

Clemson University

**TigerPrints**

---

All Theses

Theses

---

May 2020

## "A Phenomenon to Monitor:" Racial Discrimination at NASA, 1974-1985

Ruth Joy Calvino

*Clemson University*, [calvinor@outlook.com](mailto:calvinor@outlook.com)

Follow this and additional works at: [https://tigerprints.clemson.edu/all\\_theses](https://tigerprints.clemson.edu/all_theses)

---

### Recommended Citation

Calvino, Ruth Joy, "A Phenomenon to Monitor:" Racial Discrimination at NASA, 1974-1985" (2020). *All Theses*. 3281.

[https://tigerprints.clemson.edu/all\\_theses/3281](https://tigerprints.clemson.edu/all_theses/3281)

This Thesis is brought to you for free and open access by the Theses at TigerPrints. It has been accepted for inclusion in All Theses by an authorized administrator of TigerPrints. For more information, please contact [kokeefe@clemson.edu](mailto:kokeefe@clemson.edu).

“A PHENOMENON TO MONITOR:”  
RACIAL DISCRIMINATION AT NASA, 1974-1985

---

A Thesis  
Presented to  
the Graduate School of  
Clemson University

---

In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts  
History

---

by  
Ruth Joy Calvino  
May 2020

---

Accepted by: Dr. Pamela Mack, Committee Chair  
Dr. Joshua Catalano  
Dr. Vernon Burton

## ABSTRACT

As NASA propelled mankind beyond the limits of the earth, women and African American employees fought against discriminatory structures and systems within the agency. Since its inception, NASA administrators and NASA's black employees had a tenuous relationship. Black employees did not trust their supervisors, NASA Equal Employment Opportunity staff, or the discrimination reporting processes. Utilizing the case files of the class action lawsuit *MEAN v Fletcher*, new oral interviews, NASA EEO and administrative archives, and US Congressional hearings, this thesis argues that NASA was structurally and systemically racially discriminatory. NASA's problems were similar to those at other technological agencies, both within the US and globally, but NASA lagged behind other US governmental agencies in both the number and the percentage of minority employees.

## **DEDICATION**

To echo the words of NASA EEO employees in 1973, I dedicate this thesis to “those who have been victims of economic indignities [and] those who are indignant enough to do something about it.”

## ACKNOWLEDGEMENTS

I want to thank my committee for their immense support, direction, and investment in me and this thesis. Dr. Pamela Mack saw the best in me and pushed me further than I thought possible. Her support and encouragement, thought-provoking questions, and guidance were foundational to bringing me to this point. I am thankful for Dr. Joshua Catalano's helpful feedback, expertise, open door, and empathy. Thank you to Dr. Vernon Burton for sharing some of his immense knowledge and expertise in the history of civil rights and for his interest in me.

Thank you to program coordinators, Dr. Paul Anderson and Dr. Michael Meng for their dogged belief in me, open doors, encouragement, and mentorship.

Thank you to Dr. Lee Wilson and Dr. Joanna Grisinger for their guidance in helping me to navigate the field of legal history. Thank you for your excitement about my project. Thank you to Eric Fenrich for his generosity in sharing archival source material.

I thank Gloria Taliaferro for choosing to trust me with her story and for the hours she spent speaking with me. Without her early guidance and trust, this project may not have been possible. Gloria is an immensely strong and genuine person. I consider it an honor to have developed a relationship with her and to write about a dark chapter in her life.

Thank you to Rachel Trinder, Rod Boggs, and Michael Lieder who answered my many questions and shared some of their experiences as civil rights lawyers. I admire their ongoing work for justice and equality. I thank Alex Roland and Marcus Goodkind

for taking time to talk with me and relate their own insights as NASA employees during the 1970s-80s.

Thank you to Bryant Johnson, records specialist at the US District Court for the District of Columbia. He took compassion and interest in a graduate student on a Friday afternoon, listening with patience and empathy to my project, and spent nearly three hours helping me locate the case files, even after official records indicated that the case files had been destroyed. Without his persistence, this project would have been impossible. Thank you for teaching me about the court records system, the courthouse, and how to love a stranger.

Finally, without the support of my parents, Kevin and MaryAnne Calvino, none of this would have happened. Dad, you have supported me in every way possible and believed in me more than I even realized. Mom, you taught me to read and to love learning. You helped me brainstorm and even edit this thesis. To my siblings, thank you for loving me and encouraging me, even when I buried myself in the archives instead of hanging out with you. To Jordan Fleck, thank you for loving me sacrificially and unconditionally.

## TABLE OF CONTENTS

TITLE PAGE .....	i
ABSTRACT .....	ii
DEDICATION .....	iii
ACKNOWLEDGEMENTS .....	iv
CHAPTERS	
I. Introduction .....	1
Cold War Contextualization and Comparative Literature .....	7
Literature on NASA.....	17
Primary Sources and Justification for this Study.....	24
II. Origin of the MEAN Complaint.....	31
Immediate Impetus for MEAN’s Organization.....	38
MEAN Complaint.....	41
Class Action Lawsuit.....	54
III. Power in Numbers: Class Action Lawsuit.....	58
MEAN’s Case .....	58
Settlement.....	66
IV. Individual Claims .....	71
Figure 1: OPM/NASA Grade-Step Pay Scale .....	72
Samuel Alexander.....	79
James Dixon .....	82
Rose Mary Ferguson.....	83
Curtis Gilmore .....	85
Theodore Lucas .....	88
Diane Moore.....	90
Gloria Todd.....	98
Lawrence Walters.....	103
Personal Cost .....	104

**TABLE OF CONTENTS (Continued)**

V. Gloria T. Taliaferro ..... 108

VI. Results and Conclusion: Unsettled ..... 135

    Reflections: NASA Institutional Memory & Race Relations ..... 150

BIBLIOGRAPHY ..... 155



# I

## INTRODUCTION

Amidst global political and social unrest through the 1960s, the National Aeronautics and Space Administration beat the Soviets in the space race. This NASA—the iconic, relevant, patriotic NASA—was white and male, with a conservative, traditional institutional culture. As NASA propelled mankind beyond the limits of the earth, women and African American employees fought against discriminatory structures and systems within the agency.

The turn of the decade brought social and political upheaval inside NASA. The intensity of the crash Apollo program created a culture where NASA ignored everything but their technocratic goals. But by 1972 and the end of Apollo, the agency no longer had an excuse to continue to overlook issues such as racial discrimination. The federal government, as well as the American public, were less eager to fund NASA because of the mounting costs of the Vietnam War. Concurrently, global race and gender relations were being renegotiated through the impact of second-wave feminism, the civil rights movement represented by Dr. Martin Luther King Jr., and black power movements, and they required NASA to respond. NASA's one-track focus on Cold War superiority through technological innovation was no longer enough to retain national attention, funding, or broad-based support.

In 1972, President Nixon extended the Civil Rights' Act to apply the same equal employment regulations to federal government agencies that the Act had imposed on the private sector. Though facing budget and personnel cuts, NASA was forced to find a way

to hire and meaningfully promote women and people of color. Many white NASA employees and supervisors saw diversity in employment efforts as a distraction from the agency's real mission. But black Americans, particularly those employed by NASA disagreed:

It seems to me that somewhere along the way, NASA lost sight of its status as an agency of the Government of the people, by the people and for the people. The race for the moon seems to have clouded the fact that we, too, are the people. We, Blacks, women...and other minorities have a share of the national pride at which the space race was aimed....Considering that the U.S. entered the space race behind and met its goal in fine fashion, it is, in my opinion, unconscionable that it cannot meet goals with respect to my segments of the population in a timely manner.<sup>1</sup>

Discriminatory structures as well as supervisors who systematically engaged in prejudiced actions and attitudes, or inaction—neglect of EEO responsibilities—were problems NASA did not make serious efforts to solve, even after the pressure of Apollo had lifted.

During the mid-20<sup>th</sup> century, the United States government created many technological agencies, and there are striking similarities between their cultures, organizational structures, and problems. Because these agencies were innovative and technologically progressive, they tended to resist social change, leading to deep problems between the agencies' administrators and middle managers and their women and minority employees. Several historians have analyzed these problematic relationships, including issues such as underrepresentation in the workforce, discrimination in hiring and

---

<sup>1</sup> Statements of Andrea Diane Graham, US Congress, House of Representative, Subcommittee on Civil Rights and Constitutional Rights of the Committee on the Judiciary, *Hearing on NASA's Equal Opportunity Program*. 93<sup>rd</sup> Cong., 2<sup>nd</sup> sess., 1974, 221.

promotions, and mistreatment on the job. The discrimination perpetrated by these federal agencies was not exceptional compared to corporate behavior or the culture at large, but the African American community displayed enthusiasm for working in the federal government, expecting these agencies to take the lead in promoting economic inclusion of black workers.

NASA in particular lagged behind the rest of the federal government in numbers of minority employees and in implementing equal employment opportunity policy. In 1973, only 5.19% of NASA's workforce were minorities; over the previous seven years that number had increased only one percent.<sup>2</sup> During this same period, 20% of federal agency employees were minorities. Additionally, while 70% of NASA's employees were employed at the GS-10 level or above—positions that generally required at least one year of graduate study—only 29% of black employees reached a GS-10 or higher.<sup>3</sup> Every group or agency that investigated NASA found something along the lines of, “Blacks were clustered in the lower levels of the agency and whites were clustered in the higher levels...with respect to the total complement of secretaries at that time, ‘the black secretaries were clustered [at] the GS-5, 6 [level] and the white secretaries were 7, 8, 9,

---

<sup>2</sup> Report to the Committee on Labor and Public Welfare, “National Aeronautics and Space Administration’s Equal Employment Opportunity Program Could be Improved,” 16 Apr 1975, Box 45, Container 46, RG 21, Civil Case Files 01/01/1965-12/31/1985, District Court of the United States US District Court for the District of Columbia, National Archives and Record Administration, Washington DC (This archive will be referred to as NARA I).

<sup>3</sup> For a table explaining grade scale (GS-levels) rates of pay, see Figure 1, p. 72. Harris, Hogan, and Lynn to Fletcher, 20 Sep 1973; Folder: NASA Equal Employment Opportunity Program, Box: George M. Low Papers, Box #33, NASA HQ.

regardless of who they worked for.”<sup>4</sup> But NASA consistently claimed, “the assertion of racial unbalance at lower levels...is purely speculative.”<sup>5</sup> NASA Headquarters promoted minorities at a rate of approximately 15%; white employees were promoted at nearly double that rate—28.9%.<sup>6</sup>

While some at NASA acknowledged race and diversity issues, their efforts had negligible effects because they did not change the behavior of supervisors and managers, much less average employees. At least into the 1980s, heads of offices were not even aware of their EEO and Affirmative Action responsibilities. By late 1984, NASA’s code block 600, which “includes professional management positions in research and development administration...for which a college degree or the equivalent, and specialized training and experience are required,” was comprised of only 16.8% minority employees, and that percentage was declining.<sup>7</sup> While NASA bemoaned that as a technical agency there just were not enough qualified minority candidates in science and engineering fields, a 1975 Government Accountability Office (GAO) investigation found that in fourteen job categories, excluding science and engineering jobs, NASA employed

---

<sup>4</sup> Findings of Fact and Conclusions of Law Proposed by Gloria T. Taliaferro, 12 Dec 1980, Box 42, RG 21, Civil Case Files 01/01/1965-12/31/1985, NARA I.

<sup>5</sup> Defendant’s Reply Brief, 19 Dec 1980, Box 42, NARA I.

<sup>6</sup> Installation Comparisons of Average Promotion Rates non-minority/minority FY 1972 through Dec 31, 1974, Box 43, NARA I.

<sup>7</sup> Definition of NASA Code Block Groupings, Folder: No. 6 + 7, Box 43, NARA I; Plaintiff’s Memorandum in Support of Further Extension, 3 Aug 1984, 1 Aug 1984, Box 43, NARA I.

the lowest percentage of minorities in every category, when compared to other government agencies in the same geographic areas.<sup>8</sup>

NASA administrators' consistent refusal to define or discuss racial discrimination in a clear and meaningful way may have been the single biggest hurdle to changing structures which perpetuated discrimination. While women of any race faced considerable hardship working at NASA, NASA made efforts including training seminars and publishing pamphlets on the subject directed toward the average [male] employee, working to change actions and mindsets by explicitly addressing common ways people discriminated against women.<sup>9</sup> Regardless of the relative success NASA's efforts to integrate women, the agency did not make even these token efforts toward identifying and preventing discrimination against black employees.

Racial discrimination in employment was a particularly difficult battle to fight because employment is supposed to be based on merit. Determining merit was complicated by cultural differences and the results of larger systemic discrimination, such as employees educated in unequal systems. Nancy MacLean's *Freedom is Not Enough: The Opening of the American Workplace* argues that good jobs, and open access to jobs, are essential to becoming a full citizen. This is particularly important in the US because of the deeply rooted Protestant work ethic and the myth of the American Dream—that

---

<sup>8</sup> "National Aeronautics and Space Administration's Equal Employment Opportunity Program Could be Improved."

<sup>9</sup> One such initiative was called "A Woman's Place is Everywhere," NASA Headquarters Federal Women's Week, November 4-8, 1974; it was also part of "Women's Week" in August 1975. Hearing before the Committee on Science and Technology US Congress, House of Representatives 94<sup>th</sup> Congress, Second Session on H.R. 11573, 1977 NASA Authorization, 27 Jan 1976, No. 66, Vol III, 258.

one has the opportunity to achieve whatever they dream through hard work. Americans find a large part of their identity from their work, and therefore, job segregation leads to cultural exclusion.<sup>10</sup> MacLean includes this striking quotation, “the best thing that has ever happened to black women in the South in my lifetime is a chance to be full-fledged citizens,” she said, ‘and that comes from their work. You can't even pretend to be free without money.’”<sup>11</sup> Within the context of civil rights historiography, *Freedom is Not Enough* spans a timeframe of over fifty years and counters a dramatic or climactic event-based narrative.

For too long, American's understanding of the movement has come from journalists, drawn as they are to dramatic showdowns...The focus on these climactic confrontations has drawn attention away from quieter struggles on other fronts—above all, from the fight to secure access to good jobs.<sup>12</sup>

MacLean demonstrates her argument over the Long Civil Rights’ movement, discussing a wide range of individuals affected by job discrimination: white women, black Americans, Hispanic Americans, Asian Americans, and the Jewish American population.<sup>13</sup> She argues that colorblindness was a conservative tactic used to

---

<sup>10</sup> Nancy MacLean, *Freedom is Not Enough: The Opening of the American Workplace*. (Cambridge: Harvard University Press), 2006, 6.

<sup>11</sup> MacLean, 88.

<sup>12</sup> MacLean, 5.

<sup>13</sup> The Long Civil Rights’ movement has no definitive dates. Many scholars point to the roots of the civil rights movement in the 1910s or the interwar period and do not offer an ending date focusing rather on the ongoing nature of the struggle for social justice and racial equity within the United States. Scholars who prefer open-ended periodization over the more traditional “Montgomery to Memphis” periodization are often engage in a bottom-up methodology. See Charles W. Eagles, "Toward New Histories of the Civil Rights Era." *The Journal of Southern History* 66, no. 4 (2000): 815-848; Adam Fairclough, "Historians and the Civil Rights Movement." *Journal of American Studies* 24, no. 3 (1990): 387-398; Jacquelyn Dowd Hall, “The Long Civil Rights Movement and the Political Uses of the Past” *The Journal of American History*, Vol. 91,

disenfranchise people of color once outright segregation and discrimination were no longer culturally acceptable or able to be legally upheld. Backlash against affirmative action, MacLean argued, was a backdoor to continuing discrimination. Some assumed all women and minority employees were merely handed their positions because of their skin color or gender and did not afford these employees the opportunity to prove their ability. MacLean's work is foundational to the field on how the civil rights movement desegregated employment and the lasting effects of discrimination in employment. MacLean approaches the subject broadly, but utilizes specific case studies to illustrate broader, national trends. This thesis builds on MacLean's argument that because jobs are foundational to citizenship and identity, employment was not a tangential arm or afterword to the movement, but a pillar of meaningful integration.

### ***Cold War Contextualization and Comparative Literature***

A number of scholars have written on the problem of racial equality in employment at other government technological agencies; while not every scholar focused on race alone, many have discussed the issue and offer a window into the kinds of attitudes management and administrators held toward minorities. Some scholars also investigated the experiences and perspectives of minority employees. Most of these works of scholarship are community histories, social histories, or microhistories of one site. Existent work on NASA discusses many facets of NASA history, but scholars have

---

No. 4 (Mar., 2005): 1233-1263; Kathryn L. Nasstrom, "Beginnings and Endings: Life Stories and the Periodization of the Civil Rights Movement." *The Journal of American History* 86, no. 2 (1999): 700-711.

paid very little attention to systemic racial issues at NASA and how people of color fought discrimination.

Other scholars raise important issues of methodology for this study of NASA. While scholars' approach to their histories differed broadly, almost all incorporated oral history sources to some extent because many of the racial issues at these agencies went undocumented—or hidden—in the archival record. Often race issues were simply not a priority to administration and therefore were dismissed. Additionally, governmental records rarely offered much insight into people of color's perspectives. These issues are by no means exclusively American; a discussion of computer programmers in Great Britain's Civil Service, uranium mining in selected countries throughout the continent of Africa, and the Soviet nuclear weapons industry all show strikingly similar parallels of discrimination against people of color, women, and other marginalized populations in government projects to advance technology.<sup>14</sup>

The federal government created other technological agencies to fight other facets of the Cold War, perhaps most notably, the arms race. Massive industrial and scientific complexes built the atomic and hydrogen bombs, and these sites provide another example of how government technology agencies related to minority employees.

Kate Brown, in her work *Plutopia: Nuclear Families, Atomic Cities, and the Great Soviet and American Plutonium Disasters* argues that in order to understand either

---

<sup>14</sup> See, Kari Frederickson, *Cold War Dixie: Militarization and Modernization in the American South*, University of Georgia Press, 2013; Gabrielle Hecht, *Being Nuclear: Africans and the Global Uranium Trade*. (Cambridge: MIT Press), 2012, and Marie Hicks, *Programmed Inequality*. (Cambridge: MIT Press), 2017.



the American or the Soviet nuclear programs, they have to be studied together. *Plutopia* tells the story of humans—workers—on two continents, citizens of two countries with supposed opposing worldviews and opposite forms of government. However, while not identical in practice, the two governments utilized similar methods to manage public opinion, keep workers satisfied, and accomplish necessary work. These methods included “skimping on safety and waste management to prioritize production, repressing information about accidents, forging safety records, deploying temporary ‘jumpers’ to do dirty work, and glossing over sick workers and radioactive territories, all while treating select citizens to generous government subsidies and soothing public relations programs.”<sup>15</sup>

In *Plutopia*, Brown built on the work of Hevly and Findlay’s *Atomic Frontier Days: Hanford and the American West* and Michelle Gerber’s *On the Home Front: The Cold War Legacy of the Hanford Nuclear Site*, but her main contribution was comparing and contrasting Hanford, Washington and Ozersk, an atomic city in Russia.<sup>16</sup> Brown coupled extensive oral interviews with documentary evidence, but her source material was not merely to gather information. Brown highlighted human stories above all else. Brown is very present in the narrative and her interviews with workers play a central role in how she constructed the narrative. She offered the reader vivid details about the

---

<sup>15</sup> Kate Brown, *Plutopia: Nuclear Families, Atomic Cities, and the Great Soviet and American Plutonium Disasters*. (New York: Oxford University Press, USA), 2013, 9.

<sup>16</sup> John M. Findlay and Bruce W. Hevly. *Atomic Frontier Days: Hanford and the American West*. (Seattle: University of Washington Press), 2011; Michele Stenehjem Gerber *On the Home Front: The Cold War Legacy of the Hanford Nuclear Site*. (Lincoln: University of Nebraska Press), 2007.

setting—food she didn't eat, the state of the interviewee's home, their health, etc. She expresses how interviewees viewed her, the relationship she had with them, and how her own views became better informed and nuanced through even her mistakes or regrets in the research process. Through all of these choices, she portrays everyone involved—workers, government decision makers, company bureaucrats, and herself, as incredibly human. She wrestles with ethical issues of the field, such as how researchers should treat those who they write about, particularly when those individuals are living and helping a historian with her research. What all is involved in the researcher's responsibility to the people he or she studies, particularly when that population is oppressed and lacks access to resources? On a level fundamental to the study of history, Brown openly discusses the preconceptions she was forced to shed through her research: for example, noncredible narrators proved to be reliable. Her assumptions were proven completely inaccurate, in many cases, through interviews and corroborated accounts.<sup>17</sup> The author's intensely personal approach to the narrative coupled with her willingness to admit the messiness of determining reliability led her to simply state an attitude that perhaps many historians hold but few communicate so clearly: "I do not claim to have uncovered the truth. Rather, I hope to have illuminated a corner of it."<sup>18</sup> Brown's methodology is a compelling example and this thesis will utilize a similar method, using oral history, court documents, and other sources to cross check and inform one another.

---

<sup>17</sup> "Several people told me fanciful stories that led me to doubt their credibility. When I checked their accounts, however, many turned out to be true. I learned to look out for apparently unreliable narrators as potentially rich sources...some of my interviewees met me with suspicion of distrust...for them I was the unreliable narrator..." Brown, 8-9.

<sup>18</sup> Ibid.

While Brown's work focused on bomb production in the USSR and Washington state, Kari Frederickson's *Cold War Dixie: Militarization and Modernization in the American South* concerns how the creation of the Savannah River Site, a nuclear complex to refine plutonium and tritium for the H bomb, impacted rural South Carolina. Frederickson wove together social, political, economic, environmental, and identity history to present an inclusive narrative of the many ways that the Cold War industry impacted this one place.<sup>19</sup> This work argued that Cold War industry modernized South Carolina, recreated regional identity, and formed an upper-middle class consumer society, like much of the US in the postwar period. Though *Cold War Dixie* focuses on the creation of the middle class, Frederickson discusses how the site impacted black South Carolinians and poor whites. Frederickson's sources and methods are wide-ranging—archival, oral history interviews she conducted, media, court records and many corporate and government documents. Her focus was not on individuals, but a community as a whole.

For this thesis, the most relevant parts of Frederickson's discussion concern the site's impact on African Americans. She argues that the site entrenched segregation, whereas segregation had previously been piecemeal and informal. Not only did housing become formally segregated with the creation of specially segregated areas but employment in Ellenton also became more highly segregated, as the plant restricted hiring black employees for only menial jobs. While black employees made more at the

---

<sup>19</sup> Kari Frederickson, *Cold War Dixie: Militarization and Modernization in the American South*. (Athens: University of Georgia Press), 2013, 4-5.

plant than in agricultural work, they were not eligible for many of the benefits that whites received; black employees had few advancement opportunities. Even pink-collar jobs were closed to African American women because of the “office wife” paradigm. Building on Margery Davies’ argument that these jobs were about sex in addition to the actual office work being accomplished, Frederickson explained, “jobs in the pink-collar office sector were reserved for young, white, single, and preferably attractive women...the private secretary was ‘as a rule, an office wife.’ The southern race/sex taboo made it almost impossible for black women to work in office positions.”<sup>20</sup>

From the very beginning of the site’s creation, the National Urban League and National Association for the Advancement of Colored People opposed systemic barriers to African Americans but had only limited successes. However, the government and Du Pont continued not hiring and appropriately promoting black workers. A class action case was shot down in court, in part because of the culture of South Carolina courts. It was settled out of court with no admission of wrongdoing, which was disappointing and unsatisfactory to the plaintiffs. The outcome of this case, as well as the “office wife” paradigm illustrate the entrenched discrimination and dead ends that black workers faced at government agencies during the Long Civil Rights movement. By the 1960s, NASA had allowed black women into clerical positions, but the idea of being an “office wife” still negatively affected them, whether it was being solicited for sexual relationships, a

---

<sup>20</sup> Frederickson, 100; also see Margery Davies, *Woman’s Place is at the Typewriter: Office Work and Office Workers 1870-1930* (Philadelphia: Temple University Press), 1982.

male supervisor summoning them with a bell, or a more general sense of being expected to be a submissive helper.<sup>21</sup>

In 1981 Charles Jackson and Charles Johnson published *City Behind a Fence: Oak Ridge, Tennessee, 1942-1946*, a community history of Oak Ridge, Tennessee and the atomic plant at that location. This work spans 1942-1946, from the birth of Oak Ridge to just into the postwar era—before much civil rights legislation, but after the federal government had formally desegregated employment. In Oak Ridge, as at the Savannah River Site, the administrators institutionalized local Tennessee norms—segregation. Racial progress, along with a variety of other social issues important to workers’ lives in Oak Ridge, were continually inadequately addressed, and problems were only slowly remediated, if at all. Johnson and Jackson take the approach that the companies and government put forth effort to address many of these issues—perhaps with the exception of living accommodations for black workers; “Good intent was always there, reflected especially in one line of prose which appeared so repeatedly in written responses from the company that the words became almost legend, among reservation residents. ‘An effort will be made.’”<sup>22</sup> In their discussion of racial issues, the authors are extremely sympathetic to plant administration, “while there is no evidence to suggest these firms

---

<sup>21</sup> Gloria Taliaferro, Interview by Ruth Calvino. Oral interview. Oxon Hill, MD, 20 July & 20 October 2019 (hereafter cited as Taliaferro 20 July 2019 or Taliaferro 20 Oct 2019); US Congress, Senate, Hearing Before the Committee on Aeronautical and Space Sciences. *Review of NASA’s Equal Employment Opportunity Program*, 93d Cong., 2d sess., 24 January 1974; Box No. Y 4-546, Congress (Committees of Congress) Senate Appropriates Committee, 1906-, Publications of the Federal Government, RG 287, NARA I.

<sup>22</sup> Charles Jackson and Charles Johnson, *City Behind a Fence: Oak Ridge, Tennessee, 1942-1946*, (University of Tennessee Press), 1986, 69.

deliberately refrained from hiring blacks for other than very low level jobs, it seems likely that, given the general attitudes toward blacks in this period, the possibility of employing them for skilled or professional positions was simply not considered.”<sup>23</sup> Jackson and Johnson portray the predominant racial attitudes of Oak Ridge leaders by this quotation from a survey, “The responsibility of the Office of District Engineer and Roane-Anderson Company is not to promote social changes, whether desirable or undesirable, but to see that the community is efficiently run and that everybody has a chance to live decently in it.”<sup>24</sup>

Building on *City Behind a Fence*, Russell Olwell wrote *At Work in Atomic City: A Labor and Social History of Oak Ridge, Tennessee*, published in 2004. For this thesis, this book is significant because of approach: it focuses primarily on workers. Olwell, self-aware of the historiography in which he is in conversation, argues that his work was a social history, distinguishing his work from Jackson and Johnson’s community history. He utilizes some of their oral histories and paired these with many newly declassified government documents to create a more labor-focused social history.<sup>25</sup> Olwell highlights both the inequalities faced and the immense contributions made by African American workers and women. Focusing more on the effects on the workers than the structures perpetrating discrimination, Olwell argues that while African Americans were segregated

---

<sup>23</sup> Jackson and Johnson, 112.

<sup>24</sup> At the same time, the authors elsewhere demonstrated that everyone, particularly black employees, were not able to “live decently” in Oak Ridge. Jackson and Johnson, 117-118.

<sup>25</sup> Russell Olwell, *At Work in the Atomic City: A Labor and Social History of Oak Ridge, Tennessee*. (University of Tennessee Press, 2004), 7.

into the lowest-paying jobs and faced tough conditions, they were drawn to Oak Ridge. Drawing on oral history, the author found that “in spite of racial discrimination, work at Oak Ridge generally paid much better than work elsewhere in the South.”<sup>26</sup>

Doug Brugge, Timothy Benally, and Esther Yazzie-Lewis collected and translated a collection of oral histories, published as *The Navajo People and Uranium Mining*. While other works focused on the structures of discrimination, *The Navajo People and Uranium Mining* almost entirely focuses on the memories of Navajo people, whom the Atomic Energy Commission (AEC) exploited to mine uranium. The work also included some articles that had originally appeared in public health and policy journals. The editors were activists, and the project went through multiple iterations before it became a book. The authors argued that, “After all these years of hardship, ending in a bare semblance of justice, there are important moral lessons to be learned. The oral historians and narrative chapters in this volume may help public-health officials and people in high places to gain some empathy for the poor and disadvantaged.”<sup>27</sup> Neither the oral histories nor the narrative chapters portray a consensus of what the Navajo people would consider to be just retribution for this exploitation of people and land, but, “all of the contributors to this volume would agree that the experience of the Navajo people with uranium, was a tragedy and a violation of human rights.”<sup>28</sup>

---

<sup>26</sup> Olwell, 23.

<sup>27</sup> Doug Brugge, Timothy Benally, and Esther Yazzie-Lewis, eds. *The Navajo People and Uranium Mining*. (Albuquerque: University of New Mexico Press,) 2007, xii.

<sup>28</sup> Brugge et al, xviii.

The volume's methodology is essentially the product: oral history. The editors articulate their three-fold reasons for engaging in this methodology. First, the editors wish to use oral history to oppose "the standpoint of authority...the powers that be," and to allow "the underclasses, the underprivileged, and the defeated [to be witnesses]."<sup>29</sup> Second, they chose oral history to complicate the narrative and show the importance and even the "awkwardness" of individual stories.<sup>30</sup> They attempt to frustrate what traditional historians have sought to accomplish in constructing "grand patterns of written history."<sup>31</sup> Third, they honor the Navajo tradition of oral history. While historians and the editors often value oral history for its rawness and its delivery to the reader in an unfiltered manner, most of these oral history interviews were conducted in Navajo and were translated, therefore adding a layer of interpretation. Second, the editors exercised authority over the interviews by editing and paring down the interviews for publication. This study is relevant to the broader discussion of how the US government, through its technological agencies, viewed and treated minority employees, and the structures of power that propagated systemic racism. This project demonstrates the importance of amplifying affected individuals' experiences and voices, particularly when they have been silenced, and their voices do not often show up in the official, governmental, or archival record, except in distorted glimpses.

