

“Individually, And On Behalf Of All Others Similarly Situated”

Dolores Frese

RE-MEMBERING A dismembered academic career causes pain. It imposes a certain kind of shallow breathing on the art of memory, like that measured intake of breath typically associated with inflammation of the delicate, serous membrane folded over the lung's surface. Personal and professional histories spanning decades flood the field of memory with monitory caution, including within their folds a cognate fact that characterizes biological neuralgia: the experience of paroxysmal pain ordinarily causes no demonstrable changes in the structure of the afflicted nerve. What structural changes have been purchased by the individual and collective pain of so many academic women, numbers of them brilliant medievalist scholars and teachers? In the end, what has my own personal and professional pain purchased? The following exercise in reflective recollection, a version of deep-breathing-in-the-dark, begins with anxious awareness that everything I am about to describe may have accomplished far less demonstrable change than I had hoped for in the gender-biased academic structures that I refused to accept, and sought to correct in 1978, when I filed what finally proved to be a successful class action lawsuit, under Title VII of the U.S. Civil Rights Act, against the University of Notre Dame.

Poignantly, in 1978 the university was headed by Father Theodore M. Hesburgh CSC, a distinguished member (today at age 92 the only surviving member) of the original Civil Rights Commission appointed by President Dwight D. Eisenhower, and the person most responsible for the decision to bring co-education (and women faculty) to Notre Dame. I would have to go face to face with an indisputable culture hero, a seasoned lion of the Civil Rights movement, a Catholic priest

who had literally joined hands with Reverend Martin Luther King in dismantling racial segregation. How much *hubris* [overweening pride] could one woman summon against such impossible, and seemingly quixotic, odds? Why did I feel the need to resort to such an extreme remedy, and for a cause that others believed to rest on imagined slights? Wasn't I in every way treated as an equal to the more than forty men in the English Department, or at least as a professional equal in the rank of Assistant Professor with the cohort of eight men that I, along with two other women, joined in 1973 as the first female faculty in the department? Why was I doing this?

As a thoroughly traditional woman born in the 1930s, married, and the mother of three sons, I had postponed the completion of my doctoral studies until my children were all in some version of school themselves. Now approaching age forty, I was a "late starter" but full of confidence based on a stellar graduate school transcript at the University of Iowa amplified by a number of then-atypical predictors of professional success: an invited paper presented at the International Arthurian Congress in Nantes; a scholarly review essay in *Philological Quarterly*; a "first article" forthcoming in the *Chaucer Review*; a new novel published by Farrar, Straus & Giroux, included by the *New York Times Book Review* on their list of titles "worth buying for Christmas giving," and for which I had recently signed a film option; and an appointment to the English Department at Iowa as a Carver Teaching Fellow, where my women colleagues would include Gayatri Spivak and the newly-hired senior medievalist, Valerie Lagorio. This solid foundation was suddenly troubled by new possibility when my literary theory professor, Merle Browne, returned from a lecture engagement at Notre Dame and urged me to apply for a recently created position there. "It's your place, Dolores," he assured me, "they're looking for someone to teach Creative Writing, as well as being a place with a deep bench in Medieval Studies. And they're a Catholic institution recently gone co-ed. They want women! They need you!"

The seductions of "destiny," the opportunity to serve my world, my church, my nascent cohort of "liberated women" proved irresistible. Although I had concentrated my graduate work in medieval literature,

mentored by John McGalliard—a distinguished, Harvard-trained medievalist who assured me he had always assumed I'd finish my doctoral studies when the time was right—I had also been a member for years of the famous Iowa Writers Workshops, both poetry and fiction, and had published novels, short stories, and poetry in national venues. Furthermore, Notre Dame already constituted something of a mythic landscape for me. Years ago, my husband Jerry and I had literally honeymooned on the Notre Dame campus on our way to graduate school at the University of Iowa, stopping off in South Bend two or three days after our wedding, in order to carry greetings to a Notre Dame poet, John Logan, from my major undergraduate mentor, Sister Maura SSND, herself a distinguished poet but also a nun who, in those days, was not permitted to travel at will. Years earlier, Jerry had declined an undergraduate scholarship to Notre Dame. I still have, and sometimes wear, the gold ND medal presented to him by the Notre Dame Club of Baltimore as valedictorian of his high school graduating class. He had also been offered a faculty position in English at Notre Dame, with a specialty in British Romantic poetry, at the end of his own graduate training at Iowa, but chose instead to join the faculty at the University of Chicago. Notre Dame, “the road not taken,” was always a place of simultaneous mystery and attachment, beckoning once again with seemingly inexhaustible opportunity, but this time beckoning to me.

