NOW

Full equality for women in truly equal partnership with men

National Organization for Women
Suite 500, 1629 K Street, N.W.
Washington, D.C. 20006
Tel. 202-296-5282

Chairman of the Board
Dr. Kathryn F. Clarenbach
President
Betty Friedan
Executive Vice President
Aileen Hernandez
Vice President
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Dr. Gretchen Squires
Herbert Wright

GENERAL
File 443

December 5, 1966

Mr. M. Marvin Watson
Special Assistant to the President
The White House
Washington, D.C.

Dear Mr. Watson:

Confirming my recent telephone conversation with your secretary, the officers of NOW very much appreciate your prompt response to our November 11 letter to the President.

We would now like to request the President to meet with the five national officers of NOW to discuss the questions indicated in our letter. If the President would be kind enough to see us at any time after the first week of January we would come to Washington for this purpose, at the President's convenience.

I hope to have word from you soon regarding a date for the appointment so that we can plan accordingly.

Yours sincerely,

Betty Friedan

Betty Friedan, President
National Organization for Women

Tell them no.
We already did on Dec 3 -
apparently crossed in mail.

GENERAL
HU 3
PR 8-2/N*

November 22, 1966

Dear Ladies:

Your November 11th letter to the President has been received and we appreciate having your views. This information is being made further available and we will expect to hear from you as you have stated.

Best wishes,

Sincerely,

W. Marvin Watson
Special Assistant
to the President

Dr. Kathryn F. Clarenbach
Chairman of the Board
Miss Betty Friedan
President
Miss Caroline Davis
Secretary - Treasurer
National Organization for Women
Suite 500, 1629 K Street, N. W.
Washington, D. C. 20006

ccs w/incoming to RAMSEY CLARK
STEPHEN SHULMAN, EEOC for views

WMW:MJC:cc
(duplicate note to both: "You will note that this group says they are going to request an appointment with the President. May I have your views right away? Thank you."

(and red tagged to each)

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November 11, 1966

The President of the United States
The White House
Washington, D. C.

Dear Mr. President:

We greet you on behalf of NOW, a new action organization of men and women devoted to full equality for women. NOW's purpose is:

> To take action to bring women into full participation in the mainstream of American society now, exercising all the privileges and responsibilities thereof in truly equal partnership with men.

This letter is written to you in gratitude for past efforts, and in hopeful concern for the future. In your public statements you have done more than any previous President to focus national attention on the importance of bringing women into the mainstream of public and private employment. We are mindful, moreover, of the beginnings your own Administration has made toward more equitable employment of women. We value especially the activities of the Interdepartmental Committee and Citizens' Advisory Council on the Status of Women; the appointment of a number of women to executive positions in the federal government; the appointment of a woman as federal district judge; the Department of Justice's role in securing the decision in White v. Crook, 251 F. Supp. 401 (M.D. Ala. Feb. 7, 1966), dealing with women's right to serve on a jury; and the promulgation of the Civil Service regulations of April 3, 1966, banning discrimination based on sex in federal employment. And we esteem greatly your signing into law, as President of the United States, the Civil Rights Act of 1964 with its Title VII provisions against discrimination based upon sex.

We know you are aware, however, that much more remains to be done. We should like to point out to you some of the areas in which NOW has a particular interest, areas where further implementation of your statements and policies is most urgently needed:

1. Our greatest concern today is that the Equal Employment Opportunity Commission should be able and willing to fulfill its legal mandate to enforce the prohibitions against discrimination in employment based upon sex, under Title VII of the Civil Rights Act of 1964.

   In its responsibility to fulfill this mandate, we believe the Commission

is hampered by vacancies on its staff, by the absence of women in top positions on the Commission staff, and by a reluctance among some of its male members to combat sex discrimination as vigorously as they seek to combat racial discrimination.

The Equal Employment Opportunity Commission is currently unable to function effectively because many of its top staff positions are unfilled. The Commission is presently operating with only three of the five commissioners provided by law. Other vacancies exist in the positions of General Counsel, Director of Compliance, Director of Technical Assistance, Director of Public Affairs, and Deputy Executive Director. One of these positions has never been filled, and others have been vacant for months.

We especially regret that not one woman is employed at a senior policy-making level on the Equal Employment Opportunity Commission -- the very agency which is charged with ending employment discrimination based upon sex. With the exception of former Commissioner Aileen C. Hernandez, who recently resigned, no woman has ever served as a senior staff member at the Commission's headquarters in Washington. Nor is there a woman serving as regional director at any of the Commission's 10 field offices; only one of the 10 deputy regional directors is a woman. Yet women represent the majority of the population in this country and one-third of the work force; more than one-third of the charges filed with the Equal Employment Opportunity Commission involve discrimination based on sex; and many of the charges alleging racial discrimination also are filed by women. Similar paradoxical situations exist at a host of other government agencies, too.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000 provides "That it shall be the policy of the United States to insure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex or national origin and the President shall utilize his existing authority to effectuate this policy." (Emphasis supplied.) We therefore respectfully request that you consider the following actions to advance that policy: Appointment of two women as Commissioners of the Equal Employment Opportunity Commission...Requirement of commitment of all Commissioners to their legal mandate regarding prohibition of sex discrimination under Title VII...That the personnel complements of other federal agencies be analyzed in regard to the percentage of women employed at policy-making levels... That you use your good offices to ensure prompt filling of vacancies below the Commissioner level, with men and women who recognize their full mandate to combat sex discrimination under Title VII...And that when future vacancies arise at high levels, qualified women be upgraded to positions of responsibility which have been denied them until now.