---

<sup>29</sup> Brugge et al, 178.

<sup>30</sup> "We do not try to present the experience wrapped up in a tidy package with a single internally consistent conclusion... We hope the range of perspectives and voices gives readers a deeper appreciation for the complexity of the issue and helps them understand that they do not know everything, even after finishing the book." Brugge et al, xviii-xix.

<sup>31</sup> Brugge et al, 178.



This thesis will deal with the theme of justice, how people experience and perceive injustice, and how impacted individuals respond to attempts to advance justice. The sources contained in *The Navajo People and Uranium Mining* center around the injustices and harm to Navajo workers and land. In numerous different ways, the miners had similar experiences—they were exposed to uranium to an unsafe degree without their informed consent. The US government’s attempts at remuneration came too late, at too high a cost, and were insufficient to even cover the expenses incurred. Beyond the massive medical, psychological, and familial consequences of unsafe exposure to uranium, the land was deeply and perhaps irreversibly affected. Some of the interviewees discussed this issue,

Rita Capitan: ‘we filed a lawsuit to prove to the Nuclear Regulatory Commission that this was not safe.’

Mitchell Capitan: ‘we told them, “would you let this happen in your back yard? Think about it. This is the same thing. We’re just protecting our land.”’...

Dr. John Fogarty: ‘would this happen in Santa Fe, would this happen in Manhattan, would this happen in San Francisco? No. I think this is a case of environmental racism.’<sup>32</sup>

Through the use of oral history, *The Navajo People and Uranium Mining* demonstrates the environmental and personal cost of AEC’s wartime mentality which disregarded environmental concerns, indigenous tradition, and human rights.

### ***Literature on NASA***

Much of the historical literature on NASA has been focused on its scientific endeavors; some studies concern NASA as a bureaucracy, and even fewer scholars have

---

<sup>32</sup> “Eastern Navajo Diné Against Uranium Mining: interview with Rita and Mitchell Capitan” in Brugge et al., 171-172.

investigated social aspects such as the race, gender, and labor history of the agency. Amy Foster's *Integrating Women into the Astronaut Corps* focuses on "women's labor history and the history of gender and technology."<sup>33</sup> While her work mentions NASA initiatives to recruit women and ethnic minorities because NASA's efforts usually grouped them together and because it feels dishonest to discuss one without at least mentioning the other, her work gives only a cursory nod to ethnic and racial issues at NASA. However, her work has importance to the growing field of civil rights in the workplace. Foster analyzes a form of integration at NASA; this analysis has ramifications for the study of how NASA attitudes, procedures, and culture changed to incorporate people different from the traditional astronaut or engineer archetype. She discusses the ways in which her work built on previous work, but she presses into the historiographical gap of analysis of the managerial and physical structures that perpetuated discrimination against women.<sup>34</sup> Her work furthers a "third phase" of women's history: "trying to understand why we still struggle to see men and women as equal."<sup>35</sup> Her work fits into broader discussion of women's place in the workplace and in society, but focuses on white collar work, not the more prevalent history of working class women.<sup>36</sup> Philosophically, Foster argues that history is a remedy to the halt of social progress in regard to women.<sup>37</sup> Situated in this third phase of women's history, *Integrating Women into the Astronaut Corps*, was written

---

<sup>33</sup> Amy Foster, *Integrating Women into the Astronaut Corps: Politics and Logistics at NASA, 1972–2004*. (Baltimore: Johns Hopkins University Press), 2011, 3.

<sup>34</sup> "This book intends to address the technological and logistical history as yet unexplored and fill those analytical holes." Foster, 4.

<sup>35</sup> Foster, 158.

<sup>36</sup> Foster, 5.

<sup>37</sup> Foster, 159.

to be didactic and remedial to a contemporary need for further integration of women in the workplace.

Foster defends NASA's intentions of incorporating women into the agency. While she acknowledges that NASA was not well prepared to integrate women into the corps, Foster argues that NASA did indeed desire this end.<sup>38</sup>

As it turned out, NASA did not discriminate against women in the astronaut corps outright. What the historical record ultimately illustrates is that Cold War politics and the 1961 presidential directive to go to the Moon undermined the agency's freedom to develop the space program and human spaceflight.... Granted, snapshots of the astronaut corps and Mission Control in the 1960s and early 1970s still appeared white and male. But those pictures reflected the face of college graduates in the sciences and engineering at the time, not discrimination on NASA's part.<sup>39</sup>

Foster does not go as far as other Cold War scholars, but she argues that it was not primarily NASA administration or policy that discriminated against women, but rather that outside cultural pressures and other systemic barriers to women created a difficult environment for NASA to integrate women. This thesis contrasts NASA's active role in integrating women into the workforce with the longevity of NASA's record of rebuffing attempts to mitigate discrimination against black employees.

NASA published Andrew Dunar and Stephen Waring's *The Power to Explore: A History of Marshall Space Flight Center 1960-1990* in 1999. The work covers a wide variety of topics and aspects of the Center's history. Arranged topically, Dunar and Waring cover both the technical contributions of the Center and the sociocultural history

---

<sup>38</sup> Foster, 2, 46-47, 51-55, 62, 66, 68, 71, 100, 105, 153-154.

<sup>39</sup> Foster, 154.

of the Center, calling the Center’s history a “microcosm of [NASA].”<sup>40</sup> They study how the Center’s geographical location in Huntsville, Alabama impacted the Center’s cultural development, and how the Center changed Huntsville.<sup>41</sup> Dunar and Waring address the Center’s problematic racial issues—both discrimination against nonwhite workers and the issue of the Nazi past of the German scientists—in a manner that balances representing the complexity without apologizing for those whose attitudes were problematic. This is the first official NASA history to include social history in its commission. The authors argue that “a broad approach to the Center’s history is necessary because Marshall has always been complex, even enigmatic.”<sup>42</sup>

In their discussion of how politics influenced race relations in Huntsville, the authors argue that “Huntsville politicians and businessmen wanted to avoid controversy. Madison County’s prosperity depended on the Federal Government, and few wanted to jeopardize that support. The Gospel of Wealth had more disciples in Huntsville than did the Gospel of White Supremacy.”<sup>43</sup> However, the authors do not entirely dismiss the culture of racism at Marshall and adversity that many people of color faced regarding employment at the Center, showing administrators’ and employees’ attitudes from both NASA records and oral history with black employees, “Employment opportunities were limited; African Americans comprised 18 percent of Huntsville’s population, but less than

---

<sup>40</sup>Andrew Dunar and Stephen Waring, *Power to Explore: A History of the Marshall Space Flight Center, 1960-1990*, (Washington, DC: NASA Headquarters History Office), 1999, ix.

<sup>41</sup> Dunar and Waring, ix.

<sup>42</sup> Dunar and Waring, vii.

<sup>43</sup> Dunar and Waring, 116.

1 percent of Marshall's workforce...accommodations on the Arsenal and at Marshall were no longer segregated, but blacks still encountered barriers. 'Most definitely there was discrimination...upward mobility just wasn't there.'"<sup>44</sup> NASA officials' argued that "the disappointing record of black recruitment at Marshall and its contractors stemmed from barriers that limited black access to scientific and technological education. Huntsville was a microcosm of a larger regional problem."<sup>45</sup> The authors' attempt to highlight the multifaceted racial problems at Marshall by discussing the issues of segregated schools and other barriers recruiters faced finding and successfully recruiting qualified people of color, and pay less attention to what NASA could have done to lower these barriers.

However, NASA's racism extended beyond the American South. In a paper presented in 2017 at the NASA and the Long Civil Rights Movement Symposium, Keith Snedegar examines how African liberation and civil rights in the US impacted employment struggles at NASA's satellite tracking station in Hartebeesthoek, South Africa.<sup>46</sup> He argues that "social conservatism of NASA administrators [was] born perhaps out of a technocratic focus on the objectives before them."<sup>47</sup> Though discrimination in employment was illegal in the US—and all US funded operations around the world—NASA administrators proved themselves to be "insensitive to global

---

<sup>44</sup> Dunar and Waring, 117-118.

<sup>45</sup> Dunar and Waring, 120.

<sup>46</sup> Keith Snedegar, "The Congressional Black Caucus and the Closure of NASA's Satellite Tracking Station at Hartebeesthoek, South Africa" in *NASA and the Long Civil Rights Movement*, eds. Brian Odom and Stephen Waring, (Gainesville: University Press of Florida), 2019.

<sup>47</sup> Snedegar, 2.

issues of racial equality.”<sup>48</sup> A major method that NASA used to manage this precarious political issue was to downplay the US’s role at the tracking station and to try to keep it out of the public’s view. However American activists, including two congressmen, Charles C. Diggs, Jr. and Charles Rangel, were already aware of the situation. Snedegar agrees with scholars like Mary Dudziak that much of NASA’s positive racial policies—and the US government as a whole—resulted from external political and economic pressure from activists, not from within the agency.<sup>49</sup> This argument contrasts Foster’s argument that NASA wanted to integrate, but primarily faced barriers from outside. While it does not mean only help or only discouragement came from outside—both came from a variety of sources at all points—but, Snedegar’s argument is that NASA did not promote change, while Foster argues that NASA was—and had been planning to at some point—push forward change.

The two historical scholars who have given the most sustained attention to race issues at NASA are Kim McQuaid and Eric Fenrich. Both argue that NASA was systemically and structurally racially discriminatory. Kim McQuaid, in his article on Glenn [formerly Lewis] Research Center in Cleveland, Ohio argues, "NASA was a technologically innovative organization which was socially detached...when problems didn't have technical solutions, it [NASA administrators] apparently simply didn't know what to do."<sup>50</sup> In another article on NASA in the Nixon Era, he argues, “Basically, an

---

<sup>48</sup> Snedegar, 1.

<sup>49</sup> See Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy*. (Princeton: Princeton University Press), 2011.

<sup>50</sup> Kim McQuaid, “The Space Age at the Grass Roots: NASA in Cleveland, 1958-1990” *American Studies*, Vol. 47, No. 3/4 (Fall/Winter 2006), 113, 125.

elite agency began coming to social understandings late; when it did, it proceeded to address them in a half-hearted and ambivalent fashion, not feeling it had much to learn, it denied that problems—or solutions—existed.”<sup>51</sup> Eric Fenrich’s dissertation *The Color of NASA: Racial Inclusion in the American Space Program, 1957-1978*, is a broad history of race relations at NASA. He argues that, “NASA’s 15-year string of promises met internal resistance...[and] the agency’s actions failed to match the leadership’s rhetoric.”<sup>52</sup> McQuaid and Snedegar both investigated case studies in order to demonstrate a broader trend across NASA.

Perhaps the most written about racial issue at NASA was the high-profile firing of Ruth Bates Harris. Articles about this case have been published in sociological, historical, and public management journals, and contemporary press paid attention to the case—over 200 newspapers articles were published on the topic. Because she worked in the Equal Employment Opportunity office, the case offers a window into racial issues at NASA. However, she was the highest-ranking black woman at the agency. While Harris’s case evidenced, “that those who strive toward the broader goals of NASA are, at best, chided and told to focus on the narrower view and, at worst, terminated,” and demonstrated NASA’s disrespect for black employees and resistance to EEO reform, this

---

<sup>51</sup> Kim McQuaid, “Racism, Sexism, and Space Ventures!: Civil Rights at Nasa in the Nixon Era and Beyond” in *Societal Impact of Spaceflight* eds. Steven J Dick and Roger D Launius, (Washington DC: NASA History Division), 2007, 423.

<sup>52</sup> Eric Fenrich. “The Color of NASA: Racial Inclusion in the American Space Program, 1957-1978” PhD diss., University of California Santa Barbara, 2015. ProQuest (3733584), 216.

case does not address systemic or grassroots problems affecting the bulk of black NASA employees, mostly in low-ranking, low-paying jobs.<sup>53</sup>

Fenrich argues that Ruth Bates Harris's case (fired in 1973 because of an accurate, but disagreeable EEO report) set off a chain reaction at NASA, but he only talks briefly about what those events were. This thesis will argue that *Minority Employees at NASA (MEAN) v. Fletcher* (Civil Action 74-1832), embodied the momentous chain of events that Harris's firing spawned.<sup>54</sup> Harris's firing, in part, sparked organization for what became MEAN, but without Harris's strong EEO leadership—and support for those employees—NASA failed to meaningfully implement even the case settlement's modest stipulations.

### ***Primary Sources and Justification for this Study***

A group of black employees of NASA began to meet in homes, primarily in response to NASA administrator James Fletcher's firing of Ruth Bates Harris in October 1973.<sup>55</sup> Calling themselves Minority Employees at NASA (MEAN), this activist group organized solely to formulate a united—and anonymous—front to fight against NASA's discriminatory systems.<sup>56</sup> The group's first action in March 1974 was to file a formal complaint with Administrator James Fletcher in the form of a letter.<sup>57</sup> By December

---

<sup>53</sup> Statements of Andrea Diane Graham, March 13-14, 1974, 221.

<sup>54</sup> Because the case was litigated from 1974-1983 the name of the defendant (the NASA administrator) changed; therefore, the case will be referred to and cited by its name at the time. It is all the same case, Civil Action 74-1832.

<sup>55</sup> Taliaferro 20 Oct 2019. Other specific events that precipitated outrage will be addressed later in the thesis.

<sup>56</sup> Taliaferro 20 Oct 2019

<sup>57</sup> MEAN to Dr. James Fletcher, 14 March 1974, Folder: MEAN Group Meeting, Box: George M. Low Papers, Box #33 NASA HQ.



1974, NASA had not responded satisfactorily, and the group filed a class action lawsuit against NASA on behalf of all minority and woman employees of NASA, naming three individual plaintiffs, Gloria Taliaferro, Diane Moore, and Rosemary Ferguson, in addition to MEAN as an organization. Initially, the complaint extended NASA-wide but was eventually limited to all black employees at NASA Headquarters.<sup>58</sup> The MEAN case was broadly representative and truly grassroots. Additionally, this group comprised primarily secretarial and administrative assistant employees who themselves wrote the complaint and organized support for it. Several of the individuals had worked at other centers, or had close contact with other black employees, particularly at Goddard Spaceflight Center in Greenbelt, Maryland and Kennedy Space Center in Florida. All were in relatively low-ranking jobs—predominately around GS-3 – GS-7s.<sup>59</sup> Instead of solely focusing on the achievements of the few, high-ranking blacks in the organization, this case focused on the vast majority of the rank-and-file black employees and demonstrates the complexity of views that they held. Not all black employees agreed on the means or end they were pursuing. For example, many black employees at Headquarters saw Dudley McConnell and Harriet Jenkins, two black, senior EEO

---

<sup>58</sup> “One thing that Richey [the judge] did...that pissed us off—he restricted us to Headquarters.” Gloria Taliaferro, conversation with the author, 5 May 2019.

<sup>59</sup> See Figure 1, p. 72. Federal employees pay is determined by the US Office of Personnel Management (OPM); positions receive “grades,” and promotions can be in-grade “step” promotions, or entire grade promotions. Jobs increase in grade with increased requirements for experience, education, and/or skills. Most black women in secretarial positions at NASA at this point were between a GS 3 and GS 7. “Rates of Pay Under the General Schedule Effective the first pay period beginning on or after October 1, 1974,” Office of Personnel Management, 1974, [https://archive.opm.gov/oca/pre1994/1974\\_GS.pdf](https://archive.opm.gov/oca/pre1994/1974_GS.pdf), accessed 4 Mar 2020.

employees, as puppets of the NASA establishment and unwilling to push for the changes other black employees needed.<sup>60</sup>

The foundational documents for this thesis are those contained in the case files of *Minority Employees at NASA (MEAN) v Fletcher*. These documents include transcriptions of court hearings before an appointed magistrate and a judge in the circuit court, depositions, a host of documentary evidence argued in the case, opinions of the court, and the out-of-court settlement reached in 1978 and extended to 1985. These sources form the core for the narrative; witnesses and lawyers argued the facts of the case.

A second important body of sources are those contained in the NASA Headquarters History Office archives from the EEO office and the papers of George Low, NASA's deputy director during this period. These sources include internal memos, meeting minutes, and responses to MEAN during the time that the complaint went through NASA's administrative process. Despite immense opposition, some black employees at NASA refused to be silenced. One of my goals with constructing this narrative is to amplify those voices and let the actors' words stand as written or spoken.

---

<sup>60</sup> “[McConnell] was a scientist. He didn’t know crap from cranola... That [McConnell being head of EEO] was a joke...Harriet Jenkins was the Agency person. She couldn’t find discrimination—rest her soul—the whole time she was in NASA. At any of the centers. Nowhere.” Taliaferro 20 July 2019; “is the EO office the only place where a black can move up in NASA?...how can an unqualified individual of junior civil service grade be promoted over a qualified person unless the sex or age of the incumbent were a factor?...How can we expect management to be firmly pushed on EEO by someone who seemingly owes everything to that management?...that’s the end of the EO program....he doesn’t consider himself black. He is insensitive to the concerns of women. How can he direct EO for women?” EEO Report, 21 September 1973, Folder: NASA Equal Employment Opportunity Program, Box: George M. Low Papers, Box #33 NASA HQ.

Therefore, I include some lengthy quotations. Some sources, such as the fourteen-page letter MEAN wrote to Administrator Fletcher, offer critical insight into MEAN's argument and perspectives on NASA culture. This letter offers a particularly raw glimpse into what these employees wanted to communicate to NASA administrators. Anonymity and a united front gave them the opportunity to voice the concerns they felt that had been previously ignored or those that were too risky to voice as an individual.<sup>61</sup> While individuals' words are removed from time and place, I sought to diligently and ethically contextualize them to aid in understanding and amplifying the experiences these individuals related.

Third, particularly after Administrator Fletcher fired Ruth Bates Harris, Congressional committees took a close look at NASA EEO procedures, implementation, and complaints. The Senate Committee on Appropriations and Committee on Aeronautical and Space Sciences were both aware of the MEAN complaint and questioned NASA administrators about the allegations in 1974.<sup>62</sup> These Congressional hearings were one of the most important factors that motivated NASA toward ending discriminatory practices. Plaintiffs of the case point to Congress's level of involvement in NASA EEO affairs as an essential barometer for progress in equal opportunities for minorities at NASA.<sup>63</sup> In 1975, GAO furnished a report entitled "National Aeronautics

---

<sup>61</sup> Other sources, such as interviews, are not publicly available or easily accessible and therefore their inclusion in the work aid in establishing them in the record for future scholarship.

<sup>62</sup> US Congress, Senate, Committee on Appropriations, 93d Cong., 2d sess., 11 January 1974; US Congress, Senate, Committee on Aeronautical and Space Sciences, *Review of NASA's Equal Employment Opportunity Program*, 93d Cong., 2d sess., 24 January 1974.

<sup>63</sup> Taliaferro 20 Oct 2019

and Space Administration’s Equal Employment Opportunity Program Could be Improved” to the Senate Committee on Labor and Public Welfare. This report investigated Headquarters and all ten field offices and found that NASA had failed to appropriately educate employees on discrimination complaint procedures, provide EEO training for supervisors and managers, and failed to account for—or accomplish—their yearly EEO goals.<sup>64</sup> Additionally “about 24 percent of the NASA employees interviewed said they would not file a complaint even if they were victims of discrimination. About 58 percent of...counselors believed employees did not have confidence in the complaint system. Some employees feared reprisal or intimidation and other employees did not believe the system would produce a just resolution.”<sup>65</sup> This investigation confirmed, overall, the class action nature of MEAN’s allegations. The GAO’s recommendations for remediation were similar to those reached through the Settlement, but NASA had resisted the GAO report, attempting to explain away the investigation’s findings.<sup>66</sup>

The final major source for this work is two oral history interviews conducted with Gloria Taliaferro. Taliaferro was one of three named plaintiffs in *MEAN v Fletcher*, and one of the foremost catalysts behind the case. She worked at NASA for nearly forty years, fought multiple discrimination complaints against supervisors throughout her employment at NASA, and the court called her, “an outspoken civil rights activist at NASA.”<sup>67</sup> These oral interviews were fundamental in filling in the gaps in the

---

<sup>64</sup> “National Aeronautics and Space Administration’s Equal Employment Opportunity Program Could be Improved.”

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

<sup>67</sup> *MEAN v Beggs*, (decided D.D.C 20 December 1983).

documentary evidence, helping to inform the reading of documents, and in understanding the perspective of an employee and plaintiff. The emotional and mental toll of the case was immense; the case only showed what happened up to one point in time, but Taliaferro's interviews illuminate what happened to the people involved while the case was being litigated, once the Settlement took effect, and once the Settlement had expired. Taliaferro made it clear that she felt she was a causality of the cause: she was blackballed because of her activism and involvement with the case.

Phone interviews with other parties involved helped to further contextualize both the MEAN case and NASA's internal culture. Civil rights lawyers Rod Boggs and Rachel Trinder helped to illuminate some of the legal strategy and give a broader window into the climate of employment discrimination in Washington DC and the federal government at this time. Trinder also spoke to the stress Taliaferro bore to litigate the MEAN case, her character, personality, and sacrifice. Alex Roland, a former employee in the NASA History Office provided helpful perspective on the atmosphere and dynamics of that office, which was the object of much debate in the litigation of MEAN's case.

NASA, too focused on technocratic goals, continually ignored and dismissed their problem of systematic and structural discrimination. Black employees of NASA suffered not only because of the blindness of NASA administrators, but also because for years, the court system fell into the same culture of down-playing or ignoring discrimination in employment, at least within the federal government. While NASA argued that social objectives were not within their scope of priorities, the courts could not. However, the

case demonstrated that even when the courts shifted toward allowing Title VII complaints to be litigated fairly, on an individual basis, the government had the advantage.

## II

### Origin of the MEAN Complaint

NASA administrators' efforts devoted to Equal Opportunity did not follow a straight, upward trajectory but rather ebbed and flowed based on Congressional pressure, Equal Employment Opportunity (EEO) personnel, NASA goals, and budget constraints. Employees, black and white, have suggested that through the Apollo era (1958-1972), black and woman employees, while very few in number, faced somewhat less hostility from white, male coworkers, because the agency's culture was one of intense focus on Space Race objectives: "During Apollo and all that time, we all worked together... We all felt a part of it. A part of something... That era then was very nice. We all worked hard."<sup>68</sup> Working together as a team, no matter the cost, some were able to more easily see past gender or racial differences. However, once the pressure of the Space Race lifted, NASA's culture reverted to a more traditional, hierarchical culture that tended toward racism and sexism.

Equal opportunity advocates often used these accomplishments as a rallying point. In 1972, a NASA publication quoted Irving Kator, a Civil Service Commission representative, saying, "from my vantage point as a layman...the greatest moving force in your [NASA's] achievement was the commitment to get the job done...we need the same kind of commitment in EEO. We need the same kind of commitment to meet the goal of

---

<sup>68</sup> It should not be assumed that women or people of color had an "easy" time during this era—they were segregated in low-paying jobs and excluded in many ways. Gloria Taliaferro, interview by Ruth Calvino. Oral interview, Oxon Hill, MD, 20 July 2019 (hereafter cited as Taliaferro 20 July 2019).

social reform and equal opportunity for all persons.”<sup>69</sup> In an EEO report, the authors juxtaposed NASA’s fantastic technical record with its dismal EEO record,

NASA has demonstrated to the world that it has limitless imagination, vision, capability, courage and faith, limitless persistence and infinite space potential. It made the United States a winner in space and improved the quality of life for all people...However, in spite of sincere efforts on the part of some NASA management and employees, human rights in NASA have not even gotten off the ground...the striking anomaly of the undisputed success of NASA genius and its total insensitivity to human rights and human beings could destroy the aspirations and morale of a superior intellect....this objective examination of the program supported by thorough analysis and first-hand experience is provided solely for the purpose of giving NASA an Equal Opportunity Program compatible with her genius in space exploration.<sup>70</sup>

NASA did not, in practice, heed these calls to make Equal Opportunity a priority.

Many examples of NASA’s racial issues fall into three categories of discrimination: bias in the hiring process; unfair practices in promotions, job categorization, and compensation; and the third, ignorant or overtly displayed negative racial attitudes toward minority coworkers or subordinates during their common interactions. An example of unfair hiring was when those selecting candidates screened

---

<sup>69</sup> "EEO Program Promised Full Support of NASA," NASA Activities Vol 3, Issue 2 (Washington DC: NASA, 15 February 1972), 74. [https://books.google.com/booksid=Osnfm\\_EZif8C&lpg=PA74&ots=xley1ltvvr&dq=Irving%20Kator%20nasa&pg=PA74#v=onepage&q&f=false](https://books.google.com/booksid=Osnfm_EZif8C&lpg=PA74&ots=xley1ltvvr&dq=Irving%20Kator%20nasa&pg=PA74#v=onepage&q&f=false)

<sup>70</sup> EEO Report, 21 September 1973, Folder: NASA Equal Employment Opportunity Program, Box: George M. Low Papers-Alphabetical Subject Files, Equal Employment Opportunity files #2, #13883, Box #33 NASA HQ, HRC, Washington DC (archive hereafter referred to as NASA HQ); in Harris’s words in her autobiography, “We are employed by a Federal agency that is responsible for a multibillion dollar space and aeronautics program...we are in a beautiful position to have positive effects on human understanding and cooperation in improving the quality of life for all people. If we can’t do it, who can?” Ruth Bates Harris, *Harlem Princess: The Story of Harry Delaney's Daughter*, (New York: Vantage Press), 1991, 259.



out applicants who graduated from Historically Black Colleges and Universities.<sup>71</sup> While such hiring discrimination occurred at NASA, this thesis primarily concerns the issues that employees hired to work at NASA faced while at the agency. *MEAN v Fletcher* primarily concerns the second form—discrimination barring minorities from promotion opportunities. Oral history and some court documents offer glimpses into how minority employees experienced the third: systematic discrimination infused into everyday interactions. Some of these experiences were not strictly personal, but employees felt the effects through administrative decisions.

In 1971, as NASA developed an EEO office, Administrator Fletcher hired Ruth Bates Harris as director. Harris, a black woman and civil rights activist, had earned an MBA with an emphasis in personnel administration and industrial relations from New York University, and had years of experience as the director of Human Relations for the Montgomery County school board in Maryland, as well as the executive director of the DC Commission on Human Relations—a civil rights implementation group.<sup>72</sup> But before she even began her employment as director of the EEO, she was demoted to deputy director, under Dudley McConnell.<sup>73</sup> McConnell was a black scientist with no human

---

<sup>71</sup> Taliaferro related that there was no checks or programs in place to prevent things like research proposals from HBCUs getting cut automatically. Taliaferro 20 July 2019.

<sup>72</sup> James Fletcher, Announcement Key Personnel Change Subject: Director of Equal Employment Opportunity, 24 Aug 1971, Folder: Equal Opportunity Programs, Office of; Box: Equal Employment Opportunity, Box 4 of 4, General 1969-2001, #18507, NASA HQ.

<sup>73</sup> “Effective immediately, the Equal Employment Opportunity Office is established under the Associate Administrator for Organization and Management. Mr. Robert King has been designated as the Director of the new office, and Mrs. Ruth Bates Harris will be the Deputy Director.... Mrs. Harris will be the NASA Director of Equal Employment Opportunity and will provide direction to equal opportunity programs for NASA

resources, personnel management, or EEO expertise or experience. As historian Eric Fenrich argued,

Low opted for McConnell because he believed that an insider would be able to understand the "problems of technical management" within the space agency better than an outsider, even if that other person had more EEO experience. Eighteen months after Harris's initial hiring, NASA still preferred the safety of an "insider" who would work within the existing agency culture over someone like Harris who might buck the system. Despite its rhetoric of creating a racially cooperative workplace, the agency exhibited reluctance toward efforts – or people – that might instigate unwelcome change.<sup>74</sup>

Black employees at NASA loudly voiced to management that they viewed McConnell as a yes-man for NASA administration, not an advocate for them or agent of change.

Particularly after NASA administrators established a dedicated EEO office, EEO personnel were able to develop solid goals and plans. At a conference in 1972, Administrator Fletcher said, "the full weight of NASA will be behind our Equal Employment Opportunity Office and Equal Employment Programs throughout the agency. They will have NASA's institutional support."<sup>75</sup> However, NASA administrators ignored, or even thwarted, common sense forms of implementation. Additionally,

---

employees. In addition, she will be the Deputy Director for the Equal Employment Opportunity Office." James Fletcher, Special Announcement "Subject: Equal Employment opportunity Office-Organization Realignment," 1 September 1971, Box: George M. Low Papers—Alphabetical Subject Files, Equal Employment Opportunities File #2, NASA HQ.

<sup>74</sup> Eric Fenrich, "The Color of NASA: Racial Inclusion in the American Space Program, 1957-1978" (PhD diss., University of California Santa Barbara, 2015), ProQuest (3733584), 225.

