



On a snowy day in 1985, state employees and supporters held a rally for comparable worth at the state Capitol. AFSCME Council 28

PIONEERS IN PAY EQUITY

CHRIS GREGOIRE'S "MOST UNIQUE CASE"

A few days after flinging her Husky mortarboard into the air, Chris Gregoire began her career in state government typing and filing in a Seattle probation and parole office. It was the summer of 1969. Her training as a teacher kindled her interest in juvenile justice and she applied for a promotion. A supervisor told her he didn't need a "token" right then. Unfulfilled and underpaid, she quit and staked her future to Gonzaga Law School, where the vast majority of her classmates were men.

In 1982, just five years out of law school, she was arguing a case with national importance and huge implications, particularly for the gender gap in pay. Women were then earning about 62 cents for every \$1 men made. But Gregoire, who had been named Washington's first woman deputy attorney general, was not locking arms with feminists. Her job was to fight a union lawsuit alleging discrimination in state salaries for women.

"There was nothing about this case that wasn't fraught with controversy," the former governor remembers.

The lawsuit was rooted in an innovative argument. Union attorneys said employers needed to go beyond the existing doctrine of "equal pay for equal work." That 1963 law rarely applied because men and women didn't often perform the same work. They were segregated by occupation. Engineers were men, nurses were women; same with plumbers, librarians and more. The idea unveiled in Washington was called "comparable worth." It hung on the notion that jobs of *similar value* to an employer should be paid the same.



Former Governor Chris Gregoire, the state's first female deputy attorney general, felt "constant mixed emotions" about her role in the comparable worth case. *Washington Attorney General's Office*

The concept would migrate from the country's mossy northwest corner to the marbled halls of Congress and the Supreme Court. It would propel the idea of pay equity, while boosting women's activism, wages and self-respect. And it would ultimately fall short of sweeping the nation, stalled mostly by conservative thinking in business, politics and especially the courts.

The union was "very strategic," Gregoire says, in choosing Washington as the laboratory for testing comparable worth. It was betting on the state's reputation as a leader on women's issues, from suffrage to equal pay. If the lawsuit didn't prevail in court, the logic went, then women workers could still win in the court of public opinion, and pressure lawmakers that way for pay parity.

Comparable worth proved to be "the most unique case" Gregoire ever handled. It was rivaled in complexity, says the former three-term attorney general, only by the \$206 *billion* tobacco settlement on which she led the negotiations for 46 states that had sued the industry.*

But she wore a white hat and sheriff's badge in the tobacco showdown, while squaring off against mustache-twirling villains. Comparable worth was more ambiguous—and rife with conflict. "On this one, I had constant mixed emotions," Gregoire says. "It was trying and difficult for me."

From her own experience she knew women working for the state were underpaid. From her expertise, she knew that didn't mean the state was guilty of illegal discrimination. The state had set salaries by following an elaborate survey of 2,700 jobs in the private market. How was that unlawful?

Her job was to represent the state's elected leaders. When it meant arguing against comparable worth, she did that with focus and firmness. If it meant negotiating a deal to raise pay for women, she applied the same determination.

"I happened to be a woman on a case, doing a lawyer's job," she says—albeit no ordinary case and no easy job. Four governors juggled the political grenade. Two future U.S. Supreme Court justices dealt sharp body blows to the cause. The President of the United States mocked it.

At different stages of the case, Gregoire would lose badly, win thoroughly, and then draw. The final result, a \$500 million settlement between the state and union that brought raises to 35,000 employees, was the most satisfying to her. "I had been a clerk-typist. I knew how low my income was. And I had a college degree. And I didn't know how people could have a family on my salary," says the state's second woman governor.

While the historic settlement in Washington amounted to progress, it did not completely implement comparable worth. And a stubborn gender gap in pay remains in Washington, and around the country.

* The costliest settlement in U.S. history, it also banned the Marlboro Man, Joe Camel and other cigarette advertising.

But The Evergreen State is again ahead of the curve. It is one of seven states with a strong pay equity law, according to the American Association of University Women, thanks to a 2018 bill that revives elements of comparable worth.

COMPARABLE WORTH was born in Washington, christened in 1973 by Larry Goodman, a union representative for state workers. Goodman gave a speech in Seattle that landed on the front page of the *Post-Intelligencer*. In his talk, he accused the state of perpetrating “sex discrimination in pay practices.” It tended to pay women less than men, even when their work seemed as important or difficult as a man’s. Assessing the “comparable worth” of different jobs was not radical, he said. Consulting firms did it for corporations. (Although they hadn’t applied such evaluations to gender bias.)



Norm Schut, executive director of the Washington State Federation of Employees, was a member of the Washington Women’s Council. *State Federation of Employees*

In Olympia, Goodman’s boss picked up the morning paper and nearly dropped his coffee mug. Fortunately, Norm Schut, director of the Washington State Federation of Employees, had a good relationship with Governor Dan Evans. And on November 20, 1973, after Schut cooled down, he sent Evans a letter saying that discrimination was baked into state salaries because they were based on sexism that “permeates through the private sector.” To start on a road to redress, Schut requested an analysis of wage disparities based on gender. The Washington Women’s Council, of which Schut was a member, also advocated a study.

Evans, it turns out, was familiar with a study that used comparable worth principles to assess the value of state elected officials and appointed managers. (Elected officials earned less than managers, the study found, and both made far less than private sector peers.) In other words, you could compare truck drivers and secretaries by assigning numerical scores to key facets of their work, such as skills and responsibilities. When the metrics showed jobs to have equivalent values, their pay should be the same.

The governor nudged the ball forward. Evans responded with a letter saying if state salaries were biased “then we must move to reverse this inequity.”

The governor paid consultant Norman Willis to conduct a study of 121 female-dominated and male-dominated “benchmark” jobs.* Willis concluded that

* Because the state had more than 3,000 job titles, personnel officials set salaries for a much smaller number of “benchmark” jobs. Salaries of related positions were “indexed” or adjusted to those benchmarks. “Secretary III” was a benchmark title; other secretarial jobs, above or below it in class, would be scaled accordingly.

the women's jobs were paid an average of 20 percent less than men's for work of comparable value.

Jim Dolliver, a former Evans aide who went on to become a Washington Supreme Court justice, would later testify that the studies showed that "sex seemed to be the only" factor in the pay disparities.

It's one of the oldest stories in history, says Barbara Reskin, a University of Washington professor emeritus. "According to the Old Testament, women's work has been undervalued for at least 3,000 years, which is approximately when Leviticus wrote that a male servant was to be valued at 50 shekels and a female at 30 shekels," says Reskin, author of six books about gender and race in work.

HELEN REMICK moved to Washington in 1975 and became director of affirmative action for women at the University of Washington.

"I thought I had gone to heaven," Remick says, recalling when someone gave her one of the state studies on comparable value.

She had faced discrimination as a young faculty member in California. She was interested in feminism and found it resurgent in Seattle during the 1970s. The Seattle-King County chapter of the National Organization for Women was as brash as Remick. The group famously created a poster of Israeli Prime Minister Golda Meir with the caption, "But can she type?"

With her Ph.D. training as a developmental psychologist, Remick was comfortable with computers long before desktop PCs existed.

She jumped in with a paper analyzing

Washington's trailblazing study, which was eye-opening. The female-dominated position of Secretary III required an array of skills, from shorthand to managing an office, plus a high school diploma and two years of experience. The male-dominated "traffic guide"—essentially a parking attendant—required little more than a valid driver's license.

The traffic guide's pay was slightly higher, although



The Seattle-King County chapter of NOW created a famous poster of Israeli Prime Minister Golda Meir.



Helen Remick, University of Washington's director of affirmative action for women, was an expert witness for both sides in the federal comparable worth lawsuit. *Helen Remick*

the Secretary III post tallied more than twice as many points, 210 to 89, in value.

The findings were a revelation. Washington was the first employer to apply point-system evaluations specifically for gender bias, Remick reported. “Before the comparable worth study, women *felt* they were being underpaid,” she says. “The study provided the hard data to *show* the salary differences. Before, academicians made hypothetical arguments to support their beliefs about sex discrimination in employment. After, there was at least one set of data to study: a management tool, with management-accepted standards, showed systemic gender inequality within the workforce of a single employer.”

Remick would spend the next decade immersed in comparable worth as the concept gained traction with unions, feminists and academics. (While the terms “comparable worth” and “pay equity” were used interchangeably, some have viewed pay equity as the larger issue or goal, and comparable worth as a tool for achieving it.) She wrote papers and spoke at conferences in the U.S., Canada and Sweden. She appeared as an expert witness for both sides in the federal legal case over comparable worth. And she played a part in devising the eventual settlement between the union and state.

