

Interview with Arlene Gorton

Interviewer: Amy Goldstein

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Amy Goldstein: So, can you introduce yourself please? And—

Arlene Gorton: Sure, I'm Arlene Gorton, I'm a professor emerita of physical education. Been a member of the Brown faculty for, from '61 to '98. And I'm now retired.

Goldstein: And you went to Pembroke yourself, right?

Gorton: I went to Pembroke, majored in English Literature. Decided I wanted to teach, and wanted to teach physical education. I was a product of Betsy Rudd, whom a lot of the older women and men would remember. So, when Betsy retired, Nancy Duke Lewis, Dean Lewis, whom I adored, wrote to me and asked me to come back to Brown, to replace Betsy. Not that anybody could ever do that. So, that's, that's the story of how I arrived at Brown.

Goldstein: Okay, and by the early 1970s, when all of the business involving Louise Lamphere began, you were one of the few women tenured faculty at Brown, is that right?

Gorton: Right. There were nine tenured women and I think there were four hundred and seventy faculty. And three hundred of—two hundred and something were tenured; nine of whom were women. So clearly there was something not going on at Brown.

Goldstein: And then when Louise Lamphere was denied her own tenure ca—her own tenure review, she decided she wanted to pursue an internal grievance within the university. And there was a committee formed, the Faculty Policy Group, right?

Gorton: Right. Well the Faculty Policy Group existed because that, that conducted all the faculty rules and regulations. But, the committee, a committee of the Faculty Policy Group was created, an ad hoc grievance committee; it's in the faculty rules. It had never been used before, so Louise was the first person to use it. Which, I understand why she did, because she felt discriminated against, and that was really the only way she could get a codified approach to her hearing. And so she asked that the group be appointed. And as I recall, it was, we were elected by the faculty. Some, you know, the normal way that the faculty got their fac—got their committees. But, with only nine tenured women, it was obvious that it was going to fall, I mean after the fact, that it was going to fall upon a couple of us, as tenured women, to serve on this committee. Because we chose not to ask non-tenured people to serve because they, we didn't

want to distract them, either men or women, from their tenure process. So it was sort of set in stone.

Goldstein: And how was it that you became the head of this ad hoc committee that was going to hear her grievance?

Gorton: I guess I didn't speak quickly enough [laughs]. The committee chose its own faculty, its own chair. And, I, I guess they, I knew the people on the committee, and they decided that I should serve as chair.

Goldstein: But was there anything about the role that you had been playing, or the kinds of things you had been saying, or it was really random?

Gorton: Well they knew that I did women's athletics, so obviously I was an advocate for women. And I, they, and I'm not shy. So I guess, I don't know, I don't know how I got. Sometimes I thought it was my bad luck, and sometimes I thought I was very lucky to be able to fulfill the role. So I was determined as chair that it was going to be committee consultations. So anything that we decided on in the committee, we discussed it until there was no one who wanted to say any more. So it made for lengthy meetings [laughs].

Goldstein: I bet it did. And if this was the first time anybody had asked to have a grievance heard by such a committee, first of all, was it known on campus this was going on? Was this a big deal? Or no one was paying much attention?

Gorton: I don't think it was a very big deal. I mean, other than the fact, it was a deal among faculty because it came out of the faculty nominating process. But I don't think it was a big deal. I mean, I don't think anybody knew that it hadn't been invoked before. It was sort of after the fact or as we went along that we realized that this had—that there were no precedents for the committee so we were making our own way. And we were perfectly willing to do that, but we wanted to know what precedent was, and there wasn't any.

Goldstein: That was one of the things I was wondering, whether there were rules for how you should do your work? Or whether you had to develop rules?

Gorton: We had to develop our own way of operating. We, and the, we, we were very formal about it at the—I remember, we used to joke on the committee that Walter Feldman showed up at the first hearing with a tie, wearing a tie. And none of us had ever seen him in a tie before, so. [5:00] We had to develop our own ways of doing things. But, my sense was that I wanted this to be as democratic as we could, because we wanted to give people who were taking the time to serve the chance to express their opinions.

Goldstein: And the time was indicative of the fact that people were taking this role seriously?

Gorton: Oh yes, very. We had hearings in the Crystal Room, which were very formal. I had gone to the Provost and asked him for a lawyer for the committee, because I felt that we needed it to be sure that we were working properly to protect the faculty, who didn't have a role in this hearing. It was between the tenured faculty member, Professor Lamphere, and the university administration, mostly as represented by Provost Stoltz. Jackie Mattfeld was Dean of the Faculty, and she had a special role assigned to her by the president as the counsel for women. And, but, there... there was no rules and regulations as to what we were going to do and how we were going to do it and whom we could call, and we called anybody we wanted to call; they all came!

Goldstein: So you essentially had, you know, sort of like subpoena power. You could just summon people to appear before...

Gorton: We did. We summoned the president, and we summoned the provost, [laughs] I mean you talk about a sense of grandeur there. Yeah, no, we summoned whomever we wanted. And, they came. And, I mean, I think that it was fair that they took it responsibly. Being held in the Crystal Room and being as formal as it was, I think that that just gave it that little bit more power to bring people to the table.

Goldstein: And these were not public hearings, right?

Gorton: Yes, people could come and hear.

Goldstein: Ah, did anybody show up, or?

Gorton: Oh yeah, students would come in and sit there; departments would come in and... Well I mean we didn't do a lot of publicizing other than we weren't keeping them secret. But we didn't put an ad in the BDH that President, you know, is going to speak at the committee. So, I think we made periodic reports back to the faculty. I think I had to do that at faculty meeting periodically. Not as much in the grievance committee as in the next committee. But, yeah the people came because there was interest in what was going on. You know, it was a time, when you have only nine tenured women out of seven—out of four hundred faculty, then it's clear that something is not going right. And without saying what was going wrong, there was support for women. On the other hand, there were men who thought that this committee gave preference to men. But I think... and it did—

Goldstein: Preference to men in terms of who was serving on it?

