



U.S. Department of
Transportation

News:

Office of Public Affairs
Washington, D.C. 20590

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REMARKS PREPARED FOR DELIVERY BY SECRETARY OF TRANSPORTATION
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TO THE HARVARD LAW WOMEN'S GROUP
WASHINGTON, D.C.
NOVEMBER 10, 1983

Chief Justice John Marshall -- one of the handful of distinguished jurists in American history who was not educated at Harvard -- once defined the acme of judicial distinction as "the ability to look a lawyer straight in the eye for two hours and not hear a word he says." I assure you -- I have no intention of putting you through any such test this afternoon! No, having known from personal experience just how long the evolution of women in the law has taken -- at Harvard as elsewhere -- I have little patience with anyone who either makes light of inequities still to be found, or counsels delay in their immediate elimination.

Harvard, of course, has always played a unique part in the American drama. It has produced six of our Presidents, 27 of our Nobel Prize winners and countless Supreme Court justices, congressmen, Cabinet officers and literary figures. It has never been accused of modesty, false or otherwise. It was Mr. Justice Holmes who returned to the campus early in this century to inquire as to the whereabouts of A. Lawrence Lowell, only to be informed that "the President was in Washington paying a visit on Mr. Taft." Earlier still, Theodore Roosevelt chalked up his own success in public life as due "to the single fact that when I came out of Harvard, I was firmly resolved to belong to the governing class, not the governed."

Harvard Law School was the first to pioneer in the case study method of scholarship -- and the last major law school in America to admit women to either the classroom or T.R.'s "governing class." I know, because I've never forgotten what it was like to find myself there in the fall of 1962, one of only 25 women in a class of 550 students. Once again, the President of the United States was a Harvard graduate, and

the university itself was being called "the fourth branch of the government" by friend and foe alike. But none of that kept me from being accosted on my first day by a male classmate, who promptly demanded to know what I was doing in law school.

"Don't you realize," he said, "there are men who'd give their right arm for your place in law school? Men who would use their legal education? That man is here in Washington too now, and someday I'm going to confront him and ask if he's changed his mind.

More recently, I had little trouble understanding a comment made by a woman graduate of Harvard Business School, who noted in a Fortune magazine article that: "Chairmen of the out-of-town banks where I make presentations are getting to know me. They used to be embarrassed and introduce me to the Board saying, 'She may look like a little girl, but don't worry, she's one of the smartest women in the business.'"

My experience that first day at Harvard was my initial, but by no means my final exposure to chauvinism in law school. Once each semester, there was Professor Leach's Ladies Day -- when otherwise ignored females would sit before the class and answer questions -- after beginning the ritual with a required poem of our own composition. Can you imagine women students allowing that to happen today? Or an educational institution condoning it?

My colleagues at Harvard seemed to have forgotten that the figure of Justice was a woman. They seemed oblivious to the psychological barriers they created, ignorant of the fears they inspired or the doubts they nurtured in fellow students with that kind of behavior.

Women then did a lot of wondering. We wondered if there would be jobs when we got out of school. We wondered if we would be accepted into the masculine dens of the legal world, where panelled offices, law books and heavy leather chairs alike tended to be reserved for "old boys," whatever their age.

Today's graduating women have less to wonder about, I'm thankful to say. They have much more to work toward. Now 94,000 of the country's 606,000 lawyers are women, and an estimated 37 percent of all law school students are women. At Harvard, the law class is now almost 40 percent female. And during the last decade alone, the number of women receiving masters degrees in business administration in schools around the country has soared by nearly 800 percent.

I suggest that you and I -- and the growing legions of women now on America's campuses or in the professions -- are natural allies in what I like to call America's "Quiet Revolution," that sure, steady tidal wave of qualified and talented women who have entered the American work force in record numbers over the last 30 years. The impact of this change has been tremendous. As the Census Bureau commented in a recent report, "Perhaps no other change has more far-reaching implications for society and the economy than the dramatic increase in the labor force of women... between 1947 and 1980, the number of women in the labor force increased 173 percent."

They say there is strength in numbers. But even with this influx, you and I know it's been difficult for women to break into occupational fields traditionally thought of as "men's domains." Dr. Barbara McClintock just won the Nobel Prize in Medicine for work she did four decades ago, but went unrecognized for years by her professional -- mostly male -- peers. How many other McClintocks were sacrificed altogether to the smothering conventions of a male-dominated society?

Fortunately, the old patterns are breaking up. As President Reagan has said, "America's society has changed dramatically during the last decade. And American women have been a major force behind those changes... Women filled more than half of all the new jobs in managerial, professional and technical fields between 1980 and 1982... The number of women-owned businesses is growing five times faster than it is among men."

The implications of these numbers are tremendous, not only on the composition of our work force, but for family life as well. The most dramatic change in recent years has come from mothers with children between the ages of 6 and 17 -- fully 64 percent work. Some have claimed that inevitably the effect of such changes on the family must be bad. One wonders, however, what they would make of last year's decline in the divorce rate, the first in two decades. I hesitate to attribute that entirely to job satisfaction, but I do know how rewarding and fulfilling my husband, Bob, and I find our own two-career marriage.