The potential move to Notre Dame was tantalizingly possible, however entangled. I applied and got “the phone call” late in the summer, a call reported by my high school junior who took the message while my husband and I were out riding our motorcycles through Iowa cornfields. Jerry had recently decided to change careers after years of teaching and administration at Chicago and was already enrolled in the College of Law at Iowa. Could I come for a campus visit? Of course I could. But there was a problem: I'd have to pay my own way. I laughed at this proposition and, with the brimming confidence of someone who had a good appointment at Iowa and a spousal second-career preparation already underway at the Iowa College of Law, told the Notre Dame department chairman, “If your department can't scratch up the price of a round trip plane ticket from Cedar Rapids to South Bend, you don't

really want to talk to me.” They found the money. I later learned that we “hired women” were asked to pay our own way, while male candidates were routinely provided with funds for travel.

At Notre Dame, making my way from one faculty office to another for serial one-on-one interviews with men, I began to wonder about questions being put to me. Did I think I could handle the teaching of Fiction Writing to undergraduate males who might write raunchy stuff? [I reminded them of my years in the Iowa Writers Workshops, both Fiction and Poetry, and wondered secretly what they might think about the new novel I had underway!] How long would my husband’s law school preparation take? [Jerry would be transferring to Notre Dame if we did end up coming here, and would graduate in three years. I later understood the import of this line of questioning: his completion of law school would coincide with the end of my first, renewable three-year term as an Assistant Professor; presumably “we” would then be out the “revolving door,” on our way to “somewhere else.”] How were my children doing? [They were “doing” as boys of their respective ages typically did: enjoying the summer and the activities that went with it (camping out, fishing, swimming, playing ball, shooting air rifles and b.b. guns, reading books, riding mini-bikes, and getting occasional stitches to repair occasional accidents).] Well, what would these boys think of their mother coming to work full time at Notre Dame? [This one took my breath away. How could they imagine my recently-completed graduate student career, and my impending responsibilities as a Teaching Fellow in English at Iowa, as anything less than a “full time” job?] I flew back that evening to Iowa quite certain that there was no job for me at Notre Dame.

But the offer did come, followed by serious family councils. Should we decide to come to Notre Dame, the older boys would have to leave their settled junior high and high school situations. Jerry, moreover, would have to resign a fully funded law school program already underway to transfer to the Notre Dame law school where admission was not a problem, but funding was simply not available. With high hopes, we voted to come to Notre Dame: it was “my turn,” they said. As we prepared our move, there arrived an invitation to meet the University Provost at a “Reception for New Faculty and Wives.” With what I intended

as a whimsical corrective, I introduced myself in the receiving line as “Dolores Frese, new Assistant Professor in English,” adding, “and this is my ‘wife,’ Jerry.” My joke was not well received.

The following week, in the Sunday section of the local paper, an article appeared entitled “Diary of a Retired Professor: Blending Fact and Fiction.” Written by a new Emeritus Professor in the English Department, the essay began with wry allusions to having to “hang up his ‘old boy’ hat to make room for the ‘new woman professor.’” [Recall that there were three of us: myself, an African American, and a very youthful prodigy from Penn.] “I’ve met her,” the “blended” article went on to say, adding that “she’s young, cute and black. The college gets extra points for minority hiring.” I clipped the piece, underlined the epithets, wrote “Attention Professors Dougherty, Frese, Herring” (our respective names) in the margin, and posted it on the bulletin board in the Faculty Lounge, cautioned in advance by a kindly colleague that it would be subject to instant removal and should be photocopied if I wanted to keep a copy of it. It was gone when I returned fifty minutes later. Some weeks later, I asked my departmental chairman if he had been the one who removed the piece. Astonished, he got up from behind his desk, closed the office door, and began to reprimand me.

“I’m shocked,” he said.

“And I’m shocked that you’re shocked,” I answered.

“He is a retired Full Professor in our department, Dolores!”

“And I’m a newly hired Assistant Professor,” I countered.

“But he could walk in here at any minute and see that hanging there!”

“See it hanging there?” Now it was my turn to be incredulous. “He published it in the Sunday paper for tens of thousands of South Bend residents to see! He implies that none of the women hired, including me, have any academic credentials. My neighbors have all read this; their children are commenting about it to my children. Maybe you should call him in for a talk.”

With great exasperation he then asked, “Why can’t you women take a joke? His piece is just in the tradition of American humor writing.”

“And my marginal comment is in another tradition of American humor—the frame story.”

Since I had to go teach a class at this interesting juncture, I wrote a note to him at the end of the day asking a series of questions that included the query: "Why is it O.K. for men to make jokes at the expense of women, but not O.K. for women to make jokes at the expense of men?" I was already recalling the Provost's pointed non-response to my "Wife Jerry" joke. I concluded by noting that it was important to me to know how these matters stood, as I felt it held real import for my sense of myself, and for my future in the department. The next day my note, opened and presumably read, was returned to my mailbox with no response. That evening, when I told Jerry what had happened, the aspiring lawyer/ former academic administrator urged me to open a file where I could keep a record of all such incidents. "I can't live like that," I said. "Well, fortunately for you, it doesn't bother me a bit," he said.