Gorton: No, just in terms of the, of a hearing. And perhaps it did. But I think what is important to remember is that the ultimate result of the committee, one of the important results of the committee, is it codified, it forced departments to codify their rules for granting tenure. And that had not been done. And that benefitted both men and women faculty. So, when people used to say, “Oh, you know, the Lamphere case, it just benefits men—women and doesn’t benefit men,” I’d say, “No, that’s not true. Men are beneficiaries, too.” Because if you codify a set of rules, you can have the department—the sacred cow was the departmental autonomy in deciding the standards for tenure. And that had been in existence I guess since Brown started. So the fact that the departments could make their own rules was never questioned. But the fact that they had to publicize the rules and be consistent in implementing the rules was what came out of our committee, I believe. And out of the whole Lamphere case.

Goldstein: Now, when your committee was doing its work, there were things that it could consider, and things it couldn’t consider, as I understand it. And the committee could not evaluate the merits of the tenure decision; whether that was accurate or wrong—

Gorton: Correct.

Goldstein: Or whether Louise Lamphere deserved or did not deserve tenure. So what were the things that you could consider?

Gorton: Well, whether the rules were published, and consistently followed. Were they fair? Was there due process? Again, the departmental autonomy, as to who could receive tenure, came out of the tenured faculty members of the department. So for us to make a decision as to whether or not Professor Lamphere should get tenure would mean we would be placing our judgment in place of the department—the tenured members of the faculty. And we accepted that that would be in error. That that was the code of Brown, and we accepted that. But, what was not accepted was the fact that you couldn’t have different rules for tenure within the same department for different people depending whether your friends were coming up or not. You had to follow the rule of fairness. Whether due process was [10:00] administered to Louise. And those were some of the issues that we made decisions about. But we never looked at her merit. And as a matter of fact, in the later committee, which was the ad hoc monitoring committee, the... both the plaintiff and the university appointed, or invited outside referees, who were in that same department, in Anthropology, but not at Brown. So that we kept the watch, the vision on the qualifications of the candidate, judged by people who had the wherewithal to judge this. And that was not within our jurisdiction. It was not within our power to do. Nor did we want to. We accepted that departmental autonomy. If they followed the rules, published them that they were using, and consistently used the same rules and regulations with each person who was coming up for tenure. And the department, Anthropology had only three tenured members of the department, so it

didn't have a long history as English or History did of tenured faculty. But they still had rules and regulations, and they should, were expected to be consistent. And one of the major things in terms of the committee coming to its decision on Louise was that due process was not followed. She—

Goldstein: Let me just interrupt you for a second. So Professor Lamphere brought several charges against her department?

Gorton: Yes.

Goldstein: Can you just, as best you remember, and I know this was a long time ago, go over what it was that she was charging. Because in some cases you agreed and in some cases you didn't disagree—you didn't agree?

Gorton: Right. She felt that there was discrimination as to her subject matter. The committee... and with namely Women's Studies. She felt that she did not receive due consideration because the department did not give credit to the study of women. We did not find that that was the case. We found no discrimination there, based on what the university, or the department set up. But we did find procedural inequities. We found lack of due process. And those were the things that we, we took the department or the university to task for. One of the due process questions that I remember was really quite blatant was that, in the one other case where the department established tenure, the depart—the candidate was notified on May 3rd, or shortly thereafter the department met and voted. In Louise's case, the department made its decision, but the decision was not passed on to Louise until the end of May. So she lost her opportunity for due process in filing a complaint.

Goldstein: Yeah, I'm going to ask you to spell that out a little bit. Because for people who don't know anything about this case or don't know much about tenure or how an academic year works, somebody might think, "Oh, what difference does a couple weeks make?" But you thought that those couple weeks' difference really did matter. So what was it that you, the committee felt and you felt she couldn't do, Professor Lamphere couldn't do because she hadn't had those intervening couple weeks?

Gorton: Well, first of all, many of the faculty left by commencement. Despite the fact that Brown has a commencement and expects faculty to be at it, we know that that is not the case. So if a faculty member, if Professor Lamphere wanted to question a faculty member, and that faculty member wasn't on campus, then she lost the opportunity to question that faculty member. If she wanted to see if the faculty members had seen her latest writings which were in her new

field, she couldn't find out that for sure. So these were some of the issues that we felt the due process, timing was important in.

Goldstein: And this was obviously before the era of emails, you couldn't just send off a note to someone no matter where in the world they were.

Gorton: Well I, I don't, I mean it.... But emails... they don't, they didn't have to answer them. You know, there were faculty—

Goldstein: Well, they didn't exist back then.

Gorton: Faculty chose not to respond to some of this. If they were on leave, you can't force a faculty member on leave to read a case. And it's time-consuming, to read all the qualifications, all of the credentials, all of the writings and go over the student reviews. Also students weren't on campus. If you wanted to use evaluation of teaching, you had to distribute them and collect them and collate them before the students left campus so that you could guarantee that they were safely done, and...

Goldstein: So the point then is, if I understand you correctly, is that missing those few weeks, she couldn't approach people who may have voted against her [15:00] within the department?

Gorton: Right.

Goldstein: And talked to them about whether she was satisfied that they had adequate basis for their vote against her?

Gorton: Right.

Goldstein: That was the heart of what she couldn't do.

Gorton: That was a piece of what she couldn't do. And why would she, you know, May 31st is the end of the academic year. May 3rd gives a faculty member much more time to, to mount a case, to collect evidence. And these were things that we felt that Professor Lamphere did not have the time to do. So.

Goldstein: So that was one of the grounds that you thought her grievance was legitimate. And there was a second ground as well, right?

Gorton: Yes, there was, there was a, what was fair, you know, there was sort of a fair... was it fair to use the teaching evaluations in just Professor Lamphere's case? And not any others? So

that was an issue also. We were looking to see the system codified, and used in a codified way. And it, and we didn't feel that it was.