Along the way she would get to know Jennifer Belcher, who started her state work in the Evans administration and would specialize in women’s issues for Evans’ successor, Dixy Lee Ray, when the struggle took an unexpected turn.

BELCHER WAS a 23-year-old administrative secretary for Evans’ planning director, Richard Slavin. She typed, filed, set up appointments, played gatekeeper, and even



Jennifer Belcher started as a secretary in Governor Dan Evans’ office. She later chaired the Legislature’s joint committee on comparable worth. *AFSCME Council 28*

prepared her boss’s lunch. She too felt stung by discrimination. She played a key role, she felt, in her boss’s success. Her boss also had an aide who was a young attorney. “He didn’t do half of what I did and got paid more. He was an administrative assistant. I was an administrative secretary. You couldn’t be a woman in work those days and not feel discrimination,” she says.

Belcher’s mentor was Jo Garceau, Evans’ liaison on women’s issues. Garceau invited Belcher to tag along with her to meetings. “I got to sit in on executive pay issues,” Belcher says. “Then when comparable worth came along, it was a natural interest.”

She recalls that near the end of Evans’ 12 years in office he gathered staffers and asked them to think of three things he should



Governor Dixy Lee Ray said comparable worth was like mixing “apples with pumpkins and a can of worms.” *Washington State Archives*

do before he left office. In his proposed budget for 1977, Evans included \$7 million to begin implementing comparable worth. He hoped it would be gradually carried out so it wouldn't prove disruptive to state budget-writing.

Then the state's first woman governor was elected. The iconoclastic Dixy Lee Ray quickly put the kibosh on Evans' plan.

Belcher was one of Ray's few holdovers from the Evans' administration. She was office manager and represented Ray on women's issues. “It was a tough place to be,” she says.

Ray didn't know much about comparable worth. Based on what she had heard, she said it was like mixing “apples with pumpkins and a can of worms.” She wiped out Evans' \$7 million appropriation from her budget, even though the state enjoyed a surplus of funds. “The ultimate irony is that she was the first woman governor

in the state's history and that's one of the things she eliminated,” Evans later said.

On her way out of office in 1980, Ray expressed a change of mind. She told the Legislature “the cost of perpetuating unfairness, within state government itself, is too great to put off any longer.” But new Governor John Spellman and lawmakers—facing a billion-dollar budget deficit—appeared either unfazed by the warning or paralyzed by the prospect of acting on it.

FED UP WITH THE INERTIA, the state federation of employees and their powerful parent union, based in Washington, D.C., prepared for action. The legal team of the American Federation of State, County and Municipal Employees' was led by Winn Newman. As attorney for the electrical workers' union, Newman had won groundbreaking anti-discrimination settlements for women employees at Westinghouse. Newman modeled his arguments on those of civil rights lawyers. He had gone to work for AFSCME because the union was committed to significant spending on pay equity struggles.* More than half of its 1 million members were women. And pay issues had percolated up through the ranks. A committee on sex discrimination was created at the union's 1972 national convention. Its survey of members found that pay inequity for women was their most pressing issue.

But how Norm Schut and his union of state employees came to comparable worth as a solution was more nuanced. Schut later explained that the union's progression had started in the late 1960s by looking at workers in state psychiatric

* Martin Luther King Jr. was slain in Memphis after going there to support striking AFSCME sanitation workers who said they were underpaid because most of them were black.

hospitals who had, by far, the most contact with patients. They were usually ward attendants and nurses. And they were paid less than the carpenters, painters and truck drivers who had no direct contact with often-difficult patients. Schut came up with the idea of paying nurses and attendants “on the basis of how important their job was to the mission and the role of that institution.”

Those workers soon got significant raises. So the union’s focus turned to determining the value of one job in comparison to another in a given program or workplace. Meanwhile, administrators and other women professionals at Washington State University and University of Washington “were stirring it up,” Schut said, over gender disparity in pay. But the women lacked a political strategy. “We needed something we could sell, that was defensible, that would attract the minds of the people, the Legislature, make good media copy, too,” he said. The union could articulate the new concept of comparable worth, give it legitimacy, and press levers in the legislative process to make it a reality.

Progress had been slowed in the 1970s by economic stagnation. Conservatives began to make public employees a favorite scapegoat for rising government budgets. President Ronald Reagan delivered a blow felt in union halls around the country when he fired 11,000 air-traffic controllers for illegally striking in 1981.

Schut also faced resistance from Jerry Wurf, the powerful national president of AFSCME. Wurf was worried comparable worth would detract from the civil rights movement, with which he was deeply involved.

But by late 1981 Wurf had died and his successor, Gerald McEntee, was more receptive. AFSCME steered into the storm. It filed a complaint with the federal



The union’s comparable worth lawsuit featured eight women plaintiffs, including, from left: Willie Mae Willis, Penny Comstock-Rowland, Peggy Holmes, Helen Castrilli and Louise Peterson. George Masten, director of the State Federation of Employees, is third from left. *AFSCME Council 28*

Equal Employment Opportunity Commission, a necessary first step before going to court. The EEOC did not respond in the allotted 180 days. Just as that deadline passed, President Reagan appointed Clarence Thomas, a future Supreme Court justice, to head the commission. Thomas would prove dismissive of comparable worth in subsequent EEOC cases.

By July 1982, when Newman and AFSCME filed a discrimination lawsuit in U.S. District Court, more than 100 state employees were paid so little they received welfare checks. Most of the workers were clerks and single mothers with take-home pay of less than \$1,000 a month.

The union lawsuit featured eight women plaintiffs. Soon, AFSCME had more public relations people than lawyers working on comparable worth. The plaintiffs' stories made their way into newspapers and the airwaves.

Helen Castrilli, a medical secretary at Western State Hospital, felt her blood pressure rise whenever she looked out her office window at the gardeners. Castrilli knew the gardeners made \$300 more a month than she did working in a pathology lab, where she was required to transcribe autopsy and surgical reports, order supplies and schedule tests.

"I'm not talking horticulture," she said about the gardeners. "I watch these guys work. They mow, they dig up flower beds, they do minor pruning—the kind of thing my son did to earn money to buy his first car."

Castrilli studied business at Tacoma's Lincoln High School. She wanted to be a secretary because her dad spoke about how helpful his office secretary was. That sounded "pretty neat" to her. She started as a clerk-stenographer at the hospital in the late 1950s when many women worked just to supplement their husband's income.

She worked until she had children. "I wanted to stay home and raise them—that's what women did in those days—but I was out for only five years when inflation drove me back." In 1970 her income was needed to help pay basic bills. She and her husband, Louis, a forklift operator, owned a three-bedroom home with a recreation room, fireplace, and small above-ground pool. They had two children and Castrilli worried about how to pay for their college education.

As the union was gearing up for a lawsuit, she became president of the 1,200-member local at the hospital. When she was asked to be a plaintiff, Castrilli, in a quiet but firm voice, said, "You betcha."



"We knew we were making history," said Helen Castrilli, president of the local union at Western State Hospital. *AFSCME Council 28*



At the time of the union lawsuit, more than 100 state employees—mostly women –were paid so little they received welfare checks. *AFSCME Council 28*

She became a leading spokeswoman for the cause. “Through the union, I’ve learned how to fight back, stand up for my rights, get things done and help other people. But I could never had done it without my husband’s support.”

She said she felt like a trailblazer. “It’s a revolution. We knew we were making history. I’ve been on a high since the day I became involved, because I’m convinced it’s so right.”

A tailwind was starting to swirl behind comparable worth. The 1982 elections gave Democrats control of the state Legislature. Belcher had spent a good part of the previous year stumping for the National Women’s Political Caucus, encouraging women to run, while also explaining comparable worth to Kiwanis Clubs and women’s groups around the state. Helen Sommers and Shirley Galloway, both elected to the Legislature in the 1970s, recruited Belcher to run for a seat in the House. She beat a moderate Republican and became a representative for most of Thurston County. Comparable worth was a top priority for her.

CHRIS GREGOIRE GRADUATED from law school in 1977 and interned with the Attorney General’s Office in Spokane. She was preparing her resume when Slade Gorton, the state’s attorney general, called.