Jerry had been seasoned by years of crisis management as an academic administrator at the University of Chicago during the sixties with their sit-ins, injunctions, SDS rallies, arrests, occupied buildings, and protests. He had been dispatched to calm the irate undergraduate orthodox Jew in high dudgeon at Christmas decorations in his campus dorm lobby, and sent to soothe George Shultz, ex-Marine, Dean of the Business School, and later U.S. Secretary of the Treasury, who would brook no political interference with job interviews scheduled for his students. Sitting up all night with students occupying the Administration Building, "guarded" by Black Panthers and South Side gang members as they protested the decision to deny tenure to a woman professor they admired, Jerry was one of only two faculty members allowed inside. Now my good spouse, former Assistant to the President of the University of Chicago, had stepped up to service in my cause, inaugurating a file that would swell to remarkable proportions during my first years as a woman faculty member at Notre Dame, keeping in one place a record of the constant stream of incidents attesting to widespread gender consciousness in need of raising.

Life was not univocally, or even generally, unpleasant; quite the contrary. There were classes and faculty colloquia; there were week-long Literary Festival events featuring writers like Arthur Miller, John Ashberry, Gwendolyn Brooks, Joyce Carol Oates and Isaac Bashevis Singer, Tillie Olson and Robert Bly, Jorge Luis Borges, May Sarton, Robert

Haas and John Gardner, with rounds of dinners and parties, many of which I prepared and hosted. But there were also constant, irritating reminders of gender inequity and the presumed submission to male authority that attended it. Invited to contribute an essay to the *Notre Dame Magazine* on the experience of being a woman faculty member at the recently all-male school, my title—"What's a Nice Wife and Mother Like You Doing in a College Classroom?"—was changed without consultation to appear as "Do Women Really Want to Make It in a Man's World?" After this I was cautioned that "You're pretty aggressive for a woman." Invited to participate in an interdisciplinary Conference on Pornography, my submitted title, "The Pricke of Conscience" (borrowed from a famous medieval tract) was again censored and replaced—without permission—by a very dull substitute: "The Literary Exploration of Sexuality." This substitution I noted and corrected at the outset of my presentation, with television cameras running, to the visible dismay of several male panelists. Invited to participate in a Philosophy Honors Colloquium on the topic of "Feminism and the Family," I demurred: "I haven't even read the literature of feminism," I said. They apologized: "We were told that there was a radical feminist hired in English who was married, with three children, and held a full time tenure-track position. We've apparently come to the wrong person."

Through weeks, months, and years of such "petty" but persistent offense, which I chose to confront rather than ignore or silently absorb, there would often appear a sense of genuine bewilderment when asked about, or told of, perceived instances of gender bias. As defense against any such charge, clerical and sub-clerical male colleagues alike would regularly cite the monumental gilded statue of the Virgin Mary on top of Notre Dame's trademark "Golden Dome," insisting that "We're under the patronage of a woman! A woman crowns our Administration Building!" Small irritants such as these began to seem iconic of a resistance to any "conversation on women." We had been hired; we were working at an institution named for a woman; what more did we want?

Meanwhile, my own work was well underway. I was collaborating with a senior colleague who had also studied at the University of Iowa on a *Festschrift* [commemorative publication] for our mentor John McGalliard. The publication of the collection, a set of commissioned

essays covering all the major and most of the minor poetic compositions from Anglo-Saxon England, would coincide with our beloved professor's retirement two years hence. Inexplicably, this collaboration drew down the strong disapproval of my department chair, who would soon begin collaborating on a *Festschrift* in honor of Father Paul Beichner CSC, a retiring Notre Dame Chaucerian, the area of my own academic concentration. Unsurprisingly, neither my co-editor (another longtime departmental medievalist) nor I were invited to contribute to the Beichner collection. Very surprising, however, was the request by the Notre Dame Press, which had published our Anglo-Saxon Poetry volume to great success, inviting me to serve as a reader-consultant on my chairman's proposed collection. I agreed to do so only if my identity was not revealed. Ironically, my increasingly edgy chairman was thrilled with my considerable interventions, suggestions, and corrections, all forwarded to him by the Press from the "anonymous reviewer." "Your reader really knows his stuff!" he wrote with elation to the editor at the Notre Dame Press. Concurrent with this voluble professional endorsement, my non-anonymous work was being critiqued by this same man as unimpressive.