Goldstein: And by codified, excuse me, do you mean, was it done consistently? In other words, was her review done the way prior reviews for other faculty members?

Gorton: Yep. Was she held to the same standards? Were they promoted in the same way? Were they articulated in the same time schedule? So, yeah... done the same way was one of the things that we looked for. Now again, because the Anthropology Department did not have a lot of tenured faculty, but other departments did, so we could see what their standards were. And no department even listed their standards to the administration. They just had it in the department. And it could change ipso facto. That was another issue. It just seemed a sloppy way of doing a formal business that where a person's career was hanging in the balance. So.

Goldstein: So we spoke with Professor Leis, who at the time was chairman of the Anthropology Department. He led the tenure review for Professor Lamphere.

Gorton: Right.

Goldstein: And his argument, I think it would be fair to say, was that in other times Louise Lamphere probably would have gotten tenure, but that there were budget pressures on the department, there were very few tenure spots that were going to be available. So he felt, and he communicated to the other tenured members of the department, that the standards for tenure had to be higher than they had been in the past. Did you buy that argument?

Gorton: No. First of all, there was a tenured slot that, that Louise could go for. So that's what you should be working with, the fact that there is a tenured slot. Also, if you, if the university really believed in affirmative action, then if you have a qualified candidate, you don't keep saving it and saving it and saving it and saving it. And just using the excuse, it felt like, that we only have one slot, so we now need to get the very best person. You just make decisions on the faculty whom you have. Now the other thing that Brown had consistently done that, and the statisticians on our committee pointed this out, was that in the seven years that if a woman came, was new hired, at Brown, is not enough time to establish a, a resume of validity. So you can't keep changing the standards. Once you say, "We're going to look at the quality of their writing, we're going to look at their teaching, we're going to look at their service, if we are, blah blah blah," then you have to be consistent with it. And that's what the codification expectation was. And I honestly believe that, I'm sure the case was expensive, but that's not Professor Lamphere's fault. I mean, it was the fault of the people who made the decision and who never

gave her a court of appeal. And then she invoked the faculty rules and regulations. And I think that, that the, if it were expensive, she should not be blamed for that.

I remember, I had a student, I was in the athletic department, and I had a student who worked in intramurals and was taking one of my classes, and he wrote for the BDH, and he ro—he [laughs] he really rode the committee right across the hot coals, because he felt that it was inexcusable that we were permitting that money to be spent for hearings, for time, for this, for that, when it should've been going for libraries. And you know, I think he was a prime example, in my estimation, of blaming the victim. It was not Louise's fault that the money had to be spent the way it was to be spent, to be fair. And I think the university has a responsibility, had a responsibility, for affirmative action and to be fair. I don't, the committee did not give, did not say that [20:00] you can say because of the limited budget that you've got to make a decision that you would not have made in other times. You can't change the rules and regulations on people. You can change the department's needs, there's no question about that, but you can't change the rules and regulations and then, and if there is a tenured slot. The slot was there. So that, if it hadn't been there, then, then Louise would not have had, Professor Lamphere would not have had a case.

Goldstein: Do you think, in essence, that the department, the faculty who made her tenure decision against her, were just kind of using it as a pretext to get rid of her?

Gorton: Um, I know she did.

Goldstein: But I'm asking about your judgment.

Gorton: Well, it occurred to me, you know, but I never acted on that in terms of committee chair. We acted on what we saw in front of us. There were rumors that it was probably true or untrue, I don't know, about this and that and the other. But, and Louise was... I found for my own personal situation that if you agitate, you can create enemies. And I think that that's one of the things that happened to Professor Lamphere; she agitated. Her commitment to Brown, I think, is remarkable; that given what the university did to her, she then turned around and granted a scholarship for a student. I mean, I think that's absolutely the most noble gesture that I could think of. [Laughs] So if the university was trying to fire her, because they didn't, the department didn't think she was worthy, and she turned around and used the money that she made on her writings to give it to Brown! You know, I just, I don't know. I don't know if Professor Leis commented on that issue or not. Did he?

Goldstein: Yes, he did.

Gorton: Did he agree with that?

Goldstein: He was pretty neutral about it. But he pointed it out. He pointed it out. He pointed it out in the context of saying that, you know, she couldn't have been that resentful of the university to have made a gift like that. That's how he brought it up.

Gorton: Well, I... You can... [laughs] you can figure those figures as you want. Or you can, you know...

Goldstein: You know, you just mentioned something in passing that I was wondering about, which is you said that, you know, you've learned from your own experience that if you are pretty outspoken, not everybody is going to be supportive of you. And I was wondering whether there was any sense in which, I mean you clearly had a role as chair of this committee doing this unprecedented work. But was there a personal way in which, and maybe yes maybe no, but was there any personal way in which you could identify with Professor Lamphere's sense of not having been treated fairly?

Gorton: I think so. I mean, I think it's hard not to bring our biases with us. When I was a youngster growing up I wanted to play with the Boston Red Sox, and I wanted to play with Ted Williams; he was my idol. Now I was about eleven years old when my dad told me that I could not play with Ted Williams, not because I didn't have the ability, which I clearly didn't, but because I was woman. And that stuck in my throat. And so I'm sure that has been a part of my own bias, through the years, the things that women are turned away from, that they're excluded from. And so, I don't, you know, I can't say that I didn't come with bias. But I tried to be objective. I tried to be sure that everybody felt the freedom to discuss. And we continued discussions until every person felt he or she had expressed his or her opinion. So, I mean, you can have biases but you can also operate in a way that is somewhat fair.

Goldstein: And when it came to making decisions about the various allegations that Professor Lamphere had made, and you had this, you know, culture within the committee that everybody could get their say until nobody wanted to say anything else. Was it completely unanimous from the beginning, or were there any charges on which there was a lot of haggling?

Gorton: No, there were charges on which there was, there were differences of opinion.