Washington Attorney General Slade Gorton hired a handful of Gonzaga School of Law graduates to work in his Spokane office (from left): Craig C. Beles, Gayle M. Ogden, Christine O'Grady-Gregoire, Peter J. Bezek and Gary D. Keehn. *Washington Attorney General's Office*

Gorton, she says, realized private law firms were still reluctant to hire women. "He came to the conclusion that if you were a woman in law school and doing well, then you had to have a special bit of gumption and capabilities," she says. And he figured the state could capitalize on the private sector's sexism. She joined Gorton's staff as an assistant attorney general.

Gorton's successor, Ken Eikenberry, promoted Gregoire to head his Spokane office. Then Eikenberry, a Republican like Gorton, made

her the state's first woman deputy attorney general. She hadn't heard much about comparable worth. A more pressing problem, she thought, was the kind of in-your-face discrimination she encountered earlier when she applied to be a probation and parole officer.

"I scored high on the test. The regional administrator told me at the end of my interview that he didn't need a token then. But when he did, I'd be among the top on his list," she says. "It was that kind of inherent discrimination that was more concerning at that time than anything other than equal pay."

Now ensconced in Olympia, her subordinates included the team assigned to defend the state against the AFSCME lawsuit. After getting briefed by the team, she met with Eikenberry and his chief deputy Ed Mackie.

"You've got trouble," she told them. "You don't have a trial lawyer on your team."

They looked at her, she says.

Now they did. It was her.

"A huge number of things went through my mind," Gregoire says.

She felt honored that they trusted her with such a big case. But was she up to it? Was it against her personal values?

She requested some time to consider the challenges. But Eikenberry and Mackie weren't asking. She served at their pleasure. And as she later realized, having a woman as the lead attorney on the case was politically astute.

IN BRIEFS and in the Tacoma courtroom of Judge Jack E. Tanner, Gregoire and her team argued that the state had not intentionally discriminated. It had only tried



Federal judge Jack Tanner ruled in 1983 that the state was guilty of “institutionalized discrimination” against employees. The state appealed Tanner’s decision. *U.S. District Court*

to reflect the marketplace. What’s more, the state’s good intentions were evident in its “active, successful affirmative action program” for women in state jobs.

Gregoire also stressed that Washington was a leader in studying “a unique and novel theory of compensating employees—comparable worth.” State leaders shouldn’t be punished for their bold curiosity, she said.

But the new theory had a flaw, she noted, one that hadn’t been addressed scientifically. Comparable worth required subjectivity in scoring jobs. How could you objectively score whose work conditions were more difficult: the nurse who had to put her hand in vomit, or the mechanic sticking his mitt in axle grease?

“At trial we were very clear that attributing points was fraught with bias,” she says.

In the end, Gregoire said, the decision of how to pay employees should be left to the people’s

representatives in the Legislature.

Tanner, who had served in a segregated Army unit during World War II, wasn’t buying it.

Contrary to Gregoire’s arguments, Tanner said that comparable worth was a reasonable way of setting salaries, and federal civil rights law did extend to the concept. That, in effect, decided that discrimination did occur.

“We were dead on arrival,” Gregoire says.

It was no surprise. She felt Tanner, a former Northwest-area president of the NAACP, had made up his mind before the trial. “In my opinion,” Gregoire later said, “the judge was acting as a legislator. He was saying, ‘This is the right policy; I think they should be paying comparable worth.’”

That notion was reinforced by Tanner’s intimidating style. He refused to allow a number of state witnesses to testify, saying he wasn’t interested in their perspectives. “And the judge has been unmerciful in the barbs he has directed at the state’s attorneys for what has been a



Diana Rock, AFSCME’s director of women’s issues, was part of the union team that negotiated a \$500 million settlement. *AFSCME Council 28*

muddled strategy and stumbling presentation of the state's case," *The Seattle Times* reported.

On September 16, 1983, Tanner ruled that the state was guilty of "direct, overt, institutionalized discrimination."

Tanner rejected the claim that his decision would impose a crushing burden on the state budget. He pointed out that the state had failed to correct the discrimination when it had a budget surplus under Governor Ray. Tanner ordered back pay and raises for 15,000 state workers in female-dominated jobs. The tab was estimated at \$840 million.

The union, most of whose members worked in mental health care, social services, transportation, corrections and higher education, was flying high. From coast to coast, Tanner's ruling catapulted an obscure, oddly-named policy to a cause celebre.

Critics blamed Gregoire. "When the state lost at trial, the attorney general got telephone calls from the business community highly critical of me," she said. "Their assumption was that we had lost the trial because I was the lead attorney and I was a woman and therefore I had thrown the case because I wanted the plaintiff women to win." (She insists she would never do that.)

After Tanner's ruling, both the union and Gregoire's team focused on building their records for an appeal. "In fact, appeal is always on everybody's mind in Tanner's courtroom," wrote Doug Underwood, covering the trial for *The Seattle Times*. Some of Tanner's major rulings had been modified or reversed by higher courts.



Phyllis Schlafly, a leading opponent of the equal rights amendment, saw comparable worth as "a new rallying point against the ERA." *Library of Congress*

THE NEW YORK TIMES' first edition of 1984 carried the headline, "A New Push to Raise Women's Pay."

Comparable worth had entered the national political arena. Walter Mondale, John Glenn and other Democratic presidential candidates had declared support for the theory. For Phyllis Schlafly, a leader in the battle against an equal rights amendment, comparable worth "provided a new rallying point." Schlafly's supporters saw comparable worth as "ERA through the back door." Schlafly herself sounded an alarm against creeping feminism, elitism, socialism and federalism—all wrapped up in comparable worth.

Schafly came to Washington, D.C., to testify against a study of gender-based pay disparity among federal workers. That analysis was proposed

by Dan Evans, a Republican supporter of the ERA and abortion rights, who had moved from the governor's office to the U.S. Senate.

"Let's be blunt," Schafly said. Comparable worth was as an attempt to have wages "set by compensation commissars." A commission overseeing the study would be loaded with advocates, she said, and its bias "so outrageous that one wonders how it could be supported by anyone with a straight face."

Senator Evans' face remained straight, reported Eric Pryne in *The Seattle Times*.

Schafly rose to leave.

Just a minute, Evans said. Fortune 500 companies evaluated jobs using techniques similar to what the commission would use, he said. Are they biased?

And about those "commissars," Evans continued. President Reagan would appoint two; Senate Majority Leader Bob Dole would choose another. Would those staunch Republicans select "commissars?"

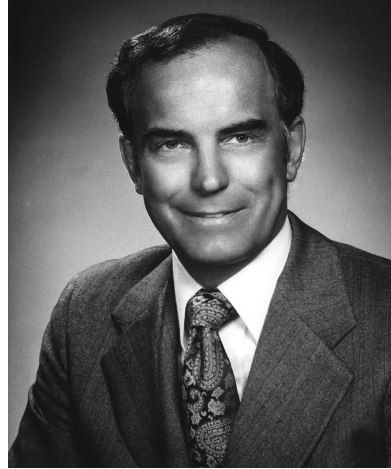
And what about collective-bargaining agreements? Evans asked. And pay scales set by the Civil Service Commission? Would those exist if the free market was, as Schafly suggested, perfect? And if the market was infallible, wouldn't that call for repealing equal pay for equal work, as well as all wage-and-hour regulations?

"Comparable worth did not come out of the cosmos like Haley's Comet," Evans said in an earlier debate. "It is simply one step in a continuum which began... with the debate over equal pay for equal work."

As the deadline approached for submitting arguments to the U.S. Court of Appeals for the 9th Circuit,* Gregoire was in the hospital delivering her daughter Michelle, "which of course brings all kinds of emotions to the fore." The state had applied for an extension in filing briefs, but union lawyers argued against it, saying her pregnancy was not an unforeseen circumstance.

"The federal appeals court not only granted us the extension we asked for, but more," she says. "I thought, 'Thank goodness someone understands that being a brand-new mom and doing this case can be a bit challenging.'"