The "Dolores dilemma" was about to present a much deeper problem than anyone had anticipated. My spouse, Jerry Frese, had graduated from law school. Now in his forties, with our oldest son about to begin Princeton, and two siblings still to follow, he needed to make some careful decisions about his next career step. Jerry was willing to stay in South Bend, but he was fairly certain that he would be setting up his own solo practice were that to be the case. We thought it would be appropriate to inquire about the possibility of an expedited tenure decision in connection with my current contract situation, for a small-town private practice in South Bend, Indiana would need time to grow, and would involve sacrificial financial and professional stringencies that could be crippling in the event that I did not get tenure three years hence. There had been enough gratuitously proffered static from my medievalist chairman, directed toward both my personal presence and my professional projects, to make that possibility appear less remote than the academic facts-on-record might have suggested.

The Faculty Manual stated that an Assistant Professor, at any time during the standard three-year renewable contract situation, could ask to be considered for an early decision, should personal or professional circumstances indicate the reasonable need for such adjustment of the normal timetable. This was now the semester to submit materials for my third year review and renewal. The formal letter from my chairman invited me to communicate any additional information or circumstance that might be relevant, as well as my record of publication (already substantial, with many additional items in progress or in press), my teaching evaluations (very high, without exception), and my record of service (also significant, including election to numerous departmental, collegiate, university, and professional committees such as the Notre Dame Faculty Senate, the departmental Search Committee for the first appointment of a Distinguished Chair in English, and the MLA Delegate Assembly and Resolutions Committee). I had also delivered multiple invited presentations at other institutional venues and at professional conferences, in addition to readings from my fiction and poetry work-in-progress.

Cautioned by the history of cumulative incidents discussed above, I made an appointment to see the Dean of Arts & Letters, a distinguished philosopher and institutionally esteemed colleague of longstanding connection to Notre Dame. I described the spousal constraints impacting my renewal dilemma, leaving aside any reference to matters of personality conflict, and asked for his advice on the propriety and advisability of requesting an early tenure decision. He asked for a day or two to think it over. Later that week I received a letter from him noting that, while the “Boethian imponderables” were always an operative possibility, he had reviewed my case and felt that the facts were strongly in support of the likelihood that I would receive early tenure. He concluded by suggesting that I apply for it. Hyper-cautious at this point, I requested an appointment with the Provost for input on the same questions. “I want you to apply for tenure at this time,” the Provost said, quite emphatically. “Your department needs to learn how to make these decisions. I urge you to ask for tenure at this time.” And so the die was cast: I wrote the fateful letter to my department chairman, explaining my spousal circumstances

and requesting that I be considered for tenure, as the Faculty Manual specified I might do, rather than simply apply for a standard three-year contract renewal. I looked forward to his reply.

Within days the phone was ringing. I remember these calls with particular clarity, since they came on an afternoon when I was at home after teaching my classes, cooking and otherwise preparing for a Literary Festival dinner party scheduled for that evening. A senior member of the Department, and of the currently elected tenure committee, wanted to explain certain complexities to me: “There’s no question at all about your receiving tenure at this time,” he began. “We’ve never had a tenure case before us in my memory that was stronger. You already have more professional accomplishments in your dossier than many of our Full Professors. But here’s the problem.” He then went on to explain that the prior year, in the administrative process of appealing (successfully) for the reversal of a negative tenure decision handed down to a highly prized junior colleague, they had asked another junior man—one who had himself petitioned at that time for an early tenure decision—to withdraw his untimely request since they felt his qualifications might be judged as superior to those of the man whose denial of tenure they were then seeking to have reversed, with negative consequences for that requested reversal. “We promised [candidate B] early tenure this year if he would withdraw his request last year. There’s absolutely no question of your getting early tenure, but we don’t trust the Provost. We’re certain he’ll grant you early tenure, but we’re afraid he’ll make [Candidate B] wait until next year, since his request for early tenure isn’t as compelling as yours, and he still has another year on his tenure clock. But we made that deal with him last year. We’re thinking of forming a delegation to go to the Provost and get a guarantee that if he grants you early tenure at this time, he’ll promise not to deny [Candidate B’s] request for early tenure later in the Spring. That’s the problem. We just need you to hold off your request until we work all this out.”

I was flabbergasted and flattered at the same time. I thanked this man for his expressed confidence in my credentials but told him I was completely uncomfortable in this conversation in light of the mandates for confidentiality that I knew surrounded the difficult work of tenure decisions. I couldn’t talk further with him about any of it. He

understood. Within the hour he called back to speak with Jerry. “I know Dolores doesn’t want to have any conversation with us on this, but do you feel free to talk with me about your professional plans for the immediate future? We don’t want to go to all this trouble of calling on the Provost and extracting a promise from him and then have you walk away to some other job.” Jerry had no problem in assuring him that there were absolutely no other plans in place or being pursued, just a need to know as expeditiously as possible the outcome of my presently communicated request for an early tenure decision, so that appropriate plans could go forward.