<sup>75</sup> "EEO Program Promised Full Support of NASA," 15 February 1972.

administrators opposed EEO personnel who spoke out about how miserably the agency was failing to meet the goals.<sup>76</sup>

Two years into her employment, Harris and two other EEO employees—Samuel Lynn, a black man, and Joseph Hogan, a white man, prepared a thorough analysis of NASA’s EEO efforts for presentation to Fletcher.<sup>77</sup> They prepared this report on their own time, using their own money. Harris explained their attitude, “we wanted to be sure there was nothing inaccurate or exaggerated to prove a point. We would try to keep him [Fletcher] relaxed, yet we would convey the urgency of the matter.”<sup>78</sup> Based on their research, these three found NASA EEO efforts to be a “near total failure.”<sup>79</sup> They presented this report to Fletcher on 21 September 1973. On 25 September of the same year, on the basis of “seriously disruptive” behavior and incompetence, Fletcher fired Harris; Hogan was transferred out of the EEO office; Lynn received a formal warning.<sup>80</sup> Media coverage accused NASA of discrimination. The *New York Times* article entitled

---

<sup>76</sup> The example of Administrator Fletcher firing Ruth Bates Harris and demoting/moving other key EEO personnel after a candid report communicates how vehemently administration opposed being confronted with NASA’s subpar record.

<sup>77</sup> “I found Joseph Hogan, director of contract compliance and Sam Lynn, his assistant, very competent and very committed to providing strong leadership to NASA’s progress in equality of opportunity.” Harris, 255-256.

<sup>78</sup> Harris, 268.

<sup>79</sup> EEO Report, 21 September 1973, Folder: NASA Equal Employment Opportunity Program, Box: George M. Low Papers- Box #33 NASA HQ.

<sup>80</sup> “A divisive spirit became rampant in the office. The report itself reflects this unfortunate development...she was never able to implement her plans to achieve solution now was she able to work with others outside the EEO Office to do so...Mrs. Harris has not demonstrated the degree of administrative and management skill required of her position...she became a serious disruptive force within her own office...” Fletcher Memo to All NASA Employees 2 Nov 1973, Mrs. Ruth Bates Harris bio- NASA file, NASA HQ; Harris, 270.

“Top Black Woman Ousted By NASA” and a *Science* magazine article criticizing NASA were explosive, sparking popular outrage. Over 50 civil rights organizations, including the NAACP Legal Defense Fund, rallied to fight on Harris’s behalf.

NASA officials claimed Harris’s firing was not because of racial or sexual discrimination, but in the words of EEO Assistant Administrator Dudley McConnell, because “[Harris] lacked administrative experience and never troubled to learn the workings of the bureaucracy.”<sup>81</sup> Harris filed a lawsuit based on racial and sexual discrimination; it was settled out of court, and as part of the settlement, Harris was reinstated as Deputy Assistant Administrator for Public Affairs (for Community and Human Relations).<sup>82</sup> George Low, NASA deputy director had stated in his deposition regarding the investigation of Harris’ firing, “Dr. Fletcher and I felt that Mrs. Harris stood in the way of the implementation of NASA's EEO Program.”<sup>83</sup> In almost direct contradiction to this statement, in his memo to all NASA employees on the occasion of Harris’s reinstatement, Fletcher stated that “it is fair to acknowledge that some of the forward movement NASA has subsequently made in equal opportunity has been stimulated by the forces she so eloquently set in motion at that time. Moreover, there was

---

<sup>81</sup> Ironically, Harris’s resume contradicted this statement, while McConnell himself lacked administrative experience. Constance Holden, “NASA Sacking of Top Black Woman Stirs Concern for Equal Employment,” *Science*, New Series, Vol. 182, No. 4114 (Nov. 23, 1973), pp. 806.

<sup>82</sup> Memo by James Fletcher to all NASA employees, 16 August 1974, Mrs. Ruth Bates Harris bio- NASA file, NASA HQ, HRC, Washington DC.

<sup>83</sup> Responses to Question Given to George M Low in Writing By William Roscoe, CSC Investigator, for the Ruth Bates Harris Investigation, 14 June 1974 Folder: R.B. Harris Termination, 013701, Box: George M. Low Papers/EEO File/Record Numbers 013696-013704 NASA HQ.

never any doubt about her commitment to equal opportunity and her desire to help NASA move forward.”<sup>84</sup> This memo was part of Harris’s settlement—one of her requirements read, “send out a memorandum to all employees clearing Mrs. Harris's reputation and expunging any adverse reflection on her in Administrator's November 2 memorandum to employees.”<sup>85</sup> Though Harris was reinstated, the damage to any fragile confidence minority employees may have had in the EEO office was shattered. Within the Headquarters EEO office, surveys, statements, and memos written by minority employees explain, “people are afraid to speak out...they don’t even take their problems to counselors....they are afraid of harassment.”<sup>86</sup> An example of the “contradiction of the spirit of EEO” that NASA regularly engaged in was reported in an independent investigation that NASA commissioned in 1975. The investigator found that an EEO counselor “was the spouse of a reputed White Citizens Council member” who actively resisted school integration.<sup>87</sup> While not an isolated example, Harris’s firing was a high-profile example of NASA’s failure in the area of equal employment practice.

---

<sup>84</sup> Fletcher Memo to All NASA Employees 16 Aug 1974, Mrs. Ruth Bates Harris bio-NASA file, NASA HQ,

<sup>85</sup> R Tenney Johnson memo to George Low, 4 April 1974, Folder: R.B. Harris Termination, 013701, Box: George M. Low Papers/ EEO File/ Record Numbers 013696-013704 NASA HQ.

<sup>86</sup> Memo by Harriet Jenkins 23 April 1974, Folder: Code U Chron Files 1974 Box: Equal Employment Opportunity (EEO) Code U and DE Chron files 1964-174 #18508 Box 1, NASA HQ.

<sup>87</sup> “Inner City and Outer Space: A Study NASA/Minority Community/Media Relations,” August 1975, Folder: No. 13, 1 of 2, Box 45, Container 46, Civil Case Files 01/01/1965-12/31/1985, District Court of the United States US District Court for the District of Columbia, National Archives and Record Administration, Washington DC (This archive will be referred to as NARA I).

### ***Immediate Impetus for MEAN's organization***

*“Just as peace is fine as long as there are no wars, EEO is fine as long as there are no complaints.”*<sup>88</sup> -Ruth Bates Harris

The MEAN case did not form in a vacuum; NASA administrators had been on the spectrum from ignoring to actively perpetuating systemically discriminatory practices since NASA's inception. However, a combination of Ruth Bates Harris's case and more general angst about NASA's resistance to change spurred employees to act. The first action was a statement of concern signed by sixty-eight NASA Headquarters employees and delivered to Fletcher. They wrote: “Ruth Bates Harris took with her much of the confidence that employees had in NASA's intent for achieving results in equal opportunities.”<sup>89</sup> This group, completely unassociated with the individuals that formed MEAN, said that Harris's firing was their main cause for concern.<sup>90</sup>

Evidence demonstrating the connection between Harris's firing and the MEAN complaint has not been previously available to scholars, as MEAN documents do not mention Harris's firing.<sup>91</sup> However, Taliaferro clearly communicated her attitude forty-

---

<sup>88</sup> Harris, 261.

<sup>89</sup> Point of Concern and Suggestions for Improving Equal Opportunity Program at NASA, Attachment 2, Jo Marie Di Maggio to “Concerned Employees” 19 Nov 1973, Folder: Equal Opportunity Programs, Office of; Box: Equal Employment Opportunity, Box 4 of 4, General 1969-2001, #18507, NASA HQ; Fenrich, 227.

<sup>90</sup> Taliaferro said that the spokesperson for the “concerned employees” group, Jo Marie DiMaggio, did not participate in the MEAN complaint, and the efforts were not coordinated. Gloria Taliaferro, phone conversation with the author, 1 May 2019.

<sup>91</sup> Scholars have previously connected these events, as the two were less than a year apart and closely related substantively. Fenrich explained that “Over 50 civil rights and minority organizations protested Harris's termination in the media and at Congressional hearings, causing a group of minority employees at NASA to become MEAN.” Fenrich, 237. Kim McQuaid's article “Race, Gender, and Space Exploration” linked MEAN as

six years later in an oral interview, explaining her reasons for organizing what became MEAN and the writing of their initial complaint:

RC: so the number of complaints just about doubled in '74, after—

GT: Ruth got fired

RC: would you say that was a catalyst for people being like, “ok, we’re going to do something?”

GT: Yes, yes. That was the catalyst. We were tired. Sick and tired of being sick and tired. That’s when this was—that’s when this came. That was the catalyst for us to come together. And we took a lot of us to get together, right, and a lot of people to help write it. They aren’t named. They were very scared; they didn’t come forward. They didn’t want to come forward.<sup>92</sup>

In a follow-up interview, where more details were discussed, Taliaferro added a fuller discussion of the impetus for MEAN’s organization and formal complaint.

GT: Well, I was mad. Rosemary [Ferguson] was mad. And there were some other folks, who had been there before us, so we went to them who had been there. And there were voices of irritation. ...So we started talking, and we found that we had similar situations. So say you need shorthand for a job—that’s what Mary Richard told me—she’s in charge of secretaries... So we started raising regular hell about that. So they offered a shorthand course at NASA. And everybody in the course was black. It was onsite; they brought a teacher in. Every d—n body in there was black, trying to get shorthand to get a 7. And, most of us passed the test, but that didn’t guarantee you were going to get a 7—just a GS-7! Anyway, we started talking, did a lot of; then we started meeting. We started meeting, talking, sharing a lot of you know, views. And we started putting stuff on paper. Like, brainstorming....And we had help from people who did not want to be identified, and people who didn’t really give a sh-t. So I put my name out there, Rosemary put her name out there, and Diane. So when we put it in, we got with Ruth Bates, and ran it past her, and you know, had a lot of comments. We really wanted to do NASA-wide—meaning the other centers—because the same thing was going on. A lot of brilliant, brilliant black folks. It was that old boy network—it was all over the government. And we were the first ones...that came to class action. We put the system to test.<sup>93</sup>

---

stemming from media coverage of Harris’s firing. Kim McQuaid, “Race, Gender, and Space Exploration: A Chapter in the Social History of the Space Age,” *Journal of American Studies*, Vol. 41, No. 2 (Aug., 2007), 420.

<sup>92</sup> Taliaferro 20 July 2019.

<sup>93</sup> Profanity has been edited out at the interviewee’s request. This response is answering the question: “So Ruth Bates Harris was fired. About six months later, we have the

While Ruth Bates Harris’s firing and MEAN’s organization were closely connected in chronological proximity, Taliaferro’s statement is the confirmation that this event incited these black employees to action. Additionally, Taliaferro related that Harris offered comments and help to MEAN—during her exile from NASA—as they wrote the complaint. As one of the three main organizers, Taliaferro is perhaps the most reliable source to communicate MEAN’s intentions and beginnings.

Black employees complained about ill treatment previous to the case, but NASA administrators and complaint processing personnel hid behind an offer for a lateral switch to a different office.<sup>94</sup> Instead of finding discrimination, many complaints were found to be an unfortunate personal issue between a supervisor and subordinate. This attitude related not only to the MEAN complaints but also to many other complaints of racial discrimination. Taliaferro became quite familiar with this attitude through her time as an EEO counselor. She related one exchange between herself and Lawrence Vogel, Director of NASA Headquarters Administration,

I’m sitting down there and I said so-and-so has a complaint—blah blah blah. And he [Vogel] said, “well I didn’t find any discrimination.” And I said, “you didn’t?”

---

MEAN complaint and the letter to Dr. Fletcher. So, can you kind of walk me through how the MEAN complaint—obviously there had been complaints, obviously there were issues—but how did the MEAN complaint, particularly, come to be?” Gloria Taliaferro, Interview by Ruth Calvino. Oral interview. Oxon Hill, MD, 20 October 2019 (hereafter cited as Taliaferro 20 Oct 2019).

<sup>94</sup> MEAN letter alleged that “A vast majority of the initial grievances result in no satisfactory resolution for the complaint, mainly because the resolution sought by most counselors is to remove complainants from his ‘old environment’ to a ‘new environment’ with still no promotion potential or advancement.” MEAN to Dr. James Fletcher, 14 March 1974, Folder: MEAN Group Meeting, Box: George M. Low Papers-Alphabetical Subject Files, Equal Employment Opportunity files #2, #13883, NASA HQ, HRC, Washington DC. hereafter cited as “MEAN to Fletcher”).



Well, I said, “well where have you seen it before, so you can recognize it again?” And he—he had never seen discrimination. I looked him dead in his eye. He turned blood red. He knew he couldn’t. I said “I know what it is. I can recognize it. So, no. We have a complaint here, whether you see it or not.” So that was his I-didn’t-see-it-before. Well that’s because you wouldn’t know what it was if it hit you in the a--.<sup>95</sup>

Administrators, middle managers, and regular employees tasked with EEO assignments refused to define discrimination and ignored or remained uninformed of the goals of EEO policies, resulting in little real relief for victims of alleged discrimination.

### ***MEAN Complaint***

Eleven black employees formed their complaint into a fourteen-page letter, addressed to Administrator Fletcher, dated 14 March 1974.<sup>96</sup> By 15 April 1974, lawyers James Gray from the NAACP Legal Defense Fund and Rod Boggs of the Lawyers’

---

<sup>95</sup> Taliaferro 20 Oct 2019.

<sup>96</sup> All spelling, grammar, and formatting in quotes is precisely how it was typed in the MEAN letter; in occasional places, I have added punctuation for clarity. I have chosen not to use the term [sic] where abnormalities occur in this letter out of respect to the letter writers. The letter was also sent to George Low (Deputy Director, NASA), Bernard Moritz (Associate Director, NASA), Raymond Sumser (Director of Personnel, NASA), Dudley McConnell (Assistant Administrator for EO, NASA), Harriet Jenkins (Assistant Administrator for EO, NASA), Donald Lichty (Director Of NASA HQ Administration), Lawrence Vogel (Director of NASA HQ Administration), Robert Hampton (CSC), Irving Kator (CSC), Senator James Aborezk (first Arab-American US Senator, SD), Senator William Proxmire (Appropriations Committee, WI), Congressman Donald Edwards (chairman of the House Subcommittee on Civil Liberties and Civil Rights, CA), Congresswoman Shirley Chisholm (first black woman elected to US Congress, NY), Congressman Walter Fauntroy (a well-known black civil rights activist, born and raised in DC), Congressman Parn Mitchell (black representative, MD), Congressman Charles Rangel (Congressional Black Caucus; actively opposed NASA apartheid employment practices at the NASA tracking station in Hartebeesthoek, South Africa), Congressman Louis Stokes (Congressional Black Caucus, House Appropriations Committee, OH), Coalition Against Unequal Opportunity in Government, American Federation of Government Employees, Leadership Conference on Civil Rights, GUARD, and the NAACP LDF; MEAN to Fletcher.

Committee for Civil Rights Under Law had partnered with MEAN and came to a meeting with top NASA administrators.<sup>97</sup> The complaint began by quoting one of Fletcher's commitments to listening to employees and asserted that Fletcher's words were empty,

There is no question about the clarity of those words. BUT, a review of the methods employed by NASA management (i.e. intimidations, harassments terminations, etc.) against those who attempt to communicate further discourages others to pursue their grievances. In essence, people are too afraid to speak up for justice. Because of this fear, we have united to present our allegations. We are the "Minority Employees At NASA" (MEAN).<sup>98</sup>

The letter writers detailed the information they wished to communicate about themselves as a group. They were employees of NASA for between four and eleven years, some college graduates, and all committed to continuing education. MEAN explained their perspective on their employment at NASA, allowing a glimpse into the emotional and physical toll discrimination had on these employees:

YET we are still in meaningless dead-end jobs. If this isn't enough, we have become victims of habitual methods of discrimination with multiple, alarming side effects (frustrations, hyper-tension, lack of motivation, etc.) While subjected to these tremendous physical and mental traumas, we feel that as dedicated NASA employees we are entitled to our equal rights now. We want to be able to advance in our careers, change careers, or make a more important contribution to the Agency by utilizing our experience, abilities, potentialities, and education and not be hindered from these very humanistic goals because of our race or sex.<sup>99</sup>

---

<sup>97</sup> The Lawyers' Committee for Civil Rights Under Law is now called Washington Lawyers' Committee for Civil Rights. It is unclear when the NAACP Legal Defense Fund (LDF) became involved with the case as the NAACP LDF's archives are not publicly accessible. The LDF was already aware of issues at NASA because of Ruth Bates Harris's case. Discussion of Investigative Procedures to be used to deal with Complaints of Discrimination, 15 April 1974, transcript of tape recording, Folder: MEAN Group Meeting, Box: George M. Low Papers-Alphabetical Subject Files, Equal Employment Opportunity files #2, #13883, NASA HQ.

<sup>98</sup> MEAN to Fletcher.

<sup>99</sup> All formatting is precisely how it was typed in the MEAN letter. MEAN to Fletcher.

Clearly not “anti-NASA,” these employees desired the ability to better benefit the agency as well as themselves.<sup>100</sup> From this point, the letter unfolds from general to more specific allegations of types of discrimination, using statistics and specific examples to support their claims.<sup>101</sup> MEAN’s arguments primarily concern either the specific ways NASA management regularly discriminated against people of color and women or how these actions impacted the individuals involved. The letter succinctly introduced MEAN’s principle concerns:

Minorities experience longer waiting period for quality increases, sustained superior performance awards, and promotions. However, we have knowledge that non-minorities are not subjected to such. If a minority is favored by management, he can be assured of receiving one promotion for pacification. If an employee challenges discrimination, his chances for advancement are jeopardized.<sup>102</sup>

Black employees were caught in this lose-lose situation where discrimination prevented them from having meaningful opportunities for promotion but drawing attention to the barrier seemed to seal their fate.

The first few points of the MEAN letter addressed NASA administration directly:

---

<sup>100</sup> Taliaferro still reflected this attitude of loving NASA despite the immense hardships, even after nearly forty years of employment at NASA, “I learned a lot at NASA. I gained a lot of friends. And I had a good time. And there were some bad times. Some struggles. This [MEAN] was a struggle. This was the biggest struggle.” Taliaferro 20 July 2019.

<sup>101</sup> As the complaint went through the administrative process, NASA brought in Dr. Alvin Anderson from Langley EEO to help specify the exact issues of the complaint. “Cause they [NASA] hired somebody from Langley to come up for ‘specificity.’ They didn’t know what we were talking about. They had no idea, so. The group of us got together to help this guy. ‘What do we mean by this?’ that was just a uh, what do you call—bulldog.” Ibid.

<sup>102</sup> Taliaferro explained that this information came from sources higher up in NASA that required strict anonymity. “Some of them were in positions that we couldn’t identify them, or it would jeopardize their position, and it would jeopardize us getting information. You know information: that was the main thing. We had to get information into their little secrets.” Taliaferro 20 Oct 2019; MEAN to Fletcher.

NASA's total management...[being] deeply rooted in discrimination. We allege that discriminatory practices on the basis of race and sex are so embedded throughout NASA Headquarter's management that it has become such a "routine process" that no one dares to buck them or question them. Unfortunately, it appears that the Agency condones such discriminatory practices because they never seem to surface to a point where something is done about them.

The letter continued to demonstrate concrete ways that management carried out discrimination, "we allege that Personnel Management Specialists, with the exception of one who happens to be a minority...are being manipulated to carry out management's wishes which for the most part are biased...we further allege that the PMSs and PSSs are biased in their judgments in reviewing employee qualifications for job selection."<sup>103</sup>

Next, MEAN communicated that minority employees did not have faith in the various NASA programs for advancement, such as the Merit Promotion Program, or the STEP program, which were created to help non-professional employees gain experience or education necessary to earn promotions into professional pay-grades.<sup>104</sup> Another allegation was that NASA did not have consistent guidelines for desk audits, job

---

<sup>103</sup> PMSs are Personnel Management Specialists and PSSs were Personnel Staffing Specialists. MEAN to Fletcher.

<sup>104</sup> "tape recorded interviews...were degrading and frustrating.... We allege that all methods used for selection of STEP applicants were biased. These feelings are shared by non-minorities as well as minorities, and both feel that STEP applicants were pre-selected." MEAN to Fletcher; Transcript, 17 Mar 1981, Box 43, NARA I; Federal employees pay is determined by the US Office of Personnel Management (OPM); positions receive "grades," and promotions can be in grade "step" promotions, or entire grade promotions. Jobs increase in grade with increased requirements for experience, education, and/or skills. Most black women in secretarial positions at NASA at this point were between a GS-3 and GS-7. According to OPM regulations for 1974, a GS-3 would start at \$6,764 and a GS-7 could make up to \$13,679. By 1979, Gloria Taliaferro as a GS-7/Step 6 made \$15,184 annually. See Figure 1, p. 72. "Rates of Pay Under the General Schedule Effective the first pay period beginning on or after October 1, 1974," Office of Personnel Management, 1974. [https://archive.opm.gov/oca/pre1994/1974\\_GS.pdf](https://archive.opm.gov/oca/pre1994/1974_GS.pdf); *MEAN v Fletcher*, 23 April 1979, Box 41 NARA I.

classification, promotions, and the like.<sup>105</sup> Taliaferro explained that the lack of consistent guidelines was one of managers' primary means of targeting black secretaries:

GT: Performance plans. All that sort of stuff. They worked on us with those performance plans. They really tried to screw us with that.... if you got a bad one, you could get an adverse action and stuff like that. I never got that, but other folks that I know, a lot of that went on. I asked them not to confide in me because of who I was. I didn't want to know.... You had to be very, very smart and discrete, the way they were written. They're written for you to fail. You know, because... I think one of them, I would rewrite them or I wouldn't sign it. They want you to sign it; I'd say no. We helped each other. A lot of us started to help each other.... But there was a technique to give you an adverse action that would go in your personnel file. I'll never forget that. Looked like very—you would miss it if you weren't savvy. You would miss it—well like I had a report put in, when you get the report, we need this report, and they gave me a date and time, and I said well I can't do it until they give it to me—the data to make the report. So you can't give me a date to get it out and I haven't gotten it. I got them every time, so they finally stopped that. But anyways, little things like that, you had to watch. Be on cue. If I didn't know, I would go to one of my coworkers, say read this. Same thing. Especially me. The others might not have had it so bad. I had to be on cue... Oh, they were doing it intentionally. Cause they passed it down, one manager to another.<sup>106</sup>

Without the contextualization that oral interviews provide, unspecified guidelines for desk audits could seem more like a bureaucratic oversight than discrimination. Yet prejudiced people often exploited those ambiguities to engage in preselection and perpetuate the general “old-boys network.”<sup>107</sup> NASA's clerical pool was an example of the job segregation and limited upward mobility opportunities for black employees. MEAN alleged “only Blacks are placed in this typing pool and comparable whites are

---

<sup>105</sup> MEAN to Fletcher.

<sup>106</sup> Taliaferro 20 July 2019.

<sup>107</sup> Taliaferro 20 Oct 2019.

not” and that blacks remained in this temporary typing pool instead of being placed into permanent positions (with promotion potential) like their white counterparts.<sup>108</sup>

The letter’s second and fourth major items alleged “chronic patterns of intra-office discrimination” and that “there is a definite gap in various NASA Headquarters grade structures.”<sup>109</sup> Essentially, NASA had white offices and jobs and black offices and jobs. Because of this methodology, offices hired whites with no experience, but refused black applicants with relevant training. Minorities were often tasked with more work than white counterparts and were not afforded the same opportunities for education.<sup>110</sup> Additionally, job segregation meant, “minorities, regardless of qualifications, are concentrated into positions requiring constant manual labor.”<sup>111</sup> Further, MEAN alleged that minority employees often did the work of their superiors without the recognition or pay and “no opportunity or hope of eventual advancement in that field.”<sup>112</sup> Additionally,

---

<sup>108</sup> MEAN to Fletcher; British women faced similar forms of discrimination applying for federal jobs in Britain, “Allowing men into feminized job categories would upset the balance of low pay and poor promotion prospects designed into those job classes. As a result, men were not only expected but also encouraged, through formal recruitment processes, to take the majority of higher, permanent posts in the service, and women were kept out....men might filter through that job category, but only women were allowed to become permanent staff there.” Marie Hicks, *Programmed Inequality: How Britain Discarded Women Technologists and Lost its Edge in Computing*. (Cambridge, MA: MIT Press), 2017, 89.

<sup>109</sup> MEAN to Fletcher.

<sup>110</sup> This was a major issue in Rosemary Ferguson’s individual case; Transcript of Rosemary Ferguson’s trial, Box 43, NARA I; MEAN to Fletcher.

<sup>111</sup> MEAN to Fletcher.

<sup>112</sup> Taliaferro related one position she held where this happened, “They had a guy contractor, sit there and play solitaire...cause he was [an] assistant guy. And I got his job, and I didn’t get his grade! ...And so—he was a contractor converted. And I did his work—I did more than his work! I wrote the policy! They had a system—an equipment system—without policy! And I was in charge of the processing, and we had policy. You know, I had to sit there and regurgitate. I had to write policy for a system. Do you

when white employees retired, they were often “rehired immediately as consultants and contractors...thereby denying other employees an opportunity for advancement.”<sup>113</sup>

Sandwiched between specific allegations, MEAN members expressed their perspective on the agency’s culture: “it is obvious that equality means nothing in your job, to your management, nor to the agency.”<sup>114</sup> The members of MEAN had attempted every avenue available to remediate their complaints, but it was NASA’s structure that neutralized all of these attempts. Because of the structural and systemic racism, NASA was unable to remediate complaints fairly; NASA had to undergo fundamental change, not change the outcome of a couple of complaints.

The third and sixth major items concern NASA’s EEO personnel and programs. MEAN alleged that NASA failed to make employees—particularly minority employees—aware of the ongoing Congressional hearings about NASA’s EEO

---

understand me? For a system that had existed. I said I’m not going to write guidelines for how to operate the system, you have to write policy. You do this, you do this—and that’s what they get graded on. And that book out there? I wrote them all. I don’t know if you’ve seen all of them, but they’re still in existence...Those are my babies. I wrote them, sweat and tears. And so Jeff [Sutton], he didn’t give me no promotions, bonus, nothing. He was an a—hole.” Taliaferro, 20 July 2019; MEAN to Fletcher.

<sup>113</sup> Taliaferro related that this was still the case when she retired in the early 2000s, “You know, when I retired—when they [white secretaries] retired, they [NASA] fixed it up so they were comfortable. Oh, working as contractors after they retired at Goddard, working as contractors here, you know, different places. I asked for a contract at Goddard, and the only place I got that I know I could have worked was Kennedy, cause the guys I know down there, you know, we were alright. And Cleveland. I wasn’t approved. And they didn’t set it up for me. They did a lot of setting up for them. So they were comfortable in their retirement. I mean—hey—that’s the way it was. But I pissed off. And I let people at Goddard know.” Taliaferro 20 July 2019; MEAN to Fletcher.

<sup>114</sup> MEAN to Fletcher.

program.<sup>115</sup> NASA employed EEO counselors on a part-time basis. These counselors were regular NASA employees in any office who would be recruited and trained to be EEO counselors and therefore split their time between their regular job and counseling when a complaint arose.<sup>116</sup> MEAN's opinion on the current EEO counselors was that they "should be stripped of their titles, packed up, and returned to the corners of their offices to their former responsibilities on a full-time basis."<sup>117</sup> They supported this view with serious allegations, including that counselors had failed to: "inform employees of their legal rights...educate employees of the grievance process and the eeo complaints process" and counselors had "refused, redirected, and misguided complainants...prolonging and not terminating the informal complaints process."<sup>118</sup> This last allegation concerning the informal complaint process could create a dead-end for a

---

<sup>115</sup> NASA had a stellar track record of informing all employees about budget appropriations committee hearings. MEAN to Fletcher.

<sup>116</sup> While the MEAN case was being litigated, Taliaferro became an EEO counselor. Taliaferro: "in other words, it [discrimination] doesn't exist here, because we don't have to address it as long as it—'We don't do that!' That's what it is. You understand what I'm saying? All them words they use—that's a bunch of crap. You understand? 'Wh, why--we don't do that!' And when the affirmative action came under problems, 'what the hell we going to do?' and they didn't hire people with the knowledge to do these things. To implement them. To come in and set it up. ...He made me counselor while I was doing the MEAN complaint. I had some nice complaints.

RC: so were people EEO counselors on top of their other jobs or responsibilities?

GT: the counselors? Yeah that was extra. In matter of fact I had a safe in my room of all my complaints and I had [inaudible] to deal with. As a matter of fact I didn't give them the combination to anybody to all my complaints. And I did that and I told my boss I had to go—they told my boss he had to allow me, he had to allow me time. I had some interesting cases. But you know, some people were wrong and shouldn't have been there. Everybody ain't right, you know. And I said, and I always said, well you going to come to me with this crap like this? You know? No, you can do better. When you do better, come back." Taliaferro 20 July 2019

<sup>117</sup> MEAN to Fletcher.

<sup>118</sup> Ibid.



solution: an employee could not move their complaint forward in the administrative process if the counselor would not end the informal complaint process. The final problematic method counselors used was that, “the resolution sought by most counselors is to remove complainants from his ‘old environment’ to a ‘new environment’ with still no promotion potential or advancement.”<sup>119</sup> Rosemary Ferguson’s complaint, one of the three plaintiffs to later put her name on *MEAN v Fletcher*, demonstrated the deep frustration and dead-end that EEO counseling provided. William Dolby, who was tasked with finding a new position for Ferguson, testified in her trial that he,

felt that there was so much conflict within the organization and she was becoming very bitter and I told her that I thought the best thing for her to do was to take this position which was basically a clerical position in the other organization to get out of the organization she was in and to give her an opportunity to establish a new background of work for another supervisor somewhere, somebody who had not been involved in any of the [current situation].<sup>120</sup>

Items five and seven concern specific amenities that discriminated against NASA employees on the basis of race, sex, or class—which in a discriminatory system, converged particularly unfairly on young, black women. The specific instances cited were the gym facilities and the NASA credit union. NASA restricted gym usage to, “employees in grades GS-9 and above and by women over 35 years of age. Male employees in wage board positions (lower grades and minorities) are also excluded.”<sup>121</sup>

---

<sup>119</sup> Ibid.