In early 1985, the 9th Circuit Court was still months from a decision. Conservatives were rallying against comparable worth. President Reagan called it "cockamamie." Clarence M. Pendleton Jr., chairman of the U.S. Civil Rights Commission,

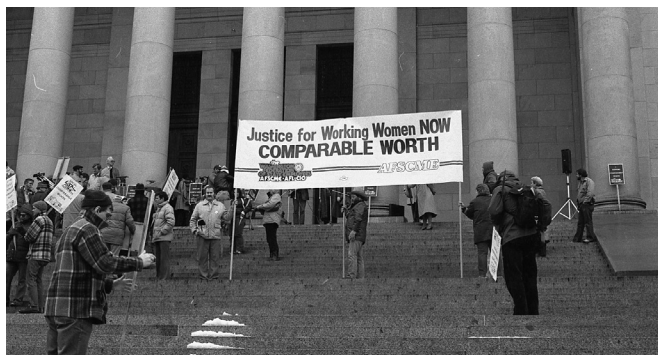


In a 1985 exchange with Phyllis Schafly, Dan Evans, then a U.S. Senator, said comparable worth was another step in a continuum that began with the 1963 federal equal pay-for-equal work law. *Washington State Archives*

* The U.S. Court of Appeals is divided into 13 circuits by geography. The 9th Circuit includes Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, and Guam.

said comparable worth amounted to "middle-class, white women's reparations." In Congress, Republicans lambasted the study of federal workers proposed by Evans.* "The Sexist Socialism Act" and "Feminist Folly," they called it.

EVEN SOME LOCAL PROPONENTS said comparable worth was losing ground. "Those who used to be in the middle of the road are now skeptics. And those who



Some men also stood to benefit from comparable worth if data showed they were underpaid in their positions. *AFSCME Council 28*

were opponents now seem to have all the arguments on their side," said House Ways and Means Chairman Dan Grimm, a Democrat.

Again and again, critics returned to the idea that you couldn't compare apples and oranges—or archivists and astronauts. "You tell me how to set up a system outside the marketplace that objectively compares rock musicians and brain surgeons," one attorney

said, "and I'll tell you whether nurses and plumbers should have comparable pay."

Advocates such as Belcher and Remick countered that one could indeed count nutritive values of apples and oranges. There are "general characteristics of fruit, such as the number of calories, the vitamin and mineral content, and so on, that make it possible to compare specific apples with specific oranges," Remick said.

In an important development, Booth Gardner ran for governor in 1984. A Democrat with a Harvard Business School degree, he told AFSCME members at their annual convention he was committed to negotiating a settlement for comparable worth. "And we had it on the record, in writing, on tape," says George Masten, then executive director of the state federation. Gardner defeated Jim McDermott, chairman of the state Senate Ways and Means Committee, in the Democratic primary. He reiterated his support for a settlement, criticizing Governor Spellman, who was seeking a second term. "We have to drop the law suits and put on our negotiating suits," Gardner said. Come November, he won 53 percent of the vote.

Three months into his first term, union leaders knocked Gardner for not following through on his campaign promise. Helen Castrilli, head of the union's women's committee, said she was disappointed "with the unwillingness of governors and legislators to put the state's money where their mouths are."

* The Senate bill was sponsored by Evans and Alan Cranston, a California Democrat. The House companion bill's chief sponsor was Mary Rose Oakar, an Ohio Democrat.

Just three weeks before the 9th Circuit issued its opinion, Gardner held a press conference to again state his support for the “basic fairness” of a settlement. He also said he hired a trio of private-sector attorneys, including Susan Agid of Seattle, to lead negotiations.

Legislators appropriated \$100,000 for Gardner’s negotiators. “We wanted the



Governor Booth Gardner with some of the women he appointed to state government. *Mary Faulk Riveland*

governor to hire someone who hasn’t been involved (in the case) to truly act as a mediator,” said Jennifer Belcher, who chaired the Joint Select Committee on Comparable Worth Implementation. Gardner’s negotiators had to beat a January 1st deadline set by lawmakers.

Negotiations between the union and state were to start September 9th, 1985.

Union chief Masten saw the talks as strictly for unionists, not activists. He understood the value of having women outside the union support the cause and apply pressure on lawmakers. But at this critical juncture he’d take input, and no more, from

women’s groups and their leaders. They wouldn’t have a hand in negotiations or press conferences. “I’ll admit I had blinders on,” he says. “I did not let these outside groups interfere with where the organization was headed.”

He couldn’t afford to, says Gary Moore, who succeeded Masten in late 1985. Once the union had committed its resources to litigation it had to stay disciplined and stick to its strategy. “You couldn’t run the risk of having others screwing it up,” Moore says.

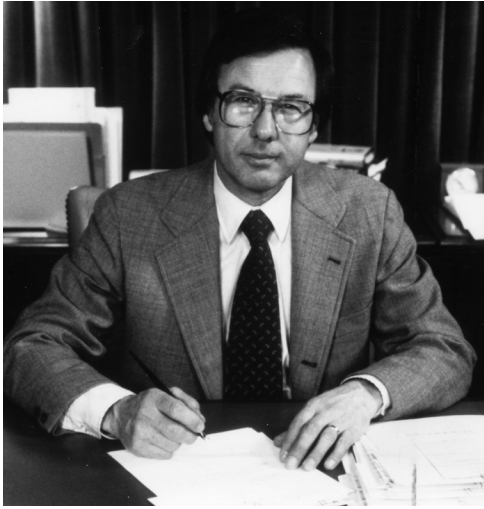
AFSCME v. STATE of Washington was heard by a three-judge panel. Their decision, issued five days before scheduled settlement talks, was written by Anthony Kennedy, who would become a U.S. Supreme Court justice in 1988.*

“Feminists groaned” at his 9th Circuit opinion.**

The three male judges totally reversed Tanner’s decision, finding it flawed on legal principles. In sum, Kennedy said *AFSCME* failed to show the state intended to illegally discriminate. The state was following the market, he said. “Neither law

* President Reagan nominated Kennedy for the high court.

** The 9th Circuit ruling came on September 4, 1985.



Attorney General Ken Eikenberry was a critic of comparable worth, but didn't interfere with Gregoire's legal work on the case. *Washington State Archives*

nor logic deems the free market system a suspect enterprise.”

Washington lawmakers could choose to enact a comparable worth policy, he said. No one was stopping the state. But the law “does not obligate it to eliminate an economic inequality it did not create.”

As for the specific findings of the state's comparable worth study, Kennedy added, “we reject a rule that would penalize rather than commend employers for their effort and innovation in undertaking such a study.”

In the pathology lab at Western State Hospital, plaintiff Castrilli said, “You've got to be kidding.”

The 9th Circuit decision brought another round of criticism for Gregoire.

This time Eikenberry “got calls saying it was wrong for a woman to have abandoned the women employees of the state of Washington,” she says.

Gregoire had been confident the state would prevail on appeal. But she expected the 9th Circuit would find flaws in Tanner's methods and reasoning and send it back to the trial court for reconsideration. “That was a surprise that we won in court outright,” she says.

She immediately understood that the ruling leveled the bargaining table. Before the appeals court decision it had not been in the state's interest to settle, she told the governor. State leaders held a weak hand under Tanner's edict. But now the state had some leverage. In Gregoire's mind, she hadn't delivered a crippling blow to comparable worth. She had corrected for Tanner's heavy thumb on the scale. What's more, Gardner *wanted* to raise women's pay. And she had argued in court that policy on salaries was best made by the governor and the Legislature. Now it seemed the 9th Circuit ruling might produce the best outcome in Washington.

While its spokesman vowed that the union had another round left to fight at the U.S. Supreme Court, Gregoire didn't think so. Her prescient quote was that “the decision we have today is the ultimate opinion we will have in this case.”

AFSCME attorney Newman didn't want to settle, says Masten. “He wanted his trial at the U.S. Supreme Court.” But Masten didn't know how long that would take, never mind what the outcome might be. “And our people wanted some resolution,” he says. It had been 11 years since Washington's historic study, eight years since Governor Ray wiped out proposed funding for comparable worth.

He called AFSCME national President Gerald McEntee and got Newman fired.

FACING THE DEADLINE imposed by the Legislature, Gardner wanted to steam ahead toward a settlement, but was wary of the state's top lawyer.

Eikenberry sounded almost giddy after the appeals court decision. "I'm delighted with the result," the attorney general said. "It really devalues the union's position." Gardner assumed the Attorney General's Office was not going to be all that dedicated to brokering a deal.

Becky Bogard, a key Gardner aide, met with Gregoire. "I was suspicious of Chris at first because she worked for a Republican and I worked for a Democrat," says Bogard. The two intended to talk over a glass of wine. "And we drank a bottle," Bogard says.



Booth Gardner said Gregoire's work on comparable worth led him to appoint her head of the Department of Ecology. *Washington Attorney General's Office*

The more Bogard talked, the "more open and honest she became about how skeptical they were about me," Gregoire says. In turn, she made it clear that state attorneys worked for their clients. And if the governor and Legislature wanted a settlement, then "we will settle, and we will do it right."

True, Eikenberry had publicly stated his opposition to the concept of comparable worth. But he was able to set his personal opinion aside. "To Ken's credit, he had me go do my job as a lawyer and he never interfered with me."

