Oral History of Katherine Mazzaferri

This interview is being conducted on behalf of the Oral History Project of The Historical Society of the District of Columbia Circuit. The interviewer is Annamaria Steward, and the interviewee is CEO Emeritus of the D.C. Bar Katherine A. Mazzaferri. The interview took place on Saturday, April 15, 2023. This is the third chapter.

MS. STEWARD: Katherine, welcome. Tell us why you decided you wanted to go to law school.

MS. MAZZAFERRI: In college I had majored in Latin-American literature because I love Spanish, and I really enjoyed Spanish literature. But I really wanted to make a difference in the community. As I mentioned, the lawyers at Mobilization for Youth made a lasting impression on me.

MS. STEWARD: Where did you apply, and where did you decide to go?

MS. MAZZAFERRI: I applied to many law schools. I applied to NYU, and I applied to some schools in Boston. I got into all of them except NYU, where the dean said to me, interestingly, that he had his "quota" of women with my credentials. At the time I thought it was odd, but I didn't really think too much about it. In retrospect, I'm guessing many schools had those kinds of restrictions. As it turns out, I decided to go to the National Law Center, which is now GW Law School, because it had an excellent public interest program as part of its curriculum. It felt like a fit. And so, I went to GW.

MS. STEWARD: So, you moved to Washington, D.C., and where did you live? What was going on in the world at that time?

MS. MAZZAFERRI: I got an apartment at first on 24th Street, Northwest, and then I wound up moving to another studio apartment near Pennsylvania Avenue and 21st Street, right near the law school. It was a tumultuous time in the

world. This is now 1969, and the Vietnam War was in full swing. There were demonstrations because of the prosecution and trial of the Chicago 7. There were protests in 1969 and 1970, and then on May 4, 1970, four students were killed at Kent State University in a protest. There were demonstrations in the District of Columbia, as well, and many of the universities, including the National Law Center at GW, were closed for the semester.

MS. STEWARD: For a whole semester?

MS. MAZZAFERRI: Through the end of the semester. The shootings at Kent State happened on May 4th, demonstrations were significant everywhere in the country, and the schools simply shut their doors.

MS. STEWARD: What did that mean for you and your legal education? That's right before exam time.

MS. MAZZAFERRI: Right. I believe we were given pass or fail grades for that semester. It really was a turbulent time. Tough for the city, tough for everybody.

MS. STEWARD: What was your experience at GW Law School like?

MS. MAZZAFERRI: I was really surprised at my experience at law school because I had never been a minority. In each of the four sections of the law school class, there were a hundred students, more or less, and there were ten women in each of the sections. For the first time in my life, I felt like a minority, and I had never understood what it was like to be in that situation. Many of the professors were fine, but some of them were, frankly, sexist. My criminal law professor called on women to recite the rape cases, and many of the

professors used hypotheticals in which only men, not women were the lawyers. It was a surprise. A few of us in law school were concerned about what this meant for us, and we decided to form a women's rights committee in June of 1970.

Interestingly, one of the professors who had said to me personally that he didn't think women should be in law school heard that we were discussing organizing, and he called on me in class. He said his wife was interested in "women's lib," and asked if I could get her an application. The class roared, and I felt so humiliated. I was mortified. But it also made me realize that it was time to get organized.

MS. STEWARD: What did the Women's Rights Committee do?

MS. MAZZAFERRI: One of the first things Linda Colvard Dorian and I as co-chairs decided to do was to research GW's admissions policies. We were also co-editors of the law school newspaper. We discovered, and then published, that GW had higher standards for women than for men in admissions. In retrospect, I don't think GW was alone. I think this was the way it was, just as my conversation with the dean at NYU. But like many of the aspects of life at law school, it was a surprise. The dean of admissions said he didn't get many applications from women, not as many from women as men, and we offered to go to our alma maters to recruit women. So, for one semester, we did that.

MS. STEWARD: You're organizing this Women's Rights Committee, and what other impacts did it have or were you able to achieve during your time at GW?