<sup>120</sup> Within NASA, an “organization” was a department, not the agency as a whole. Transcript of Rosemary Ferguson’s trial, Box No. 43, NARA I.

<sup>121</sup> *MEAN to Fletcher*.

The credit union allegedly practiced discriminatory lending, was “indifferent” to minority members, and hired insufficient numbers of minority employees to “responsible jobs.”<sup>122</sup>

The letter’s final two pages proposed remedies “to correct the problems of race and sex discrimination and of unequal employment opportunity at NASA

Headquarters.”<sup>123</sup> Some of the most foundational of these remedies included:

6. All present EEO counselors should be replaced with new counselors nominated and selected by minority and women employees.
7. All new EEO counselors must be trained and educated so that they can properly advise employees of their rights under Part 713 of the Federal Personnel Manual and under Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972.
9. Discrimination in promotions at all levels must cease so that minorities and women are not constantly passed-over by favored white employees. There must be some minority participation in all promotion decision.
15. A full-time EEO Director for NASA Headquarters EEO Office should be appointed. A well-trained and experienced minority or women should hold this job. The all-white Headquarters EEO office should be integrated by employing minority professionals.

In response, NASA officials including Administrators Fletcher and Low and NASA counsel met with MEAN representatives and lawyers James Gray and Rod Boggs.<sup>124</sup> NASA administrators agreed to kick off a formal investigation through a third-party investigator. Negotiations regarding the investigator were ongoing at least into late

---

<sup>122</sup> Taliaferro related that, “We started meeting, talking, sharing a lot of you know, views. And we started putting stuff on paper. Like, brainstorming. We even put the credit union on there, because we found they were playing games. They were playing games with us. They voluntarily changed—everything we put in there, so we included them.” Taliaferro 20 Oct 2019; MEAN to Fletcher.

<sup>123</sup> MEAN to Fletcher.

<sup>124</sup> It is unclear when the NAACP Legal Defense Fund (LDF) became involved with the case as the NAACP LDF’s archives are not publicly accessible, but, the LDF was already aware of issues at NASA because of Ruth Bates Harris’s case. Discussion of Investigative Procedures, 15 Apr 1974, transcript of tape recording, Folder: MEAN Group Meeting, Box: George M. Low Papers #13883, NASA HQ.

June 1974.<sup>125</sup> Eventually, they agreed on Jack Spiel, a recently retired investigator from the General Counsel office at Kennedy Space Center.<sup>126</sup>

While little that happened in the intervening months has survived in the documentary record, by a 19 December 1974 meeting, top NASA officials and EEO personnel understood that “the Group felt the investigation was poorly handled and served to aggravate the situation. It has taken too long and the results have not been made known to MEAN. The complaint will probably be taken to court.”<sup>127</sup> Though MEAN had filed suit in December 1974, NASA’s report of the informal investigation and Harriet Jenkins, Harris’s successor as EEO director, wrote her final decision on 21 February 1975.<sup>128</sup> On page ninety-six of the final decision, Jenkins determined that “After very thorough review and consideration of the investigatory findings....it is the final decision of the National Aeronautics and Space Administration that the evidence of record does not show that NASA is pursuing a policy or engaging in practices which discriminate

---

<sup>125</sup> James Cummings memo to Raymond Sumser, Subject: MEAN Third-Party Complaint, 25 June 1974, Folder: MEAN Group Meeting, Box: George M. Low Papers #13883, NASA HQ.

<sup>126</sup> Ironically in MEAN’s list of grievances, they attacked NASA’s habit of hiring recently retired NASA employees as contractors, taking away jobs from minority applicants. James Cummings Memo to Mr. Bernard Mortiz 25 June 1974, Folder: MEAN Group Meeting, Box: George M. Low Papers #13883, NASA HQ, HRC; MEAN to Dr. James Fletcher, 14 March 1974, NASA HQ.

<sup>127</sup> Meeting Record; subject: Miscellaneous Topics Pertaining to EEO, 19 Dec 1974, Folder: EEO Advisory Group (formerly concerned employees), George M. Low Papers-Alphabetical Subject Files, Equal Employment Opportunity files, Box 32, #13691.

<sup>128</sup> Final Decision of the National Aeronautics and Space Administration on the Third Party Complaint of Minority Employees at NASA Part II p. 27, Folder: MEAN Group Meeting, Box: George M. Low Papers #13883, NASA HQ. (Hereafter cited as NASA Final Decision.).

against employees on the basis of race and sex.”<sup>129</sup> Jenkins made this decision against the recommendations of Headquarters’ own EEO investigator, Theodore Lucas, who had found the MEAN complaint valid.<sup>130</sup> The memo attached to the report instructed MEAN that they were entitled to appeal to the U.S. Civil Service Commission for a review of the decision.

The many pages of the final decision outlined Spiel’s findings through the course of his investigation into each of MEAN’s allegations. However, this report did not support how or why NASA found MEAN’s allegations to be false, but only that the investigation did not, in large part, support the accusations.<sup>131</sup> If the investigator had supported any allegation, the report carefully framed it as a one-off instance. Lucas, the Headquarters’ EEO investigator that reviewed Spiel’s investigation, “thought it probably needed to be reinvestigated, that it was not a very thorough investigation... a very poor investigation.”<sup>132</sup> James Cummings, head of EEO investigations, attempted to pressure Lucas to say “that this was a good investigation” because Spiel was Cummings’ “personal friend.”<sup>133</sup>

In the case of MEAN’s concern about a temporary clerical pool that seemed to serve to keep minority women from gaining permanent (and upwardly mobile) positions within NASA, the report found that the intention was not an “all black typing pool.” NASA management would “monitor” this “phenomenon” and abolish the pool if it

---

<sup>129</sup> NASA Final Decision.

<sup>130</sup> Deposition of Theodore R. Lucas, 5 Feb 1980, Folder 4 of 5, Box 45, NARA I.

<sup>131</sup> NASA Final Decision.

<sup>132</sup> Deposition of Theodore R. Lucas, 5 Feb 1980.

<sup>133</sup> *Ibid.*

continued to employ solely black women, but qualified that “its elimination is not anticipated.”<sup>134</sup> Much of the report was flat denial of MEAN’s claims: “NASA disagrees that it hires ‘skillful cadres of minority haters.’”<sup>135</sup> Generic answers claimed NASA had fair policies and assumed, without investigation, that they were being followed, “minimum qualification requirements are established by the Civil Service Commission for like jobs across agency lines....they are applied uniformly to all applicants.”<sup>136</sup> In several of the responses to MEAN’s allegations, NASA said they could not verify or investigate without specific examples. As early as 22 April 1974, NASA management placed an announcement in the Headquarters Weekly Bulletin “notifying employees of the third-party complaints and urging their full cooperation during the conduct of the resulting investigation. As agreed, we urged employees to cooperate and assured them that complaints, representatives, and witnesses will be free of restraint, interference, coercion, discrimination, or reprisal.”<sup>137</sup> However, even with these assurances, MEAN members were extremely uncomfortable with making known their association with the group. For example, an incident occurred where George Low asked Dudley McConnell “who some of the employees of MEAN were and indicated that he did this at a time when he was unaware of the fact that these employees did not want to be identified but wanted to be considered only as an organization.” McConnell “inferred” that an individual

---

<sup>134</sup> NASA Final Decision.

<sup>135</sup> *Ibid.*

<sup>136</sup> *Ibid.*

<sup>137</sup> Henry Clements to MEAN, 3 May 1974, Folder: MEAN Group Meeting, Box: George M. Low Papers #13883, NASA HQ.

named Gillam was associated with MEAN. Gillam was asking Low for a promotion (which he received) but insisted that he was not part of MEAN.<sup>138</sup>

### ***Class Action Lawsuit***

As a class action lawsuit, precisely what *MEAN v Fletcher* attempted to prove in court was that NASA was systemically racially discriminatory. Black and woman employees faced systematic discrimination, including harassment from supervisors and coworkers. NASA also systematically prevented them from being hired or advancing into professional jobs.<sup>139</sup> Scholars such as Fenrich, McQuaid, and Snedegar have argued from examples that NASA was structurally and rampantly discriminatory.

MEAN motioned for class certification on behalf of “plaintiffs and all past, present and future black (including the subclass black female) employees and applicants for employment of NASA Headquarters and of the National Aeronautics and Space Administration (NASA).”<sup>140</sup> MEAN argued that,

the issue common to all members of the class is the existence of policies, patterns, and practices of racial discrimination (and in the case of black females racial and sexual discrimination) which result in the denial of equal employment opportunities. Although the impact of this discrimination may vary among

---

<sup>138</sup> George Low Memo 6 May 1974, Subject: Meeting with Co-Chairpersons of the EEO Advisory Group, Folder: EEO Advisory Group (formerly concerned employees) #13691, George M. Low Papers, Box 32, NASA HQ.

<sup>139</sup> “Plaintiffs seek elimination of discriminatory barriers to advancement, institution of appropriate training programs and implementation of an effective affirmative action program which will eliminate the present effects of past racially and sexually discriminatory practices...” Statement of Points and Authorities in Support of Plaintiffs’ Motion to Certify Case as a Class Action, 18 April 1975, Box 41, NARA I.

<sup>140</sup> This motion included employees at all NASA installations. Motion to Certify Case as a Class Action, 18 Apr 1975, *MEAN v Fletcher*, Vol 1 12/16/74- 7/27/76, Box No. 41, NARA I.

individuals, all members of the class suffer the same deprivation of a fair and equal opportunity for employment and promotion because of their race.<sup>141</sup>

MEAN's case further argued for class action certification because NASA had "treated [the MEAN administrative complaint] as a class action complaint" and because MEAN had "statistical evidence supporting their claims of a pattern of racial discrimination."<sup>142</sup> EEO records support that the other centers had major issues as well. A letter from NASA General Counsel to the Administrator in late 1974 stated, "You should be aware that nine other composite complaints (individual and third party), similar to the two JSC complaints that form the basis of this suit, have been filed (four at MSFC, one at Headquarters, and four at Langley). Additionally, two complaints at Headquarters have attempted to amend their individual complaints to include third-party allegations."<sup>143</sup> A confidential letter to Dr. Eberhard Rees, director of Marshall Space Flight Center read that the letter writer had, "never seen a more unhappy, more disillusioned group of blacks than those at Marshall."<sup>144</sup> Individuals who contracted at Goddard Space Flight Center related, "Goddard always stunk."<sup>145</sup>

NASA opposed class action certification, arguing that the court did not have jurisdiction, claiming that MEAN needed to continue to exhaust remedies within the agency, and because "the unique factual pattern of each of the representative plaintiffs"

---

<sup>141</sup> Statement of Points and Authorities in Support of Plaintiffs' Motion 18 Apr 1975.

<sup>142</sup> *Ibid.*

<sup>143</sup> Tenney Johnson to Dr. Low, 22 Nov 1974, Folder: Complaint Procession, #13690, George M. Low Papers Box 32, NASA HQ.

<sup>144</sup> Letter to Dr. Eberhard Rees, 26 May 1972, Folder: Code U Chron Files 1972, Code U and DE Chron Files 1964-1974 #18508, Box 1, NASA HQ.

<sup>145</sup> Taliaferro 20 July 2019.

and the relief sought made the case ineligible as a class action.<sup>146</sup> NASA argued that the members of MEAN, as federal employees, had “extensive administrative machinery available to them within which to resolve their grievances,” and that the case should only go to court if NASA had exemplified an “extreme case of agency intransigence.”<sup>147</sup> MEAN countered that it was necessary to go beyond the agency to the courts; the action “requested by the plaintiffs is required to eradicate discrimination embedded in defendants’ employment system.”<sup>148</sup> Debate continued through 1975, and on 10 December 1975, District Judge Charles Richey ruled that both MEAN and each of the individual plaintiffs had exhausted their administrative remedies, and that the class would be certified to “include all past, present and future black employees of NASA and NASA Headquarters.”<sup>149</sup> NASA motioned for an amended class on the basis that “NASA maintains decentralized personnel programs and responsibility. In several of the installations said programs have not generated any complaints of discrimination...therefore any issue concerning blacks at NASA Headquarters could not be commonly applied to other NASA installations.”<sup>150</sup> However, Richey again ruled in MEAN’s favor,

---

<sup>146</sup> Opposition to Motion to Certify Case as a Class Action, 12 Jun 1975, 1, *MEAN v Fletcher*, Vol 1 12/16/74- 7/27/76, Box No. 41, NARA I.

<sup>147</sup> Ibid.

<sup>148</sup> Reply to Defendants’ Opposition to Motion to Certify Case as a Class Action, 14 July 1975, 8, *MEAN v Fletcher*, Box 41, NARA I.

<sup>149</sup> Order, Charles Richey, 10 Dec 1975, Box. 41, NARA I.

<sup>150</sup> An example of how NASA demonstrated decentralization is in NASA’s answer to Interrogatories 83 & 84, “To what extent, if any, do EEO personnel at NASA field installations now report directly to NASA Headquarters? Answer: EEO personnel at NASA field installations do not report directly to NASA headquarters, they report directly to their respective Center Directors...the Assistant Administrator for Equal



Defendants have demonstrated that the various NASA installations exercise some autonomy in the management of their personnel programs. But it is also clear that officials at NASA headquarters have overall responsibility for personnel programs and policies. Plaintiffs in MEAN have alleged system-wide discrimination at NASA. If further development reveal that their case should focus on less than the totality of NASA installations, this Court can and will modify its class certification...<sup>151</sup>

With the case certified as a class action, the Court allowed NASA and MEAN to begin the discovery process, the pre-trial phase of gathering evidence, on 19 April 1976. I argue that *MEAN v Fletcher* not only offers examples of these actions, but that evidence provided in the case provides foundational insights into the processes and practices that buttressed NASA's structural discrimination.<sup>152</sup>

---

Opportunity Programs at Headquarters receives from each installation quarterly reports which deal primarily with Affirmative Action Program progress....the Director of the Discrimination Complaints Division in the Office of the Assistant Administrator receives monthly reports...concerning EEO counseling and formal complaints of discrimination.” Defendants’ Answers to Plaintiffs’ Second Set of Interrogatories, 15 Sep 1976, Box No. 41, NARA I; Memorandum of Points and Authorities in Support of Motion to Reconsider and Amend Class Certification or in the Alternative for a Stay of Proceedings, 23 Dec 1975, 1-2, *MEAN v Fletcher*, Vol 1 12/16/74- 7/27/76, Box No. 41, NARA I.

<sup>151</sup> Order, Judge Charles Richey, 31 Mar 1976, Box 41, NARA I.

<sup>152</sup> “NASA’s problem appeared to be more systemic rather than a collection of individual complaints.” Fenrich, 220; McQuaid discussed self-segregation in Kim McQuaid, “The Space Age at the Grass Roots: NASA in Cleveland, 1958-1990” *American Studies*, Vol. 47, No. 3/4 (Fall/Winter 2006), pp. 124-127; he argued that “‘institutionalized racism and sexism’ existed throughout NASA, it concluded. '[n]either simple pieties nor eloquent declarations of principle’ would change that fact.” Kim McQuaid, “Racism, Sexism, and Space Ventures’: Civil Rights at Nasa in the Nixon Era and Beyond” in *Societal Impact of Spaceflight* eds. Steven J Dick and Roger D Launius, (Washington DC: NASA History Division), 2007, 423.

### III

#### **Power in Numbers: Class Action Lawsuit against NASA**

*“This action seeks to uproot such employment discrimination at National Aeronautics and Space Administration, Headquarters, Washington, D.C.”*<sup>153</sup>

Plaintiffs: Minority Employees at NASA (MEAN); Diane Moore, Rose Mary Ferguson, and Gloria Taliaferro (as individually named members of MEAN)

Defendant: National Aeronautics and Space Administration (NASA, James Fletcher, Administrator).<sup>154</sup>

Minority Employees at NASA (MEAN)’s initial case accused agency-wide discrimination, including twelve complaints, ranging from structural issues to individual grievances. While the court did initially certify the case, NASA successfully hindered MEAN through bureaucratic stonewalling, leading to the case’s eventual demise. Once the case went to out of court settlement, the magistrate appointed to oversee individual settlements demonstrated that perhaps the court system, in addition to NASA, was unwilling to fairly litigate claims of racial discrimination.

#### ***MEAN’s Case***

MEAN, Diane Moore, Rose Mary Ferguson, and Gloria Taliaferro filed a class action suit against the National Aeronautics and Space Administration (NASA) in December 1974.<sup>155</sup> This case sought declaratory judgment, mandamus, injunctive relief, and back pay to remediate MEAN’s essential claim that NASA had “violated the statutory and constitutional rights of the plaintiffs...to equal employment” by engaging in

---

<sup>153</sup> Signed draft of *MEAN v Fletcher* provided to the author by Taliaferro, 1.

<sup>154</sup> Initially, the case also named the United States Civil Service Commission (CSC), Robert Hampton, Ludwig Andolsek, and Jayne Spain “individually and in their official capacities” at the CSC, but that plaintiff was eventually dismissed. *Ibid.*

<sup>155</sup> *Ibid.*

“policies, patterns and practices which unlawfully discriminate against blacks and females....with respect to recruitment, compensation, promotions and assignments.”<sup>156</sup>

The plaintiffs defined the class to include all black and woman employees of NASA Headquarters (DC) who were denied (or would be denied) promotions or raises and had applied or would apply and be denied employment at NASA HQ because of racial or sexual discrimination.<sup>157</sup>

The case referenced the third-party complaint, the MEAN letter, filed with Administrator Fletcher in March 1974. The twelve major claims of the case reflect MEAN’s initial concerns but were not a mere restatement of the letter. The last four claims concern Ferguson, Moore, and Taliaferro’s individual claims of discrimination. MEAN alleged that “the personnel system in NASA Headquarters is infected by policies, patterns and practices against blacks and women; its Equal Employment Opportunity Program is a sham.”<sup>158</sup> MEAN claimed that not only did white men advance faster, get paid more, and receive more opportunities than black and woman employees, but also that the agency administrators “intimidated,” “set back,” and took “reprisals” against those who drew attention to discriminatory practices.<sup>159</sup> Four claims were devoted to demonstrating that NASA Headquarters employed disproportionately low numbers of

---

<sup>156</sup> Ibid. 1.

<sup>157</sup> Ibid. 3-4.

<sup>158</sup> Ibid, 5.

<sup>159</sup> Ibid.

black men, black women, and women of any ethnicity, and these minority employees were largely ghettoized into low-paying, nonprofessional positions.<sup>160</sup>

The other claims related to the discriminatory structures barring blacks from advancement within the agency, including arbitrary evaluation practices, preselection of candidates, and quieter forms of discrimination that prevented minority employees from competing for jobs. For example, MEAN noted that “white employees learn of openings by word of mouth through their friends in supervisory positions.”<sup>161</sup> Additionally, minority employees faced discrimination through unfairly enforced education requirements and the failure of various Upward Mobility Programs (UMP) to meaningfully aid minority employees. MEAN alleged that minority employees were completely barred from some professional code blocks such as Life Sciences and Professional Scientific Engineering.<sup>162</sup> At the time of hiring, blacks began at lower grade level positions when compared to whites. NASA placed minority employees into temporary or non-promotable positions at higher rates than whites, who were “almost always placed in permanent offices upon entering NASA employment.”<sup>163</sup>

---

<sup>160</sup> An article in the Howard Law Journal in 1984 confirmed, “NASA has been one of the poorest agencies in terms of equal employment for blacks and women. Blacks held in 1980 only 2.5% of the executive positions (GS 16-18) and 3.1% of the professional level positions (GS 10-15).” Elliot M. Mincberg & Marc L. Fleischaker, “The Federal Sector Employment Project: Efforts by the Washington Lawyers' Committee to Combat Employment Discrimination in the Federal Government 1972-1983,” *Howard Law Journal* 27, no. 4 (1984), 1379

<sup>161</sup> *MEAN v Fletcher* in the author’s possession.

<sup>162</sup> *Ibid.* 6, 8.

<sup>163</sup> Not unsimilar to the discrimination women faced in British Civil Service in the 1960s, Marie Hicks, *Programmed Inequality: How Britain Discarded Women Technologists and Lost its Edge in Computing*. (Cambridge, MA: MIT Press), 2017, 89. *Ibid.*

Though established as an organization for the goal of anonymity, since the first complaint, NASA administrators attempted to discern who comprised MEAN.<sup>164</sup> Once discovery in the case began, MEAN cooperated with NASA interrogatories, disclosing background information about the organization including when it was established, officers' names & capacities—and all members' names, addresses, race, sex, job title, and NASA installation of employment.<sup>165</sup> All eleven MEAN members were employees at NASA Headquarters, and this revelation may have led to the eventual limitation of the class to black employees at solely NASA Headquarters, instead of all NASA installations.<sup>166</sup> Though some members had been meeting informally since October 1973, MEAN was formally established 29 January 1974.<sup>167</sup> Diane Moore, Gloria Taliaferro, and Rose Mary Ferguson were chair people and heads of committees for MEAN, as well as named plaintiffs representing the class.

While the suit was filed as a class action, these women's cases illustrated many of the system-wide discriminatory tactics that people of color faced as employees at NASA. Diane Moore's claim centered around being denied appropriate and timely promotions.

---

<sup>164</sup> George Low Memo 6 May 1974, Subject: Meeting with Co-Chairpersons of the EEO Advisory Group, Folder: EEO Advisory Group (formerly concerned employees) #13691, George M. Low Papers-Alphabetical Subject Files, Equal Employment Opportunity files, Box 32, NASA HQ, HRC, Washington DC (archive hereafter referred to as NASA HQ).

<sup>165</sup> Plaintiffs' Answers to Defendants' Second Set of Interrogatories, 9 Sep 1976, 6, *MEAN v Fletcher*, Vol 2 8/9/76 – 6/28/79, Box 41, RG 21, Civil Case Files 01/01/1965-12/31/1985, District Court of the United States US District Court for the District of Columbia, National Archives Building, Washington, DC, (archive is hereafter referred to as NARA I).

<sup>166</sup> This revelation may have begun the trajectory toward limiting the class action to NASA HQ, instead of all NASA installations. *Ibid.*

<sup>167</sup> *Ibid.*

After working at NASA for close to four years, Moore transferred into the Equal Employment Opportunity office for Headquarters at a GS-6 level. She was promoted to a GS-7 after six months in the office—three months later than she had been promised the promotion.<sup>168</sup> Additionally, “she absorbed work loads [sic] and responsibilities commensurate with those of higher positioned employees,” essentially functioning as an EEO Specialist, a position she was qualified for but denied by her supervisors, “solely because of her race.”<sup>169</sup>

Rose Mary Ferguson also brought allegations that NASA denied her promotions. Ferguson was hired into the clerical reserve, often referred to as the “floating typing pool,” in 1968. This typing pool was comprised of nonpermanent positions, and typists could not begin to advance until they gained a permanent position. On average, minority women spent considerably more time in the typing pool than white women.<sup>170</sup> Ferguson waited three months for a permanent position. She received her promotion months after it was due, later than white counterparts who had less time in the grade than she had. In late 1974, Ferguson had not received a promotion in over two years, even though during that time she earned two relevant associate degrees and had taken on the work of a higher position, and she met the requirements for “education, experience, and time in grade for

---

<sup>168</sup> Signed draft of *MEAN v Fletcher* in the author’s possession, 9.

<sup>169</sup> *Ibid.*

<sup>170</sup> From 1973-1975 A minority GS-2 typist spent, on average 80 days in clerical reserve. A white GS-2 spent 57 days. From 1975-1976, the time in clerical reserve averaged 73 days for black typists and 49 days for white typists. Interrogatory 57 and Answer, Defendants’ Answers to Plaintiffs’ Second Set of Interrogatories 15 Sep 1976, 12-13, Vol 2, Box 41, NARA I.

promotion.”<sup>171</sup> Another specific complaint presented in Ferguson’s case argued that NASA Upward Mobility programs discriminated against minority employees rather than helping them. The case alleged that UMP required her to, “remain at the present pay grade level for a full year before being considered for promotion, regardless of her experience, education and time in grade.”<sup>172</sup> Such regulation had not applied to the previous white employee that held the exact position.

Gloria Taliaferro had worked at NASA the longest of the three named plaintiffs, having been hired in 1966. Taliaferro’s claim alleged repeated denial of appropriate promotions, forcing her to switch career paths for a chance of advancement within the agency.<sup>173</sup> She advanced from a GS-4 to a GS-6 over a period of three years, but at the time of the case, had not received a promotion in five years despite her supervisor’s repeated recommendations, completing work and bearing the responsibilities classified at least at a GS-7 level position, and having earned an associate degree from George Washington University.<sup>174</sup>

---

<sup>171</sup> *MEAN v Fletcher* in the author’s possession, 10.

<sup>172</sup> *Ibid.*

<sup>173</sup> “Plaintiff Taliaferro was forced to transfer to another office because of discriminatory and arbitrary treatment and denial of a well deserved [sic] promotion by a new supervisor.” *MEAN v Fletcher* in the author’s possession, 10.

<sup>174</sup> Federal employees pay is determined by the US Office of Personnel Management (OPM); positions receive “grades,” and promotions can be in grade “step” promotions, or entire grade promotions. Jobs increase in grade with increased requirements for experience, education, and/or skills. Most black women in secretarial positions at NASA at this point were between a GS-3 and GS-7. According to OPM regulations for 1974, a GS-3 would start at \$6,764 and a GS-7 could make up to \$13,679. By 1979, Gloria Taliaferro as a GS-7/Step 6 made \$15,184 annually. See Figure 1, p. 72 “Rates of Pay Under the General Schedule Effective the first pay period beginning on or after October 1, 1974,” Office of Personnel Management, 1974. [https://archive.opm.gov/oca/pre1994/1974\\_GS.pdf](https://archive.opm.gov/oca/pre1994/1974_GS.pdf); *MEAN v Fletcher*, 23 April 1979, Vol 2, Box 41, NARA I.

From the beginning of the case, NASA attempted to limit MEAN's ability to demonstrate racial discrimination on the systemic level. While gathering evidence before the trial, each side formed their strategies and arguments. From MEAN's perspective, a case about systemic and structural discrimination necessitated some untraditional sources in order to gain insights into the motives behind NASA personnel decision making. For example, MEAN requested and then motioned to compel NASA to produce an "On-Site Surevey [sic] prepared by NASA's Personnel Office during the summer of 1975, and all basic documents and working papers from which the survey was prepared."<sup>175</sup> NASA objected to the production of "basic documents and working papers" because,

the accurate evaluation of personnel management is obviously vital to effective administration of any agency. The knowledge that the deliberative input into such an evaluation will become part of a public record must have the inevitable effect of rounding and dulling, sharp edged and cutting analyses. In an area such as personnel management evaluation where evaluation must often be subjective, legitimate criticism of individuals may be considerably "toned down" or eliminated of the individuated fact of such criticism could become known to the subject....By its terms, plaintiffs' request would include "yellow scratch pads" and similar unorganized types of documents, an invasion of personally kept rather than institutional files, by general understanding privileged.<sup>176</sup>

While NASA's concerns are plausible, this defense highlighted the precise reason MEAN requested these particular documents: if the reasons for a personnel decision discussed privately varied significantly from the publicly stated reason for that decision, that fact alone leads to further suspicion that the decision was made because of an illegitimate reason, such as racial or sexual discrimination, or an overtly personal, not professional, reason.

---

<sup>175</sup> Memorandum of Points and Authorities, 16 Aug 1976, Vol 2, Box 41, NARA I.

<sup>176</sup> Ibid.



NASA responded to several of MEAN queries for statistical information, such as which educational institutions job candidates were recruited and/or hired from or “how many positions are now occupied by minority women at less than the highest authorized grade level of those positions?” by responding that the agency did not record such information.<sup>177</sup> Many other denials of information were based on the argument that information was irrelevant to the case.<sup>178</sup> For example, NASA claimed that information concerning employee complaints of EEO counselors’ negative or biased attitudes toward discrimination complaints, was irrelevant to the case.<sup>179</sup> NASA rejected other interrogatories as unclear or too vague to answer.<sup>180</sup>

Another way NASA limited MEAN’s ability to demonstrate racial discrimination was a system which essentially allowed for no comparison from one employee in a position to their predecessor. MEAN’s counsel asked, “in how many positions now

---

<sup>177</sup> Defendants’ Answers to Plaintiffs’ Second Set of Interrogatories, 15 Sep 1976, Vol 2, Box 41, NARA I.

<sup>178</sup> Ibid.

<sup>179</sup> Interrogatory 48 & Answer, Ibid.

