.

No Legal Basis for Quota

The rationale, legal and otherwise, which underlie the "ratio's" continuance at Stanford were not examined or challenged until recently. Dr. Nancy Jewell Cross, a Stanford alumna and a people's advocate in Menlo Park, California, read the Stanford charter in the Santa Clara County superior court clerk's office in January, 1970.

She found that the quota and its corollary restriction are in express opposition to the original Stanford charter of Leland and Jane Lathrop Stanford. As signed on Nov. 11, 1885, the charter in part fourth, clause 16, states that "The trustees shall have power and it shall be their duty. . . to afford equal facilities and give equal advantages in the university to both the sexes."

On May 11, 1933, the trustees passed a resolution to change the quota of women admitted to the freshman class to 40%, with instructions to restrict the overall student body ratio of women to approximately one-third. This quota and ratio policy continues to the present day.

A Breach of Trust

Since the trustees acted on their own authority and did not bring their resolution to court, Dr. Cross declares the resolution to be "manifestly inconsistent with the charter, and a breach of trust."

During 1970, Dr. Cross circulated a petition asking for reciprocity and fairness by sex-race in education and employment at Stanford University, the petition was endorsed by the Bay Area Women's Coalition.

The Stanford board of trustees refused to allow presentation of the petition on their agenda for discussion in March 1971, although it had several thousand signatures.

Dr. Cross then filed complaints against Stanford with the Department of Health, Education, and Welfare, The Equal Employment Opportunity Commission, and The State Fair Employment Practice Commission. She also filed a class action suit in the Santa Clara county superior court with Linda Crouse, a computer programmer at Stanford Medical School.

No action was taken by any of the agencies, although they exist to implement "affirmative action," that is, any endeavors to improve employment and promotional activities for any group that has been discriminated against because of race, religion, sex, or other national origin.

In June 1971, HEW did say that it would make a contract compliance review, or investigation, at Stanford, but has taken no action to date. FEPC closed Dr. Cross's case without taking any action. Dr. Cross asserts that "FEPC systematically refuses to beneficially process employment complaints for white women in contrived exercise of affirmative action. . ."

The Berkeley League of Academic Women has encountered similar delays and obstructions with HEW. Two and one-half years ago, the league filed a complaint of sex discrimination for academic and non-academic employees against the University of California at Berkeley. However, any action taken on the complaint by HEW would undoubtedly have had enormous repercussions because the campus was precedent-setting Berkeley.

So the complaint became a "political football" in Washington, according to a spokeswoman for the league, and no action was taken.

HEW Drags Its Heels

Finally, on February 15, 1972, the league filed an employment discrimination suit in superior court against the regents, president, and chancellor of UC Berkeley. The judge refused to grant a restraining order for the University to stop its hiring practices until an agreeable settlement was reached with HEW.

At Stanford, the board of trustees were forced to respond to growing public awareness of the quota/ratio inequity, due largely to the petition with the Santa Clara county superior court for deletion of the dubious amendment to the charter which limited the number of women at Stanford to 500. This amendment had already been declared invalid by the same court 70 years before. "A public relations ploy," said Dr. Cross.

The suit was uncontested and the court decree read as follows: "resolved

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of individual qualifications.

Court Action

The court action of Dr. Cross did not fare so well, however. Santa Clara County Superior Court Judge John Smith McInerney dismissed the action in 1972.

McInerney later acknowledged he consulted secretly out of court with the then member, and now chairman, of the Stanford Law School Board of Visitors, Miriam Wolff, San Francisco Port Director. The board of visitors is an honorary advisory board of about 70 members, mainly graduates of Stanford Law School. It meets once a year with the dean of the law school to offer counsel and criticism.

Due to this conflict of interest, Dr. Cross asked in the California court of appeal for a specially composed court which would be impartial between the parties. The appeal was dismissed without a hearing before opening brief was filed or due, and without an opinion on Feb. 8, 1973.

The order which denied petition for hearing and concluded action in all State courts was signed by Donald R. the petition is October 1973, when the supreme court convenes after the summer recess. Two members of the supreme court, Byron White and William Rehnquist, are also members of the Stanford Law School Board of Visitors.

Dr. Cross commented, "I am anticipating that the U.S. Supreme Court will recognize the difficulty to the courts' institution and to our major institutions of learning by the judges' assuming duties on the Board of Visitors, and that it will also recognize the need for some action to assure impartial court in such instances."

Questions for the U.S. Supreme Court

Dr. Cross will ask the Supreme Court to rule upon three questions. The first question arises from the original objectives of fairness by sex-race in education and employment. It reads: "Should courts enforce Stanford's charter and other constitutions, statutes, and government contracts in provisions for sex-race equality?"

The second question proposed by Dr. cribes the unique and frustrating situation Dr. Cross encountered in the courts: "Does this action require the State of California to provide an impartial forum or court to make a decision that is free from people who are counsel to Stanford University while they are also acting as judges in the action?"

Checking Ideas Against White Men's Standards

When asked how she saw the problem of fairness by sex-race in the distribution of University and other resources, Dr. Cross replied that she did not view it as ethical or legal in the usual sense. She said, "We have enough laws: It's getting them into operation. It's not a matter of new legislation or court decisions. I feel that too much the problem of discrimination by sex and race has been a matter of recrimination on the basis of morality or ethics." She saw the problem as a "perceptual difficulty with no intent to injure," a perceptual astigmatism caused by growing up within limited environments.

Dr. Cross continued, "White male

"So they have little chance . . . to develop binocular and stereo social judgement as other people do. Watergate brings into sharp focus certain kinds of training. There are numerous lawyers who check ideas for consistency only against the standard of white men's ideas and history. They are unable to receive original ideas from women in law or any other people."

Whether the quota is abolished at Stanford, or whether any of the questions are satisfactorily resolved by the Supreme Court, Dr. Cross has laid an extensive groundwork for future implementation of legal rights for women.

*In mid-September, Stanford announced the hiring of Sally Mahoney as university registrar. Mahoney had proviously served Stanford as assistant provost, director of the Stanford summer session, residence director, assistant and then associate dean of students. While congratulating Mahoney on her new position, it might be questioned whether the hiring of one woman - or one woman six times - constitutes affirmative action. ■