2. While we stress the importance of proper staffing as the sine qua non for success of all federal government agencies, our interest in Title VII goes far beyond the question of personnel at the Equal Employment Opportunity Commission. We are deeply concerned with all steps necessary for effective implementation of Title VII as it applies to sex discrimination. Of great importance is the role played by the Attorney General of the United States. Under Sections 706 and 707 of Title VII, the Attorney General has authority to intervene in civil actions of general public importance involving discrimination based upon sex, and to institute a civil action wherever he has reasonable cause to believe that any person or group of persons is engaged in a practice which denies the rights guaranteed by Title VII. Although Title VII of the Civil Rights Act of 1964 has been in effect for more than a year, the Attorney General has not once intervened or initiated action in a case involving discrimination based upon sex. We strongly urge that the Attorney General be encouraged to enter upon such interventions and actions without undue further delay.

   In this connection, there is a case pending which presents an excellent vehicle for such action on the part of the Attorney General. On October 10 of this year, complaint was filed in the case of Mengelkoch v. Industrial Welfare Commission and North American Aviation, Inc., in the District Court, Central District of California. This case involves the conflict between Title VII, a federal law which prohibits discrimination on the basis of sex, and a state law which discriminates on the basis of sex. The State of California Industrial Code, which prohibits women (but does not prohibit men) from working more than 8 hours a day -- with no exceptions whatsoever permitted under law -- is clearly in violation of the Federal Constitution and of the Title VII provisions against sex discrimination. The issues raised in this case are surely of general public importance; and we urge the Attorney General to intervene in this case, or institute a civil action.

3. We respectfully request that you give top priority among legislative proposals for the next Congress to legislation which would give effective enforcement powers to the Equal Employment Opportunity Commission. For example, NOW supports the proposals in the Equal Employment Opportunity Act of 1965, H.R. 10065, commonly known as the Hawkins Bill, which passed the House of Representatives on April 27, 1966. To carry out the goals of Title VII, it is imperative that the Equal Employment Opportunity Commission have the authority and power to effectuate its findings. We trust that you will use your good offices toward this end.

4. A principal area of discrimination against both men and women involves retirement and pension plans. Although all statistical information reveals that women's life span exceeds that of men, many pension plans permit or require women to retire from employment at earlier ages than men.

   It is difficult for the Equal Employment Opportunity Commission to propose that private employers and labor organizations discontinue such discrimination when the Federal Government is itself practicing it through the Social Security and Railroad Retirement Acts. We therefore request that you submit legislation to the next Congress urging the amendment of all federal retirement and pension plans so as to eliminate unequal treatment based upon sex.

5. While Title VII and the Civil Service regulations prohibit employment discrimination based on sex among private employers and the federal government, such discrimination is not mentioned in section 101 of Executive Order No. 11246 of September 24, 1965 concerning equal employment opportunity by federal contractors and subcontractors. This Order currently prohibits employment discrimination based only on "race, creed, color, or national origin." In view of the federal government's commitment to eliminating discrimination based on sex, we urge that you amend Executive Order No. 11246 at your earliest convenience by adding the word "sex" after the word "color" in each place where the phrase "race, creed, color, or national origin" appears in the Order.

   We further request that you also use your good offices to promote an effective policy against discrimination based on sex by the Office of Federal Contract Compliance, in the Department of Labor, which has the responsibility for administering Order No. 11246.

6. NOW is especially concerned with the merely token number of women holding positions in the federal judiciary. During your administration, although approximately 100 judges were appointed to the federal courts, only one woman received such an appointment. More than 7,000 women practice law in this country, many of them active in political and civic affairs; surely numerous women are fully qualified for federal judicial appointment. We request that you consider remedying this imbalance in the federal judiciary when an opportunity next presents itself.

7. As part of the Great Society program, your administration is currently engaged in a massive effort to bring underprivileged groups -- victims

of discrimination because of poverty, race or lack of education -- into the mainstream of American life. However, no comprehensive effort has yet been made to include women in your Great Society program for the underprivileged and excluded. We strongly urge that programs be developed -- through coordination with the Equal Employment Opportunity Commission, the Office of Economic Opportunity, the various divisions of the Labor Department, and other federal and state agencies -- for the improved education and training of women, so that they may enter more fully into the responsibilities and privileges of twentieth century life.

We shall contact you shortly to request an interview on the above matters and related issues. We hope and trust that you will see fit to meet with us, to discuss questions of such vital concern to the national interest.

We maintain that this country no longer can afford to waste the resources of its woman citizens, and its leaders must act promptly and vigorously to ensure equal opportunity for all. In your own efforts to meet this pressing need, we pledge you our active and continued support.

Respectfully,

National Organization for Women

Kathryn F. Clarenbach

Dr. Kathryn F. Clarenbach
Chairman of the Board

Betty Friedan

Betty Friedan
President

Caroline Davis

Caroline Davis
Secretary-Treasurer