

# Letters from Readers

*Despite our usual policy of publishing relatively short letters, we are publishing the following long communication.*

*The Editors*

**T**o the Editors: As one of the persons involved in the story of “Merikay and the Pacific Press,” I appreciate Tom Dybdahl’s accurate reporting and reliance on legal documents for the facts.

There is, however, one important aspect of the case that received scant attention in your report. And that is the Press’s defense argument as defined by its lawyer Malcolm Dungan: “The Church claims exemption from all civil laws in all of its religious institutions.” (Opening brief, p. 104.)

The Press reiterated this defense in its brief of August 22, 1975, pp. 4, 5, appealing the injunction against it: “Why then is the church here, defending itself against charges that it ‘retaliated’ against women for invoking laws against sex discrimination in employment, instead of meekly complying? . . . We are here . . . to uphold the right of a church to carry on its holy work free of governmental interference by courts, commissions, or any other arm of civil authority.”

And still more pointedly in its appeal brief of July 6, 1975, p. 78, counsel for the Press announced: “The church is free to ignore, even to flout, measures which bind all others.”

This marks the first time that any Adventist institution has claimed to be above all civil law.

To Press employees, however, PPPA management has continued to take the traditional Adventist view that the Press is indeed subject to the law and will obey it.

On June 25, 1973, Press Board Chairman R. R. Bietz told assembled employees: “I don’t like the idea that’s advanced now and then that we don’t regard the law. We do regard the law. We Adventists are known as regarding the law. . . . We’re not a bunch of violators, and we’re going to be within the law.”

On May 7, 1973, *Signs* editor Lawrence Max-

well publicly assured the employees: “If there is a law about wages, there’ll be government inspectors coming around and they’ll see the wages are corrected in harmony with the law.”

On June 4, 1974, Press Manager W. J. Blacker wrote in a bulletin to employees: “The Press intends to abide by the law. All of its efforts in both of these lawsuits have been designed to see to it that the Press complies with the law.”

These contradictory responses from management—assurance to employees that the Press would submit to laws against discrimination, and yet at the same time resisting efforts of law enforcement agencies—created the conditions for the filing of three separate lawsuits against the Press.

Those who try to justify these two divergent positions of the Press sometimes say that Merikay Silver did not “go through channels,” as they understand them, prescribed by Matthew 18. Somehow they seem to conclude from that assumption that the Press was thereby relieved of all responsibility. But even apart from that unwarranted conclusion, the premise is wrong.

First, Merikay and then others tried, unsuccessfully, on several occasions in May of 1972 to persuade the manager of the importance of laws against sex discrimination in employment, as well as E. G. White’s similar counsel in the book, *Evangelism*. Merikay asked her friend Joan K. Bradford to write a letter explaining the law to him. Ordinarily, Ms. Bradford, an authority in the field of employment law, receives prompt response to such letters and employment problems are then worked out amicably. She received no response at all to her letter to the Press.

When Merikay’s supervisor suggested that she write to the board chairman and General Conference president, she did so at once. Month after month, in fact, Merikay, I and others talked and wrote to various members of the Press executive committee, the board, and the General Conference Committee.

It was not until nine months later, at the end of January of 1973, after an independent investigation by the Labor Department resulted in a

refusal by the Press management to comply with the 1963 Equal Pay Act, that Merikay filed a class action suit. She filed it under Title VII of the 1964 Civil Rights Act (enforced by the Equal-Employment Opportunity Commission rather than the Labor Department).

A few months later, unbeknown to us, the Labor Department filed a suit against the Press for willful noncompliance with the law.

Even after these suits were filed, Merikay and I and others continued our efforts to discuss the issues with Press management and resolve them voluntarily. Ms. Bradford repeatedly requested settlement conferences. A few were held. Mostly, Press management remained silent.

When, during 1974, the Press began to bring increasing pressures to bear on Merikay, me and others, the EEOC filed suit for retaliation. In it the Commission named the General Conference Committee as "acting in concert" with the Press to retaliate against employees who claim their rights under the law.

It was at this point that the Press hired a new lawyer, who announced that the Press "claims exemption from all civil laws."