Goldstein: Can you talk a little bit about that, please?

Gorton: There was one charge, and I don't remember which one it was. I think it was whether or not she had been, her academic rights had been violated. And I think, you know, it's in the report there that there was a difference in the committee. Generally, we came to a consensus. Generally. And we were very careful, if we brought people in to testify, we then would consider their

testimony and come to conclusions on that. And everybody had input into it. And so the... but there were, there were disagreements on the committee, but I think the general rule of thumb was the committee was unanimous, was in agreement [25:00] ultimately. That while they didn't agree with X, they could see why it was thought that. So you know, there's never any totally happy resolution of conflict. You know you, I talked about, you talked, mentioned did my own personal biases come into it? I know that I—

Goldstein: Past experiences, not biases.

Gorton: Yes, no, well experiences, biases. They're biases. I remember when my department, someone said, "There you go again, Arlene," this is in the Title IX case. And my answer was, "If you go, I don't have to." And I think that's just the way I felt about it. You know, that we wanted people to express their opinions, and we would agree or disagree, and then we would obviously take the majority rules. We couldn't—but we tried to get consensus, and it didn't always work. But I don't think anyone left the committee, I don't think any of the five people on the committee left the committee feeling disgruntled at the way the committee operated. They may have thought that one side got a little more hearing than the other side, or they came down on the favor of the plaintiff's a little more. But I don't think that anyone, to the best of my knowledge, no one felt their committee experience was a negative one. I think they all felt that we did what we did because we believed it would make Brown a better place for everyone. And that the university did have, we felt, a responsibility for affirmative action as expressed it itself. So we were only taking the university at what it said. I think the Louise Lamphere decision—case, while it created a lot of stress on campus, and a lot of stress in me as chair, and the committee, and Louise and Professor Leis, that it just, it served a very important function for the good of Brown.

Goldstein: Because?

Gorton: Because of all the things I said. It codified the rules and regulations. It said people, the university would pay attention to how people are treated. You can't just, because I like you, I can't just grant you tenure. I've gotta have, I've got to justify it. And so, I think that in the long run with Brown. It's unfortunate it cost so much money. But it's kind of, in my mind, like the Title IX case; it's unfortunate that we had that cost so much money but that was the only way to get Brown to where it arrived.

Goldstein: Let me ask you one more thing about the committee's conclusions. As you pointed out, the two charges that the committee felt were substantiatable were both on procedural grounds. Did you, or anybody else in the committee, feel any pressure like not to go wild with your findings?

Gorton: No.

Goldstein: So this was really what you concluded?

Gorton: Yes. But, no one in the university put any pressure on us. I can honestly say that Provost Stoltz was not always happy with our conclusions. But there was no pressure put on us. When I went and asked for a legal counsel, the university gave it so that we, you know... No, nobody put any pressure on us. We could express what we wanted to say and do what we wanted to say. Of course we were tenured faculty, also. And so that we couldn't be held accountable.

Goldstein: And what did you think was going to happen after you rendered your judgment? I mean, there was an opportunity for another tenure review. Could you foresee that this was going to lead to this massive class-action lawsuit? Or that was beyond what you imagined at that point?

Gorton: No, I didn't take it that far. My thinking, I didn't see it, foresee it going that far. I, you know, I suppose that's naïveté on my part. But I think we just thought that we would render a decision, that it would be, it would impact on the department, and Professor Lamphere and Professor Leis, and that was it.

Goldstein: So when the suit happened, were you surprised?

Gorton: Yes. Well, I was somewhat surprised. I was, I must have, I must say that I was somewhat in awe that Louise took it to the end. That she saw it through, and decided that she needed to do this, and that she thought it was in the best interests of the institution. So yeah, I was surprised. Then when President Swearer appointed us to serve, me and three or four other faculty, to serve as a monitoring committee of the process, of the review of Professor Lamphere, I was surprised to be put in that role, too.

Goldstein: Before we get there, I just want to get back to one word you said a minute ago. I think I heard you say that you were in awe of Professor Lamphere, that she sued. What was that awe about for you? [30:00]

Gorton: Well, just that she had a commitment. She believed in what she was doing. And she followed it through. I mean, it's not easy to stand up against a university, and most of us have a very strong feeling of support. I mean, I frequently have said during my teaching career that I have a love/hate relationship with Brown. And sometimes I'm so irritated with Brown, and other times I just can't believe what a wonderful place it is. And so I think that when someone goes the full length of their commitment, I always find that impresses me. That they stand up, they'll fight for what they believe in, and that they'll, you know, not that they'll tear the institution down. She

did not. I did not feel that she wanted to destroy Brown, any more than Professor Leis did. But I think that Professor Lamphere had more to lose in terms of her status in the university, because there were many more men who would be opposed to her, than women who would support her. And not all women supported it either, so it didn't break down totally in gender roles. But I will say that Brown gave us the freedom to do what we wanted to do. And if they hadn't, we would've reminded them of our academic freedom. So...

Goldstein: You know, I should have asked you, when your report came out, and you did find that there were two charges that you upheld, did you get any grief on campus? Were people mad at you?

Gorton: Oh, sure. I told you about the student who was really angry with me. I thought that we were really good friends and then I discovered he was really angry with me. So, yeah, I mean...

Goldstein: What about colleagues, what about other faculty?

Gorton: Well, I, there were faculty who didn't understand, who didn't take the time. They didn't really want to, they just wanted to be sure that they weren't being mistreated. But I think that, I didn't feel any, I felt people thought that, you know, it was silly. That the whole hearing and the situation was silly. And others who thought that it was the best thing that could happen. I think the people who supported it most, the committee's decision most, were the junior faculty. Because they're the ones who benefited by the codification of the rules and regulations. I hate to keep coming back to that word, "codification." But every junior faculty member benefited from the Lamphere decision, because they then knew what they could—what would be expected of them, and how it would be played out.