<sup>180</sup> “Interrogatory 41: In how many instances has a minority person who complained of racial or sexual discrimination been removed by any personnel action from the branch in which the complaint arose?” “Answer: The interrogatory is objected to on the grounds that it is vague [sic] and the question is not understood in its present form It is unclear what is meant by the words “complained,” “removed,” and “branches.” The question could be construed as covering “removals” at the request of a complainant as part of an adjustment of the complaint. Or, it could cover “removals” which are unrelated to the fact that a complaint was made...the question could also be referring to any incidents of reprisal against a complainant as a result of a complaint being filed. If the latter is the intent of the question, the only way NASA would know about any such “removal” as a result of reprisal would be through the formal procedure under Civil Service Commission regulations for bringing allegations of reprisal.” Ibid.

occupied by a minority woman was the immediate predecessor a non-minority man serving at a higher grade [sic] level?" NASA responded:

The general practice in NASA when a position becomes vacant is to "abolish" the existing position and reestablish a new position. The duties of the new position may or may not be identical to those of the vacated position. This practice results from the variable roles and missions of the several segments of the agency. Since the majority of NASA positions are established with initial grade levels lower than the ultimate potential of the position...it is usual for a newly appointed incumbent to have a lesser grade level than the immediate predecessor, if such predecessor had been in the position for an extended period of time. In any event, information is not maintained detailing the duties of former incumbents in positions that have been vacated and no "institutional memory" exists which would permit a reliable reconstitution of this data.<sup>181</sup>

Policies such as this became a sticking point which negatively affected MEAN's arguments in court, because NASA argued that even with evidence, MEAN could not definitively demonstrate that minority employees were compensated unfairly compared to their white and white male counterparts.

### ***Settlement***

By April 1977, MEAN and NASA had begun out-of-court negotiations in order to seek a mutually agreeable settlement.<sup>182</sup> A letter from Earl Silbert, US Attorney, to Thomas Hearity, one of MEAN's lawyer, offers a glimpse into early negotiations,

NASA feels that it should be possible to resolve this case short of litigation but, frankly, agreement to present proposals declares a knowing pattern of discrimination by NASA and requires NASA to agree to relief which exceed the most extreme ordered in any reported case. We feel that there is no basis for an agreement on such lines. We would like to meet again on this matter to ascertain

---

<sup>181</sup> Ibid.

<sup>182</sup> This fact was recognized by the court in July 1977. "Plaintiffs will be furnished by defendants with a current list... of the names...of all present Black employees of NASA Headquarters for the purpose of facilitating settlement negotiations in this matter." Consent Order, 18 Jul 1977, Vol 2, Box 41, NARA I.

whether there are any bridges, yet uncrossed, for reaching a mutually satisfactory resolution to this case.<sup>183</sup>

NASA desired to settle out of court but communicated that an admission of guilt was a nonstarter. This became one of the first points of the Settlement, stating that NASA agreed to the Settlement, “to reaffirm its policy of employing and promoting qualified individuals without regard to race, color, religion, national origin, sex, or age, and as an effort to respond to perceptions that minority groups have not been properly represented in the NASA Headquarters workforce,” and was, “not to be construed as an admission of liability.”<sup>184</sup> Taliaferro, one of MEAN’s chairpersons, expressed dismay at this provision of the Settlement,

RC: In the Settlement they say, we’re entering into this settlement voluntarily to deal with accusations and perceptions that NASA has not been fair, and we admit no—

GT: No wrongdoing.

RC: What did you think about that?

GT: I hated it. I said, that’s the caveat of most discrimination complaints. If you look at—they’re doing that now! “We don’t take any kind of responsibility”—they don’t take any responsibility for what they’ve done. That’s the caveat.<sup>185</sup>

...

GT: We got some recognition. Some people were rewarded. And we had NASA on their toes.<sup>186</sup>

---

<sup>183</sup> Letter from Earl Silbert to Thomas Hearity, dated 7 April 1977, filed 20 Jun 1978, Vol 2, Box 41, NARA I.

<sup>184</sup> Stipulation of Settlement and Consent Order, 20 September 1978, Vol 2, Box 41, NARA I.

<sup>185</sup> Gloria Taliaferro, Interview by Ruth Calvino. Oral interview. Oxon Hill, MD, 20 October 2019 (hereafter cited as Taliaferro 20 October 2019).

<sup>186</sup> Taliaferro 20 October 2019.

As a term of the Settlement, MEAN and NASA agreed to limit the class certification to black employees of NASA Headquarters.<sup>187</sup> Apparently, this concession was dissatisfactory to some MEAN members, “that pissed us off—he restricted us to Headquarters.”<sup>188</sup> The Settlement assured that NASA would not take reprisals against any individuals involved in the case and settlement. Specific provisions included instituting 40-hour training for EEO counselors and production and distribution of an EEO handbook which would “clearly [describe] the administrative discrimination complaint system and procedures.”<sup>189</sup> In order to address deficiencies of minority employees in code blocks 500-600, NASA would promote minorities “at least in proportion to their representation...to the extent feasible.”<sup>190</sup> The Settlement established specific goals for the Upward Mobility Programs, including the GO, STEP, and Continuing Education Programs. Additionally, NASA administrators committed to communicate affirmative action goals to “appropriate” NASA Headquarters supervisors to ensure that training, work assignments, and authority be delegated acceptably among their subordinates.<sup>191</sup> To aid in the implementation of these goals, a department’s EEO performance would become part of supervisors’ own work evaluations.

---

<sup>187</sup> These employees also had to have been employed on 11 February 1974. Black NASA employees no longer covered by the scope of the case and the settlement were informed of their right to file an individual complaint within 30 days of receiving the notice. Notice of Decertification of Class, 12 Jun 1978; Motion for Class Certification, 18 May 1978; Plaintiffs’ Response to Defendants’ Motion for Class Certification, 18 May 1978, 2 Jun 1978; Order, 12 Jun 1978, Vol 2, Box 41, NARA I.

<sup>188</sup> Gloria Taliaferro, phone conversation with the author, 5 May 2019.

<sup>189</sup> Stipulation of Settlement and Consent Order, 20 September 1978, 4, Vol 2, Box 41, NARA I.

<sup>190</sup> *Ibid.*

<sup>191</sup> *Ibid.*

As accountability, NASA was required to make statistical data and public EEO reports available to MEAN's lawyers for three years after the Settlement. Within this three-year period, if NASA failed to implement the terms of the Settlement, MEAN and NASA lawyers would meet informally to resolve it. The case could be reopened in the event it could not be resolved informally. The NASA Administrator, NASA Director of Equal Opportunity Programs, NASA Headquarters Personnel Director, and the EEO Officer would be responsible for implementing the settlement.<sup>192</sup> The parties were to negotiate attorneys' fees, but if unable to settle, MEAN's counsel could file a motion for attorney's fees.<sup>193</sup> On 12 May 1978, MEAN and NASA signed a Stipulation of Settlement, which after Court approval on 20 September 1978, formally resolved the case.<sup>194</sup>

On 10 September 1979, Rod Boggs and Thomas Hearity filed a Status Report on behalf of the plaintiffs, one year since the Settlement.<sup>195</sup> This report stated that too little time had passed to tell if NASA was compliant with the class-wide relief measures stipulated in the Settlement, but remained "hopeful" that future reports would indeed show compliance and "demonstrate that equal employment opportunity, without regard to race, is now an established fact within NASA."<sup>196</sup> This report also requested that negotiations begin on attorney's fees.<sup>197</sup> Sidley and Austin, the firm overseeing the

---

<sup>192</sup> Ibid.

<sup>193</sup> Ibid.

<sup>194</sup> Ibid.

<sup>195</sup> Plaintiffs' Status Report, 10 Sep 1979, Vol 5, Box 42 NARA I.

<sup>196</sup> Ibid.

<sup>197</sup> Ibid.

Settlement for MEAN, settled with NASA for attorney's fees in the amount of \$78,520.03.<sup>198</sup> Unable to settle, Rod Boggs, another main attorney for MEAN, motioned the court that NASA pay \$30,598 in fees.<sup>199</sup> The court awarded Boggs \$20,240.<sup>200</sup>

The Settlement appointed a Special Master, a US Magistrate, to oversee settlements or recommend relief in individual claims. NASA had initially argued against class action status for the case on the basis that “the unique factual pattern of each of the representative plaintiffs” made it impossible to provide relief to the class.<sup>201</sup> NASA successfully broke down the class action into individual claims, where in order to gain any relief, each individual had to prove his or her individual claim, removing the protection of anonymity, and exposing an individual to the hardship of personally suing one's employer—the US government—in a court of law.

---

<sup>198</sup> Settlement Agreement and Release, 14 Apr 1981, Box 42, NARA I.

<sup>199</sup> Plaintiff's Motion for Attorney's Fees, 7 Aug 1981, *MEAN v Frosch*, United States Court of Appeals for the District of Columbia (hereafter referred to as “US Court of Appeals, DC”), No. 82-1071, September Term, 1981, Box 43, NARA I.

<sup>200</sup> “The Court is in full agreement [with NASA] that the claimed hours are excessive... it would be a waste of attorney time and judicial resources to get bogged down in every little minute detail...the Court will delete 20% of the hours claimed.” The Court also ruled to reduce Boggs' hourly fee from \$125/hr to \$100/hr based on what he had previously been awarded. Memorandum Opinion of United States District Judge Charles R. Richey, 19 Nov 1981, Box 43, NARA I.

<sup>201</sup> Opposition to Motion to Certify Case as a Class Action, 12 Jun 1975, Box 41, NARA I.

## IV

### Individual Claims

NASA successfully broke down MEAN's class action into individual complaints, halting MEAN's ability to demonstrate the systemic and structural nature of discrimination. While the individuals were no longer demonstrating a class action, but rather seeking relief on the individual level, their claims illustrated how NASA's systemic attitudes and organizational structures deeply affected individuals' lives. Challenging the system that perpetrated "economic indignities" often left an individual more vulnerable than remaining silent.<sup>202</sup> These cases highlight how black employees were excluded from professional code book positions, did equal work for lesser pay, and were consistently passed over for promotions and educational opportunities. Beyond disparate outcomes in pay or hiring into professional jobs, black employees experienced intimidation and worked in environments where they were not treated in a collegial manner. Taken as a group, these cases demonstrate a pattern of discrimination; however, NASA refused to clearly define discrimination. When an individual brought a claim of discrimination, NASA, even if finding the situation "unfair" or "unfortunate," usually denied—without explanation—that it was racially motivated. NASA refused to recognize instances as evidences of discrimination; when pressed, NASA officials were unable or

---

<sup>202</sup> "This report is dedicated to two groups of people—those who have been victims of economic indignities. Those who are indignant enough to do something about it." EEO Report, 21 September 1973, Folder: NASA Equal Employment Opportunity Program, Box: George M. Low Papers-Alphabetical Subject Files, Equal Employment Opportunity files #2, #13883, Box #33 NASA HQ, HRC, Washington DC (archive hereafter referred to as NASA HQ).

unwilling to define what they would consider discrimination.<sup>203</sup> Breaking the class action into individual suits allowed NASA to subject employees to intense, personal scrutiny. NASA defense’s strategy, which was often successful, was to whittle even an individual’s complaint down to one instance, stamping out an ability to exhibit a pattern of systematic discrimination.

Figure 1: OPM/NASA Grade-Step Pay Scale, 1974<sup>204</sup>

*Annual Rates by Grade and Step*

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	WITHIN GRADE AMOUNTS
1	\$ 5,294	\$ 5,470	\$ 5,646	\$ 5,822	\$ 5,998	\$ 6,174	\$ 6,350	\$ 6,526	\$ 6,702	\$ 6,878	176
2	5,996	6,196	6,396	6,596	6,796	6,996	7,196	7,396	7,596	7,796	200
3	6,764	6,989	7,214	7,439	7,664	7,889	8,114	8,339	8,564	8,789	225
4	7,596	7,849	8,102	8,355	8,608	8,861	9,114	9,367	9,620	9,873	253
5	8,500	8,783	9,066	9,349	9,632	9,915	10,198	10,481	10,764	11,047	283
6	9,473	9,789	10,105	10,421	10,737	11,053	11,369	11,685	12,001	12,317	316
7	10,520	10,871	11,222	11,573	11,924	12,275	12,626	12,977	13,328	13,679	351
8	11,640	12,028	12,416	12,804	13,192	13,580	13,968	14,356	14,744	15,132	388
9	12,841	13,269	13,697	14,125	14,553	14,981	15,409	15,837	16,265	16,693	428
10	14,117	14,588	15,059	15,530	16,001	16,472	16,943	17,414	17,885	18,356	471
11	15,481	15,997	16,513	17,029	17,545	18,061	18,577	19,093	19,609	20,125	516
12	18,463	19,078	19,693	20,308	20,923	21,538	22,153	22,768	23,383	23,998	615
13	21,816	22,543	23,270	23,997	24,724	25,451	26,178	26,905	27,632	28,359	727
14	25,581	26,434	27,287	28,140	28,993	29,846	30,699	31,552	32,405	33,258	853
15	29,818	30,812	31,806	32,800	33,794	34,788	35,782	36,776	37,770	38,764	994
16	34,607	35,761	36,915	38,069	39,223	40,377	41,531	42,685	43,839	-	1154
17	40,062	41,397	42,732	44,067	45,402	-	-	-	-	-	1335
18	46,336	-	-	-	-	-	-	-	-	-	-

Payable rate capped at \$36,000.

The MEAN Settlement Agreement named individuals whose claims of racial discrimination would be eligible to seek relief by hearings before a Special Master, US Magistrate Lawrence Margolis, under the umbrella of this Settlement. Their names were:

- Samuel L. Alexander
- Deloris A. Dixon
- Rose Mary Ferguson
- Curtis Gilmore

<sup>203</sup> “‘Well I didn’t find any discrimination.’ And I said, ‘you didn’t?’ Well, I said, ‘well where have you seen it before, so you can recognize it again?’ And he—he had never seen discrimination.” Taliaferro 20 Oct 2019.

<sup>204</sup> “Rates of Pay Under the General Schedule Effective the first pay period beginning on or after October 1, 1974,” Office of Personnel Management, 1974, [https://archive.opm.gov/oca/pre1994/1974\\_GS.pdf](https://archive.opm.gov/oca/pre1994/1974_GS.pdf), accessed 4 Mar 2020.



Juanita S. Jackson  
Amy A. Knight  
Hasseltine B. Lewis  
Theodore R. Lucas  
Diane A. Moore  
Gloria T. Taliaferro  
Alicine F. Pike  
Mary L. Pike  
Gloria L. Todd  
Lawrence Walters

The Settlement allowed any additional members of the class to apply to the Court; Barbara Johnson and James Dixon both used this avenue to present their complaints.<sup>205</sup> The appointed Special Master would supervise individual settlements and, if necessary, hear claims. To expedite claims that required a trial, the Settlement laid out a schedule of restraints on each phase of the process. For example, each party was allowed only one deposition, one request for documents, and one set of interrogatories, unless given special permission by the magistrate.<sup>206</sup> The Special Master would generally include a “recommendation as to whether the claimant has prevailed...[and] an order directing that appropriate relief” in his findings of fact and conclusion of law, within 30 days of the final brief submissions. Claimant or defendant could object to the Special Master’s

---

<sup>205</sup> Johnson sent a letter to the Court, asking for her claim be included in the Settlement, but there are no further records of her claim in the case files. Barbara Johnson to Charles R Richey, U.S. District Judge, dated 20 July 1978, filed 27 Jul 1978, Vol 2, Box 41, NARA I. Statement of James T. Dixon, NASA black male employee, submitted to Honorable James F. Davey US. District Court, dated 25 Aug 1978, Vol 2, Box 41, Container 42, RG 21, Civil Case Files 01/01/1965-12/31/1985, District Court of the United States US District Court for the District of Columbia, National Archives Building, Washington, DC, (archive is hereafter referred to as NARA I).

<sup>206</sup> Stipulation of Settlement and Consent Order, 20 Sep 1978, Vol 2, Box 41, NARA I.

recommendations only on the basis that they were, “clearly erroneous as to matters of fact or contrary to law.”<sup>207</sup> Individuals began to file claims in February 1979.

Nine individuals filed complaints.<sup>208</sup> Each of the individual claims brought under the Settlement argued that NASA Headquarters personnel had discriminated against them on the basis of race, usually in the form of denying promotions, downgrading a job classification when a minority took the job after a white employee, being passed over for promotions in favor of less qualified white competitors, and denial of educational opportunities. The wide range of offices that the individuals worked in highlights the thoroughly structural nature of discrimination at NASA Headquarters.

The individual complaints had much in common, sharing many of the same legal and even factual details. In every case, MEAN consistently debated NASA on the basic definition of what discrimination looked like. For example, in several of these cases, NASA EEO counselors suggested that a complainant make a lateral shift out of whatever office they worked in. Counselor often deemed discrimination complaints to be interpersonal problems within the particular office, rather than investigating whether managers or employees were engaging in discriminatory practices.

Another issue individual claims repeatedly addressed was education, either an employee’s educational qualifications or being eligible to participate in NASA education programs. NASA officials, when pressed about racial equality at NASA, often bemoaned that black employees simply were not as well qualified educationally as white employees.

---

<sup>207</sup> Ibid.

<sup>208</sup> *MEAN, Rose Mary Ferguson, v Beggs*, No. 82-2367, decided December 20, 1983, No. 82-2367, Box 43, NARA I.

While black employees sometimes had a lower educational level than some white employees, when black employees attempted to avail themselves of NASA educational programs in order to better their positions, NASA supervisors often denied them the opportunity. Nancy MacLean argued that this behavior and attitude was normative across corporate America at the time,

the insincerity of such arguments became manifest when business spokesmen showed no interest in helping blacks help themselves improve their qualifications...Conforming to a common pattern, one corporate representative complained that the combination of civil rights pressure and automation “increases the problem of hiring and even advancing persons without adequate background, education, experience and ability.” While powerful white opponents claimed that blacks lacked qualifications, almost none tried to assist them in becoming qualified...the truth was that most managers did not want to be bothered, and were at best indifferent to injustice.<sup>209</sup>

Another evidence that these cases did indeed show systemic problems at NASA was the fact that at various points in 1979-1980, similar issues arose in multiple individual claims, and they were combined for Margolis’s deliberation on a specific point. Throughout the processes of resolving these claims, claimants and the defendant argued over what the Settlement allowed for. An issue that arose in nearly every case was debate over how the scope of discovery was limited. The controversy centered around whether it was the time length of discovery or the scope of discovery that was to be curtailed. Plaintiff argued that it was the former, while the defendant interpreted the Settlement to mean that claimants could request documents pertaining to only his or herself. NASA argued that “the real problem exists not with the terms of the

---

<sup>209</sup> Nancy MacLean, *Freedom is Not Enough: The Opening of the American Workplace*. (Cambridge: Harvard University Press), 2006, 68.

Stipulation...but with the misguided and improper interpretation of the Stipulation by counsels for the plaintiff class...who are unfamiliar with and did not participate in the development of the Stipulation.”<sup>210</sup> The plaintiffs’ counsel argued that the Settlement was entered into to ensure that these individuals claims would be resolved quickly, “for this reason, plaintiffs agreed that claimants would be limited to one round of discovery. It was not the intention of the plaintiffs to limit the scope of discovery to which individual claimant’s [sic] are entitled....defendant has improperly applied that characterization [of ‘class action discovery’] to any discovery requests which calls for information not directly connected with specific instances of discriminatory action.”<sup>211</sup>

On 29 February 1980, roughly one year from when the claims—claims that were supposed to be resolved within six months—went to court, Magistrate Margolis ordered on NASA’s side,

“(i)t is the intent of this Stipulation that a claimant be afforded an opportunity to present a claim respecting a personnel action or failure of action with respect to himself or herself.” (emphasis added). Section XIII (C) (6) limits interrogatories and request for production of documents to what is “...relevant to the claim of the individual claimant.” (emphasis added). It is, therefore, the opinion of this Court that, contrary to the general procedures followed in Title VII cases, the text of the Stipulation makes it clear that the individual claims were intended by the parties to be presented in strictly limited proceedings and that statistical data and other information pertaining to the class is beyond the scope of allowable and stipulated discovery.

Statistical data and other information directly relevant to individual claims such as limited department, division, or section statistics may be obtainable by Claimants and confined to the department, division, or section in which the alleged discrimination occurred....

---

<sup>210</sup> Joint Affidavit of Richard J. Wieland and Tobey W. Kaczensky, 17 Oct 1979, Vol 5, Box 42, Container 43, NARA I.

<sup>211</sup> Claimants’ Supplement Memorandum Relating to the Scope of Discovery, 28 Sep 1979, Vol 5, Box 42, NARA I.

Interrogatories and requests for documents...[shall] be limited to information directly relevant to the specific job(s) and the specific person involved in each individual claim.<sup>212</sup>

MEAN lawyers and plaintiffs found this measure a devastating blow that fundamentally altered their ability to prove cases. They viewed it as evidence that the court system was not yet ready to acknowledge the civil rights of minority citizens.<sup>213</sup> MEAN rejected Margolis's interpretation as deeply unfair and an inaccurate interpretation of the Stipulation to which the claimants had previously agreed. Taliaferro's lawyer Rachel Trinder related her views on the court's opinion.

The way I saw it, ... [the court placed] limits on even looking for evidence. I saw it as part of an overall pattern to keep these African American claimants down. The Magistrate's Order was so limiting that as a practical matter it killed any opportunity to develop meaningful evidence. If you're prevented by the court system from even searching for the evidence needed to support your case, then your civil rights regarding racial discrimination are so limited that they become almost nonexistent. It gave me further insight into the devastating impact of NASA Headquarters' actions on these employees, and from a lawyer's perspective it was incredibly disheartening to see the court system add to their burdens by in effect gutting their cases through discovery limitations. It's one thing for a court to rule against a plaintiff based on a paucity of evidence, but to see the court prevent that evidence from even being collected was heartbreaking.<sup>214</sup>

NASA repeatedly refused to supply statistical data, arguing such data was irrelevant to individual claims. The claimants argued that their "entitlement to statistical data is one of substance which goes to the heart of their claims."<sup>215</sup> Further, the plaintiffs argued that

---

<sup>212</sup> Order, 29 Feb 1980, Lawrence S. Margolis, Vol 5, Box 42, NARA I.

<sup>213</sup> Rachel Trinder, phone conversation with the author, 10 May 2019; Motion for Reconsideration, 18 Mar 1980, Box 42, NARA I.

<sup>214</sup> Rachel Trinder, phone conversation with the author, 10 May 2019; Trinder email communication with the author, 22 March 2020.

<sup>215</sup> Reply to Defendant's Opposition to Claimants' Motion for Reconsideration, 8 Apr 1980, Vol 5, Box 42, NARA I.

without statistical data, they were under “severe handicaps” and this violated the “Stipulation’s purported promise, that each claimant ‘be afforded an opportunity to present a claim respecting a personnel action or failure of action with respect to himself or herself.’”<sup>216</sup>

Six lawyers, on behalf of the plaintiffs, motioned that Judge Richey, who had jurisdiction over the Settlement, reconsider Margolis’s motion.<sup>217</sup> They framed the question in this way “did the parties intend to foreclose discovery of statistical data to which they would otherwise be entitled under Title VII and pertinent case law?”<sup>218</sup> The plaintiffs argued that statistical data was “crucial” to establishing a case, and argued against Margolis’s opinion that the Settlement curtailed the plaintiffs’ Title VII rights, quoting the Stipulation, ““The issues involved in individual claim proceedings shall be resolved in accordance with the law governing Title VII actions in the federal courts.””<sup>219</sup>

When Margolis dismissed Rose Mary Ferguson, Diane Moore, and Gloria Taliaferro’s claims, each appealed in the Court of Appeals on the basis that Margolis had improperly limited their scope of discovery, leading to their inability to properly prove their cases. These three cases were consolidated and heard by a panel of three judges. The Court stated in their decision that “the magistrate improperly inferred...that the parties also intended to limit the substantive scope of discovery... we emphasize that it is an

---

<sup>216</sup> Additionally, the plaintiffs’ argued from case precedent that, “statistical proof may alone be used, without presentation of specific instances of discrimination, to establish a prima facie case of employment discrimination.” Reply to Defendant’s Opposition to Claimants’ Motion for Reconsideration, 8 Apr 1980, Vol 6, Box 42, NARA I.

<sup>217</sup> Motion for Reconsideration, 18 Mar 1980, Vol 5, Box 42, NARA I.

<sup>218</sup> *Ibid.*

<sup>219</sup> *Ibid.*

abuse of discretion to prevent a Title VII plaintiff from obtaining information that is vital to proving a discrimination claim.”<sup>220</sup> Because of this abuse of discretion and the belief that expanded discovery may allow Taliaferro to satisfactorily prove her case, the Court remanded Taliaferro’s case to the District Court for further proceedings.<sup>221</sup> However, Richey affirmed the lower court’s decision for NASA in the cases of Diane Moore and Rose Mary Ferguson. Neither Moore nor Ferguson appealed the Court’s ruling, and their claims were closed in 1983. Because of the length and comparative complexity of her case, Gloria Taliaferro’s case will be discussed in the following chapter.<sup>222</sup> The remaining individual plaintiff’s stories show the broader frustration.

### ***Samuel Alexander***

NASA Headquarters employed Samuel Alexander, a black man, from 1975 – 1977.<sup>223</sup> He worked as an Equal Opportunity Specialist, GS-11/4. Alexander alleged that, compared to similarly situated coworkers, both man and woman white employees, he was denied promotions he was eligible for, on the basis of his race and sex.<sup>224</sup> He had filed a complaint with Headquarters EEO that he was denied promotions, his job was

---

<sup>220</sup> While he did eventually rule for the plaintiffs, in May 1980, Judge Richey denied Taliaferro’s appeal. Order, 12 May 1980, Vol 6, Box 42, NARA I; *MEAN, Rose Mary Ferguson, v Beggs*, No. 82-2367, decided Dec 20, 1983, No. 82-2367, Box 43, NARA I.

<sup>221</sup> “Because the discovery limitation may have denied appellant Gloria Taliaferro access to information that was central to her claim of disparate treatment, we remand her claim for further proceedings.” *MEAN, Rose Mary Ferguson, v Beggs*, No. 82-2367, decided Dec 20, 1983, No. 82-2367, Box 43, NARA I.

<sup>222</sup> Discussion of individual claimants is organized in alphabetical order.

<sup>223</sup> He transferred to the Department of Housing and Urban Development after leaving NASA. Amended Claim of Samuel L. Alexander, 18 Jun 1979, Vol 2, Box 41, NARA I.

<sup>224</sup> Alexander supplied examples of coworkers’ promotions and claimed discrimination on the basis of race and sex. *Ibid.*

misclassified, and, he was denied “equal terms, conditions, and privileges of employment.”<sup>225</sup> In this complaint, he detailed discrimination and harassment, alleging that after an argument with his supervisor, Peter Chen, Deputy Assistant Administrator for Equal Opportunity Programs, Chen harassed and mistreated and “influenced others in the office to also harass [Alexander].”<sup>226</sup> In his complaint before Magistrate Margolis, Alexander reported that Chen had also given Alexander’s potential new employer (General Services Administration’s National Archives), “inaccurate, false, or misleading information” about him, resulting in Alexander being denied employment. The EEO counselor who, in the course of his investigation, spoke with Alexander’s coworkers to understand the dynamics in the office, reported that other employees “complained of Sam’s wife being a real problem to the office. If anyone was being harassed they were.”<sup>227</sup> By August 19, 1976, Alexander, together with Duward Crow, Associate Deputy Administrator, had agreed to withdraw his discrimination complaint if, “a competent authority, would evaluate his current job.”<sup>228</sup> The audit did not satisfy Alexander.<sup>229</sup>

Alexander claimed that NASA retaliated against him for filing an EEO complaint, by “arbitrarily and illegally, chang[ing] the rating criteria” for an EEO Specialist, after he

---

<sup>225</sup> Amended Claim of Samuel L. Alexander.

<sup>226</sup> Carolyn W. Shovely Memo to HQ Equal Employment Opportunity Officer, Subject: EEO Counseling Report on Mr. Samuel L. Alexander, filed 14 Jul 1976, Vol 4, Box 42, NARA I.

<sup>227</sup> Ibid.

<sup>228</sup> Samuel L. Alexander Memo to Associate Deputy Administrator, Subject: Withdrawal of Complaint of Discrimination Complaint [sic] 19 Aug 1976, Vol 4, Box 42, NARA I.

<sup>229</sup> Duward Crow to Samuel L. Alexander, 10 Sep 1976, Vol 4, Box 42, NARA I.



had already applied.<sup>230</sup> Lastly, Alexander stated that he was given a warning for poor work performance, but he believed that it, “was in fact issued because plaintiff had filed a complaint.”<sup>231</sup> NASA initially responded to Alexander’s claim by denying any wrongdoing and requesting dismissal.<sup>232</sup> Subsequently, NASA argued that the court lacked jurisdiction.<sup>233</sup>

Alexander’s pretrial statement argued that though he was qualified, and his position had non-competitive potential to GS-12, he was not promoted for nearly two years.<sup>234</sup> He argued that he was not selected for another position he applied for, EEO Specialist, because NASA illegally “preselected a Hispanic male.”<sup>235</sup> Alexander argued that he was entitled to \$9,701 in backpay.<sup>236</sup> NASA’s pretrial statement responded that “the plaintiff’s position was properly classified, that he was not entitled to a reclassification...and that the decision not to reclassify...was not based on race,” and that Alexander was “clearly” not the most qualified candidate for the position for which he applied and was not selected.<sup>237</sup> Last, NASA denied the allegation that Peter Chen’s

---

<sup>230</sup> Motion to Amend Claim of Samuel L. Alexander, 30 May 1979, Vol 2, Box 41, NARA I.

<sup>231</sup> Work Review attached as Tab B alongside Answer to Amended Claim of Samuel L. Alexander, 28 Jun 1979, Vol 2, Box 41, NARA I; Motion to Amend Claim of Samuel L. Alexander, 30 May 1979.

<sup>232</sup> Answer to Claim of Samuel L. Alexander, Vol 2, Box 41, NARA I.

<sup>233</sup> NASA argued this because Alexander claimed NASA discriminated against him on the basis of race and sex and the class covered only racial discrimination. Answer to Amended Claim of Samuel L. Alexander, 28 Jun 1979.