Gregoire and Agid became a formidable team—and good friends. Likewise, she and Bogard, who served as treasurer on her first campaign for attorney general.

With the clock ticking toward deadline, negotiators for the union and state signed a deal on the afternoon of New Year's Eve. It called for an estimated \$482 million in raises for state workers. But no back pay. And the union agreed not to take the case to the U.S. Supreme Court. The negotiating teams celebrated with Champagne in the governor's office.

The national press had differing views of the proposed raises of at least 2.5 percent for 35,000 state workers, mostly women. A *Chicago Tribune* headline hailed the deal as a "Major Victory for Comparable Worth." AFSCME's McEntee called the Washington workers "pioneers" and said their deal would renew pressure on state and local lawmakers.

On the other hand, a *Los Angeles Times* story predicted that opponents, including President Reagan and business leaders, would see the settlement as a victory



Eleanor Lee, a Republican state senator, was an outspoken supporter of comparable worth. *Washington State Archives*

because it would leave Kennedy's 9th Circuit ruling untouched and the law of the land.

But the agreement still had to be ratified by the Legislature, where "tears of rage" would flow.

THE \$482 MILLION DEAL was expected to pass the Legislature. But the Democratic majorities in both chambers were narrow. And approval wasn't certain, particularly with business leaders opposing it.

The Association of Washington Business, Safeco and Boeing lobbied against the bill, afraid that if state workers won pay equity it would create pressure for a similar policy in private industry. Boeing lobbyists "worked frantically." Two of them camped out in an office used by GOP Senate Leader Jeannette Hayner, convenient for buttonholing lawmakers. Opponents succeeded in delaying a Friday vote until the following Monday, giving them more time to massage senators.

"I didn't expect Boeing to break their pick on this," said Mark Brown, spokesman and lobbyist for the Washington State Federation of Employees, adding that the weekend delay left him a "nervous wreck."

Under the strain, Senator Eleanor Lee of Burien lashed out. A feminist and comparable worth advocate, Lee said she openly wept in a meeting with fellow Republicans, because she was so appalled at their tactics. Lee accused Hayner of threatening to cut her off from campaign contributions from "our friends" if she voted for the settlement. Hayner denied the charge, saying Lee was carried away by her own emotions.

When the vote was called, two Democrats, A.L. "Slim" Rasmussen of Tacoma and Brad Owen of Shelton, voted against the deal. Five Republicans, including Lee voted for it; three others, including Hayner, did not vote. The final tally was surprisingly lopsided, 30—16 in favor of the settlement.

Three months later, raises started showing up in paychecks, along with a dash of self-esteem.

Castrilli was ecstatic about the extra \$106 a month she'd get. She said it would go to bills and her daughter's UW tuition. And the raise put a bounce in the secretary's step. "Sure it feeds the ego," she said. "There's nothing wrong with that."

Not all women faulted Gregoire for her role in the appeals court ruling, which would prove damaging to the national comparable-worth cause.

"Gregoire did take flak," said Remick, who went on to become UW's assistant provost for equal opportunity. "I know she was supportive of women's issues at the

time, but as a lawyer that was not the issue. She did a good job.”

After a testy start, union leaders came to see Gregoire as playing a key role in negotiations. At first, Masten did not want her involved—or even in the room. “We were negotiating with the governor, not the attorney general,” he says. “But as things went on she became an important part and positive. She became more of an advocate for implementing comparable worth rather than opposing it.”

She had more background and expertise than anyone on Booth Gardner’s team. And as Brown, the union spokesman, understood it, when the management team met, “she was a driving force to bring them along and get them closer to where the union was and bridge the gaps.”

Belcher believes Gregoire didn’t want to carry the fight to the U.S. Supreme Court, where the state appeared to have a good chance of killing comparable worth. “Chris is a settlement person,” Belcher says. “She likes the finality, I think, of being able to direct things to happen rather than just hope it happens.” If you go to court, you may come away empty-handed, or the other side might. “My guess is she was person who helped make (the settlement) happen so that the state didn’t win or lose, but everybody won,” says Belcher, who later became the first woman elected Commissioner of Public Lands.

Gardner was impressed by Gregoire’s team and its ability to pivot from legal critics of comparable worth to dealmakers granting the biggest pay-equity raises in history. So impressed was the governor that he would soon ask Gregoire to head the state’s Department of Ecology. Litigation had stalled progress at the agency, Gardner said, and he needed someone to stop the lawsuits “so we can get things done.” She accepted the assignment.

She ran for attorney general in 1992 and won by beating respected King County Prosecuting Attorney Norm Maleng. Three years later, a headline about her asked, “The attorney general: Governor in waiting?”

Gardner later said that if he hadn’t spotted and promoted Gregoire she “wouldn’t have been governor.”

Gregoire agreed. Unequivocally.



“So the fight moves on,” says Gregoire about the persistent gender gap in pay. “Because inherent, as Ruth Bader Ginsburg would say, is a bias sitting in there. All the time.” *Washington Governor’s Office*

THE SETTLEMENT amounted to real progress, Remick said. But it didn't fully implement comparable worth. It only got the state close to that goal.

The agreement required the state to bring salaries up to 95 percent of a line between the average of men's and women's wages by July 1993. That line was plotted by Remick, using computer punch cards to run a statistical regression analysis.

The federal General Accounting Office later analyzed the settlement's outcome. GAO looked at a sample of 109 "benchmark" jobs used in drawing the salary line. Well over half of the jobs that had been below the line moved up to it in almost five years.* The state expected full compliance by July 1992. After compounding the expense over time, the GAO estimated the cost of the settlement at \$571 million.

The impact of the AFSCME case spread far beyond Washington's borders, says Michael McCann, a University of Washington professor and author of *Rights at Work*, a well-researched assessment of the pay equity movement in the 1980s.

By 1989, an estimated \$450 million had been spent on raises addressing pay disparity. Twenty states accounted for most of that. Seven of those states, including Washington, were considered to be implementing comparable worth. Related studies, research and data collection were underway in 44 states. Some \$6 million more was spent in 112 counties, including King County. Another \$60 million was paid in raises to public employees in 50 major cities, from New York to Los Angeles.

And the benefits of litigation amounted to more than money. McCann's research showed a steep spike in national coverage of comparable worth after *AFSCME v. Washington*—the "biggest bang" of all the pay-equity lawsuits—went to court. That publicity, in turn, helped raise consciousness and invited others to join the cause. Some of the 140 activists McCann interviewed said comparable worth's greatest achievement was changing hearts and minds. Women said they gained confidence and felt a newfound sense of solidarity.

For most of those 140 activists, Washington was the catalyst. "It all of a



Comparable-worth campaigns surfaced beyond Washington's borders. AFSCME members in San Jose, Calif. won pay adjustments after going on strike in 1981. *Walter P. Reuther Library, Wayne State University*

* GAO found that 44 of the 109 jobs were below the designated salary line before the settlement; only 19 were below it as of January 1991.

sudden looked like the issue of the future,” one said. A flurry of action followed the case. A Massachusetts special committee on comparable worth credited the Washington lawsuit with “enormous social and political impact.”

But that impact cut both ways. The 9th Circuit decision was a harbinger, the tip of a huge iceberg bearing down on comparable worth.

By 1986, powerful forces were coalescing. The U.S. Chamber of Commerce and the Business Roundtable fashioned themselves as sophisticated counterbalances to unions and liberal movements. The Reagan Administration had sent strong signals against workers’ rights— from firing air traffic controllers, to appointing Thomas to head the Equal Employment Opportunity Commission. Reagan and allies began employing a new tool—the argument that anti-discrimination campaigns were about installing “racial and gender ‘quotas,’ ” says McCann. Never mind that the quotas claim was fantasy, he says. It stuck.

AFSCME’s loss in the court of appeals was a clear signal, McCann says, that judicial support for comparable worth claims was waning. Kennedy’s arguments would be echoed by other judges.

The U.S. Supreme Court’s 1989 decision in *Wards Cove Packing v. Atonio* all but sunk the cause. It was a 5-4 decision, with three of the justices in the majority appointed by Reagan. The majority reprised 9th Circuit arguments by Kennedy, who by then had joined the high court. The justices also expanded the business defenses to the point that, as one feminist put it, “discrimination is all right if everyone else does it.” After the ruling sunk in, it was widely seen as “the death of pay equity claims,” says McCann, who is writing a book about the case involving Filipino cannery workers.