Yet, to this day, to Press employees, management continues to maintain that it *is* subject to employment laws. In a recent bulletin to "hourly employees" announcing a new rule requiring the use of a time clock, Press management cited a Labor Department guideline: "EMPLOYEES' CONSENT DOESN'T MATTER. Courts have universally held that *employees can't waive their rights under the Wage-Hour Law*. Even if they agree to an illegal pay scheme, the employer will be ordered to pay backpay and overtime. This may seem unfair to the employer in some cases. But any other rule would allow an unscrupulous employer to take advantage of employees—especially poorer employees—who either don't know their rights, or need a job so badly they'll agree to anything."

Ironically, in quoting this labor guideline, Press management in effect also described the reason why suits under the labor laws were filed against the Press.

Yet, in its concluding argument in appealing the injunction against it (appeal brief, July 6, 1975, p. 80), the Press protests to the court: "This is why we are being intransigent here. As an organized religious denomination, the

Seventh-day Adventist Church insists that it is 'wholly exempt' from the cognizance of Civil Authority, and that slight entanglements, practical exceptions, and 'reasonable adjustments' are not to be tolerated."

At the same time, the Press publishes Ellen G. White's counsel in *Thoughts From the Mount of Blessing*, p. 72: "Jesus bade His disciples, instead of resisting the demands of those in authority, to do even more than was required of them. And, so far as possible, they should discharge every obligation, even if it were beyond what the law of the land required."

One other point in the article should be noted. The settlement offer described in pages 52 and 53 was later withdrawn by the Press and has not been renewed. The affirmative action program which Press management said the General Conference now makes mandatory in all Adventist institutions, the Press has not yet made known or put into practice. Management no longer advertises job opportunities (as it had begun to do) in the house organ, *Informer*. In other words, the Press is not only resisting law enforcement—it is not complying with the law voluntarily, either.

It is true that in 1973, six months after Merikay filed the class action, unmarried women employees with dependents were paid in lump sum the difference between rent allowance for women and that for married men for one year. (Married men *all* received this benefit, whether they had dependents or not.) In addition, the July cost of living raise for that year was a little more than usual in the case of women employees.

As far as the rent allowance system is concerned, the label "rent allowance" was removed entirely in July 1973. Instead, the Press incorporated into the various "basic rates" the equivalent of the General Conference schedule of basic wage plus living allowance. As it worked out, unmarried men, who had been receiving 2/3 of the rent allowance paid married men, were raised to the equivalent of married men's rates. Women, married and unmarried, continued to be paid at a rate equal to the General Conference schedule of basic wage plus female living allowance—1/3 of that for men. Those women who received "head of household" rent allowance in lump sum for one year were immediately cut

back, in effect, to their previous rate of rent allowance.

It is only when these and other facts regarding sex discrimination come to light that one can see the Press's basic resistance to systematic elimination of sex discrimination which the law requires. Hence the protest by Press counsel in its appeal brief of August 22, 1975, p. 31: "We need hardly speak of what would happen if EEOC were to attempt to enforce Title VII throughout the Press. Such a thing would involve interrogation of workers, auditing records, preparation and review of job descriptions, censuses, resolution of conflicts in viewpoint as to what is equal work and what is not, the whole range of activities involved in the enforcement of a regulatory statute. The auditing of a nun to see whether she teaches arithmetic by reference to crucifixes instead of cupcakes is pale by comparison."

Undoubtedly, "the preparation and review of job descriptions" would show that a good many changes would be necessary to eliminate sex discrimination. Press management prefers to claim that they are not subject to the law at all.

The results of setting a legal precedent for religious organizations—Catholics, Protestants, and others, as well as Adventists—to act outside the law would be shocking. Yet, calculated or not, this is what the Press's arguments to the courts, if accepted, would lead to.

It is hardly conceivable that Adventists, who in their teachings support obedience to civil laws (excepting only those that would violate the law of God), should spend hundreds of thousands of dollars and endless time and energy in an attempt to establish just such a precedent which Adventists have always abhorred.

Surely, it is for us rather to heed Paul's admonition in Romans 12:1, 2: "Let every person be subject to the governing authorities . . . he who resists the authorities resists what God has appointed, and those who resist will incur judgment."