Goldstein: So the reaction really split a little bit along untenured faculty/tenured faculty lines?

Gorton: Yeah, I think so. Because the tenured faculty were the status quo. They were the ones who had always made the decision. "Well goodness, what are you questioning our decision for? We're the ones who are best able to best judge the merit of the candidate." Well, merit is important, but so is set style and substance. So I think that, but I think that, I don't want to put words in their names, in their mouths, because I never did an analysis of it. But I think that the junior faculty members were more interested in what was going on with the case because it impacted on them. And the other thing that we found out was the, in the monitoring committee, Professor Quinn, who did the statistics on tenure slots and predictable tenure slots and things like that. I think that he gave out some pretty cold facts about what to look at and what to look for. And the fact that you bring a woman in as a hire doesn't mean that she's going to move into the tenured rank—or a man. But affirmative action was, we, for, towards the women now because

that's where Brown was found lacking, in the affirmative action on women. So, that, I think, played that one out.

Goldstein: Okay, so you rendered your judgment. The suit happened. You were surprised by it. And a couple years later there were settlement talks that were happening. And I understand that you were part of a small group of faculty members who were involved in those talks. Can you explain how that came about?

Gorton: [laughs] President Swearer decided that the, the... the monitoring of Professor Lamphere's tenure review, the new tenure review, should be in the hands of faculty. So he asked us to implement the process. Not to get involved in the decisions, but to contact the outside reviewers, to send out the letters, to summarize the letters, and to render a decision.

Goldstein: And, I'm sorry, was this before or after the tenure, the settlement agreement had been reached?

Gorton: The settlement agreement in terms of?

Goldstein: Yeah, the Consent Decree.

Gorton: Oh, the Consent Decree.

Goldstein: Because I had thought that, I may be wrong, but I had thought that you were part of a little group of faculty members who were asked to, sort of on behalf of the faculty, to monitor the settlement talks that led to the Consent Decree.

Gorton: I, I, we never measured, we never monitored the talks that led to the Consent Decree. There were faculty who did do that. I think Anne Fausto-Sterling was one, I think [35:00] Dean Karen Romer was another, there were several male faculty members who, that, we never monitored the Consent Decree. Barbara Lewalski in English, I think, was another person, but. So they were monitoring the Consent Decree. We did not monitor the Consent Decree. All that, all that we did was to monitor the grievance hearing and the, to monitor the, the committee review of Professor Lamphere the second time around. And those were the papers that I destroyed. Because we had promised the outside reviewers that their remarks would never become public information. And they're not, I mean, by rule of thumb they're just not. That's consistent with what Brown had done internally in the past. So that's why I chose to get rid of all the papers that I had. The university had its own official reports. Every committee on the university reported to the Faculty Policy Group and that got passed on to the administration. And so I didn't feel that it was necessary for us to keep our committee reports.

Goldstein: And this was the outside tenure review that led to her being awarded tenure?

Gorton: Yes. Yes, there were, there were, I think there were three faculty not at Brown, three tenured faculty in Anthropology, who, who were sent her credentials and were asked to render a decision as to—and they were sent the credentials of the other people in the department. Because a comparison with the department is an issue on the basis of merit, is what they were asked to do, also. So, they, those are the reviews that I felt should not become public information.

Goldstein: And when that little outside group reported back that they thought Professor Lamphere warranted tenure, do you remember what you felt personally?

Gorton: I felt relieved that our work was over [laughs]. It took a lot of time. We had twenty hearings, but each hearing took three or four hours. So that was a lot of time that we spent on, on this situation. And then when we were doing the monitoring of the, of the review, I mean it just was, “thank God we’ve reached a decision.” I think I felt relieved that it was the right decision.

Goldstein: Because why? Was it that you were relieved or it was the right decision?

Gorton: Well, because they, that, the, the outside referees said it was the right decision. So, that’s what, that was their job, their job was their position was upheld, so it just seemed to be the right decision. Now, the corporation, was, it was very interesting, I remember at one point in which I was dis—a little discern... distressed because the, we sent a report to the president, and asked that it be forwarded to the corporation and the corporation decided that they didn’t agree with what we said, but they would send the report on to the cor—to the corporation and I thought, “that is kind of side-stepping the issue.” Somebody’s not biting the bullet.

Goldstein: They accepted the report but not the findings, is that right?

Gorton: Yeah. Yeah.

Goldstein: What did you understand that to mean?

Gorton: Well... [laughs] that we found the wrong thing. No, that they didn’t want to admit any wrong. But it was a, I mean, you know, you think, well, you know, maybe this is why Brown gets into so much trouble. Because our, well, I don’t know, you know. Their, their, their legal minds are better than mine, for sure. But it was a strange, to me it was a strange conclusion, so. But I guess we felt sufficiently exonerated that they did as we asked. But, yeah, it was a really strange one.

Goldstein: Did you have a chance to talk to them while they were deliberating, or they just did that behind closed doors?

Gorton: The outside referees?

Goldstein: No, no, this was the corporation's...

Gorton: No, we, no. Never had a chance to talk with them. As a matter of fact, I don't think they wanted to talk with us. I think we were on a not a too happy list of theirs, so. But, I know a few times in the Faculty Club, a couple members of the corporation would come up and say, "No outsider can tell us what to do at Brown!" and, you know, "Why are you putting up with this nonsense?" And I'd say, "If Brown broke the law, Brown has to follow the law, too." So, the whole sense of what Brown can and can't do; "Brown can do whatever it wants as long as it's following the law," I used to say. But I always felt attacked when, you know, a very prestigious member of the corporation, if a very prestigious member of the corporation came after me, as the committee chair. Which they did, but that's okay.

Goldstein: And this was right after you had turned in your findings?

Gorton: Yes.

Goldstein: And your conclusions?

Gorton: Yep, yep.

Goldstein: So you have, I just want to make sure I heard you right, so you had a few members [40:00] of the Brown corporation come up to you in the Faculty Club, and to your face criticized you?