During the life of Washington’s comparable worth settlement, the national gender gap in pay narrowed. When the agreement kicked in, women earned 64 cents for every \$1 earned by men. Seven years later, by 1993, women were up to 71.5 cents. The gap had shrunk by a penny a year.

By 2002, progress had slowed, with the gap at 76.6 cents. Then it stalled. Fifteen years later the gap seemed stuck at 80 percent. At the current rate, women would not achieve pay equity until 2058.

“That sounds pretty optimistic,” Remick says.

THE WHITE HOUSE convened a National Equal Pay Task Force in 2013. It reported a bevy of advances.

Women were earning a majority of Bachelor’s, Masters’ *and* Doctoral degrees. In 1960, roughly 15 percent of managers in the workforce were women; four decades later almost 40 percent of managers were women. Almost one-quarter of women earned higher wages than their working husbands. Women were increasingly working in the fields of science, technology, engineering and math (known collectively as STEM).

But there was plenty to offset those gains.

The narrowing pay gap had as much to do with declining men's wages as it did with rising women's salaries. And most of the increases in women's earning power were reserved for those with a college degree. "Women with less education saw much smaller or even no changes in earnings." And over half of all women were employed in lower-paying sales, service and administrative support positions.

Women might have been busting glass ceilings, but a gap still existed for women with advanced degrees and corporate positions. A 2008 study of newly trained doctors, "even after controlling for the effects of specialty, practice setting, work hours and other factors," found the women physicians earned \$17,000 less a year.

Job segregation also remained a reality. Women were still more likely to enter occupations where the majority of workers are female, such as health care, education and human services. Segregation was not just a simple matter of women's choices, the Task Force said. Historical "patterns of exclusion and discrimination paint a more complex picture."

The President's Council of Economic Advisors issued a 1998 report in which they said about 40 percent of the gender gap in pay couldn't be explained by factors such as skills, experience and union status. Discrimination, they concluded, likely accounted for that 40 percent. Evidence of alleged discrimination played a part in EEOC charges and multi-million dollar settlements with corporations such as Allstate Insurance, Boeing, Coca Cola, General Motors, Morgan Stanley, Texaco and Wachovia.

As solutions, the Task Force suggested policies that would expand protections for workers who share salary information, as well as those that would revive principles of comparable worth. But bills featuring those policies languished in the GOP-controlled Congress in recent years.



In 2018, Washington adopted one of the country's strongest pay-equity laws when Governor Inslee signed HB 1506. *Washington State House Democrats*

Not waiting any longer for Congress, the Washington Legislature pursued those policies through passage of a bill known as HB 1506. Washington joined an elite group of states with strong pay equity laws in 2018, according to the American Association of University Women, thanks to its new law.

The law allows employees to talk about their earnings with co-workers and ask for equal pay, without fear of retaliation. It also marks a comeback for principles of comparable worth. Washington's 1943 Equal Pay outlawed lower wages for women "similarly employed" to men. But the pioneering law didn't define "similarly employed." The new law defines it as jobs that require similar skill, effort and responsibility, performed under similar work conditions—the essential criteria used in comparable worth. California adopted the same standards in 2016.

And while Washington previously banned discrimination in promotions, its new law expands protections against depriving an employee of "career advancement opportunities" that would be available but for an employee's gender. In that realm, Washington goes further than California and federal law.

All the more reason, Remick says, that comparable worth shouldn't be viewed as a failure. Other state and local governments used the approach to examine and change their pay systems. The issue raised awareness, galvanized women and spurred them to organize. It sparked serious research. It led some private employers to examine and alter their practices. And the term "pay equity" lives on as a reminder of continuing segregation and discrimination.

Comparable worth is now memorialized in state collective bargaining law. It forbids any proposal "that would be inconsistent" with the landmark comparable worth agreement.

Another state law requires that job classifications and salaries for state workers can only be changed for a few reasons. One reason is "inequities," defined as similar work in different job classes. State officials say they frequently review job classifications for proper compensation, and comparable-worth considerations are integrated into those review processes.

"So the fight moves on," Gregoire says. "Because inherent, as Ruth Bader Ginsburg would say, is a bias sitting in there. All the time. And we have to keep fighting that inherent bias that leads to the kind of outcomes which brought the comparable worth lawsuit in the first place."

Bob Young
Legacy Washington

PIONEERS IN PAY EQUITY BIBLIOGRAPHY

McCann, Michael W., *Rights at Work, Pay Equity Reform and the Politics of Legal Mobilization*, University of Chicago Press, 1994

Hoerr, John, *We Can't Eat Prestige: The Women Who Organized Harvard*, Temple University Press, Philadelphia, 2001

Hughes, John C., *Booth Who?*, Washington State Legacy Project, Olympia, 2010

Remick, Helen, "Comparable Worth in Washington State," *Comparable Worth, Pay Equity and Public Policy*, (editors Rita Mae Kelly and Jane Bayes) Greenwood Press, New York, 1988

"Major Issues in a priori Applications," *Comparable Worth and Wage Discrimination: Technical Possibilities and Political Realities*, Temple University Press, Philadelphia, 1984

PIONEERS IN PAY EQUITY SOURCE NOTES

A few days after flinging her Husky mortarboard, Chris Gregoire interview with author, 1-14-2019
"There was nothing about this case," Chris Gregoire interview with Sharon Boswell, Women's History Consortium, 6-26-2014

"The union was very strategic," Gregoire interview with Women's History Consortium

"the most unique case" Gregoire ever handled, Gregoire interview 6-26-2014

on which she was a leader in negotiating for 46 states, James Tierney, "The Tobacco Settlement: 20 Years Later," *StateAG.org*, accessed via <https://www.stateag.org/initiatives/the-tobacco-settlement#gregoire>

"On this one, I had constant mixed emotions," Gregoire to author 1-14-2019

Following an elaborate survey of 2,700 jobs, Diana Stone, "Comparable Worth in the Wake of AFSCME v. State of Washington," *Berkeley Journal of Gender, Justice & Law*, September 1985

"I had been a clerk-typist," Gregoire interview 6-26-2014

It is one of seven states, Kate Nielson email to author, 12-5-2018, and "AAUW Policy Guide to Equal Pay in the States," via <https://www.aauw.org/resource/state-equal-pay-laws/>

Comparable worth was born, Shelby Scates, "'Comparable' is a mighty word," *Seattle Post-Intelligencer*, 12-4-1983

In his talk, he accused, Scates, "'Comparable' is a mighty word," 12-4-1983

In Olympia, Goodman's boss, Scates, "'Comparable' is a mighty word"

"permeates through the private sector," Helen Remick, "Comparable Worth in Washington State," *Comparable Worth, Pay Equity and Public Policy*, (editors Rita Mae Kelly and Jane Bayes) Greenwood Press, New York, 1988, p. 225

The Washington Women's Council, Remick, "Comparable Worth in Washington State," p. 226

Elected officials earned less than managers, Helen Remick, "Beyond Equal Pay for Equal Work: Comparable Worth in the State of Washington," Paper prepared for the Conference on Equal Pay and Equal Opportunity Policy for Women in Europe, Canada, and the United States, Wellesley College, May 1978, p. 4, 5

"then we must move to reverse this inequity," Diana Stone, "Comparable Worth in the Wake of AFSCME v. State of Washington," *Berkeley Journal of Gender, Justice & Law*, September 1985

The governor paid consultant Norman Willis, Helen Remick, "Comparable Worth in Washington State," p. 226

"sex seemed to be the only" factor, Associated Press, "Washington State in Court on Women's Pay," *The New York Times*, 9-1-1983

“According to the Old Testament,” Barbara Reskin, “Shortchanged: The Pay Gap and What to Do about It,” unpublished presentation to League of Women Voters, 2016

Helen Remick moved to Washington, Remick interview with author, 12-3-2018

“I thought I had gone to heaven,” Remick interview with Sharon Boswell, Women’s History Consortium, 5-26-2014

She had faced discrimination, Remick to Women’s History Consortium, 5-26-2014

The Seattle-King County chapter...was as brash, Remick interview 5-26-2014

Remick was comfortable with computers, Remick to author 12-3-2018

The female-dominated position of Secretary III, Helen Remick, “Beyond Equal Pay for Equal Work: Comparable Worth in the State of Washington,” p. 11

Because the state had more than 4,000 job titles, Helen Remick, “Comparable Worth in Washington State,” *Comparable Worth, Pay Equity and Public Policy*, p. 224

Washington was the first employer to use, Remick, “Comparable Worth in Washington State,” p. 226