MS. MAZZAFERRI: One of the women who was ahead of us by one year in law school, Nancy Stanley, had been part of a women's law firm in New York, and she said to us that Sue Ross, who was then a lawyer at EEOC, had been instrumental in starting a Women and the Law class at NYU. So, she urged us and was part of the process to try to get this kind of class at GW. Some of us spoke with the dean, Robert Kramer, who was quite good on women's issues. He was very special. He was interested. He told us, if we developed the curriculum and recommendations for professors, he would consider it, and so we did. We researched the curriculum, and we interviewed some candidates. We asked Sue Ross and Gladys Kessler, who at that time was at a small firm, and later became a superior court judge and then a district court judge, to teach our first class, which was offered in the Fall of 1971. It was quite wonderful.

MS. STEWARD: These are amazing accomplishments for such a small group of women at GW Law School. You get there, within your first year, you're organizing a women's law committee, getting a Women and the Law course established at the law school. What else were you all able to do?

MS. MAZZAFERRI: The women's movement was in full swing, so we were in touch with women from other law schools, and there was a lot of talk about what the next steps could be. So a group of us began discussing whether there should be kind of a city-wide group on behalf of women's rights. Around that same time, Sue Ross, from EEOC, was contacted by the National Organization for Women. NOW wanted to know whether our little group

in Washington was interested in being part of the NOW Legal Defense Fund. In the Spring of 1971, Lucy Komisar, who was then the National Vice President of NOW, came to a meeting at Sue Ross's house. It was a small group. As I recall, Sue and Nancy Stanley, Judy Potter, Judy's sister, Hope Eastman, Cindy Gitt, and myself. There were others, but those are the individuals whom I can recall. So Lucy asked if we wanted to be a chapter of the NOW Legal Defense Fund. We all listened. It was an intriguing idea.

MS. STEWARD: You had a national organization reaching out to you?

MS. MAZZAFERRI: Right. I guess NOW had heard of us, I don't know quite how. It was an interesting possibility. But after Lucy left, the group of us in Sue's living room talked about it and decided that we wanted to form our own group. We decided to create the Women's Legal Defense Fund, which is now the National Partnership for Women and Families. Gladys Kessler was the first president, and I was the second.

MS. STEWARD: Tell us about WLDF. You're getting Gladys Kessler, first she's teaching a Women in the Law course, and now she's the first president of the Women's Legal Defense Fund, and you're the second. So what was WLDF able to do?

MS. MAZZAFERRI: We had organizing committees. We had an employment committee, a name change committee, those were the main ones that I can recall. We were interested in working on legislation that affected women. We realized, pretty shortly after we started, that we really couldn't do it as a

group of volunteers and we needed to have a staff. As a board we interviewed candidates, one of whom was Judith Lichtman. Judy was a civil rights lawyer and was a fantastic attorney and organizer. She became the executive director. She started in July of 1974 and served until July 2004. She really made the National Partnership into a key player on the many important issues facing women in this country.

MS. STEWARD: I'm sensing a theme of strong women in your life. We have of course your mom, your Aunt Florence. We have Judge Kessler and allies with Dean Kramer. So now you're moving on and you're in law school and you're organizing courses. What happens next for you? What internships did you have?

MS. MAZZAFERRI: I was lucky. I was in the right place at the right time. Sue Ross reached out to me and asked me for the summer of my second year of law school if I would be interested in interning at EEOC. EEOC had brought a case, a matter in front of the FCC against AT&T for gender and race discrimination in employment. EEOC didn't yet have enforcement authority. That came in 1972, but the EEOC had intervened in a rate case arguing that AT&T shouldn't have a rate increase if it was discriminating based on race and gender. Sue was asking me if I wanted basically to take the lead or help significantly on the gender case, and, of course, I jumped at the opportunity. What a chance to make a difference.

MS. STEWARD: Tell us about that case. How were you able to back door race and gender into an issue that was involving rate increases? It seems like a novel idea.

MS. MAZZAFERRI: I can't take any credit for the legal theory. David Copus, who was the head of the task force, was I think the mastermind behind the concept. It was a small group: just a couple of lawyers, a researcher, a financial person, a couple of secretaries, and me. David asked Sue Ross to draft the complaint, and when she drafted it, she drafted it for gender and for race. She said to me recently when I spoke with her that she wasn't sure that David would have included gender in the complaint because it wasn't something that EEOC was particularly pursuing at that point. But she drafted it, and she included it, so it was a part. Sue was the resident expert at the agency on gender discrimination, so she was a tremendous resource for me. In addition, she directed me to speak with Catherine East, who was then the head of the Women's Bureau at the Department of Labor. Catherine became a wonderful resource for me as well.