Gorton: Yes. They thought our committee did not use good judgment, was not thinking, and just misread the situation. And, I'd ask them if they'd read the details of the case. And they said they got the report from the corporation, so let it go at that.

Goldstein: Did this rattle you? Did it make you think less of them? I mean, how did you react to this?

Gorton: I was irritated. I thought that, you know, if you don't have all the facts, why come after—you know again, why, it was kind of like the same thing. You're criticizing the messenger, you know. We weren't the culprits. We were simply the messenger. And if you create a problem that we have to solve, don't come and attack us. So yeah, I'd get irritated. I

have a, you know, I don't have a lot of patience with that. I am, again, you know, it was my bias. I have been a known advocate for women. And in Athletics this is very true. Title IX case, there I was again. But I never wanted to ...hurt men. I just wanted women to have a fair shake. And that's what I kept trying to say to these people. That's all we're trying to do, is just put the pieces in place where everybody can be treated fairly. So, whether it's in sport or... tenure. Having gotten tenure I obviously, I got it.

Goldstein: But not many others did when you did.

Gorton: No, no. Very few. I was the only member of the athletic department to have tenure. So, my department didn't really have tenure. But I wouldn't have come to Brown if I hadn't been on, if there hadn't been a tenure slot available. A tenure space available. Because it... not because... but because it, reflected my own philosophy of the place of sport in education. You know, the men had a model that I thought was wrong. It was business, sport, professional sport, and the women looked at sport in education. And because that it was, that I could come in as a, in a tenured slot, position, I could qualify for tenure. That's what attracted me to Brown. I wouldn't have come otherwise. So.

Goldstein: Let me just fast-forward from when you came to Brown to when the Consent Decree happened. What was it like on campus in those days?

Gorton: It was very unpleasant. Very, very unpleasant. People were, people were sniping at each other. They were nit-picking. They were, there was a lot of stress and tension. People didn't know if you dared to be friendly with someone who ad—who was in support of the Consent Decree, or if you're supposed to not be in support of the Consent Decree. Then, so it just created a very bad scene, I think. It was, it was destructive to the well-being of the campus. We rose above it, but we could've done without all that trauma and turmoil. And friends turned against friends, you know. So.

Goldstein: Did you have that experience? People...?

Gorton: No.

Goldstein: But you just observed that there was this polarization.

Gorton: Well, I had people who didn't like what I was doing or saying. They'd say, "There you go again, Arlene," as I told you, so. "You go, I don't have to." [laughs] But anyway. It, it just seems, it seemed such an unnecessary attitude. You know, Brown could include everybody, should include everybody. And I don't mean that we're all going to be happy. But we want to exist by the same rules and regulations as everybody else. So. But, these are the storms you go

through. And money was short, and you know, people didn't know if—well, faculty gave up salaries, raises for a while. Well, all personnel did so. But, you know, it's not the easiest time for Brown. But we got through it.

Goldstein: But it sounds like you thought the Consent Decree was warranted.

Gorton: Oh yes. Definitely. I, I mean, I come back to the fact that there were nine tenured women faculty. Something was not going on. And you, you, there were a lot of faculty who thought, "Well we hire women, and they just don't go through the gates, they don't get through the gates." Well seven years is not a time to get through the gates. And then, they were faulting women for taking time off to have children, and, "you're not earnest in doing your work and blah blah blah." And I just think that, it was, it was not the... the Consent Decree was necessary. Because Brown, like any other institution, is just entrenched. [45:00] And, you know, change does not come easily. And Presidents are damned if they do damned if they don't, so. Brown was lucky, I think, to have Howard Swearer at the leadership role, during the Consent Decree. Because I think he was fair, he was open, he was consistent, and I just think he was a good administrator. I don't think it made his job a lot of fun, but nonetheless.

Goldstein: What were things that he did that you thought smoothed what was an intrinsically difficult time?

Gorton: Well, I think he was always available to talk. If somebody wanted to talk with him, much to his secretary's dismay, he would see us. [laughs] I know when I chaired the Faculty Policy Group and I had monthly meetings with the President, she'd say, "You're going to kill that man!" Or when Harriet Sheridan had cancer and I would go to see him and say, "What's going on with Harriet?" You know, you've got, but so he just made himself available.

Goldstein: Harriet Sheridan was who?

Gorton: The Dean. She was the Dean, she was the Dean that—he, he told us, he, after our committee finished its work, he had a dinner for us, he and Mrs. Swearer. And he told us that he was going to bring in, he had a woman at Carlton, whom he was going to bring in as Dean, and it was Harriet. And he did. He brought her in as the Dean of the College. And I, I think that was a great move. You know? It was the first time we'd had, the university had had a Dean. Although Jackie Mattfeld had been appointed. But not, she did very nicely.

Goldstein: So let's go forward to the late eighties, when there have been several years of the university operating under the Consent Decree. And there was beginning to be talk about whether it was time to get rid of it. You had some strong feelings about that?

Gorton: Yeah. Well, I just think that knowing the university, and knowing how institutions operate, they only operate under pressure. And so it was until we were at a stage where we were where we wanted to be, I think we should just have stayed in that stage. But there were a lot of faculty who felt, and I know administrators who felt that the university, that Swearer should never have signed to the courts. But, the university would have been torn apart had he not done that. He adjudicated that, that, that's, that situation by settling. And I think it took a very big person to do that.

Goldstein: Well you said the university would have been torn apart, meaning?

Gorton: Yeah, that, they would've fought it, because they wouldn't have given in. And, the battle would've gone on; there would not have been progress made in affirmative action. Women would have continued to be second-class citizens, I think. And so I just didn't want the Consent Decree adjudicate—vacated. But, I'm not saying that I was right, in the long run. And you know, as I look at it, but, that was my feeling. Well.

Goldstein: Well, that's what I was wondering. I mean, you remained on the faculty for many years after that the Consent Decree was vacated, and did there ever come a time when you looked around and said, "Oh, things have kind of gotten where I hoped they would be," or that time never came?