Lorna Tobler  
Spiez, Switzerland

Dybdahl (SPECTRUM, Vol. 7, No. 2), I am wondering where Dybdahl got his information. Did he contact knowledgeable persons on both sides of the question? The article, if someone doesn't know the facts, could be misleading. It is stated on page 50, "In their defense, the women argued that they had followed the biblical plan for dealing with problems, as outlined in Matthew 18, that is, they had gone to the particular brethren involved, first privately and then with others. When they received no help they had gone to higher authorities. Only as a last resort had they appealed to the law."

Just to clarify the issue a bit, I would like to state that it was on May 22, 1972 that Merikay first came to the manager of the Pacific Press, asking for the same compensation and monthly benefits as a married man. Eight days later, on May 30, 1972, she wrote a letter to the manager, asking for a response, in writing, before the end of the week. On June 1, 1972, the manager of the Pacific Press received a letter, certified mail, from Attorney Joan K. Bradford, drawing the manager's attention to Title 7 of the 1964 Civil Rights Act, and stating that Merikay Silver was entitled to equal benefits of employment as those accorded to male employees in a like position.

In this letter she also stated, "We are now notifying you that all future communications to Mrs. Silver regarding her rights to equal employment benefits are to be made through this office." The first time that Merikay contacted the Board Chairman was on Aug. 14, 1972, two and one-half months after she had contacted the attorney. On Aug. 17, 1972, I responded to her letter by stating, "You should have contacted the Chairman of the Board about the matter before going to the outside. If the Chairman of the Board would not pay any attention to your request, then you should have gotten in contact with Elder Pierson, the president of the General Conference. In our church we always go to the next higher organization, and this you failed to do. In other words, if the administration of the Pacific Press failed, in your opinion, to meet your request, the next logical step would have been for you to bring this matter to the Board of the Pacific Press. The management of the Press is responsible to the Board. You, however, never contacted the Board, but went directly to the outside and in this matter you failed your

To the Editors: Regarding the article, "Merikay and the Pacific Press," by Tom

Church.”

The impression should not prevail that Merikay went to law only after she followed the procedure outlined in Matthew 18. She began with Matthew 18 but got only as far as verse 16 and there she evidently got stuck. You will notice, according to the dates which I have given, that Merikay went to the law almost immediately after she contacted Elder Bohner.

R. R. Bietz,  
La Crescenta, California

*Elder Bietz, a former vice president of the General Conference, was until recently chairman of the board of the Pacific Press.*

*Tom Dybdahl Replies:*

I was not aware of the specific facts that Elder Bietz presents, and they may cast some doubts on Mrs. Silver's intentions. Her attorney, Mrs. Joan Bradford, was a personal friend, and it is true that they had discussed the employment situation at the Press prior to Mrs. Silver's discussion with the Press Manager, Elder Bohner.

However, contacting a lawyer or asking that correspondence be handled through a lawyer does not constitute taking legal action. It was a way for Mrs. Silver to show the importance and seriousness of her claim. No legal action was taken until the brethren involved had been contacted.

If there are any other important facts not included in the article, I would be glad to learn them. It was not always easy to gather information on this particular subject; two knowledgeable brethren refused to discuss any specifics with me.

**T**o the Editors: Roberta Moore (“Fact and Fiction About Women and Work,” Volume 7, Number 2) finds our denominational reading matter slanted against girls, and says, “One might well ask, however, what girls would like to read; our libraries do not contain enough stories about girls to give them any choice.” She also says, “We found sex stereotyping in much of the output of Adventist publishing houses.”

Reading these statements, I wondered if we

here at the Pacific Press had revealed unconscious sex bias through the years, shortchanging the girls. I examined our *Destiny* paperbacks, now numbering 56 titles, in which we have put most of our stories and biographies for the past dozen years. I found that out of 56 titles, 16 of them had a female as a heroine, and 27 books were about men. In most cases, the women depicted were strong, individualistic, brave women. The very first book in the series was *That Book in the Attic*, by Helen K. Oswald, the story of a teen-age girl who became an Adventist, was persecuted by her dictatorial father, ran away from home and became an Adventist worker. The next title was *Heart Cry*, the story of a lady who suffered a severe heart attack but was brave and strong throughout. The fourth was *Some Rain Must Fall*, about Dr. Carrie Robbins, a strong, courageous missionary M.D. with a minister husband. The fifth, *As the Stars Forever*, told of Emilie Levidis, a heroine if there ever was one, horribly persecuted by her family for her firm stand for God and truth. (The villain in the story was a male.) Other volumes were biographies of Maria Hirschmann, Elly Economou and Elizabeth Redelstein, R.N.—all strong, independent doers, achievers.