<sup>234</sup> Pretrial Statement of Samuel Alexander, 12 Sep 1980, Vol 7, Box 42, NARA I.

<sup>235</sup> Ibid.

<sup>236</sup> Ibid.

<sup>237</sup> Defendant’s Pretrial Statement, (Claim of Samuel Alexander), 15 Aug 1980, Vol 7, Box 42, NARA I.

statements were false or that these statements negatively affected Alexander's application to the GSA.<sup>238</sup> After extended negotiations, Alexander settled with NASA.<sup>239</sup> NASA denied discrimination had occurred and would not pay attorneys' fees. Alexander received \$1,750.00.<sup>240</sup>

### ***James Dixon***

James Dixon, a black man, began his career at NASA Headquarters in January 1974 as an EEO specialist. He claimed that his promotion had been unfairly delayed by ten months beyond the time he became eligible. Additionally, he was authorized to attend only one out of five classes directly pertinent to his position, leaving him vulnerable to a reduction of GS-level.<sup>241</sup> Dixon observed that whites were promoted at a quicker pace than minority employees, and he related an example of how NASA's old-boys network negatively impacted minority employees, leading to even increased job vulnerability, "In response to a question as to who is qualified to conduct a program evaluation, the Director quickly named two non-Black males who are not assigned to the Evaluation Division. I reminded the Director that function was clearly my responsibility. The impact of these discriminatory actions could result in my position being downgraded and loss of

---

<sup>238</sup> Defendant's Pretrial Statement, (Claim of Samuel Alexander).

<sup>239</sup> Initially, Alexander's trial had been scheduled for Nov 26, 1980, Notice of Trial Schedule, 25 Jun 1980, Vol 6, Box 42, NARA I.

<sup>240</sup> The Washington Lawyers' Committee for Civil Rights coordinated pro bono lawyers, who received payment only when the case was won. Settlement Agreement and Release, (Claim of Samuel L. Alexander), 2 Mar 1981, Vol 9, Box 42, NARA I.

<sup>241</sup> Dixon began at a GS-12 and earned promotion to a GS-13. Claim of James Dixon, 14 Feb 1979, Vol 2 Box 41, NARA I.

income.”<sup>242</sup> NASA argued that Dixon, “was not automatically entitled to” the promotion Dixon had claimed he received ten months late.<sup>243</sup> NASA denied any wrongdoing and requested that Dixon’s case be dismissed. The outcome of Dixon’s case is not recorded in the case files.

### ***Rose Mary Ferguson***

Rose Mary Ferguson was hired at NASA in 1968 as a clerk-typist, GS-3. In eleven years, she rose to a GS-11 program analyst in the Space Transportation Systems Operations office.<sup>244</sup> In her initial claim before Magistrate Margolis, Ferguson claimed that some of her responsibilities were reassigned to a white employee, putting that employee on track to become an administrative technician. The removal of these responsibilities from Ferguson meant that she was, “prevented, at least in part on the basis of her race, from obtaining a promotion to a position as an administrative technician,” which was a promotion from GS-6/3 to GS-7/2.<sup>245</sup> Ferguson later applied for “several” positions, but each went to a white employee or was cancelled.<sup>246</sup> NASA drew attention to the fact that Ferguson had received a promotion through the GO program and, through Merit Promotion, eventually received a position with career ladder potential to GS-12, and had received appropriate step increases.<sup>247</sup> NASA denied any wrongdoing

---

<sup>242</sup> Statement of James T. Dixon, NASA black male employee, submitted to Honorable James F. Davey US. District Court, 28 Aug 1978, Vol 2, Box 41, NARA I.

<sup>243</sup> Answer to Claim of James T. Dixon, 7 Mar 1979, Vol 2 Box 41, NARA I.

<sup>244</sup> At this point, Ferguson’s salary was \$19,263 annually. doc filed 23 Apr 1979, Vol 2 Box 41, NARA I.

<sup>245</sup> Claim of Rose Mary Ferguson, 28 Feb 1979, Vol 2, Box 41, NARA I.

<sup>246</sup> Ibid.

<sup>247</sup> Answer to Claim of Rose Mary Ferguson, 9 Mar 1979, Vol 2, Box 41, NARA I.

and requested that Ferguson's case be dismissed. The case was not dismissed and went to trial in 1980. NASA argued in a pretrial statement that Ferguson did not apply for the position she claimed she was not selected for because of discrimination and that had she applied, she would have been legitimately not selected because she was selected for another position.<sup>248</sup> On Ferguson's second allegation, that NASA had cancelled four positions "in order to prevent" her from being selected and subsequently filled the positions with all nonminority candidates, NASA argued that the positions were cancelled, and therefore no one was selected.<sup>249</sup>

Ferguson's pretrial statement requested \$16,500 in backpay as well as a projected \$7,500 in attorney's fees, and compensation for leave time used in connection with the case.<sup>250</sup> Margolis dismissed all of Ferguson's claims of discrimination.<sup>251</sup> Ferguson appealed Margolis's ruling, arguing,

there is ample evidence in the record to compel an inference of discriminatory intent....No other inference can be drawn from defendant's cancellation of four vacancies for which only blacks applied, in an agency where there is a dramatic underrepresentation of minority professionals, where defendant repeatedly has failed to explain the cancellation and, where jobs similar to three of the cancelled positions were contemporaneously filled by whites.<sup>252</sup>

---

<sup>248</sup> Defendant's Pretrial Statement, (Claim of Rose Mary Ferguson), 10 Sep 1980, Vol 7 8/6/1980- 9/19/1980, Box 42, NARA I.

<sup>249</sup> Ibid.

<sup>250</sup> Pretrial Statement of Rose Mary Ferguson, 12 Sep 1980,, Vol 7 Box 42, NARA I.

<sup>251</sup> Plaintiff's Reply to Defendant's Response to The Exceptions of RoseMary Ferguson from the Findings of the Magistrate Appointed by the United States District Court for the District of Columbia, 8 Sep 1982, *MEAN et al, Rose Mary Ferguson v Frosch*, US Court of Appeals, DC, No. 82-2367, September Term, 1982, Box 43, NARA I.

<sup>252</sup> Ibid.

Ferguson filed exceptions to the Special Master's findings, arguing that Margolis had "erred as a matter of law on ruling that she had not set forth a prima facie case"<sup>253</sup> In this document, she argued that in light of the fact that the court found NASA to be non-compliant with increasing "levels of black representation in the professional job categories at NASA," Ferguson argued that this cast doubt on the assumption of non-discriminatory reasons behind NASA's actions against her.<sup>254</sup> Judge Richey subsequently denied Ferguson's appeal and adopted Margolis's ruling.<sup>255</sup> Ferguson lost her case and received no relief except attorneys' fees.

### ***Curtis Gilmore***

Curtis Gilmore was a black male who began his career at NASA Headquarters in 1972. At the time he brought his claim, Gilmore was employed at Goddard Spaceflight Center, but his complaint concerned discrimination while employed at Headquarters as a clerk/typist in the Personnel Division. Gilmore applied for a GS-5 personnel management specialist trainee position, which had promotion potential to a GS-13. According to Gilmore's claim, he was passed over in favor of a white female who had, "lesser experience and qualifications in the personnel field than Mr. Gilmore possessed."<sup>256</sup> He was unable to secure a position in a professional grade, and was passed over for "training and educational opportunities which would have enhanced his ability to compete for

---

<sup>253</sup> Exceptions of Plaintiff RoseMary Ferguson to the Special Master's Finding of Fact and Conclusions of Law, 29 Jun 1982, No. 82-2367, US Court of Appeals, DC, Box 43, NARA I.

<sup>254</sup> *Ibid.*

<sup>255</sup> Order, (Claim of Rosemary Ferguson), Charles Richey, 15 Oct 1982, *MEAN et al, Rose Mary Ferguson v Frosch*, Box 43, NARA I.

<sup>256</sup> Claim of Curtis Gilmore, 14 Feb 1979, Vol 2 8/9/76 – 6/28/79, Box 41, NARA I.

other professional personnel-related positions in NASA.”<sup>257</sup> While affirming the basic facts of the claim, NASA denied any wrongdoing.<sup>258</sup> Gilmore’s counsel, Dennis Adelson, requested the entire personnel record for Gilmore and seven others to compare the qualifications of Gilmore’s competitors for the personnel management specialist position.<sup>259</sup> NASA objected to answering the majority of Gilmore’s interrogatories, usually because they considered the questions vague or irrelevant to the case. When Gilmore asked if minority applicants were asked different questions in their interviews than white applicants, NASA responded that such a question was “nonsensical, conclusional, and misleading.”<sup>260</sup> NASA requested that the claim be dismissed. In the midst of litigating this case, Gilmore ended his employment at NASA in March 1979.<sup>261</sup> Similarly to Gloria Todd’s claim, Gilmore’s counsel, Adelson, pressed that NASA counsel was being “disingenuous” in their responses to Gilmore’s requests for documents or interrogatories, and that NASA attorneys had not given their, “best efforts to obtain the requested information.”<sup>262</sup> Gilmore’s claim specifically dealt with a broader issue within race relations of NASA: NASA’s refusal to define and acknowledge discrimination. Taliaferro explained the problem this way,

---

<sup>257</sup> Ibid.

<sup>258</sup> Answer to Claim of Curtis Gilmore, 7 Mar 1979, Vol 2 Box 41, NARA I.

<sup>259</sup> Claimant Curtis Gilmore’s First Request for the Production of Documents, 21 Jun 1979, Vol 2, Box 41, NARA I.

<sup>259</sup> Answer to Claim of Curtis Gilmore, 7 Mar 1979.

<sup>260</sup> Interrogatory 50, Defendant’s Answers to Claimant Gilmore’s “First Set of Interrogatories” 23 Jul 1979, Vol 3, Box 42, NARA I.

<sup>261</sup> Plaintiff’s Motion for Leave to Amend Complaint, 29 Aug 1979, Vol 3, Box 42, NARA I.

<sup>262</sup> Plaintiff’s Motion to Compel Answers to Interrogatories and for the Production of Documents, 31 Aug 1979, Vol 4, Box 42, NARA I.

GT: they didn't have any policy. Defining meaning for it [discrimination]. They refused to acknowledge it. So they wouldn't have to define the meaning for it. "Is that the right word?"...In other words, it doesn't exist here. Because we don't have to address it as long as it—"We don't do that!" That's what it is. You understand what I'm saying? ...all them words they use—that's a bunch of crow. You understand? "Wh, why—we don't do that!"<sup>263</sup>

When NASA repeatedly denied claimants comparative statistical data, claiming it was "irrelevant" to individual claims, Gilmore's attorney argued that, "it is true that some of these materials may relate to the treatment of other persons at NASA, both black and white. This is because the concept of racial discrimination comprehends the treatment of persons differently on the basis of their race. No claim can be litigated if information relating to persons other than the claimant is barred, for no comparisons of treatment can be made."<sup>264</sup> Adelson argued against NASA's repeated attempts to whittle a claim down to one instance, explaining that racial discrimination is "a series of attitudes, policies and actions, which may exist over a period of time and be manifested in numerous ways and instances...the plaintiff here claims that he was the subject of a pattern of discrimination which found expression in various forms."<sup>265</sup> The record reflects the attorneys' exasperation, and Gilmore filed to go to trial.<sup>266</sup> NASA's pretrial statement argued that

---

<sup>263</sup> Taliaferro 20 October 2019.

<sup>264</sup> Memorandum of Points and Authorities in Support of Plaintiff's Motion to Compel Answers to Interrogatories and for the Production of Documents, 31 Aug 1979, Vol 4, Box 42, NARA I.

<sup>265</sup> Ibid.

<sup>266</sup> When NASA complained that Gilmore had not filed a motion to compel in a timely fashion, Adelson retorted that "if the defendant was really concerned that discovery be concluded by August 31, 1979, why then did it not simply answer claimant's requests fully and be done with it...Defendant challenges the claimant as well with its 'catch me if you can' position. Claimant believes that it has 'caught' defendant." Underlining in original. Supplemental Memorandum of Curtis Gilmore Regarding the Timeliness of His Motion to Compel Discovery, 20 Sep 1979, Vol 5, Box 42, NARA I.

Gilmore, while minimally qualified for promotion, was not the “best qualified.”<sup>267</sup> The candidate chosen already held a position at the GS-5/4 level and was a college graduate, while Gilmore was a high school graduate.<sup>268</sup> Gilmore’s pretrial statement argued that he entitled to \$11,625.26 in backpay.<sup>269</sup> The outcome of Gilmore’s case is not recorded in the official court files of the case.

### ***Theodore Lucas***

Theodore Lucas was a black male employed at NASA from February 1975 – July 1975 as an investigator, where he specialized in investigating EEO complaints.<sup>270</sup> He argued that he faced discriminatory hiring practices that resulted in inappropriate grade level classification. Lucas claimed that a less well-qualified investigator was hired at the same time at a GS-12, while Lucas was classified as a GS-11.<sup>271</sup> In a deposition, Lucas, was asked, “to list all the factors which indicated to him that [NASA]...had discriminated against him on account of his race.” He discussed several “incidents and factors which he observed or experienced.”<sup>272</sup> The day Lucas was hired, Cummings assigned him the MEAN complaint to review and “make a determination and recommendation” to

---

<sup>267</sup> Defendant’s Pretrial Statement, (Claim of Curtis Gilmore), 11 Sep 1980, Vol 7, Box 42, NARA I.

<sup>268</sup> Ibid.

<sup>269</sup> Pretrial Statement of Curtis Gilmore, 19 Sep 1980, Vol 7, Box 42, NARA I.

<sup>270</sup> Deposition of Theodore R. Lucas, 5 Feb 1980, Folder 4 of 5, Box 45, NARA I.

<sup>271</sup> Lucas’s salary at the time of filing the claim (GS-12/3) was \$24,882 annually. Document filed 23 April 1979; Claim of Theodore Lucas, 14 Feb 1979, Vol 2, Box 41, NARA I.

<sup>272</sup> Claimant Theodore R. Lucas’ Response to Defendant’s Motion to Require Him to respond to Interrogatories and Request for Production of Documents on or Before July 31, 1979, 13 Jul 1979, Vol 3, Box 42, NARA I; Memorandum of Points and Authorities, 9 Jul, 1979, Vol 3, Box 42, NARA I.



Cummings and Harriet Jenkins the Headquarters EEO officer, who would make a recommendation to the NASA administrator.<sup>273</sup> Lucas felt that the MEAN complaint had put “a lot of pressure” on Cummings “to hire a black...and he was going to give him as little as possible.”<sup>274</sup> Lucas described Cummings belittling his experience, treating him coolly—even unprofessionally—and being generally rude and condescending. Lucas felt he was treated quite differently than the white men employed in the office.<sup>275</sup> Lucas then described a letter he received that related, “an incident in which James Cummings, the claimant’s former supervisor at NASA headquarters, made certain racist statements...which were derogatory to black employees in general, and, by implication, to Mr. Lucas in particular.”<sup>276</sup> Lucas initially declined to produce or discuss the letter further for fear of reprisal on coworkers, but eventually stated that Diane Moore had mailed him the letter.<sup>277</sup> This anonymous letter, sent by Diane Moore, to Dr. Fletcher and blind carbon copied to Ruth Bates Harris reads in part,

A point for you to ponder:

Some time ago... you indicated that future hires at NASA should be minorities and females. When you make a statement of this type, don’t you wish it could be carried out?...

When you made this statement, James Cummings said very loudly that “Fletcher does not tell me who to hire in my office...why should I listen to him. Besides, I

---

<sup>273</sup> Deposition of Theodore R. Lucas, 5 Feb 1980.

<sup>274</sup> Ibid.

<sup>275</sup> Ibid.

<sup>276</sup> Claimant Theodore R. Lucas’ Response to Defendant’s Motion to Require Him to respond to Interrogatories and Request for Production of Documents on or Before July 31, 1979, 13 Jul 1979; Memorandum of Points and Authorities, 9 Jul, 1979, *MEAN v Frosch*, Vol 3, Box 42, NARA I.

<sup>277</sup> Ibid.; Answer and Objections of Claimant Theodore R. Lucas to Defendant’s Interrogatories and Requests for the Production of Documents 22 Aug 1979, Vol 3, Box 42, NARA I.

don't want any blacks working for me and I will not hire another one. I hired one, he left, thank God, and I won't hire another one..."

Guess what! He didn't hire one either. Of the three vacancies he had in Headquarters, he placed three white males. This person Dr. Fletcher is your Director of Inspections, the person who is the prime one in charge of the investigations of complaints at all of NASA. Is this indicative of your heads of offices.<sup>278</sup>

This letter demonstrated how infected NASA personnel was with discriminatory attitudes; it highlighted the necessity of NASA managerial and supervisory involvement in meeting EEO goals, because without their commitment, the EEO policies would indeed remain a "sham."<sup>279</sup>

There is no record of the outcome of Lucas's case in the official court records of the case.

### ***Diane Moore***

Diane Moore, a black woman, began her career at NASA in 1969; she worked at both Goddard Spaceflight Center and NASA HQ. Her complaint concerned her time as a secretary-stenographer (GS-7) for the NASA HQ EEO Officer, NASA Emergency Coordinator, and HQ Safety Officer, in 1974.<sup>280</sup> Moore's claim states that Donald Lichty, her supervisor, promised her a promotion to a GS-9, as an EEO Specialist. Moore claimed that a white female held the same position, at the GS-9 level, while Moore remained a GS-7/5.<sup>281</sup> She filed a discrimination complaint, through HQ EEO, at this

---

<sup>278</sup> Anonymous letter to Dr. Fletcher, dated 3 February 1976, Exhibit A attached to Answer and Objections of Claimant Theodore R. Lucas to Defendant's Interrogatories and Requests for the Production of Documents 22 Aug 1979, Vol 3, Box 42, NARA I.

<sup>279</sup> *MEAN v Fletcher* in the author's possession, 5.

<sup>280</sup> Claim of Diane A. Moore, 20 Mar 1979, Vol 2, Box 41, NARA I.

<sup>281</sup> *Ibid.*

point. Moore described repeatedly being denied promotions for the next three years. For the academic year of 1977-1978, Moore “received a fellowship to a graduate study program at Massachusetts Institute of Technology (“MIT”),” and after completion, returned to NASA as at her previous classification, a GS-7. NASA clarified that the program Moore completed was a, “non-degree program,” and pointed out that she was paid her full salary in addition to tuition, fees, books and supplies, during her time away.<sup>282</sup>

Moore argued that she was assigned a workload typically assigned to the EEO Officer and Specialists, but NASA countered that these, “duties were routine tasks of her position as secretary to the Headquarters EO Officer.”<sup>283</sup> She was detailed to Goddard to do work that a white male, classified as a GS-12, had previously done. Moore remained classified as a GS-7.<sup>284</sup> NASA argued, with support from a memorandum dated 13 July 1978, that Moore’s detail to Goddard “was arranged to provide a developmental assignment, an opportunity to utilize your recent experience and training.”<sup>285</sup> Moore’s counsel, John Davis, filed seventy-six interrogatories for NASA to answer, which NASA motioned against as “unduly oppressive and irrelevant,” arguing the Moore’s counsel took a “‘shot-gun’ approach, which bears no relation to her individual administrative or judicial complains, has been adopted in violation of the specific terms of the Stipulation

---

<sup>282</sup> Answer to Claim of Diane A. Moore, 5 Apr 1979, Vol 2, Box 41, NARA I.

<sup>283</sup> Ibid.

<sup>284</sup> Claim of Diane A. Moore, 20 Mar 1979.

<sup>285</sup> Headquarters Personnel Director, David Hornestay, Memo to Diane Moore, 13 July 1978, Answer to Claim of Diane A. Moore, 5 Apr 1979, Vol 2, Box 41, NARA I.

of Settlement.”<sup>286</sup> NASA accused Moore of attempting to litigate a “full panoply of claims and issues presented in the case MEAN v Frosch, under the thin guise of a purely ‘individual’ claim.”<sup>287</sup> Moore’s counsel argued that “the claimant only believes she has been discriminated against. The information needed to prove or disprove this claim is in the hands of the defendant,” and said that if the evidence demonstrated that discrimination did not occur, the plaintiff would move to dismiss.<sup>288</sup> NASA further argued that the Settlement made Moore an individual complainant allowed to bring only specific complaints, instead of a named plaintiff representing a class, and found it inappropriate for Moore’s arguments to be supported by, “class action suits and cases involving EEOC investigations of company-wide employment practices.”<sup>289</sup>

Moore’s counsel accused NASA of, “evasiveness and dilatory tactics” and a “hostile” attitude, concluding that “there is no reasonable possibility for settlement.”<sup>290</sup> These statements offer a glimpse into the immense pressure of litigating a case against the government, “the irony of all of this is that it is the Federal government which has passed all of this employment discrimination legislation, and now, that same Federal government is not only refusing to litigate these EEO claims in good faith, but it is

---

<sup>286</sup> NASA further supported these arguments in Defendant’s Memorandum in Response to Claimant’s Memorandum of Points and Authorities in Opposition to Defendant’s Motion for Protective Order, 3 Jul 1979, Vol 3 Box 42, NARA I; Defendant’s Motion for Protective Order, 16 May 1979, Vol 2, Box 41, NARA I.

<sup>287</sup> Defendant’s Memorandum in response to Claimant’s memo, 3 Jul 1979.

<sup>288</sup> Memorandum in Support of Claimant’s Motions to Extend Discovery Time, Continue Trial Date, and Compel Discovery, 4 Sep 1980, Vol 7, Box 42, NARA I; Notice of Trial Schedule, 25 Jun 1980, Vol 6, Box 42, NARA I.

<sup>289</sup> Defendant’s Memorandum in response to Claimant’s memo, 3 Jul 1979.

<sup>290</sup> Memorandum in Support of Claimant’s Motions 4 Sep 1980.

putting up obstacles in the path of the claimant to prevent her from any effective, clear-cut adjudication of her claim, regardless of whether or not the disposition is in her favor.”<sup>291</sup> Trinder, another lawyer working on individual claims associated with MEAN, further expressed how fighting cases against the government, “takes a lot of guts to hang in there. To tell the federal government that they are wrong? It's not just a legal matter. It's highly personal.”<sup>292</sup> The plaintiffs in these cases often felt not only that they were fighting the discrimination of their employer, but also pleading for justice in a system more concerned about covering itself than about people who were minorities not in positions of power.

Moore’s pretrial statement sought restoration of 197 hours of leave used relating to the litigating the claim, compensation she would have received had she been promoted between 1975-1980, as well as interest on those wages, attorney’s fees, and that she be placed at a GS13/1 level.<sup>293</sup> NASA attorneys, in their pretrial statement in August 1980, argued that Moore was “not qualified for any of these positions and that she will not be able to prove a prima facie case of discrimination....defendant had a legitimate nondiscriminatory reason for not selecting or promoting the plaintiff.”<sup>294</sup> Additionally, when Moore applied for the EEO Specialist position (GS-12), NASA pointed out that the person responsible for determining qualification for the position did not know Moore’s race.<sup>295</sup> NASA characterized Moore as being, “disgruntled when she was not promoted to

---

<sup>291</sup> Memorandum in Support of Claimant’s Motions 4 Sep 1980.

<sup>292</sup> Rachel Trinder, phone conversation with the author, 10 May 2019.

<sup>293</sup> Claimant’s Pretrial Statement, (Diane Moore) 12 Sep 1980, Vol 7, Box 42, NARA I.

<sup>294</sup> Defendant’s Pretrial Statement, (Moore), 14 Aug 1980, Vol 7, Box 42, NARA I.

<sup>295</sup> Ibid.

the position of head secretary....and charged her supervisor with discrimination.”<sup>296</sup>

NASA explained that Moore’s promotion to GS-7, that she had been promised, was delayed only, “because of a temporary freeze in promotions...[which] applied to white as well as black employees.”<sup>297</sup> NASA’s attorneys argued that in fact, Lichty and Vogel, Moore’s supervisors, had attempted to work with her to reclassify her position above a GS-7, but needed her to continue to fulfill secretarial duties, which her proposed promotion had not included. Allegedly, Moore rejected this proposal.<sup>298</sup>

Moore claimed that she was already performing the duties of an EEO Specialist, and was mostly just seeking a recognition of the work she had already assumed.<sup>299</sup> As evidences of such activity are seen throughout the case and other individuals claims, while Moore was attempting to become an EEO Specialist, she engaged in informal EEO counseling. NASA characterized this informal counseling as occurring “in stairwells and the cafeteria,” which her supervisors opposed.<sup>300</sup> Moore characterized her EEO activities as including, “writing portions of the Headquarters Affirmative Action Plan, processing complaints, counseling employees who had filed EEO complaints or were in the process of filing EEO complaints, developing employee statistics, and analyzing counselor and coordinator reports as to the EEO activities and compliance of NASA Headquarters.”<sup>301</sup>

---

<sup>296</sup> Defendant’s Proposed Findings of Fact and Conclusions of Law, 7 Nov 1980, Vol 8, Box 42, NARA I.

<sup>297</sup> Ibid.

<sup>298</sup> This document also attempted to establish that Lichty and Vogel were both advocates for minorities at NASA and in the community. Ibid.

<sup>299</sup> Claimant Diane A. Moore’s Proposed Findings of Fact, Conclusions of Law and Decree 24 Nov 1980, Vol 8, Box 42, NARA I.

<sup>300</sup> Defendant’s Proposed Findings of Fact and Conclusions of Law, 7 Nov 1980.

<sup>301</sup> Moore’s Proposed Findings of Fact, Conclusions of Law 24 Nov 1980.

Ginyard testified that, “he did not assign specialist duties to plaintiff, that plaintiff did not write portions of the NASA Headquarters AAP; did not process complaints; was not an EEO counselor...and that the reports she filed were routine and part of her duties as secretary.”<sup>302</sup> When she requested a desk audit, Moore’s counsel argued that neither of the two individuals who performed the desk audits were knowledgeable or informed on the duties of EEO Specialists and therefore their conclusions could not be considered accurate.<sup>303</sup> NASA responded that Moore, “respectfully, [was] imagining statements.”<sup>304</sup>

Moore was not considered for the position of EEO Specialist because the EEO Officer for Headquarters, Earl Ginyard (a black male), considered her to have, “considerable difficulty getting along with people.”<sup>305</sup> However, this consideration was not based upon her qualifications; as Moore pointed out in multiple places, Ginyard himself recommended her to become an EEO Specialist at another agency.<sup>306</sup> Moore explained that while Ginyard supported her promotion potential and considered her to be a “very intelligent, proud, and sensitive black woman, who was very competent and skilled in her job, and who was indispensable to him,” he personally did not get along with her and “was extremely anxious to get her out of his office.”<sup>307</sup> NASA later rebutted this claim, saying that Moore was “destructi[ve] and not constructive and thwarted”

---

<sup>302</sup> Defendant’s Response to Plaintiff Moore’s Proposed Findings of Fact and Conclusions of Law, 12 Dec 1980, Vol 8, Box 42, NARA I.

<sup>303</sup> Moore’s Proposed Findings of Fact, Conclusions of Law 24 Nov 1980.

<sup>304</sup> Defendant’s Response to Plaintiff Moore 12 Dec 1980.

<sup>305</sup> Defendant’s Proposed Findings of Fact and Conclusions of Law, 7 Nov 1980.

<sup>306</sup> Claimant Diane A. Moore’s Post-Trial Reply Brief, 5 Dec 1980, Vol 8, Box 42, NARA I.

<sup>307</sup> Claimant Diane A. Moore’s Proposed Findings of Fact, Conclusions of Law and Decree 24 Nov 1980, Vol 8, Box 42, NARA I.

Ginyard's efforts to help her and, "when she did perform her secretarial duties, she did those duties well; however, she was not indispensable to him [Ginyard] and numerous times he had to seek outside assistance."<sup>308</sup> NASA argued that Moore applied for several positions for which she did not meet the minimum qualifications; the candidates selected were qualified minorities (black male and Hispanic male), and the personnel involved in the decision, some of whom were black, did not know Moore's race; it is unclear whether they were aware of the other candidates' ethnicities. Moore argued that just because black individuals were involved in the decision making process concerning Moore's positions does not automatically negate the possibility of racial discrimination.<sup>309</sup> NASA argued Moore claimed discrimination for positions she never applied for, but Moore clarified, "she consistently 'applied' for positions of high grade...by attempting to get her supervisors to upgrade her to a position more commensurate with her duties and capabilities."<sup>310</sup> Additionally, Moore argued that while white women who had started out as secretaries were promoted into professional positions; they advanced through lateral shifts.<sup>311</sup> NASA argued that this form of lateral shifting, in Moore's case, "would have been illegal."<sup>312</sup> She argued that NASA had "resort[ed] to a supposed regulation that was not a real rule, but a practice that could be and was waived for others," citing Jo Marie DiMaggio and Carmen Gowers, two white women, as examples where NASA had laterally shifted these women into professional positions, but claimed it was illegal when

---

<sup>308</sup> Defendant's Response to Plaintiff Moore 12 Dec 1980.

<sup>309</sup> Moore Post-Trial Reply Brief, 5 Dec 1980.

<sup>310</sup> Moore's Proposed Findings of Fact, Conclusions of Law 24 Nov 1980.

<sup>311</sup> Ibid.

<sup>312</sup> Defendant's Response to Plaintiff Moore 12 Dec 1980.