Gorton: Well, for me, the one thing that I have hoped, had hoped for during all of my career at Brown, was that there would be a female AD. And I applied for the position three times.

Goldstein: Athletic Director, right?

Gorton: Athletic Director, yes. And was turned down. And, that's just the luck of the draw. But until the university can appoint a woman as Athletic Director, and it won't be me, but the time will come when they do, then I don't think we've arrived in Athletics. So, have we arrived? [laughs] Not in my field. And, you know, there's like, I remember there was an article in the Providence Journal that I was a very nice lady the first time that I applied to be Athletics Director, but what did I know about football? And I thought, "What does the Athletic Director have to be football?" You know, you needed an administrator, you need all kinds of other things, but why football? And I think it's just symptomatic of the power that sport unfortunately has. Until a woman... and the Ivies have appointed some women. I had hoped that Brown would be one of the few—the first one to do it. But, Penn did it; Cornell has done it; I think Yale has done it, so. Brown is still chugging along.

Goldstein: Does the fact that Brown's had a couple of female presidents mitigate that at all or not so much in your view?

Gorton: Oh yes, sure, that's that's, I think that's really. [50:00] But presidents of universities can be women's roles. Athletic Directors cannot be women's roles in our psychology of psych. You know? Of sport, I mean. So, yes, obviously, and one puts a lot of pressure on the women presidents. And I'm very proud that we have had women presidents. And I don't really, look, I don't divide my life into whether a man is a woman or a male in terms of power. But I think it's the sharing, it's who has the power role. That's what the president has, that's what an Athletic Director has. The power to make the decision. And unless you have the power to make the decision, you don't have power. And that's the same with the Consent Decree. I felt, so. I guess that's just my mystique towards attitudes.

Goldstein: Okay, that's pretty much what I wanted to ask, I'm just going to turn around and see if anybody else in the room has any questions.

Male Voice: Yeah, I mean, Arlene, I would like to follow up with ... a question we asked Elizabeth Weed yesterday about in the decades after. And you certainly had colleagues at other institutions, maybe you spoke to. How did they look upon Brown in those decades after this all happened? And how did you see the sort of landscape change in those decades after? I mean, one thing Elizabeth showed us that was interesting was a graph of the increase in tenured faculty positions for women at Brown that went up, up, up, up. And it took almost a decade or two for other Ivy Leagues to follow. That Brown was a kind of shining example, that people looked at Brown and envied. What was your experience in speaking to other institutions, other colleagues, what was the kind of landscape in the decades that followed?

Gorton: I think each institution does its own thing, although. [unclear-multiple voices] I think each institution does its own thing, and that the other institutions haven't been under the same power. And it's unfortunate. Brown, they should follow Brown because that's, that's where we need the institutions to go. You know, I can speak about that more in athletics than I can in faculty positions. But, in status towards faculty, I think Brown is a much happier place for women faculty than many other Ivy institutions.

Goldstein: Even today?

Gorton: Even today. Yeah, definitely. I don't think there's any question about that. I think women come to Brown and feel that they have equal status. That is not the case at other Ivy schools. They don't, you know, I don't think any of that, that Brown—I think that the lot of the schools were just happy that Brown spent the money and they could do it, they could use their

money as they wanted to. So, they took advantage of what we gave them, but they didn't contribute to the battle... That's my personal feeling. And I, and I certainly think that that's the case for the Ivies. Does that answer your question?

Male Voice: Yeah, and I guess another follow up question would be, that right as we began the interview, you said that maybe at the time that this was going on, when you were serving on the committee, you didn't maybe fully realize the impact that this was going to have. The storm that was going to brew, as it were. At what stage later did you look back on that and say, "wow, that was kind of a big moment in the history of...?"

Gorton: I, what I have felt from very, very—what I have felt was that it created the ...the attention... from the beginning. But it didn't win the battle. As a... for women generally. You know, I'm not surprised that we had... the... the division that we've had, still. Because it's a basic question of our society. The society hasn't changed.

Goldstein: So what does it take? I mean, in this case you had a very determined young faculty member, had a very sympathetic federal judge. You had a president come in who had very strong incentive to settle this case—

Gorton: And a great lawyer.

Goldstein: And a good lawyer. And it still didn't produce enough change right away. What does that say?

Gorton: Well, it, it's entrenchment. It's status quo, you know? ...I remember when we were trying to get the Title IX case passed at Brown, and we were trying on campus to develop interest in Title IX, that a lot of women [55:00] were not the least bit interested because it was sport. So that's different. It's different than the academic fields. And I think that that's where a lot of, and a lot of junior people have to go into their own little... their own little cage, and support their principles, and not, not rock the boat, and not diverse themselves too much. So it's harder for them to get ...an ignition point. I think, so. But, each, each event creates its own furor. And so, the Lamphere case certainly created a furor; the Consent Decree created a furor. There were a lot of people who were on the Brown faculty who were opposed to President Swearer because he signed Brown to the courts. But they couldn't see the fact that he had to do that, or destroy the campus with the divisiveness. I mean, if Howard Swearer had not acted when he did, I am thoroughly convinced that the divisiveness would have ruined Brown. Because it was just getting to really strong, harsh, bitter feelings. And it was not a nice place to be. It's like the guerilla warfare during the war, you know? When we had the students eating the bones at commencement time? Well, that got attention. But there was a divisiveness that was going on on

the campus that was not very good for the campus. But, it paid off in the long run because Swearer made us battle it out, I think.

Goldstein: Anything else on your mind? Wendy?

Male Voice: I mean, just to dig a little more if you don't mind. But can you articulate that divisiveness a little bit? You know, in terms of ...

Gorton: Title IX? The Consent Decree?

Male Voice: Not Title IX, the Consent Decree.

Goldstein: Just how did, how it played, how it played out?