Examination of our *Panda* books for children reveals similar results. Seven or eight out of the 24 titles thus far are stories of girls, and although a few are cast in typical “feminine” roles of wife, mother or nurse, none is portrayed as weak, helpless or foolish.

These comparisons are, I think, remarkable when you consider that (1) this book series includes biographies of J. N. Loughborough, Dr. Harry Miller, William Booth, Percy Magan, George W. Carver, George McCready Price and other important “doers” in a traditionally male-dominated society, and (2) these books have been published with no conscious effort to avoid sexual imbalance.

I can't help wondering if Miss Moore read any Seventh-day Adventist books before writing the article. “We found sex stereotyping,” she says. No doubt she did find some, but her blanket statement virtually condemns SDA books *in toto* as reactionary and unfair.

Roberta, please send me some of those poor girls who have nothing to read.

Speaking of reactionary publications, I wonder if you have noticed that SPECTRUM's

board of editors and consulting editors lists 35 names—3 women and 32 men. This means 91.4% men and 8.6% women. One of the three women, called “editorial assistant,” serves under two editors who are both men. The AAF executive committee and representatives consists of 14 people, of which 2–14%—are women, and 12 are men—86%.

I wonder if this heavy preponderance of men on the staffs of SPECTRUM and AAF is an illustration of what Roberta Moore exposes in her article: “Boys who are always doing things . . . and . . . girls who simply are.” “Boys not only are more active than girls; they come through as more alert and intelligent.” Is this the firm position of AAF and SPECTRUM, in view of the virtual male monopoly in both the organization and its mouthpiece? Curiously, this obvious bias is highly visible even in the special SPECTRUM issue devoted to the improvement of the status of SDA women.

Cannot the leadership of AAF do anything about its heavy sexist bias? Don't the editors believe that females have ability and good brains, and that they should have a voice in AAF and SPECTRUM matters?

Richard H. Utt,  
Book Editor  
Pacific Press Publishing Association

*Roberta J. Moore replies:*

When a SPECTRUM editor referred Richard Utt's letter to me, he did so with the comment that he was sure I could write a “gentlemanly” reply.

I discovered a long time ago that when a man tells a woman she thinks like a man, he expects her to feel complimented, and far be it from me to treat lightly the compliment implied in the editor's words. I cannot help wondering, however, if anyone would think of inviting Richard Utt to pursue the subject further in a “ladylike” reply.

In our research on sexual stereotyping, Mrs.

Berger and I checked the biographical section of the library in Clara E. Rogers Elementary School (College Place, Wash.). We read books about women. We checked JMV reading course books for several years back. We read books used in the first and second grade classes. We read several months of the Sabbath school papers: *Primary Treasure*, *Our Little Friend* and *Guide*. Then, when we should have had sense enough to end the project, we read the first 15 months of *Insight* (this was in 1971, when *Insight* was still in its infancy).

So I guess one could say that, yes, we did some reading. Since I condensed 18 pages of typewritten material into a column and a half for the SPECTRUM article, I did not support my statement that we “did exhaustive reading in books . . . and periodicals.” We also interviewed several persons, including teachers and a librarian. The latter told us, as I mentioned in my article, that there are very few books about women because “famous people are usually men, you know.”

On the basis of this research, I wrote that much of the output of Seventh-day Adventist publishing houses showed sex stereotyping. The stereotyping showed in two ways. First, there were but few books (or, in the Sabbath School papers, few stories) about women and girls. Second, what few there were too often presented a picture of roles and personalities with obvious sex bias.

We need, of course, to update this research, to see if the picture has changed since 1971. Pacific Press now lists under biography, for example, several titles published between 1972 and 1975; some are about women. Perhaps our publishing houses now consistently show girls and women in roles other than those of housewives, nurses and secretaries and with personalities not colorless and indecisive.

If this should indeed be the case, I shall be happy to publish a gentlemanly acknowledgment, with full documentation as to what I have read.