Moore requested a similar action.<sup>313</sup> Moore remained in secretarial positions for seven years, repeatedly denied promotions, and she had no explanation other than discrimination.<sup>314</sup>

Moore asked the court to award her backpay for the difference in compensation since 1976-1980, accounting for both in-grade step increases and grade increases, attorney's fees, and leave time used to litigate the claim.<sup>315</sup> At Moore's trial, Margolis ruled that, "defendant has articulated legitimate nondiscriminatory reasons for not promoting Plaintiff...Plaintiff has failed to show that these nondiscriminatory reasons were pretextual."<sup>316</sup> Margolis dismissed all of Moore's claims.

Moore appealed Margolis's judgement to the US Court of Appeals for the DC Circuit.<sup>317</sup> She argued that "at trial, both the Special Master and the Defendant have failed and refused to address the merits of Plaintiff's case."<sup>318</sup> Moore's counsel argued that the NASA lawyers and Margolis had both ignored or missed her major argument, "she was denied promotion to a professional position in the NASA Headquarters EEO office because of her race. She did not cite the specific positions she applied for, but rather, explained her consistent, persistent attempts to obtain promotion by reassignment or

---

<sup>313</sup> Memorandum in Support of Plaintiff's Motion for Reconsideration, (Diane Moore) 25 Aug 1982, *MEAN et al, Rose Mary Ferguson v Frosch*, US Court of Appeals, DC, No. 82-2367, September Term, 1982, Box 43, NARA I.

<sup>314</sup> Moore's Proposed Findings of Fact, Conclusions of Law 24 Nov 1980.

<sup>315</sup> Plaintiff's Proposed Order, (Moore), 24 Nov 1980, Vol 8, Box 42, NARA I.

<sup>316</sup> Findings of Fact and Conclusions of Law, (Claim of Diane Moore), Lawrence Margolis, 10 Mar 1981, Vol 9, Box 42, NARA I.

<sup>317</sup> Notice of Appeal, Diane Moore, 23 Mar 1981, Vol 9, Box 42, NARA I.

<sup>318</sup> Memorandum in Support of Plaintiff's Motion for Reconsideration, (Diane Moore) 25 Aug 1982, *MEAN et al, Rose Mary Ferguson v Frosch*, US Court of Appeals, DC, No. 82-2367, September Term, 1982, Box 43, NARA I.

accretion of duties.”<sup>319</sup> Moore argued that Margolis had inappropriately limited discovery, halting her ability to substantiate her claims, and that she had, in fact, proved a prima facie case.<sup>320</sup> NASA opposed Moore’s motion for reconsideration on procedural grounds, and Judge Richey subsequently denied Moore’s motion.<sup>321</sup> Moore next filed an objection to the Special Master’s findings, argued that NASA had failed to rebut Moore’s evidence.<sup>322</sup> NASA responded that these objections were “totally inadequate,” and that Moore would need to prove from the trial transcript where omissions occurred. Moore continued, though unsuccessfully, to fight her case through August 1982.<sup>323</sup>

### ***Gloria Todd***

Gloria Todd, a black female, began her career at NASA Headquarters in 1964 in the office of Public Services. In June 1975, she took over the responsibilities of a white coworker who retired. Todd was classified as a GS-7/7, but her coworker had been a GS-9. NASA downgraded the position to a GS-7—without promotion potential to a GS-9—after Todd began the job.<sup>324</sup> NASA denied the bulk of Todd’s claims, arguing that she

---

<sup>319</sup> Memorandum in Support of Plaintiff’s Motion for Reconsideration, (Moore) 25 Aug 1982.

<sup>320</sup> *Ibid.*

<sup>321</sup> Order, Charles Richey, 30 Sep 1982, *MEAN et al, Rose Mary Ferguson v Frosch*, US Court of Appeals, DC, No. 82-2367, September Term, 1982, Box 43, NARA I.

<sup>322</sup> Plaintiff Diane A. Moore’s Objections to the Findings of Fact and Conclusion of Law Recommended by the Special Master, 21 Apr 1982, US Court of Appeals, DC, *MEAN et al v. Frosch*, Volume filed 16 Sep 1982, Box 43, NARA I.

<sup>323</sup> Motion for Reconsideration, 10 Aug 1982, US Court of Appeals, DC, Box 43, NARA I.

<sup>324</sup> As a GS-7/8, Todd made \$16,052 annually. NASA submitted that based on the plaintiffs’ salary, that they can “retain counsel at a reasonable fee.” doc filed 23 April 1979. Claim of Gloria Todd, 14 Feb 1979, Vol 2, Box 41, NARA I; “she was not rated and compensated at the GS-9 level, as Mrs. Shade had been but rather was rated and

had no claims that required relief to be granted, and squabbling about job titles.<sup>325</sup> Todd's counsel, Judith Jurin Semo, sought comparative data from NASA regarding the duties performed by Ann Shade, Todd's immediate predecessor.<sup>326</sup> Additionally, Todd sought to identify who was responsible for the decision to keep her at a GS-7, asking questions such as, "Identify the person(s) who decided...that Claimant would replace Mrs. Anne Shade as General Information Assistant...[and] that the position of General Information Assistant would be reclassified as a GS-6/7 level position from a GS-9 level position."<sup>327</sup> NASA argued that Todd did not, in fact, "'replace' Mrs. Shade...Claimant was reassigned to a new position created for her."<sup>328</sup> NASA responded to the majority of Todd's interrogatories and requests for documents by arguing that the questions were "unreasonably broad and not relevant to this individual claim," not within the Court's jurisdiction because they occurred before 1974, or because they considered the question too vague.<sup>329</sup> For a period of about a month in the late summer of 1979, Todd's counsel, Semo and NASA counsel, Edith Marshall (Special Assistant, US Attorney) and Sara Najjar, attempted to resolve some objections informally, but ultimately failed to do so.

MEAN and NASA put forth conflicting accounts of these meetings. Semo reported that Najjar stated that the documents requested were "either unavailable,

---

compensated at the GS-7, step 7 level without potential for future promotion to the GS-9 level." Pre-Trial Statement of Gloria L. Todd, 11 Sep 1980, Vol 7, Box 42, NARA I.

<sup>325</sup> Answer to Claim of Gloria L. Todd, 7 Mar 1979, Vol 2, Box 41, NARA I.

<sup>326</sup> Interrogatories of Claimant Gloria L. Todd, 20 Jun 1979, Vol 2, Box 41, NARA I.

<sup>327</sup> Interrogatory 26, Ibid.

<sup>328</sup> Defendant's Response to Interrogatories of Claimant Gloria L. Todd, 20 Jul 1979, Vol 2, Box 41, NARA I.

<sup>329</sup> Ibid.

inaccessible or impossible to locate, or that relevant documents had been destroyed,” but had not even requested any records from the Federal Records center, nor “reviewed NASA’s files or had others review them to determine if...information was available.”<sup>330</sup> Semo explained that she, “could not accept representations that documents are not available when no records have been ordered from the appropriate Federal Records Center and no reasonable effort to locate such documents has been made.....this selective trickling out of documents seems to confirm that no reasonable effort has been made to ascertain the existence of or to produce documents subject to Mrs. Todd’s production request.”<sup>331</sup> A letter from Sara Najjar to Edith Marshall, both attorneys on NASA’s behalf, countered Semo’s letter, which Najjar found “oppressive and unwarranted.”<sup>332</sup> Najjar accused Semo of “crying wolf,” “only hear[ing] what she wants to hear,” and attempting to undermine the Settlement,

Ms. Semo was not a participant in the negotiations leading to the settlement... consequently, we do not view her conclusion as authoritative on such matters. Her conclusion appears to be nothing more than a camouflage of the real reason—i.e., refusal by counsels for the claimants in these proceedings to adhere to the settlement agreement. I regret that we are forced into these constant arguments by opposing counsel, but [sic] believe that our position is a correct one...we are grateful, however, to your persistent objection to Ms. Semo’s unreasonable demands.<sup>333</sup>

Najjar denied Semo’s characterization of her, claiming that she, “has been more than responsive to Ms. Semo’s demands, and any suggestion by Ms. Semo to the contrary is

---

<sup>330</sup> Judith Jurin Semo to Edith Marshall, 13 Aug 1979, Exhibit A, Memorandum of Points and Authorities in Support of Motion of Claimant Gloria L. Todd, 31 Aug 1979, Vol 3, Box 42, NARA I.

<sup>331</sup> Ibid.

<sup>332</sup> Sara Najjar to Edith Marshall, 14 Aug 1979, Vol 5, Box 42, NARA I.

<sup>333</sup> Ibid.

unconscionable.”<sup>334</sup> Najjar implied that Semo had lied about her efforts and later accused Semo of “outright falsehood” explaining that, “Ms. Semo has been told time and again, that I had retrieved [documents] from the Federal Records Center....my recollection is that I pleaded with Ms. Semo to specify any record to which she has reference so that we may know what it is she is asking for and be able to identify where under the heavens such file may be.”<sup>335</sup> By 21 September 1979, Todd filed an order to compel on the basis that, “it had become apparent that...NASA did not intend to comply.”<sup>336</sup> NASA responded that Todd’s counsel had mischaracterized Marshall and Najjar’s responses and that they had never committed to providing more information or documents.<sup>337</sup>

Todd’s pretrial statement argued that she had been discriminated when she assumed a white employee’s position and duties but was rated and compensated at the GS-7 level without promotion potential while the white coworker had been rated and compensated as a GS-9.<sup>338</sup> The pretrial statement included a discussion of the duties and responsibilities that Todd had assumed which were “substantially all” of the responsibilities of former employee Ann Shade.<sup>339</sup> Todd argued from case precedent,

---

<sup>334</sup> Ibid.

<sup>335</sup> In a motion to the Court, Todd’s counsel later described this letter as “Ms. Najjar’s intemperate letter” and said it was never sent to the claimant/claimant’s counsel. Reply of Claimant Gloria L. Todd to Defendant’s Response to Claimant’s Statement Regarding August 21, 1979 Filing of Discovery Motion, 2 Oct 1979, Vol 5, Box 42, NARA I; Najjar to Marshall, 14 Aug 1979.

<sup>336</sup> Statement of Claimant Gloria L. Todd Regarding Filing on August 31, 1979 of Motion for Order Compelling Answers and Other Related Orders, 21 Sep 1979, Vol 5, Box 42, NARA I.

<sup>337</sup> Defendant’s Response to the Statement of Gloria Todd Regarding Filing on August 31, 1979, 24 Sep 1979, Vol 5, Box 42, NARA I.

<sup>338</sup> Pre-Trial Statement of Gloria L. Todd, 11 Sep 1980, Vol 7, Box 42, NARA I.

<sup>339</sup> Ibid.

*McMullen v Warner*, that the abolition of a position does not, itself, negate a claim of discrimination, “the District Court for the District of Columbia held that McMullen’s showing entitled him to compensation...the court stated that since the general practice is that government jobs are only rarely abolished...given the evidence presented, the Navy’s refusal to promote McMullen was the product of racial discrimination.”<sup>340</sup> NASA’s pretrial statement argued that the position was “a new position...established based upon the agency’s needs in 1976....Further the evidence will show that during 1976 that [NASA] was winding down its space program resulting in the abolishment of a number of jobs.”<sup>341</sup> In the ‘70s, NASA faced several complaints of discrimination that resulted from “reductions in force”—when many jobs were abolished because of downsizing after Apollo and massive budget cuts. In Todd’s case, NASA argued that Todd was placed in her position in order to prevent her from losing pay or her job altogether.<sup>342</sup> Discrimination complaints as a result of reductions in force were hotly contested, sometimes referred to as “designer” reductions in force.<sup>343</sup>

---

<sup>340</sup> The case was *McMullen v Warner*, 416 F Supp. 1162 (D.D.C. 1976). Pre-Trial Statement of Gloria L. Todd, 11 Sep 1980, Vol 7, Box 42, NARA I.

<sup>341</sup> Defendant’s Pretrial Statement, (Gloria Todd), 11 Sep 1980 Vol 7, Box 42, NARA I.

<sup>342</sup> *Ibid.*

<sup>343</sup> “Marshall’s achievements in fostering equal opportunity from 1963 to 1965 resulted from pressure from Washington...Federal regulations for reductions-in-force dictated that the last people hired should be dismissed first, leaving recently hired minorities vulnerable. For the relatively few black scientists and engineers seeking jobs, the uncertainties of NASA’s future and the lure of higher salaries elsewhere made employment in the private sector more attractive. NASA argued that given the constraints under which it operated, it was not doing badly.” Andrew Dunar and Stephen Waring, *Power to Explore: A History of the Marshall Space Flight Center, 1960-1990*, (Washington, DC: NASA Headquarters History Office), 1999, 125; Taliaferro 20 July 2019.

Todd requested that the court order NASA to upgrade her to a GS-9/4, pay \$4,500 to remediate the differential in compensation she suffered, and to pay \$600 in attorney's fees.<sup>344</sup> Todd and NASA counsel settled out of court, for the amount of \$2,000 plus \$500 for "reasonable cost," and NASA avoided admitting discrimination against Todd.<sup>345</sup>

### *Lawrence Walters*

Lawrence Walters, a black male employed as a clerk at NASA from 1973-1978, claimed that he was denied a promotion which, white "employees situated similarly to him routinely received...upon becoming eligible therefor."<sup>346</sup> Walters argued that this denial was reprisal for his support of a black supervisor, who was also denied a promotion in favor of a white individual. A letter of disapproval was placed in Walters' personnel file, "concerning his use of leave time."<sup>347</sup> NASA responded that Walters' step increase, "was delayed because of plaintiff's poor performance and abuse of leave."<sup>348</sup> NASA supplied three memos from Chief of Administrative Services, Don Lichty, to Walters, informing him of this delay on the basis that Walters' "work was not of an acceptable level of competence," and warning Walters that he must "report to work promptly and regularly [to avoid] disciplinary action...while there has been significant improvement in your attendance...you must make a conscientious effort to improve your

---

<sup>344</sup> Pre-Trial Statement of Gloria L. Todd, 11 Sep 1980.

<sup>345</sup> Initially Todd's trial had been set for 24-25 November 1980, but the parties settled by 25 November 1980; Notice of Trial Schedule, 25 Jun 1980, Vol 6, Box. 42, NARA I; Stipulations of Settlement and Dismissal, 25 Nov 1980, Vol 8, Box 42, NARA I.

<sup>346</sup> Claim of Lawrence Walters, 28 Feb 1979, Vol 2, Box 41, NARA I.

<sup>347</sup> Ibid.

<sup>348</sup> Answer to Claim of Lawrence Walters, 9 Mar 1979, Vol 2, Box 41, NARA I.

leave situation.”<sup>349</sup> In addition to backpay, Walters requested that NASA remove the negative letter from his file. NASA denied any wrongdoing and requested that Walters’ case be dismissed. By July 1979, both parties agreed to dismiss the claim.<sup>350</sup>

In November 1979, an additional six individual claimants had settled their cases with NASA: Deloris A. Dixon received \$250, Amy A. Knight received \$600, Hasseltine B. Lewis, \$200, Alcine F. Pike, \$500, Mary L. Sligh \$400, and Barbara Johnson \$200.<sup>351</sup>

### ***Personal Cost***

For many of these individual plaintiffs, litigation dragged out for over five years. Breaking down the class action to individual cases forced individuals to bring cases against the government on their own. Fighting not only their employer, in many cases their *current* employer, but also the US Government took a psychological toll on the plaintiffs. One of the lawyers involved explained:

When it involves something personal like this, you're very exposed. You have to be prepared for the government to come around and attack you for what you're doing. They [the plaintiffs] also may have felt that it was helpless. Taking on the federal government is not a small thing. And you take them on personally. Most people don't win. Gloria was the only one [of the MEAN plaintiffs that won her case in court].<sup>352</sup>

---

<sup>349</sup> Memo to Lawrence Walters, 3 Jan 1978; 3 Nov 1977; 13 Oct, 1977, Vol 2, Box 41, NARA I.

<sup>350</sup> Stipulation and Order of Dismissal of Claim of Lawrence Walters, 30 Jul 1979, Vol 3, Box 42, NARA I.

<sup>351</sup> Stipulation of Settlement and Dismissal of Individual Claims, 21 Nov 1979, Vol 5, Box 42, NARA I.

<sup>352</sup> Rachel Trinder, phone conversation with the author, 10 May 2019.



In the initial MEAN letter, the writers drew attention to the emotional and physical toll of discrimination, but for some, the problems were almost just beginning.<sup>353</sup>

Even one of the lawyers, Rachel Trinder, remarked on how the case affected plaintiffs.

Despite her courageous and determined demeanor, it was obvious that Gloria [Taliaferro] was really suffering from the years of having to push endlessly against the tide. It was very distressing to see how that effort was adversely affecting all the plaintiffs. By the time I became involved their efforts to seek redress had already been ongoing for several years, and the emotional toll was significant. I absolutely don't doubt that there was the fear of ongoing retaliation. I had long been a fan of NASA's technological achievements, and it was very sad to realize that in the midst of that incredible success – NASA had reached the moon only a decade previously – these employees were not able to enjoy the glory and instead felt relegated to, in their words, meaningless dead-end jobs regardless of their educational background or qualifications. Gloria had been rated qualified or highly qualified for multiple jobs within NASA, and yet over fifty times she was denied the opportunity for promotion. She was a very courageous woman, and I so admired her. She realized that there was a price to pay merely for asking for what she was already due, but she also was unwavering in her commitment to press ahead. She had a firm sense of right and wrong and she felt that as a matter of principle it was imperative that she press on. She managed the extraordinary stress while continuing to work at the agency and raise a family. It was particularly impressive to see, because she knew that as an African American female at that time, the type of challenge she was presenting – and to the federal government no less - was not something she was “supposed” to do. It was especially burdensome for her because by pursuing her case she was having to articulate very negative assertions about the leadership of one of the most admired federal agencies. I saw her as being like the mythological Amazon women. She was a fierce warrior at her core, and I think that she drew on that strength enormously at the time. I can't imagine how horrible it was for her to have to manage the situation, and to keep up her efforts over so many years.”<sup>354</sup>

Taliaferro herself discussed the cost, mentally, physically, and for her career. “We would go to court periodically...and then they [supervisors or coworkers] started picking at us,

---

<sup>353</sup> MEAN to Dr. James Fletcher, 14 March 1974, Folder: MEAN Group Meeting, Box: George M. Low Papers, #13883, NASA HQ.

<sup>354</sup> Rachel Trinder, phone conversation with the author, 10 May 2019; Trinder email communication with the author, 22 March 2020.

trying to get us to leave, making our life hard. Making work hard, difficult. But we stuck it out. It was *very* stressful. Very stressful on us and our families. And—I was a single mom of three. Rosemary had one. Diane had three girls.”<sup>355</sup>

GT: they had our phones tapped. Where they could hear. We could hear [clicking sounds] when we [picked up the phone]. It was a frightening time. And you know, we had families. Yeah, so, a lot of people didn’t want to come forward. Scared.

RC: Was there intimidation?

GT: Oh yes, lot of intimidation, a lot of, a lot of intimidation. Whispering and talking. Oh yeah... You know, stuff like that. I remember listening to, this... from blacks and whites. From both sides. There’s this black girl—see I had been an EEO counselor there where I was at, but anyway—I said “where you going, Jen?” and she said oh, and I said “Well, come get a bite to eat,” “oh, I can’t do with you cause you got a lot of trouble” I said “Trouble?” Cause I’m a troublemaker now. I got tagged. And I said “OK.” Couple years later, they crapped on her. She was looking for me to help her. They wouldn’t get a promotion—to a four or five or something. So, you know, I got that. You know, some people stopped talking to me altogether...

RC: if you’re comfortable, I wanted to ask you... This went on for so long how d[id] you deal with the [emotional] pressure of that and the weight?

GT: I have to go back to my religion. And my parents, and my family, you know. My support. And friends. Cause it’s very emotional. You become paranoid. Who’s, who’s doing—you had to watch everything because somebody’s going to do something against you. You had to watch, you had to be very—and as soon as you let your guard down somebody do something try to make you look bad. Trip you up, give you a bad work assignment. Or something like this. It’s very—by the grace of God I’m here to talk about it. And a lot of people were bitter. They left... It’ll change you, make you another person. And I think it changed me for the better. I really do because I helped a lot of people. And I know had I not done that I would have retired at SCS. But my career. But that [the case] got in the way. Cause I knew my work. And I was good at it. I was good at everything I did. And I had excellent work performance. I had some mentors that kept me in there—even though they knew this, they still liked my work—that I worked for.<sup>356</sup>

GT: “This [case] followed me all my life. All my life. And I’m not happy.”<sup>357</sup>

---

<sup>355</sup> Taliaferro 20 October 2019.

<sup>356</sup> Taliaferro 20 July 2019.

<sup>357</sup> Gloria Taliaferro, phone conversation with the author, 25 September 2019.

While some plaintiffs left their jobs at NASA when the stress became too great, some had difficulty gaining employment elsewhere because they had been branded a “troublemaker.” Samuel Alexander and Gloria Taliaferro related experiencing discrimination when applying for jobs elsewhere in the federal government, Alexander at the GSA and Taliaferro at the Civil Aeronautics Board.<sup>358</sup> Neither were hired.

NASA succeeded in breaking the class action down into individual cases and won or settled without admitting guilt, costing the agency very little, and the pattern of discrimination continued. MEAN maintained that few relatively few came forward with individual claims because of intimidation and lack of belief in the system. Claimants who did come forward received little relief, and sometimes faced increased hostility from their managers. Litigating the case had very little benefit for the intense scrutiny and cost to the plaintiffs.

---

<sup>358</sup> Taliaferro 20 July 2019.

## CHAPTER V

### Gloria T. Taliaferro

*“When questioned at trial, plaintiff’s supervisors demonstrated almost total ignorance and a serious misunderstanding of the agency’s EEO responsibilities. Dr. Emme indicated that he knew nothing about affirmative action and testified that the Historical Office during his tenure was ‘totally color blind with regard to race’...Dr. Wright’s understanding was that such responsibilities did not even apply to the Federal Government...such lack of understanding by NASA officials concerning the agency’s obligations can be characterized only as remarkable and reflect a deep insensitivity to the serious issues of racial discrimination which are presented by this case.” - Findings of Fact and Conclusions of Law Proposed by Gloria T. Taliaferro, 12 Dec 1980<sup>359</sup>*

*“The issue of equal employment opportunity (EEO) was not yet the source of difficulty it would later become, when the imperative (for NASA) of recruiting and retaining highly trained personnel collided with the demands of blacks and women for a greater share of Federal jobs.” -Managing NASA in the Apollo Era, 1982<sup>360</sup>*

Gloria Taliaferro was an individual claimant, like the thirteen others, designated in the Settlement to file a claim with US Magistrate Lawrence Margolis in February 1979. Though she had been a named plaintiff on the original MEAN case, this did not change her situation. However, unlike most of the other individuals, she fought against the limitations imposed by Margolis, resulting in a legal battle lasting an additional six years. Though her case eventually ended in an out-of-court settlement, Taliaferro fought all the way to the Court of Appeals to gain access to statistical information about similarly situated white employees, in order to prove her claim, and to demonstrate the racial discrimination rampant throughout NASA. Although the outcome of Taliaferro’s

---

<sup>359</sup> Findings of Fact and Conclusions of Law Proposed by Gloria T. Taliaferro, 12 Dec 1980, Vol 8, Box 42, RG 21, Civil Case Files 01/01/1965-12/31/1985, District Court of the United States US District Court for the District of Columbia, National Archives Building, Washington, DC, (archive is hereafter referred to as NARA I).

<sup>360</sup> Arnold S. Levine, *Managing NASA in the Apollo Era*. (Washington, DC: NASA Headquarters History Office), 1982.

case did not change the outcome of the class action or change NASA structurally, her case made data and information that demonstrated NASA structural and systemic discrimination publicly available.

Gloria Taliaferro's initial claim established that she was a black female employed at NASA Headquarters since 1966, currently working as a secretary-stenography GS-7/6.<sup>361</sup> Taliaferro's claim stated that she was repeatedly denied promotions while working the NASA History office on the basis of racial discrimination. Taliaferro argued that because she was denied promotions, she also missed opportunities to participate in NASA upward mobility training programs and to compete for professional grade jobs. Because of NASA's refusal to recognize her workload and performance with appropriate promotions, she was not fairly compensated.<sup>362</sup> NASA responded to her claim by quibbling with Taliaferro's use of the word "finally" to describe her promotion, denying allegations of wrongdoing, and asking for its dismissal.<sup>363</sup>

Gloria Taliaferro was a woman of black and Cuban ancestry, raised in Miami, Florida. Her employment at NASA Headquarters began in May 1966. In 1968, she joined the NASA History Office as an Archives Assistant.<sup>364</sup> She took this position as somewhat of a challenge and, in the early years of her work in the office, did exceptionally well.

---

<sup>361</sup> GS-7 Step 6; See Figure 1, p. 72 for explanation of grade scales; Claim of Gloria Taliaferro, 14 Feb 1979, Vol 2, Box 41, NARA I.

<sup>362</sup> Claim of Gloria Taliaferro, 14 Feb 1979, 2-3, Vol 2, Box 41, NARA I.

<sup>363</sup> Answer to Claim of Gloria Taliaferro, 7 Mar 1979, Vol 2, Box 41, NARA I.

<sup>364</sup> In 1969 and 1972, she had received promotions eventually to a position with potential to the GS-6 level, "Secretary to the NASA Historian." Dr. Emme confirmed that she began as an "Archives—this is some sort of hyphenated title, and a year later we promoted her to a GS-6, and she became, in effect, the secretary for me as NASA Historian." Pretrial Statement of Gloria T. Taliaferro, 11 Sep 1980, Vol 7, Box 42,

GT: Dr. Emme—he was so sweet—they said no one could work for Emme. “You sure you want to work there?” Cause I was in administrative services—I didn’t like that—but anyway, I said, “I can work for him anyway.” I said, “You never know.”<sup>365</sup>

GT: [They said] he can’t keep a secretary. I said, “well I’m not going to be a secretary, I’m going to be an archivist assistant.” And that was my job title on my PD. And I was help with the archives.<sup>366</sup>

Taliaferro went on to describe her relationship with then NASA Historian, Eugene Emme, “GT: I guess Emme spoiled me,” “and we got along like peas in a pod. Oh, he’d bring me flowers—especially when he made me mad. Oh, he’d bring me chocolate, ‘Alright, ok, I was wrong.’ He’d bring me flowers, chocolate. He was a very wonderful supervisor.”<sup>367</sup> Taliaferro repeatedly received excellent work reviews and was even lauded in History Office newsletters as indispensable,

---

NARA I; Transcript of Proceedings, Claim of Gloria Taliaferro, 6 Nov 1980, Box 44, NARA I; Gloria Taliaferro, Interview by Ruth Calvino. Oral interview. Oxon Hill, MD, 20 July 2019 (hereafter cited as Taliaferro 20 July 2019); Defendant’s Proposed Findings of Fact and Conclusions of Law, (Claim of Gloria Taliaferro), 12 Dec 1980, Vol 8, Box 42, NARA I.

<sup>365</sup> Before working at NASA, Taliaferro worked at the Federal Housing Administration (HUD), She was unhappy there because of discrimination and lack of promotion for black employees working in computer programming and secretarial positions. “So when my girlfriend worked at NASA, Sandy, she said why don’t you come to NASA? I said NASA? But I said ok. So they hired me. NASA—to be a Flexowriter operator, you know to make tapes for the computers. But there wasn’t any big [projects] so what they had me do? They had me write those d—m monkey letters....People would call and write about us sending monkeys, right? And people would complain. So what I was going in, was writing the same letter, but putting in different addresses... These monkey g—d— letters. That’s what I called them. And that was the start of my career at NASA. Can you believe that sh-t... And I was fast and I knew my sh-t, and I knew how to type—I knew how to work the editorial typewriters. And that’s what Dr. Emme like me for, because I knew editorial typewriters.... Anyways, so I did that, working on manuals. It was fine.” Taliaferro 20 Oct 2019; Taliaferro 20 July 2019.

<sup>366</sup> Taliaferro 20 Oct 2019.

<sup>367</sup> Taliaferro 20 Oct 2019; Taliaferro 20 July 2019.

The labors of everyone were superbly supported, it must be mentioned, by Archivist Lee Saegesser, Secretary Gloria Toliaferro [sic] and Typist Rosemary Ferguson, without whom the workload would have been intolerable.<sup>368</sup> Gloria T. Toliaferro [sic] served as office secretary, and Rosemary Ferguson as clerk-typist. Without their stalwart service in all areas of the bureaucratic and historical clerical labors, little would have been completed.<sup>369</sup>

Emme described her as, “very effective and we were very pleased with her fitting into our office...[she was] most competent, and we were warm personal friends.”<sup>370</sup> She was “recommended for promotion as a secretary from the GS-6/4 to the GS-7/3 level by her then supervisor, the NASA Historian,” Emme.<sup>371</sup> However, the position she held was not eligible, according to CSC guidelines, for promotion at the GS-7 level.<sup>372</sup> Though Emme did not personally have the authority to promote her, he worked to get the position upgraded even before Taliaferro took the position, and he continued to pursue options to have the position reclassified so that her position would be eligible for a higher promotion potential. Emme argued that her role had expanded to include GS-7 level responsibilities and he recognized ““this marked increase in level of responsibility.””<sup>373</sup> NASA argued that Emme’s repeated attempts to get the position reclassified for a white employee, before Taliaferro took over the position, and continued efforts for Taliaferro,

---

<sup>368</sup> History Newsletter No. 12, 1 July 1970, Historical Division NASA, Washington, D.C., “History Newsletters and Annual Reports,” NASA, <https://history.nasa.gov/nltr12.pdf> accessed 22 January 2020

<sup>369</sup> History Newsletter No. 9, 1 January 1969, Historical Division NASA, Washington D.C., “History Newsletters and Annual Reports,” NASA <https://history.nasa.gov/nltr9.pdf> accessed 22 January 2020.