Gorton: Well, even within departments, you know, it, they split along gender lines very, very frequently. And there was always this sense that a woman got an appointment because of the affirmative action, not because of the merit.

Goldstein: Right, but what happened? Did people stop eating lunch with each other? Did people—I mean, the nitty-gritty, what happened?

Gorton: Yeah, well, people stopped talking to each other. People found reason to criticize each other. They snapped at people, you know? So, they had no confidence. It wasn't a collegial attitude. It wasn't a group working together for the good of Brown. Everybody was out after his or her own agenda, and I think that's where the divisiveness was destructive to Brown. And then Swearer was very good at trying to pull the departments together, trying to be fair. Give, you know, meet both of the needs of the male and the female faculty, and students, so. I think that he just heard students.

Goldstein: Do you think this is partly because male faculty, not necessarily the junior faculty, the ones who had been here more, you know, entrenched in campus life, that they felt threatened?

Gorton: Oh, yes. Sure. Definitely they felt that they were going to have to share their pie. [Laughs] And they didn't want to share their pie. I don't think there's any question that there's a, there's a ...it threatened to the responses of the faculty. The senior faculty were very entrenched, they were very status quo, and they were very used to being the boss. And now that they had to share that, share their budget, share their power, share their office, they did not like. I'm not sure anybody would like it. But, you would hope that there is a reason why you buy into it if you think it's for the greater good. Now, you know, it always amuses me when fathers say to me,

would say to me, “Oh I support Title IX because I have daughters.” Well you should support Title IX because it’s right, not because you have a daughter, you know? But that’s just their own vested interests, we all act that way.

Male Voice: And do you recall any, I know you were talking about senior faculty, very broadly saying that there was a lot of resentment, a lot of divisiveness—a lot of people were scared or threatened. Did you, do you recall any kind of resentment from women about this case and about what was going on? And I’m thinking of a very recent example, speaking to a current faculty member at Brown, a woman; when I mention Louise Lamphere’s name and this case, she rolls her eyes. And I know why she’s bristling. And I’m wondering if you had any experience like that, [1:00:00] in speaking to women? If you ever got that sense, that kind of bristling and again...

Gorton: Sure, I think that there are women who think that Louise got special treatment and that they don’t get that special treatment, and that her special treatment takes away from their special treatment. ...I, you know, it’s just an attitude people have towards, towards the women’s center. There used to be resentment of the women’s center on campus.

Goldstein: Because?

Gorton: Well, we don’t have a men’s center. Shouldn’t we have a men’s center? Well, if you need a men’s center, have a men’s center. You know, why attack the women’s center? That’s my philosophy. But, it’s just the haves and have-nots and it breaks down that way a lot of times, I think. So, I... I think that, what was your question again? Did senior faculty seem threatened?

Male Voice: Well, I know you said that, but I’m wondering if there were women who were maybe already faculty members or even junior faculty members, whether they were tenured or not, who felt reluctant about this path, right? That maybe this wasn’t the right way to go about it.

Gorton: Well, then, you know, they may be right. There are people who felt that way, like the student who felt that it was a waste of money, money was wasted which could have been spent better on programs like the library and this and that. If your, if your interest is not in the primary center, then you’re going to resent the fact that another one is. But, I guess it becomes the job of the administrator to say, well, we have enough to share. So we can share and we’ll share. It’s like a family, you know? If you share the food, then you all get fed something. And you have to—but if you’ve had it all for yourself, then you’re going to resent having to give it up. And I think that happened in the Louise case, too. In the Lamphere case. That people just had it all for themselves and they don’t want to give it up, and they blame Louise for rocking the boat. “Why are you

rocking the boat? Why are you doing this? This is not the best way to do it.” Well, did you offer a better way? That’s always my answer. Well what would you do?

Goldstein: Well that’s what I was actually just about to ask you. So, there may be women at the time or even now who resent what Louise Lamphere did for having allowed her to get special treatment in their judgment. Do you think that the kind of progress that Brown made in the eighties in hiring and promoting and tenuring women could have happened without a lawsuit?

Gorton: ... I think it would have been very much slower, if it had happened at all. I mean it still hasn’t happened a lot. With the lawsuit, with, with goals and numbers, you know, it still is slow in the process. So no, I don’t think Brown—I think Brown like any institution is set in its ways, and I don’t think these things will change. Unless there’s some cataclysmic thing that changes it. An earthquake or something. So, and that’s what Louise’s case brought forth. She, she certainly rocked our campus. And I, I think we’re lucky that she did. I think it’s unfortunate that all of the anger is directed toward her, and it is sometimes directed towards her. Because, you know as if, again I think it’s blaming the victim. [Laughing] Louise is not a villain. She did what she had to do to defend her point of view. And that’s what we think students at Brown should do. They, they’re really doing what we expect them to do. Fight for what you believe in. If you’re neutral or negative, particularly neutral, we won’t get there. But we need people to do their share. And Louise did more than her share. She put herself through a heck of a environment. I mean I don’t think—I was never very close with her, so I don’t know what her life was like. But I know it can’t be a lot of fun, because I heard the things—the epitaphs that were hurled at her. You know. And, we’ve all had them come. Particularly women who are in certain professions where the men have been... And I’m not opposed to men. I mean, I believe both should have—well someone said, “Well, you’re a feminist.” And I said, “Well, aren’t you?” This is a woman, you know, “Aren’t you a feminist?” “Well I don’t know what that is.” [Laughs] “Okay.” And, yeah, I had students who’ve told me that they would like... that they want—these are women students—that they want their coach to be male, because they thought men coaches were better. Now, that’s a mindset, that there’s no proof of that. [1:05:00] There are good male coaches, good female coaches. But, and I used to say, “Well, I hope when you get out into the workforce, you don’t find that to be the case.” You know, people should make their success based on their merit, that’s what I believe. But I think both should have a chance. So. And I still think I should’ve been able to play for the Red Sox. [laughter]

[End of Interview]