MS. STEWARD: In preparation for this, you all are litigating this big case against AT&T, a huge corporation. Tell us about the proceedings leading into it and your role.

MS. MAZZAFERRI: I was asked to identify some expert witnesses, and two of the most fascinating ones were a couple, Doctors Sandra and Daryl Bem. They were psychologists from Stanford University. I also helped prepare a couple of medical experts who would testify about the ability of women to work during pregnancy. But the Bems were particularly helpful because the way AT&T and its 24-hour operating companies worked, they had entry-level jobs. They had telephone operators and they had line workers,

and they basically hired men to be line workers and women to be operators. Although the requirements were the same, the entry-level pay was different, higher for line workers than for operators. But there wasn't any reason that we could find for women only being considered for operator jobs.

One of the interesting projects that Drs. Bem and Bem did was to create a survey of high school students to gauge their interest in applying for jobs at AT&T. They crafted job advertisements. Some were just like AT&T ads. Some were gender neutral, and some were what we call "gender reversed". They invited men who had sexy voices to apply for operator jobs and women who wanted to be slim and trim to apply for the line workers jobs, and in this sample, the pay was the same in both line worker jobs and operator jobs. What they discovered was that with the gender reversed ads, more women would apply to be line workers, and more men would apply to be operators than any of the other options. Their research demonstrated that AT&T really was getting the type of employees that it was seeking, and if it changed its recruitment techniques, it could have men for certain jobs and women for other jobs. The Bems testified together, as a team. It was special.

I should have mentioned that there was another player added to the EEOC team. Judy Potter was brought in as a trial attorney. It was very helpful to have her on the team because at that point, EEOC didn't have

court-enforcement authority, and didn't have a lot of experience doing trial work. So Judy was a significant player in that FCC hearing.

MS. STEWARD: What ultimately happened with the case?

MS. MAZZAFERRI: Ultimately, AT&T and EEOC settled. It was in January of 1973. At that time, it was the largest single award of back pay in the nation's history. The settlement included one-time payments of $15 million for 15,000 then-current employees. I understand that about 13,000 of them were women. Also, the settlement included a new wage adjustment plan that increased the wages of both minorities and women by $23 million a year. After the settlement, AT&T began using some of the very ads that Drs. Sandra and Daryl Bem had developed during the litigation. And I believe that's why we have male operators today.

Interestingly, there's a book that was written about this AT&T case. It's entitled, *The Bell Women*, a story of the landmark AT&T sex discrimination case, and it's by Marjorie Stockford.

MS. STEWARD: What was the impact of all this? You're in law school. First, how long were you working on this case with the EEOC, and second, what was the impact on you of going through this experience on a novel issue of law bringing in gender and race on a wage hike issue and with the attorneys that you worked with?

MS. MAZZAFERRI: It was a life-changing experience really to understand that the law is important. What the law says is important, and interestingly, it gave me some insights into my life at GW Law School. I noticed that there were

job advertisements at the law school inviting women to be secretaries and men to be law clerks, and I wondered whether it was a violation of Title VII. It didn't seem right to me, so I went to Dean Robert Kramer, whom I mentioned before, and he was surprised. He hadn't noticed them. He walked over with me to the bulletin board, reached in his pocket and pulled out the key to the glass covering of the bulletin board and ripped them down. He said to me that it wouldn't happen again. And it didn't because he understood that it wasn't a good thing.

I worked on the case about a year. I thought it was so important for me to understand how enforcing the law can bring about change.

After I graduated from GW, I wrote another article for *The Advocate*, the school newspaper, about gender bias, and I also talked about how fair and unbiased Dean Robert Kramer had been. He was a man before his time.

MS. STEWARD: At GW you started off with the Women's Rights Committee during your first year and later you worked with the EEOC. With what was going on in the country during that time, did you feel like women's rights had made a substantial jump and advancement?

MS. MAZZAFERRI: I think I felt like we were on the cusp, we were at the beginning, but that there was a lot more work to do. But I also thought that there were laws on the books that could be helpful, that this was a moment in time when the law was ahead of society, that the law had requirements for equal opportunity that society wasn't in many areas ready for, but that the EEOC

was an agency that had the authority to enforce those laws. So, for me it was an interesting time to begin to understand the relationship between society and the law. I decided to continue to work at the EEOC because I thought it gave me the opportunity to try to enforce some of those laws.