Options and outcomes of every sort, good and bad, swirled through my mind as I cooked for John Gardner, already famous for his *Grendel*, recent winner of the National Book Award for *Sunlight Dialogues*, and another Iowa/McGalliard protégé who, with his wife Joan, was to be a guest of honor in my home that evening. But the excitement of the Literary Festival faded, days turned to weeks, weeks became months, and no word whatsoever came from Department, Dean, or Provost in response to my completely legitimate request for an early decision. After manifest avoidance behaviors had set in, with formerly warm colleagues and tenure committee members averting their eyes and some even crossing campus roads to avoid a collegial greeting, there could be little doubt in my mind about the heart-sinking outcome. Far more frustrating than the negative decision, however, was the growing apprehension that no one in the official chain of command planned to communicate this information to me in timely fashion. The fatal silence and signal avoidance constituted a concerted, collective rebuke against my “uncollegial” and “arrogant” posturing (words used with increasing frequency to characterize me in days, weeks, months, and years to come) and my refusal to “go along to get along.”

I decided to wait things out, even though major life decisions were in play. On the last day of the semester, I took two phone calls. One was from Jerome Taylor, the distinguished medievalist who had for years been in the English department at Notre Dame, before moving to the University of Chicago where we had formed a friendship during the years that my husband had taught there. Jerry Taylor would be combining research in Notre Dame’s Medieval Institute with a visit to

one of his children in South Bend. Could we meet at the end of the day to have dinner together? Of course we could. The next call came from my department chairman: he needed to see me immediately after my last class. When I went to his office he closed the door with great solemnity.

"I'm afraid I have bad news for you Dolores," he said, looking not at all sad, gesturing to a chair and sitting down at his desk. "Your request for early tenure has been denied. We're giving you a three-year renewal instead."

I thanked him for letting me know and excused myself: "Jerry Taylor is waiting for me downstairs," I explained. "I hope we can talk about this later."

My chairman was clearly disconcerted: "What's Jerry Taylor doing here? And we really do need to discuss your plans. Why don't you just take a seat."

"My plans are to move to Chicago next month," I said, "and I really can't have a long conversation right now."

"Move to Chicago?" He was incredulous. "What will you do with your house here?"

"We've sold our house," I said.

"Sold it? How could you do that? What would you have done if we had given you tenure?"

"But you didn't give me tenure," I said.

Jerry had decided to accept an appointment as an Assistant U.S. Attorney in Chicago, in order to keep me positioned within the difficult but do-able commuting radius of South Bend. Ironically enough, the painful, ensuing move to Chicago (never desired, and undertaken only at enormous personal and professional cost) later became a further site of repudiation, construed as evidence of my lack of commitment to the University, although it has since been articulated to a number of recruited faculty as a persuasive alternative to living in South Bend. Meanwhile, the new Dean of the College (an untenured nun who had chaired the Search Committee that resulted in her appointment) charged that my acceptance of a semester of salaried leave, a standard benefit after a three-year renewal of contract, somehow constituted a dishonest ploy on my part. "You're just ripping off the University," she

said accusingly. “You’ll just move to Chicago and never come back!” I assured her that no matter how many people might wish that, it was not about to happen.

This untenured Dean had written her own doctoral dissertation at Notre Dame a few years earlier under the direction of one of my departmental colleagues. Poignantly enough, this man’s wife now was seeking reversal of a negative tenure decision in another department, in the same College over whose operations and decisions the new, untenured Dean proposed to preside with no apparent perception of impropriety. Initially refused tenure by her all-male departmental committee (as had every woman ever considered for promotion-to-tenure at Notre Dame at the time), this faculty spouse/female faculty member was later granted a half-time tenured position—what some would refer to as “Notre Dame’s version of the Dred Scott decision”—but only after the Dean in question had remanded the decision for reconsideration with expressed written concern about what would happen should the University fail to tenure the “right kind of woman,” clearly implying that there was also a “wrong kind of woman,” one whose profile, I suspected, might look a lot like mine.

Although we had already sold our house, we had never posted a “for sale” sign on the front lawn after contacting a realtor. It was hard to believe that just a little more than a year before, between semesters in early January of 1975, I had left this same house in the middle of the night, to wait out in a cold hospital bed the traumatic process of an imminent, irreversible second trimester miscarriage. Although “post-traumatic-stress-syndrome” was not then a commonly invoked cultural concept, there was no question that deep residues of that prior anguished grief, loss, and guilt were welling up, spilling over onto the newly mapped version of requisite surrender to outcomes over which I could exercise no control. For two or three weeks at the opening of that semester, while I was hospitalized with severe anemia, and later at home recovering, Jerry had taught my three classes in English, in addition to attending and reading for his own law school courses, and running things at home for the family. Jerry was in Princeton with our oldest son when I finally did sell the house. On moving day, July 4, 1976, amidst the bicentennial celebrations, my then-seven-year old hid behind a chair

in the study as we loaded our U-Haul trucks for the move to Chicago, in order to comply with the federal requirement that Justice Department lawyers live within the jurisdiction where they practiced. Several long poems written during these times of acute distress (“Daily Office 1/8/75: for Jerry,” “Flying Out from Notre Dame: for Ernie Sandeen,” “Suing for Grace, and with my Father, Dying”) carry the trace of raw, unprocessed grief.