“Before the comparable worth study,” Remick, email to author, 12-11-2018

While the terms “comparable worth” and “pay equity,” Michael W. McCann, *Rights at Work, Pay Equity Reform and the Politics of Legal Mobilization*, University of Chicago Press, Chicago, 1994, p. 4

Along the way she would get to know, Remick to author 12-3-2018

Belcher was an administrative secretary, Jennifer Belcher to author 11-8-2018

She played a pivotal role, Jennifer Belcher to Sharon Boswell, Women’s History Consortium 4-23-2014

“You couldn’t be a woman in work,” Belcher to Women’s History Consortium, 4-23-2014

Belcher’s mentor was Jo Garceau, Belcher to author 11-8-2018

“I got to sit in on executive pay issues,” Belcher to author

She recalls that near the end of Evans’ 12 years in office, Belcher to author

Evans included \$7 million, Helen Remick, “Comparable Worth in Washington State,” p. 226

“It was a tough place to be,” Belcher to author

“apples with pumpkins and a can of worms,” Helen Remick, “Major Issues in *a priori* Applications,” *Comparable Worth and Wage Discrimination: Technical Possibilities and Political Realities*, Temple University Press, Philadelphia, 1984, p. 104

“The ultimate irony,” Doug Underwood, “Evans tells court of state pay disparity for men and women,” *The Seattle Times*, 8-31-1983

“the cost of perpetuating unfairness,” Diana Stone, “Comparable Worth in the Wake of AFSCME v. State of Washington,” *Berkeley Journal of Gender, Justice & Law*, September 1985

Newman had won groundbreaking anti-discrimination, Michael W. McCann, *Rights at Work, Pay Equity Reform and the Politics of Legal Mobilization*, University of Chicago Press, Chicago, 1994, p. 50

Newman modeled his arguments, McCann, *Rights at Work*, p. 61

He had gone to work for AFSCME, McCann, *Rights at Work*, p. 62

More than half of its 1 million members, John Hoerr, *We Can’t Eat Prestige: The Women Who Organized Harvard*, Temple University Press, Philadelphia, 2001, p. 188

A committee on sex discrimination was created, Johanna Russ, “Pay Equity and the Public Employee,” Walter P. Reuther Library, Archives of Labor and Urban Affairs, Wayne State University, 1-27-2014

Schut later explained that he had started, Randy Brooks, “Norm Schut interview transcript,” *The History of Council 28, Community History Project, University of Washington at Tacoma*, 1-28-1992, via <https://digitalcollections.lib.washington.edu/digital/collection/tacomacomm/id/65>

“We needed something we could sell, Randy Brooks, “Norm Schut interview transcript,” 1-28-1992

Progress had been slowed in the 1970s, Joseph Hower, “With Janus, the Supreme Court guts the modern labor movement,” *The Washington Post*, 6-27-2018

Schut also faced resistance from Jerry Wurf, Randy Brooks, “Norm Schut interview transcript,” 1-28-1992

Just as that deadline passed, Equal Employment Opportunity Commission, "Clarence Thomas, Eighth Chairman of the EEOC, May 6, 1982 – March 8, 1990," accessed via <https://www.eeoc.gov/eeoc/history/35th/bios/clarencethomas.html>

Thomas would prove dismissive, Robert Pear, "Equal pay is not needed for jobs of comparable worth," *The New York Times*, 6-18-1985

By that time, more than 100 state employees, Bill Dietrich, "Many state employees received welfare even before pay lag," *The Seattle Times*, 10-6-1982

Helen Castrilli, a medical secretary at Western State Hospital, Elizabeth Whitney, "Equal pay for different work: fair or Looney Tunes?" *St. Petersburg Times*, 4-14-1985

Castrilli studied business, Carol Kleiman, "A Secretary And A Sense of Self-Worth," *Chicago Tribune*, 6-16-1985

"I wanted to stay home," Carol Kleiman, "A Secretary and a Sense of Self-Worth," *Chicago Tribune*, 6-16-1985

Castrilli, in a quiet but firm voice, Kleiman, *Chicago Tribune*, 6-16-1985

"Through the union, I've learned," Kleiman, *Chicago Tribune*, 6-16-1985

"It's a revolution," Kleiman, *Chicago Tribune*, 6-16-1985

Belcher had spent a good part of the previous year, Belcher to author, 11-8-2018

"He came to the conclusion," Gregoire to author

"I scored high on the test," Gregoire interview with Women's History Consortium, 6-26-2014

"You've got trouble," Gregoire interview with John C. Hughes, *Legacy Washington*, 3-25-2009

"A huge number of things went through my mind," Gregoire to author

And as she later realized, Gregoire to author

What's more, the state's good intentions, Diana Stone, "Comparable Worth in the Wake of AFSCME v. State of Washington"

Studying "a unique and novel theory," Stone, "Comparable Worth in the Wake of AFSCME v. State of Washington"

"At trial we were very clear that attributing points," Gregoire to Women's History Consortium **who had served in a segregated Army unit,** Paul Andrews, "'The Court of First Resort'—Judge Jack Tanner Champions Underdogs and Fields Criticism," *The Seattle Times*, 2-2-1986

a former Northwest-area president of the NAACP, Paul Andrews, "'The Court of First Resort,'" *The Seattle Times*, 2-2-1986

In the end, Gregoire said, the decision, Doug Underwood, "Evans tells court of state pay disparity for men and women," *The Seattle Times*, 8-31-1983

Tanner said that comparable worth was a reasonable, Helen Remick, "Major Issues in *a priori* Applications," p. 106

"We were dead on arrival," Gregoire to author

"In my opinion," Gregoire later said, Gregoire to Women's History Consortium

"And the judge was unmerciful in the barbs," Doug Underwood, "Comparable-worth obstacles are money, Tanner record," *The Seattle Times*, 11-21-1983

Tanner ruled that the state was guilty, United Press International, "State found guilty of sex bias on pay," *The Seattle Times*, 9-16-1983

Tanner rejected the state's claim...crushing burden, Jo Freeman, "Real, False Dilemmas," *Democratic Left*, Sept.-Oct. 1984

"When the state lost at trial," Gregoire to Women's History Consortium

"In fact, appeal is always on everybody's mind," Underwood, *The Seattle Times*, 11-21-1983

The New York Times' first edition of 1984, Tamar Lewin, "A New Push to Raise Women's Pay," *The New York Times*, 1-1-1984

And it was fast becoming a partisan issue, Tamar Lewin, "A New Push to Raise Women's Pay" **"provided a new rallying point,"** Lewin, "A New Push..."

“ERA through the back door,” Jo Freeman, “Real, False Dilemmas,” *Democratic Left*, Sept.-Oct. 1984
Schafly herself sounded an alarm, Freeman, “Real, False Dilemmas”
“Let’s be blunt,” Eric Pryne, “Evans, Schafly exchange barbs,” *The Seattle Times*, 7-25-1985
Evans’ face remained straight, Eric Pryne, “Evans, Schafly exchange barbs”
And about those ‘commissars,’ Pryne, “Evans, Schafly...”
“Comparable worth did not come out of the cosmos,” Ross Anderson, “Rights chief, Evans clash on comparable worth,” *The Seattle Times*, 3-5-1985
“which of course brings all kinds of emotions to the fore,” Gregoire to author
“The 9th Circuit not only granted us,” Gregoire interview with Women’s History Consortium
President Reagan called it “cockamamie,” Jay Mathews, “Comparable Worth Rule Overturned,” *The Washington Post*, 9-5-1985
“middle-class, white women’s reparations,” Associated Press, “Washington State Settle Dispute Over Pay Equity,” *The New York Times*, 1-2-1986
In Congress, Republicans lambasted, Jack Anderson, “Congress debates comparable worth,” *The Olympian*, 9-3-1985
Their decision was seen as “a signal...,” Robert Pear, “Equal pay is not needed for jobs of comparable worth,” *The New York Times*, 6-18-1985
“Those who used to be in the middle,” Bob Partlow, “Even proponents agree comparable worth losing some of the allure,” *The Olympian*, 4-7-1985
“You tell me how to set up a system,” Tamar Lewin, “A New Push to Raise Women’s Pay”
There are “general characteristics of fruit...” Brad Rind and Paul Herrick, “Comparable Worth, Making the case for skepticism,” *The Seattle Times*, 6-10-1984
“And we had it on the record,” George Masten to author, 1-25-2019
“We have to drop the law suits,” Booth Gardner for Governor press release, 9-29-1984
“with the unwillingness of governors,” Associated Press, “Comparable-worth settlement still target,” *The Seattle Times*, 4-4-1985
Gardner held a press conference, Peter Perl, “‘Comparable-Worth’ Settlement Sought,” *The Washington Post*, 8-14-1985
He also said he hired a trio, Walter Hatch, “Gardner Names Comparable Worth Negotiators,” *The Seattle Times*, 8-13-1985
“We wanted the governor to hire,” Walter Hatch, “Gardner Names Comparable Worth Negotiators”
Negotiations....were to start, Peter Perl, “‘Comparable-Worth’ Settlement Sought,” *The Washington Post*, 8-14-1985
But he’d take input, and no more, George Masten to author 1-25-2019
“I’ll admit I had blinders on,” Masten to author
“You had to stay on message,” Gary Moore to author 1-25-2019
“Feminists groaned,” Walter Hatch, Elouise Schumacher and Joni Balter, “Pay ruling won’t end dispute – comparable-worth edict overturned, but union will appeal to high court,” *The Seattle Times*, 9-5-1985
“Neither law nor logic deems the free market,” *AFSCME, et al v. State of Washington*, U.S. Court of Appeals for the Ninth Circuit, 770 F. 2d 1401, 9-4-1985
“does not obligate it,” *AFSCME, et al v. State of Washington*, U.S. Court of Appeals for the Ninth Circuit, 9-4-1985
“we reject a rule,” *AFSCME, et al v. State of Washington*, 9-4-1985
“You’ve got to be kidding,” Hatch, Schumacher and Balter, *The Seattle Times*, 9-5-1985
Eikenberry “got calls saying it was wrong,” Gregoire to Women’s History Consortium, 6-26-2014
“That was a surprise that we won outright,” Gregoire to Women’s History Consortium
It had not been in the state’s interest, Gregoire to author 1-14-2019
What’s more, Gregoire wanted to raise women’s pay, Gregoire to author