As the first woman to serve as Secretary of Transportation, I feel a special responsibility to make needed changes within the Department as well as our transportation system itself. For one thing, I feel I've found my own footnote in history as the first female to ever to head a branch of the Armed Services, the U.S. Coast Guard. But my own commitment goes much further than that.

When I arrived at the Department, one of the first questions I asked was: What percentage of the employees are women? The answer: 19 percent. Next question: What was the percentage 16 years ago when the Department was founded? The answer: 18.5 percent. And then I discovered that only one percent of our women employees are in senior level positions. I cannot believe that qualified candidates -- female candidates -- are lacking to fill professional positions. That is why we have developed a nine-point program as a vehicle to increase opportunities for women. This will not just be a temporary string and glue fixing, but a long-term, permanent change to the way opportunities for professional growth and advancement are handled with regard to women employees in the Department of Transportation. And I'm pleased to note the President has given his strong personal support to our initiatives. But then, this is an Administration noted for making changes.

Remaking the complexion of the Department, to include more women in senior positions, is just one of the changes we are working toward. Lord Halifax once asserted that if laws could speak for themselves, they would first complain of the lawyers who wrote them. Well, you are lawyers, and I find that a more accurate description is that it takes a good lawyer to undo the work of a bad one. These days, if transportation law could speak for itself, it might well stand up and cheer for those who are revising or reversing earlier statutes. I'd like to take a few minutes just to touch on some of the major changes in transportation law we've achieved during this Administration and to explain how these new laws affect our transportation systems across the nation. Ambrose Bierce defined a lawsuit as "a machine you go into as a pig and come out of as a sausage." Sometimes, I'm tempted to say the same of the governing process.

Some of the most dramatic changes of the last few years have come as new legislation. The Northeast Rail Service Act of 1981, for example, authorized the Department of Transportation to sell Conrail, the railroad that once threatened to be an eternal drain on the U.S. Treasury. This in turn signaled a complete reversal of Federal policy, which had until then provided for endless funding and a straight jacket of Federal controls to match Federal generosity. The Act countered this trend in three major ways. First, it authorized us to spin off commuter rail lines to local transit

agencies. This was completed on January 1st of this year. As a result, the Metropolitan Transportation Authority in New York and SEPTA in Philadelphia, for example, now operate their own commuter rail lines.

Secondly, the Act allowed Conrail to achieve significant savings in labor costs, which helped put the railroad on the track to profitability. And most importantly, the legislation authorized us to return Conrail to the private sector. Conrail today is a viable commercial property -- earning a profit -- and negotiating its sale is one of my top priorities. So if any of you want to buy a railroad, please let me know.

In aviation, the Airport and Airways Improvement Act of 1982 has provided funding -- through increased aviation user fees -- for our nation's airports as well as for the Federal Aviation Administration's major facilities and equipment program. Under the Airport Improvement Program, \$800 million will be distributed in fiscal 1984. The legislation also allows us to move forward with plans to modernize our air traffic control system, to give us precise landing systems, essentially "weather-proof" air operations and double the capacity of the airspace. And it will save a lot of money -- an estimated \$25 billion in lower operational costs. As a first step in this effort, we recently signed a \$480.5 million contract for a new generation of airport radar, the largest radar procurement in the history of the Federal Aviation Administration.

Perhaps the legislation that has received the greatest public attention is the Surface Transportation Assistance Act of 1982. That's not hard to figure out: outside the Department, it is known as the gas tax bill. It's much more than a gas tax, however. The increased funding levels permitted by the Act are enabling the states to proceed with final segments of Interstate construction as well as to accelerate crucial highway and bridge repair projects. The nickel-a-gallon increase in the Federal gasoline tax, effective last April, has resulted in a 56 percent gain in highway spending, from \$8.2 billion in 1982 to \$12.8 billion in fiscal 1983. That's by far the highest level in the history of the Highway Trust Fund.

At the same time, the legislation has also given us, for the first time, a dedicated source of Federal funding for mass transit capital improvements. One cent of the five-cent gas tax increase is now allocated to mass transit. This has resulted in nearly \$800 million in public transit capital funding in fiscal 1983 alone. An additional \$1.2 billion in capital funding will be made available in fiscal 1984.

The Act ought not to be measured in dollars alone; it requires us to ensure access for elderly and handicapped citizens on Federally funded mass transit systems. With that in mind, we have issued a proposed rule giving local transit systems the option of making 50 percent of their bus service accessible to handicapped persons, providing paratransit or special services, or a combination of the two. Realizing that cost limits should also be a consideration, our rule would establish a reasonable ceiling on required expenditures for these programs by local transit authorities.