A day or so before departure for Chicago, a senior colleague dropped by with a very fine bottle of vintage scotch. In a previous semester I had picked up his two Fiction Writing classes (in addition to my own scheduled three courses) after he suffered a heart attack. He had come to wish me Godspeed, he said, and to tell me he was looking forward to the day when I would return. I thanked him for the scotch and promised him that I wouldn’t open the bottle until we could drink it together after my return to South Bend. But I attended the “closing rites” of his funeral before I was ever able to keep that “opening” vow, for our Babylonian Exile in Chicago lasted longer than expected, from the Summer of 1976 to the Fall of 1981. This period, during which I lived in Chicago while commuting daily to South Bend for my work, included the actual experience of litigation.

But I had been rehearsed for the pressures and demands of this litigious phase by another review assignment that filled me with high resolve and sober courage. Shortly after my first negative tenure decision, I agreed to read and comment on another book manuscript, a volume of essays by women. The collection included “Case History” essays by women who had been through searing experiences of gender bias; many had litigated, a number successfully so, but all bore scars. The second part of the volume, dedicated to an exploration and explanation of “Contexts and Processes,” had essays on networking, gender peer evaluation, career implications for the practice of Women’s Studies, and a detailed account of one university’s failure of Affirmative Action for women. I was riveted. The editors’ decision to reproduce a lengthy part of my review in their published introduction, as a way to summarize the “intent, message and value” of their collection, included the following excerpt:

Indeed, one [...] aspect of this book is the amazingly affirmative, humane, and curative moral impulse that almost invariably attends the recitation of grievous outrages in narrative after narrative. There is nothing naïve about this generous impulse. It exists in the [...] presence of radical awareness of inequality, bias, illegality, and immorality. And still the women affirm themselves, one another, and the meaning of that work of teaching and research to which they have committed themselves—often against impossible cultural odds. In so affirming, the individual and collective voices here achieve genuine prophetic stature.¹

I think now that I was writing a prescription for myself, about to enter the same dark corridors and hoping to come out without deformity.

There was another gratuitous stroke of feminist good fortune to lift me up: Mary Carruthers, now honored as one of the greatest living authorities on medieval thought, was at that time on the English department faculty of the University of Illinois at Chicago (then commonly designated as the “Chicago Circle Campus”) laboring intensely on the first of her magisterial studies on the topic of medieval memory.² Having been unjustly denied tenure at Smith College, Mary had filed a formal complaint with the Equal Employment Opportunity Commission. With incredible generosity, she offered to meet with me and my lawyer spouse to swap stories, files, and, most importantly, advice. Over a long lunch at the now extinct Berghoff Restaurant in the Loop, she described the harrowing experience of the formal hearing phase (which resembled a trial in every particular, including the cross examination of witnesses) where she had stood as a formal plaintiff in an adversarial position toward her former employer. After the EEOC ruled in her favor, Smith declined to accept the judgment for her re-instatement, noting that the government agency had power to recommend, but not to enforce. “Don’t go through a protracted EEOC process,” Mary cautioned. “Just cut to the chase; supply EEOC with a compact statement of grievance, and ask for a ‘right to sue’ letter.”

I had learned the same lesson from the experience of two tenured nuns, both members of a religious community teaching at St. Ambrose College in Iowa, who had likewise invested time, treasure, and talent

in preparing and formally presenting evidence of gender bias to the Iowa Civil Rights Commission. One of these women, Sister Ritamary Bradley, was a well-known medievalist-feminist with an outstanding publication and teaching record who, with Valerie Lagorio, founded and co-edited the *14th Century English Mystics Quarterly* when the now-flourishing study of women mystics and their writings was in its infancy. She, like Mary Carruthers, told me: "Don't expend too much energy on EEOC, Dolores; just ask them for a right-to-sue letter and get right into court." The other nun, Sister Annette Walters, had done her doctorate in psychology at Harvard under B. F. Skinner, who publicly eulogized her at the time of her death. Requesting leave to take up an invited Visiting Professorship at Yale, Annette Walters was refused the year of leave while similar leave was granted to a less qualified junior male colleague; she was told to take retirement if she wanted the year off. By the time I spoke with Annette by phone in 1979 she was hospitalized, nearer than anyone thought to her imminent death. She talked with me for almost two hours, encouraging, instructing, and strongly cautioning against energy-wasting moves. Annette, too, had endured the entire public process of an Iowa Civil Rights Commission "hearing," which eventually found (in her favor) that St. Ambrose had engaged in impermissible age and gender bias. The recommended award, more than \$39,000 in back pay and benefits, came too late, for Annette had already died before the case was decided.