"the decision we have today is the ultimate," Hatch, Schumacher and Balter, *The Seattle Times*, 9-5-1985

"He wanted his trial," Masten to author, 1-25-2019

He called AFSCME national President Gerald McEntee, Masten to author

"I'm delighted with the result," Jay Mathews, "Comparable Worth Rule Overturned," *The Washington Post*, 9-5-1985

"It really devalues the union's position," George Ramos and Dan Morain, "Equal-Pay Decision Overturned: Comparable Worth Not Covered by Law, Appeal Court Says," *Los Angeles Times*, 9-5-1985

"I was suspicious of Chris at first," Becky Bogard to author, 1-18-2019

"And we drank a bottle," Bogard to author, 1-18-2019

"more open and honest she became," Gregoire to author

"we will settle, and we will do it right," Gregoire to Women's History Consortium, 6-26-2014

"To Ken's credit," Gregoire to author

She and Agid, Gregoire to author

Bogard, who served as treasurer, Bogard to author

The negotiating teams celebrated with Champagne, Gregoire to author

A Chicago Tribune headline, James Warren, "A Major Victory for 'Comparable Worth,'" *Chicago Tribune*, 1-1-1986

On the other hand, a Los Angeles Times story, Sara Fritz, "'Comparable Worth' Case Settled OK: Union and Washington State Agree to Terms Distributing \$482 million to 34,000 Workers," *Los Angeles Times*, 1-1-1986

"tears of rage," Walter Hatch, "Angry tears punctuate wage-raise deliberation," *The Seattle Times*, 1-18-1986

"particularly with business leaders opposing it," Neil Modie, "Pay-equity bill sails through the Senate," *Seattle Post-Intelligencer*, 1-21-1986

Boeing lobbyists "worked frantically," Walter Hatch, "Angry tears punctuate wage-raise deliberation," *The Seattle Times*, 1-18-1986

"I didn't expect Boeing to break their pick," Hatch, *The Seattle Times*, 1-18-1985

Left him a "nervous wreck," Neil Modie, "Pay-equity bill sails through the Senate," *Seattle Post-Intelligencer*, 1-21-1986

Lee accused Hayner, Modie, *Post-Intelligencer*, 1-21-1986

Hayner denied the charge, Hatch, *The Seattle Times*, 1-18-1985

When the vote was called, United Press International, "How they voted," *Seattle Post-Intelligencer*, 1-21-1986

"Sure it feeds the ego," Elizabeth Pulliam, "Ironies tint comparable-worth reforms," *The Seattle Times*, 5-4-1986

"Gregoire did take flak," Helen Remick email to author, 12-12-2018

"We were negotiating with the governor," George Masten to author 1-25-2019

"in the management-only caucuses during negotiations," Mark Brown to author 1-25-2019

"She likes the finality, I think," Jennifer Belcher to author, 12-26-2019

Gardner was impressed by Gregoire's team, John C. Hughes, *Booth Who?*, Washington State Legacy Project, Olympia, 2010, p. 125

The Olympian asked, Bob Partlow, "The attorney general: Governor in waiting?" *The Olympian*, 4-23-1995

she "wouldn't have been governor," John C. Hughes, *Booth Who?*, Washington State Legacy Project, Olympia, 2010, p. 125

Gregoire agreed, Hughes, *Booth Who?*, p. 125

The agreement required the state, U.S. General Accounting Office, "Comparable Worth in Washington State," *GAO/GGD-92-87BR*, July 1, 1992, p. 17

That line was plotted, Helen Remick to author, 12-3-2018

Well over half of the jobs had moved up, GAO, "Comparable Worth in Washington State," p. 3

After compounding the expense, GAO, "Comparable Worth in Washington State," p. 4

By 1989, an estimated \$450 million, Michael W. McCann, *Rights at Work*, The University of Chicago Press, 1994, p. 42

McCann's research showed a steep spike, McCann, *Rights at Work*, p. 59

"the biggest bang," McCann, p. 54

Women said they gained confidence, McCann, pp. 230, 231

"It all of a sudden looked like the issue," McCann, p. 57

A Massachusetts special committee, McCann, p. 58

The U.S. Chamber of Commerce and the Business Roundtable, McCann to author, 1-2-2019

Reagan and allies began employing a new tool, McCann to author, 1-2-2019

"discrimination is all right if everyone does it," Michael W. McCann, "Money, Sex, and Power: Gender Discrimination and the Thwarted Legacy of the 1964 Civil Rights Act," *Denver University Law Review*, Vol. 91: 4, 2015, p. 796

Seen as "the death of pay equity claims," McCann, "Money, Sex, and Power," 2015, p. 797

By 2002, progress had slowed, American Association of University Women, "The Simple Truth about the Gender Pay Gap," accessed via <https://www.aauw.org/research/the-simple-truth-about-the-gender-pay-gap/>

"That sounds pretty optimistic," Remick to author 12-3-2018

Women were earning a majority, National Equal Pay Task Force, "Fifty Years After The Equal Pay Act," The Obama White House, June 2013, p. 20

In 1960, roughly 15 percent of managers, National Equal Pay Task Force, 2013, p. 6

Almost one-quarter of women earned, Task Force, p. 17

The narrowing gap had as much to do, Task Force, p. 17

"Women with less education," Task Force, p. 16

"even after controlling for the effects of specialty," Task Force, p. 29

over half of all women, Task Force, p. 6

Historical "patterns of exclusion," Task Force p. 26

Discrimination, they concluded, Task Force, p. 17

corporations such as Allstate Insurance, Task Force, pp. 18, 19, 22

The law allows employees to talk about their earnings, Agueda Pacheco-Flores, "Women are struggling to catch up with men's pay; what's the gap look like here?," *The Seattle Times*, 10-24-2018

The new law defines it as, Laura Turczanski, Mike Reiss, "Washington's New Pay Equity Law Creates More Stringent Requirement for Employers," *Davis Wright Tremaine LLP*, 4-11-2018

Washington goes further than California, Erin Connell, Jessica R. L. James, "Washington State Overhauls Equal Pay Laws After Seventy Five Years," *Orrick Equal Pay Pulse*, 3-29-2018

All the more reason, Remick says, Helen Remick email to author 12-11-2018

"that would be inconsistent," *Scope of bargaining*, RCW 41.80.020, subsection 4

Another state law requires that job classifications, author interview with Franklin Plaistowe, assistant director, state Human Resources, Karen Durant, section chief, Enterprise Classification, Compensation & HR Analytics, Marisa McKay, manager, Classification & Compensation, Angie Hogenson, HR Analytics and Initiatives manager, 3-11-2019

"So the fight moves on," Chris Gregoire to author, 1-14-2019