Yet another provision of the Surface Transportation Assistance Act provides minority and disadvantaged businesses with a significantly greater opportunity to take part in Federally funded contracts. Of the funds available from the Act, 10 percent are to be awarded to disadvantaged businesses. Recognizing that it may not be immediately possible for every recipient to meet the 10 percent statutory goal because of the limited availability of disadvantaged businesses, we are requiring each state highway and transit agency to submit an annual goal reflecting its highest possible

participation. We also continue to implement two programs which predated the disadvantaged business requirement, the women's business enterprise program and, in the airport and railroad programs, our minority business enterprise program.

This does not exhaust the catalogue of change. As Secretary of Transportation, I feel I have no higher mandate than safety. Last month, I announced we are proposing to Congress the establishment of a new National Traffic Safety Administration within the Department. The new agency would include responsibilities for passenger auto and truck safety programs now scattered in several different agencies. This will put our highway safety responsibilities under one "umbrella" -- giving state agencies one point of contact, and providing me with a better oversight of our safety functions. It's one of the rare instances where reshuffling the organizational flow chart may actually save lives.

Our transportation systems generally can be proud of their safety records. I say "generally." On our highways especially -- where 92 percent of all transportation fatalities occur -- we are a long way from acceptable levels. Along with many other Americans, we have declared war on the drunk driver. Even now, the Presidential Commission on Drunk Driving is completing its work with state, local and private sector groups in support of a series of recommendations to curb, convict or rehabilitate drunk drivers. I have given the Commission my full support. At the same time, we are continuing to work closely with organizations like MADD (Mother Against Drunk Drivers) and RID (Remove Intoxicated Drivers) to get drunk drivers off the road.

On the auto safety front, we are using the regulatory process to determine just what equipment is necessary and effective for safer travel. We are moving promptly in re-examining the whole passive restraint issue. In mid-October, we requested comments on a range of regulatory actions under consideration in this area, in light of the Supreme Court's ruling this summer overturning an earlier decision to rescind the requirements. The options now include: requiring airbags or non-detachable belts; rescinding the rule; seeking mandatory belt use laws; ordering manufacturers to offer airbags as a consumer option; and other variations. We recognize the importance of responding quickly to the Supreme Court's decision. Automatic restraints have been under discussion since 1969, almost as long as we've had a Department of Transportation. We believe that it is in the public interest to once and for all resolve this issue. And I'm committed to doing so in a way that is both legally correct and socially responsible.

The Department also recently announced an important new passenger car equipment rule designed to significantly reduce the danger of rear-end collisions. This regulation requires a third stop lamp to be mounted in the line of sight near the rear window of all passenger cars produced after September 1, 1985. We expect this small device to cut the number of rear-end collisions significantly, eliminate 40,000 injuries and save an estimated \$434 million in property damages annually -- at a cost of just a few dollars per car.

We've not overlooked the limits of what can be achieved through legal action alone. The Department has embarked on some important public information campaigns, to encourage voluntary action to improve highway safety. We are encouraging greater use of safety belts. We are prodding the states to require child safety seats for infants. When used correctly, such seats can reduce death and injury 80 percent. Already, forty-one states and the District of Columbia now have passed laws requiring them.

Whether we are involved in legislation -- as through the rail, aviation and highway bills I've mentioned; or regulation -- by the various rulemakings I've discussed; or whether we work with state, local and private sector groups to resolve issues best handled at those levels, we will continue to meet the challenges of moving people and goods more efficiently, effectively and safely as we enter the 21st century.

As we work to implement such objectives, I think often of Amelia Earhart. One day, as the story goes, when she was just beginning to learn how to fly a plane, she crash-landed into a cabbage patch. Her reaction after that incident was that while it did not diminish her enthusiasm for flying, it certainly did reduce her enthusiasm for cabbages.

By the same token, we must not lose sight of our own long-term goals. As the President said recently, on the occasion of NASA's 25th anniversary, the Space Shuttle, like many far-sighted accomplishments, didn't just happen. It was the result of hard work and a vision of the future. What we've proven with the success of this new transportation system is that there's never a time when dreams are out of season, or progress is in recess.

That applies as well to working women. For women, in large numbers, are now working their way up in corporations, in government, in their professions -- the way men always have. The going will be difficult, and especially difficult for mothers of young children, but over the years, more and more of us will make it to the top. As one such graduate of Harvard has put it, "When we started out, we thought that our problems as women were unique. Some of the time, we found our careers seemed to spurt, other times to plateau. We also found a great deal of pressure from business intruding on our personal time. Later we discovered that women shared these problems not only with each other, but also with men. The truth is that in the real world, work is a constant challenge."

I frequently think of a woman for whom her constant challenge was acted out in a remote corner of a distant room. She never worked in an office, never raised a family, never won a headline. The only power she wielded lay in her poetry. But her artistry and her vision have inspired millions.

"We dwell in possibility," Emily Dickinson wrote nearly 150 years ago.

For most women, success today still is achieved by dwelling in the improbable, by challenging the odds and overcoming the conventional wisdom. So let us today continue to strive for the day when the improbable becomes the probable. Our dreams are just beginning to be realized. But even that represents a stunning advance over the life I first embarked upon a generation ago in Cambridge. Today, we dwell in possibility -- but we challenge the improbable.

Thank you very much.

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