The advice of those other women, to get into court without further delay, was advice well taken. And that is what I finally did, albeit after repeated, unsuccessful attempts to work through University channels at Notre Dame. These included a lengthy interview with the campus EEOC officer who promised to get back to me, but never did, although the expiration date for my statutory time for filing was fast approaching, as well as my sharing with the University's Legal Counsel the affidavit of cause that I had prepared in the event that I should need to file a federal complaint. Cautioned confidentially by a university loyalist not to rely on the hearing officer's timely response, since he was reported to be delaying strategically until I had missed the deadline for an EEOC filing, I called Father Hesburgh in his office one Saturday morning to

detail my serious procedural concerns. He was warm and cordial, as always. He had just returned, he said, from a trip to Canada where he had played Santa Claus to an orphanage of little boys. "If you had seen those orphans, Dolores, you wouldn't think you had any problems at all." I told him I hadn't seen the orphan boys; I did think I had problems; and I would, by necessity, be filing a formal complaint with EEOC on Monday, my legal deadline for doing so.

I crossed the professional Rubicon in 1978, asking the EEOC for a right-to-sue letter and, after the right-to-sue letter arrived, filing a Title VII federal lawsuit charging Notre Dame with sex discrimination. The District Court for Northern Indiana then certified this action as a class action on behalf of all untenured female faculty members employed by the University at any time after January 1, 1977 who claimed discrimination in matters of contract renewal, tenure, promotion, salary, pension benefits, and other terms and conditions of employment. When sixty-eight untenured faculty women, many of them on the University Library faculty, joined the suit, legal contestation began in earnest.

Notre Dame petitioned the court to issue a gag order preventing me from speaking to any woman on campus about any issue connected to my litigation, but the federal judge hearing the case reminded the University of "something called the first amendment." Three identically worded affidavits, evidently prepared by the University's legal counsel, were sworn under oath by three female academic administrators (two untenured, one recently tenured) and submitted in support of the motion for a gag order, claiming that I had been "harassing" them to join my lawsuit. In fact, I had made an absolute point of talking to no one on campus during the opt-in/opt-out phase of my lawsuit, precisely to avoid any perception that I was pressuring anyone in any way.

Further legal skirmishes followed. The University engaged the firm of Seyfarth, Shaw, Fairweather & Geraldson, the same firm that the lettuce growers had hired to fight Cesar Chavez and the farm workers and that the Stevens Company had hired to fight the textile workers (a struggle commemorated in the classic film *Norma Rae*). I hired the Chicago labor firm of Davis, Miner & Barnhill, where (I've recently been told) a young graduate from the Harvard Law School by the name

of Barack Obama had lawyered, and where my chief counsel, Chuck Barnhill, had successfully represented women in large Title VII class action lawsuits against major corporations and universities.

Notre Dame strenuously opposed our motions for legal discovery, arguing that it would violate that great shibboleth of “academic confidentiality.” When my attorneys argued that they were being prevented from representing their client by this refusal to allow them to even examine my faculty file, the judge was incredulous that I had never had any opportunity to see anything from my personnel record. He ordered the University to turn over all files that were in any way relevant to an examination of the comparative records of male and female faculty. He was at that time presiding over two class action lawsuits, he said, one by Frese against Notre Dame, and the other against the State of Indiana by inmates at a prison in Michigan City. “Even the prisoners get to look at their own files, counselor,” he admonished. By now EEOC had joined our suit as a plaintiff intervenor, providing attorney assistance and covering the costs of statistical analyses involving hiring, salary, promotion, and tenure figures.

This court-ordered discovery proved to be “the beginning of the end,” disclosing a mother lode of persistent, pernicious, bigoted, vicious, and personally biased male hostility marshaled against me. Any possibility of a calm and measured review of my professional qualifications based on a fair, comparative consideration of the credentials of similarly situated males who had been tenured and promoted by the same committee(s) that had repeatedly refused me tenure was clearly out of the question. But the elation of the “paper discovery,” the fierce joy of vindication at the documented confirmation of every suspicion in a record of bias far exceeding all imagined expectation, was tempered by the shock and sorrow of needing to confront the frightening hostility (bordering on hatred) in these concerted attacks on my person and my presence in the department and at the university.

Crushing episodes of personal repudiation (both public and private) and rituals of humiliating abjection became the daily fare for a succession of years. “Special testing” was repeatedly imposed as my four serial requests to be considered for tenure and promotion, from 1976 through 1979, were denied each time, always for a different reason. It would be

impossible within the confines of this essay to present even the most digested summary of a legal deposition that lasted for six days, occupied almost fifty hours, and whose recorded transcript of my response to stringent interrogations launched by lawyers from Seyfarth, Shaw, Fairweather & Geraldson fills 798 pages. That fuller story, I hope, will be told at length elsewhere someday, perhaps with the five volumes of transcripts as an appendix. But random dipping into that deposition reveals, among dozens of examples of gender bias that I noted, my being laughed down in the Faculty Senate for proposing that Search and Selection Committees should consider the value of including women faculty on their appointed memberships; my noting that, in the university athletic facility, male faculty had sauna privileges while women had hairdryers; and my noting that women faculty in my department could not be considered for merit raises since a signal component of “merit” was tied to “longevity” and women, having arrived only recently, were too new to qualify.

After those days in these trenches, I would fly back to Chicago to reconnect my own abraded soul with family, friends, and colleagues at other institutions. Commuting twice daily by small aircraft on a tiny Beechcraft 90, whose wings would often begin to ice over while crossing Lake Michigan in midwinter, we five or ten adventurers who flew together regularly would swoop down over the canyons of Chicago’s Loop, lighted with skyscrapers and high rises, to cross mere feet above the roof of the Shedd Aquarium and the domes of the Adler Planetarium, all in order to hit the runway as early as possible, followed instantly by the hard application of brakes, to allow the plane to make the turn-and-taxi-back on the short double runway. On the last day of the last semester of my second three year contract with Notre Dame, with nothing but office appointments set in South Bend, old friends from the University of Chicago invited us to the English Department picnic that afternoon in a suburban forest preserve. Jerry had no trials set for that afternoon so he, too, was free to rearrange his calendar. I cancelled my plane reservation and phoned Notre Dame to have a note put on my office door stating that I would reschedule my appointments for the following week. That afternoon, we loitered in the pleasure of untroubled friendships, but a heavy fog was setting in, finally forcing us

to say goodbye. Driving home along Lake Shore Drive, we could barely see the cars in front of us, slowed to a crawl through rolling clouds of thick fog. On the evening news, we heard that the flight I had been scheduled to take home had gone down in Lake Michigan. No one survived. The craft itself has never been found, only a small piece or two of the fuselage, one wheel, and some scraps of clothing.

Twice the Court had set, and the University had postponed, trial dates. I taught a seventh year at Notre Dame, under a standard one year terminal contract, as the process dragged on. Now traveling by Greyhound Bus to South Bend, instead of a twenty-minute flight (however harrowing) across the lake, I now faced a two-hour ground trip with circuitous routes and stops through downtown Gary, Hammond, and other points west. It was during my final bus commuting semester that I prepared for and submitted to the exhaustive deposition described above. Among the deal breakers postponing final settlement was the University's symbolic offer to me of a salary upon return that would be slightly lower than that of the lowest-paid male Assistant Professor. I refused that diminished compensation that represented ultimate gender inferiority, a point which the University lawyers pretended not to comprehend as I left the lawyer's office in South Bend to return to Chicago for my youngest son's birthday celebration. The second refusal to settle involved the postponement of a final settlement for Josephine Ford, a Professor in Theology who had chosen to join my class action at its original moment of certification, but had been forced by the University's legal maneuvering to mount her own separate action, on the grounds that she already had tenure (although she had been repeatedly denied promotion to Full Professor). I had promised Josephine that I would not settle until her affairs were in order as well, and we kept our promises of support to one another.

I returned to take up my work at Notre Dame as a tenured Associate Professor in January, 1982. Today, twenty-seven years later, in a department numbering thirty-eight faculty members, eighteen are women, six tenured Full Professors, three of these Distinguished Chair Holders. Seven are tenured Associate Professors, three are tenure-track Assistant Professors, and two are Associate Professional Specialists, a non-tenure track position. Not one of these women was at Notre Dame before or

during the lawsuit years, and very few of them have ever even asked me about it. One former female colleague in English, hired at the rank of Full Professor at my urging, was requested to review a woman Assistant Professor's appeal of tenure denial in another department, under an appeals procedure negotiated as part of my Settlement Agreement. She consented to do this only if the University removed my name from what had been called the "Frese Settlement Agreement." In the midst of so many profound satisfactions, remembering a dismembered academic career can still cause pain.

The University of Notre Dame

∞ END NOTES

1. Gloria DeSole and Leonore Hoffman, "Introduction," in *Rocking the Boat: Academic Women and Academic Process*, ed. Gloria DeSole and Leonore Hoffman (New York: Modern Language Association, 1981), pp. v–xi; p. x.

2. Mary J. Carruthers, *The Book of Memory: A Study of Memory in Medieval Culture* (Cambridge: Cambridge UP, 1990).