<sup>370</sup> Transcript of Proceedings, 167, 169, Claim of Gloria Taliaferro, 6 November 1980, Box 44, NARA I.

<sup>371</sup> Claim of Gloria Taliaferro, 8 April 1980, Vol 6, Box 42, NARA I.

<sup>372</sup> Defendant’s Pretrial Statement, (Claim of Gloria Taliaferro), 11 Sep 1980, Vol 7, Box 42, NARA I.

<sup>373</sup> Findings...Proposed by Gloria T. Taliaferro, 12 Dec 1980.

demonstrated that the promotion denial was not on the basis of race.<sup>374</sup> While ultimately these efforts were unsuccessful, when asked “Did she ever say to you that she felt that your actions were not satisfactory on her behalf?” Emme answered, “No, never. I think we were disappointed that we hadn’t succeeded in moving her along with the situation as it was, but she wasn’t alone in this. I think she knew that.”<sup>375</sup> Taliaferro believed that Emme fully supported her and that, “It was out of his hands. I really think so. If he could, he would have. So, I really believe that in my true heart, and because it went up to his boss, with signature and Personnel papers, just sign off. He put me in for it. All the bells and whistles it went up there.”<sup>376</sup> Emme described his commitment despite the bureaucratic process this way, “I felt that Miss Taliaferro did such a good job of learning the routine, improving her quality of typing and being dedicated in her work, going to night school and other things that I said, well I can’t promote you, but I am sure going to try and being in the Government many years, you just keep asking when you get turned down.”<sup>377</sup>

While Emme believed he had done everything possible to help Taliaferro—and Taliaferro agreed, Taliaferro’s attorney, Rachel Trinder, queried into whether Emme understood his responsibility to promote Affirmative Action goals in his office. Emme responded “as far as I am concerned, our office was totally color blind with regard to race, and that that was just a fact of life. And it pervaded the whole operation of the

---

<sup>374</sup> Defendant’s Proposed Findings of Fact and Conclusions of Law, 12 Dec 1980.

<sup>375</sup> Transcript of Proceedings, 173, Taliaferro, 6 Nov 1980, Box 44, NARA I.

<sup>376</sup> Taliaferro, 20 October 2019.

<sup>377</sup> Transcript of Proceedings, 170, 6 Nov 1980.



office, and racial matters had not bearing whatsoever in any form in the office. Is that Affirmative Action? I don't know."<sup>378</sup> When asked who told him that Taliaferro's position was ineligible for a promotion, Emme could not recall other than "probably someone in Personnel."<sup>379</sup> He had never received written communication on the subject, and he did not "make any further attempt to find out whether it was a valid reason."<sup>380</sup> In court, NASA argued, based on Emme and Wright testimony, that the GS-level of the position of NASA Historian did not warrant a secretary at the GS-7 level.<sup>381</sup> Taliaferro argued that there was no evidence "that the GS-grade or level of a secretary is not and was not at the time tied to the GS-grade or level of the supervisor," a point which NASA did not refute.<sup>382</sup> Margolis's conclusions of law found that "even if Drs. Emme and Wright were not totally correct about the relationship between the grade level of their secretary and their own grade level, they both held good faith beliefs that the classification system prevented Plaintiff from receiving her promotion regardless of her race."<sup>383</sup>

In addition to the CSC classification issue, NASA argued that an addition bureaucratic roadblock to Taliaferro's promotion was "a promotion and hiring freeze which placed severe fiscal restrictions on the allocation of promotions."<sup>384</sup> During this

---

<sup>378</sup> Transcript of Proceedings, 192, 6 Nov 1980.

<sup>379</sup> Ibid. 185.

<sup>380</sup> Ibid.

<sup>381</sup> Findings...Proposed by Gloria T. Taliaferro, 12 Dec 1980.

<sup>382</sup> Ibid.

<sup>383</sup> Findings of Fact of Face and Conclusions of Law, (Taliaferro), Lawrence Margolis, 12 Mar 1981, Vol 9, Box 42, NARA I.

<sup>384</sup> Defendant's Pretrial Statement, 11 Sep 1980.

period, NASA had a point system by which a certain number of points were allocated to different offices in order to distribute a limited number of promotions appropriately.<sup>385</sup>

Therefore, other employees in the office were able to be promoted despite this freeze.<sup>386</sup>

One individual promoted was a white college graduate who was graded at a GS-4.

According to Emme, this woman, Susan Whiteley, was first in line for a promotion, then Taliaferro, but the office could only promote one person.<sup>387</sup> NASA repeatedly argued that the History Office had a “moral obligation” to promote her because she was undergraded and had been promised a GS-5 position.<sup>388</sup>

In the trial before Margolis, Lawrence Vogel testified concerning the issue of promotions during a limited freeze on hiring and promotions; he administrated the point system by which departments could promote during this time. While Emme had stated that he had done all he could to promote Taliaferro and it was out of his hands, Vogel

---

<sup>385</sup> Transcript of Proceedings, 256, 6 Nov 1980.

<sup>386</sup> “From what I understand, my papers went in with several other people, and everyone got promoted except me.” Taliaferro 20 October 2019; “Ms. Taliaferro was selected as one of six persons whose promotions were recommended by the Office of the Associate Administrator for ‘immediate approval.’ All six individuals, except for Ms. Taliaferro, were promoted within a matter of months. One of these individuals was a non-minority located in the same office as Ms. Taliaferro.” “By May 1972, [five employees] had received the promotions recommended in February 1972 by the Associate Administrator. Claimant did not receive the promotion recommended in 1972 by her supervisor and the Associate Administrator.” Pretrial Statement of Gloria Taliaferro, 11 Sep 1980; Stipulation to Facts, 11 Sep 1980, attached to Pretrial Statement of Gloria Taliaferro, 11 Sep 1980; Defendant’s Pretrial Statement, 11 Sep 1980; Transcript of Proceedings, 255, 6 Nov 1980.

<sup>387</sup> Transcript of Proceedings, 172, 6 Nov 1980.

<sup>388</sup> Findings of Fact of Face and Conclusions of Law, (Taliaferro), Margolis, 12 Mar 1981; Objections of Plaintiff Gloria T. Taliaferro to the Special Master’s Recommended Findings of Fact and Conclusions of Law, 21 Apr 1982, US Court of Appeal for the District of Columbia Circuit, No. 82-1915, Box 43, NARA I.

shifted responsibility back, testifying that “office heads had their own authority then to operate with the control of these points.”<sup>389</sup> NASA and Taliaferro disputed evidence that the point system was a major factor in Taliaferro’s non-promotion: first, NASA argued that the History Office simply had no more points, and therefore could not promote Taliaferro. On Taliaferro’s side, Trinder pointed out that multiple NASA officials had testified that they had taken “exceptional action” and “were able to scrape up a point to get Susan Whiteley” a promotion.<sup>390</sup> Next, NASA argued that this freeze and the point system was “not relevant to the claim of Gloria Taliaferro in that Gloria Taliaferro had reached the maximum promotion potential within her job category, she therefore would not have been eligible for promotion without reclassification. Thus the freeze and ensuring point system would have had no effect on the promotion or non-promotion of claimant.”<sup>391</sup> Taliaferro’s counsel, on the basis of expert testimony, argued that lack of promotion potential did not make promotion impossible, but rather, that “the accretion of duties standard enables an agency to promote an individual within a particular position due to the accretion of additional duties and responsibilities,” which was precisely the method Emme had used to make a recommendation of Taliaferro’s behalf.<sup>392</sup> According to Taliaferro, NASA did not argue that the lack of promotion potential completely blocked her possibility of promotion until after she filed a complaint.<sup>393</sup>

---

<sup>389</sup> Transcript of Proceedings, 256, 6 Nov 1980.

<sup>390</sup> Findings...Proposed by Gloria T. Taliaferro, 12 Dec 1980.

<sup>391</sup> Ibid.

<sup>392</sup> Ibid.

<sup>393</sup> Ibid.

NASA's conflicting arguments led Taliaferro and her lawyer to argue that NASA had "completely failed to articulate a legitimate explanation for its failure to promote plaintiff. Indeed, its several attempts show that its reasons for doing so are unsatisfactory, inconsistent, and pretextual. At the time that plaintiff was denied promotions she was given a variety of reasons all of which have been shown to be invalid."<sup>394</sup> Trinder even quoted Judge Richey's opinion on another case, arguing that "the Court could give little credibility to a person whose story has continually changed through the course of these proceedings."<sup>395</sup> Even though NASA attorneys themselves, at one point, argued against this as an explanation for Taliaferro's non-promotion, Margolis's opinion cited "the NASA-wide hiring and promotion freeze which was imposed during the period in question" as the second half of the satisfaction of NASA's burden of proof.<sup>396</sup>

In September 1973, Dr. Emme was relieved of his administrative duties to work on a history of NASA, and Dr. Monte Wright became head of the NASA History Office and Taliaferro's supervisor. Taliaferro as well as other employees of the History Office mark this as a seismic shift in the culture—and perhaps even goals—of the History Office. Under both, the history office published annual chronologies of the NASA experience, built an archive, and contracted independent scholars to write topical histories. However, Emme focused on annual chronologies, whereas Monte Wright emphasized work on the histories.<sup>397</sup> Wright valued work ethic, integrity, and

---

<sup>394</sup> Ibid.

<sup>395</sup> Ibid.

<sup>396</sup> Ibid.

<sup>397</sup> Alex Roland, phone conversation with the author 2 Feb 2020.

competency above all else. After a twenty-year Air Force career Wright was accustomed to military culture, and he occasionally struggled to work with civil servants.<sup>398</sup> Taliaferro approached Wright for help with her promotion, “soon after I [Wright] arrived she started talking to me on this question and kept it up fairly regularly....about once a month until she left....she would come into my office when no one else was there and usually stand looking out my window and say something like ‘I want to talk about my promotion.’”<sup>399</sup>

These conversations were tense,

I would have said something and I thought there that was all there was to say—and she didn’t think that was all there was to say, I suppose. And so nothing was said for awhile [sic]. They were awkward...I did my best to explain to her what I understood of the situation and it became apparent very soon that she was not understanding what I was saying because from time to time I had different repetitive conversations with her. She asked the same questions and I felt I was giving the same answers, and obviously we were not understanding one another.<sup>400</sup>

Taliaferro’s recollection of her last seven months in the History Office offered a stark contrast to her time working with Emme, “Wright? I can’t stand him. He came in, Emme had left...But he wasn’t a good man for me. We didn’t get along. I don’t know whatever happened. We didn’t get along I don’t think. He was a straight military guy, I think. And I wasn’t a military wife. But I don’t have good memories of that relationship.”<sup>401</sup> When Wright inquired of others in the office about the history of

---

<sup>398</sup> Taliaferro 20 Oct 2019.

<sup>399</sup> Deposition of Monte. D. Wright, 28 Sep 1979, Box 43, NARA I.

<sup>400</sup> Ibid., 59; Transcript of Proceedings, 202, 6 Nov 1980.

<sup>401</sup> This comment about being a military “wife” is an example of the persistence of the “office wife” that pervaded pink collar work at this time. Kari Frederickson, *Cold War Dixie: Militarization and Modernization in the American South*. (Athens: University of Georgia Press), 2013, 100; Taliaferro 20 Oct 2019.

Taliaferro's attempts at promotion, an additional discrepancy arose. While Emme had ranked Taliaferro highest on priority for a promotion, he had also listed her as "the person who would be first let go," or least essential, in the event of a reduction in force.<sup>402</sup>

Taliaferro characterized this conflict as the result of the History Office editor—Frank Anderson—having "submitted a secret, handwritten list reversing the order of priority for promotions, placing the white employee above Ms. Taliaferro in order of priority."<sup>403</sup>

Another document designated another individual as first to be let go.<sup>404</sup> Wright claimed that NASA associate administrator Homer Newell's executive assistant, whose name he did not recall, told him that Taliaferro's position had no promotion potential, and therefore, he believed promotion to be impossible, and further pursuit would be "fruitless."<sup>405</sup> Taliaferro received misinformation that only her supervisor could order a desk audit, vital to her continued efforts to reclassify her position. Taliaferro therefore asked Wright to order a desk audit to continue efforts to reclassify her position, but he refused.<sup>406</sup>

Wright eventually did recommend Taliaferro for an in-grade promotion,

---

<sup>402</sup> Deposition of Monte. D. Wright, 32, 28 Sep 1979.

<sup>403</sup> NASA argued that this was no secret, handwritten note, but rather that "when Dr. Wright succeeded Dr. Emme as NASA historian he made his own evaluation and recommended that Carrie Karegeannes receive a promotion." Defendant's Reply Brief in Opposition to Plaintiff's Proposed Findings of Fact and Conclusions of Law, (Claim of Gloria T. Taliaferro), 19 Dec 1980, Vol 8, Box 42, NARA I; Findings of Fact and Conclusions of Law Proposed by Gloria T. Taliaferro, 12 Dec 1980.

<sup>404</sup> Transcript of Proceedings, 225, 6 Nov 1980.

<sup>405</sup> Deposition of Monte. D. Wright, 28 Sep 1979; Findings of Fact of Face and Conclusions of Law, (Taliaferro), Margolis, 12 Mar 1981.

<sup>406</sup> Findings of Fact and Conclusions of Law Proposed by Gloria T. Taliaferro, 12 Dec 1980.

[Wright]: The principal reason that I would have recommended her for promotion was the opinion of my predecessors. I feel it is unfair to anyone at the time of a change of supervisor to ignore whatever has happened in the past...I felt an obligation to rely on earlier recommendations. And there was a history of an attempt to promote Taliaferro, and I felt obligated to keep that in mind. That is the only reason I sought a promotion for Taliaferro...on my personal knowledge...she was already overgraded [sic], and her performance was no more than average. Nothing really exceptional...someone reading my narrative comment on this would not come to that conclusion.<sup>407</sup>

[Wright]: In my experience with the Civil Service, if anyone at any time ever tells an absolutely factual account of a subordinate, that subordinate does not get promoted...the expression was often used, don't crusade with the careers of your subordinates, which means, yes, the system is faulty; yes, the system requires over-optimistic appraisals to give your subordinates a fair chance, but if you tried to correct the system on an individual case, then your subordinate suffers...I try not to lie in evaluations. I try to stress the positive aspects as much as possible, and I try to pay less attention to faults, which all of us have.

[Trinder]: Did you lie in this document [a recommendation], Dr. Wright?

[Wright]: I did not.

Magistrate Margolis: Did you do a little puffing?

Dr. Wright: One leans on occasion.<sup>408</sup>

Trinder pressed Wright further on why, if he believed Taliaferro did not deserve a promotion, he recommended her; he responded, "well, she had earned it by efforts. She had tried," and that while he generally would only recommend employees he deemed worthy, he understood that there were sometimes "organization[al] reasons" for promotions.<sup>409</sup> He continued that he did not attempt "everything possible" to secure Taliaferro's promotion, but "everything that I felt was right and proper and fair."<sup>410</sup> He talked to his second in the office, Anderson, who "seemed quite knowledgeable of Personnel matters," but never personally inquired with Personnel as to whether or why

---

<sup>407</sup> Deposition of Monte. D. Wright, 46-47, 28 Sep 1979.

<sup>408</sup> Transcript of Proceedings, 210, 6 Nov 1980.

<sup>409</sup> Deposition of Monte. D. Wright, 48, 28 Sep 1979.

<sup>410</sup> Transcript of Proceedings, 205, 6 Nov 1980.

Taliaferro's position was not promotable.<sup>411</sup> A History Office employee and friend of Wright, with whom Wright had discussed his difficulty with Taliaferro commented,

Monte was simple, old-fashioned—smart and good scholar—but [from a] hard-scrabble background...he could hardly understand the world that she came from. He had nothing in his background that gave him any experience with how to talk to Gloria. It's not that he lacked empathy, it's just that after months and months of this ordeal, he thought that he had no alternative... He might have been unfair, but I was not a party to the dispute. If unfair, I strongly doubt that it was because of racial prejudice. I never saw any hint of racial bias in his speech or behavior.<sup>412</sup>

Wright recounted that he and Taliaferro had conflict over Taliaferro's "personal visitors, too many personal telephone calls and coming to work late."<sup>413</sup> Taliaferro suspected that when white supervisors complained that black employees had too many personal visitors, it was often because they spoke with other black employees, "You couldn't be talking together. Couldn't, you know, two or three black people talking, and they made sure we were separated apart so we wouldn't get together and talk."<sup>414</sup> The fact that Wright was known to tolerate these behaviors from other [white] employees in the office probably confirmed Taliaferro's impression that Wright treated her in a discriminatory manner.<sup>415</sup>

Wright claimed that "her vocabulary and her command of grammar were not—certainly not really good. And we had some differences of opinion as to how my letters

---

<sup>411</sup> Transcript of Proceedings, 206-207, 6 Nov 1980.

<sup>412</sup> Roland 2 Feb 2020.

<sup>413</sup> Deposition of Monte. D. Wright, 28 Sep 1979.

<sup>414</sup> Taliaferro 20 July 2019.

<sup>415</sup> Roland confirmed that Wright was prone to turn a blind eye to this type of behavior, as long as employees completed their work in an efficient fashion. However, he did not believe Wright would have discriminated against Taliaferro in this manner, commenting, "I do not ever recall seeing Gloria talking with any black colleagues in or near our office. I do not recall any other black colleagues being on the same floor with us in the Reporters Building. Monte never objected, to my knowledge, to NASA employees talking with each other." Roland 2 Feb 2020; Roland email to the author, 22 Mar 2020.



were to be spelled and punctuated—associating retyping.”<sup>416</sup> At this time, Wright was unaware that Taliaferro was “an advocate of civil rights within the Agency.”<sup>417</sup> Taliaferro related that complaints about poor grammar and spelling were not uncommon for black employees at NASA,

At that time period, nobody could read, nobody could write....That’s another thing they started doing in a performance reviews. “You can’t write. You can’t read.” ...he was going to tell me, “You have to go to school. I think you need English.” I said, “English class? I took my English at George Washington University. What do I need to take another one for?” ...

RC: Did they have an example of why they wanted you to [take an English course]?

GT: Of course not! He couldn’t prove sh—. Excuse me. Nothing! I think—again, I would write something. He would always—he was a micromanager—so he would write over everything...I would say this is grammatically wrong. It may be what you want put in there, fine, but it’s wrong. So I sent it up, and it came back from the...What do you mean talking about [more classes]. I refused to go. But that’s what he’s going to come and tell me that. And so these are the kinds of things they’re doing to different blacks....There was a trying time.<sup>418</sup>

The discrimination that occurred while Taliaferro worked in the History Office, she argued, led to long lasting effects, particularly denial of “equal opportunity to compete for professional positions within NASA Headquarters, with regard both to her potential participation...to compete in the merit selection process.”<sup>419</sup> Taliaferro’s claim confirms that she applied for—and was denied—over fifty positions within NASA.

---

<sup>416</sup> Deposition of Monte. D. Wright, 55, 28 Sep 1979.

<sup>417</sup> Transcript of Proceedings, 221, 6 Nov 1980.

<sup>418</sup> Taliaferro was discussing another supervisor, not Wright, but this illustrates that, from her perspective, this complaint was a NASA-wide tool of discrimination, not a legitimate complaint against her, nor merely controversy with one supervisor. Taliaferro 20 July 2019.

<sup>419</sup> Claim of Gloria Taliaferro, 8 April 1980, Vol 6, Box 42, NARA I.

Taliaferro reflected that though she was qualified, she was rejected for promotions, and ultimately switched career paths within NASA,

I went in as an archival assistant. Because of discriminatory practices, I had to change to secretary to get a g—d— promotion. It took me out of my career. I said it's that [simple] to get a promotion. One.<sup>420</sup>  
So the secretary—I don't know who it was—I started helping her out, and then that lady—I'll never forget her, in Personnel—I always wanted a promotion, cause I started looking and said, an archivist. And she said, "well, you have to go to secretary to get a promotion." That's what they gave us. You see how they con us? That was a con job. And that con job they did on every black employee that I can recollect that I spoke to. That was a con. "Well you got to be a secretary." And then another con, when you became a secretary, "you got to have shorthand." Nobody was taking no shorthand. "You got to have shorthand," no whites around there—secretaries, [GS] 8s, [GS]9s—they didn't have shorthand. We had black secretaries with a degree. You know, master's degrees.<sup>421</sup>

Court documents corroborated this account, and an expert witness confirmed that "stenographic skills are not required before a secretary in the federal service can be promoted to the GS-7 level (Tr. P. 26) Plaintiff had no reasons to question this advice and in fact began and completed stenographic courses...in the hopes that this would result in her promotion to the GS-7 level."<sup>422</sup>

By June 1979, Taliaferro motioned to amend her claim, adding that since filing a complaint, she had been denied every job at NASA that she applied for, totaling over fifty applications.<sup>423</sup> Taliaferro's amendment also made a striking allegation of retribution,

---

<sup>420</sup> Taliaferro 20 July 2019.

<sup>421</sup> Taliaferro 20 Oct 2019

<sup>422</sup> Objections of Plaintiff Gloria T. Taliaferro to the Special Master's Recommended Findings of Fact and Conclusions of Law, 21 Apr 1982, US Court of Appeal for the District of Columbia Circuit, No. 82-1915, Box 43, NARA I.

<sup>423</sup> Motion of Claimant Gloria Taliaferro for Leave to Amend Claim, 22 Jun 1979, Vol 2, Box 41, NARA I.

it appears that in some instances these denial were indeed directly related to the long delay in promotion claimant to the GS-7 level...on the other hand there is reason to believe that some of these denial were related to her earlier complaint in a different way: that they were the product of continuing discrimination by the agency, which discrimination was the subject of the original complaint. Still further, in some cases rejection stemmed from claimant's widely known involvement as a named plaintiff in MEAN v. NASA. This continuing pattern of racial discrimination, although occurring subsequent to the specific instances of discrimination alleged in MEAN v. NASA, is clearly related to, and indeed may stem from, those very same instances.<sup>424</sup>

This statement offered a tempered view at how unsatisfied Taliaferro was with the Settlement of the class action, and makes a compelling, sweeping argument that NASA not only needed to change the outcome of a few cases, but needed to undergo more foundational, hearts-and-minds change, at the core of supervisors' attitudes, leading to the removal of structural and systemic patterns of treating people of color with animosity and retaliating for fighting discrimination.<sup>425</sup> NASA opposed Taliaferro's amendment on the basis that "such amendment of an individual claim, amounting to a manifold multiplication of the topics and factual issues to be litigated...[was] impermissible under the terms of the [Settlement]...and that it would effectively circumvent the spirit and intent of that settlement."<sup>426</sup>

---

<sup>424</sup> Another document states the argument this way: "these subsequent denials reflect a continuing pattern of discrimination against Ms. Taliaferro, stemming not only from the specific instances of race discrimination originally alleged, but form a continuing practice of discrimination by the agency with regard both to the claimant's race and to her widely-known participation as a named plaintiff in MEAN v. NASA"; Amendment to Claim of Gloria Taliaferro 22 Jun 1979, Vol 2, Box 41, NARA I; Motion of Claimant Gloria Taliaferro for Leave to Amend Claim, 22 Jun 1979, Vol 2, Box 41, NARA I.

<sup>425</sup> Both Trinder and Taliaferro remarked on the cost of fighting discrimination; Rachel Trinder, phone conversation with the author, 10 May 2019; Taliaferro 20 July 2019.

<sup>426</sup> Defendant's Memorandum of Points and Authorities in Opposition to the Motion of Claimant Gloria Taliaferro for Leave to Amend Her Claim, 2 Jul 1979, Vol, Box 42, NARA I; Margolis initially ordered in favor of Taliaferro, allowing her an extension until

Taliaferro's counsel inquired for NASA to provide significant statistical data concerning promotions comparing minority and nonminority employees, the process by which promotions were applied for and granted, and who was involved in decision making concerning promotions. This request was partially motivated by Taliaferro's belief that there had been a breakdown in her promotion paperwork being delivered to the correct individual,

from what I understand, my papers went in with several other people, and everyone got promoted except me. Someone pulled me out. I think it was Colonel Vogel...personally, because I was already authorized to get the promotion, all he [Homer Newell] had to do was sign off, it wasn't a matter of being qualified. Personnel [Office], if they did, it was usually for an excuse. I never named—I can't recall any names in Personnel, off hand. But it had gone up there, and everyone got promoted, except me. And they couldn't figure out why wasn't I? All this court stuff, "why was she taken out?" You know why. And they trying to say. This other lady Elba Green? She was in there, but she was very light, she could pass for white. And she worked for Homer Newell. Of course, she was going to get promoted. You know, that's a given! That's a given.<sup>427</sup>

Additionally, Taliaferro's counsel asked, "whether any complaints, formal or informal, charging Dr. Monte D. Wright, Dr. Homer E. Newell, Mr. J. Allen Crocker, Dr. Eugene M. Emme, and Dr. Frank W. Anderson or Ms. Dorothy Horowitz with discrimination on the basis of race have ever been filed by any present or former employees of NASA or applicants for jobs at NASA," and if so, to provide pertinent information about any such

---

30 September 1979, but NASA continued to motion against extension. Margolis denied Taliaferro's extension on 26 July 1979; Taliaferro motioned for reconsideration 14 September 1979. Defendant's Response to the Reply of Claimant Gloria Taliaferro to Defendant's Memorandum in Opposition to Claimant's Motion for Leave to Amend Her Claim, 23 Jul 1979; Order, 20 Jul 1979; Order, 26 Jul 1979, Vol 3, Box 42, NARA I; Defendant's Memorandum of Points and Authorities in opposition to the Motion for Reconsideration of the Order Denying the Motion of Claimant Gloria T. Taliaferro for Leave to Amend Her Claim, 14 Sep 1979, Vol 5, Box 42, NARA I.

<sup>427</sup> Taliaferro 20 Oct 2019.

complaints.<sup>428</sup> Additionally, Taliaferro's counsel sought information on whether NASA had previously received complaints, "of discrimination or harassment of any kind on the basis of... [an employee's] involvement in litigation, or legal or administrative proceedings of any kind."<sup>429</sup> NASA rejected answering the interrogatories, claiming the answers were irrelevant to Taliaferro's case.<sup>430</sup>

Taliaferro's counsel made the unusual motion to depose Sara Najjar, a NASA Headquarters attorney. NASA objected on the basis that Najjar's only involvement with the case was as in her capacity as NASA counsel, and any information she knew pertaining to the case was protected under attorney-client privilege, and that "the information sought by the claimant is not exclusively in the possession of Ms. Najjar...[and] could be obtained by the claimant through interrogatories."<sup>431</sup> NASA's counsel accused Taliaferro's attorneys of trying to take a "short-cut" and that, "plainly, what the claimant seeks to accomplish by the deposition of Ms. Najjar is to obtain second hand, through defendant's counsel, the accumulated information that might otherwise be

---

<sup>428</sup> Dr. Monte Wright was her supervisor until Mar 3, 1974, when she began working for Richard E. Halpern, and then Dr. Albert Opp from Jan 9, 1976 at least until the time of the Settlement. Interrogatory No. 21 Defendant's Answers to Claimant Taliaferro's Interrogatories, 30 Jul 1979, Vol 3, Box 42, NARA I; She received a promotion recommendation and "more than satisfactory" performance review from Halpern in June 1975. Program Manager HEAO [Richard Halpern] Memo to Director, Physics & Astronomy Programs, Subject: Recommendation for Promotion of Ms. Gloria Taliaferro, dated 23 Jun 1975, Vol 3, Box 42, NARA I; Interrogatories of Claimant Gloria Taliaferro to Defendant, 29 Jun 1979, Vol 2 Box 41, NARA I.

<sup>429</sup> Interrogatories of Claimant Gloria Taliaferro to Defendant.

<sup>430</sup> Interrogatory No. 33, Defendant's Answers to Claimant Taliaferro's Interrogatories, 30 Jul 1979, Vol 3 Box 42, NARA I.

<sup>431</sup> Defendant's Memorandum of Points and Authorities in Support of His Motion for a Protective Order to Prohibit Claimant Taliaferro from Taking the Deposition of Ms. Sara Najjar, 1 Aug 1979, Vol 3, Box 42, NARA I.

sought through the deposition of several people more directly involved in the circumstances surround Ms. Taliaferro's claim," because the Settlement allowed only one deposition.<sup>432</sup> Trinder, argued that Najjar's "mere employment in the Office of the General Counsel" was not sufficient to demonstrate attorney-client privilege and that the NASA could object, with proof of attorney-client privilege, to any question asked during the deposition.<sup>433</sup> Additionally, Trinder pointed out that while "any communications between the attorney and client must be confidential...if there were any third parties in the room, other than agents of the attorney, communications are not privilege[d]...where a client is a corporation or a federal agency, all employees of the...agency are not 'clients' of the attorney."<sup>434</sup> She continued by highlighting that, "attorney-client privilege...cannot be used to further criminal or fraudulent schemes or activities."<sup>435</sup> Taliaferro believed Najjar was incompetent and had no legal strategy, "They had a lawyer up there—Sara Najjar—she was always going to judges crying. And we'd say, 'There's Sara crying again.' You know, she did her point on the court. Because Boggs and them would eat her up and spit her out."<sup>436</sup>

In the continued fight over production of documents, Trinder argued that NASA's defense was attempting to narrow Taliaferro's claim to the point that it would become, "meaningless," and continued the argument that the documents requested should be

---

<sup>432</sup> Defendant's Memorandum 1 Aug 1979. .

<sup>433</sup> Memorandum of Points and Authorities in Opposition to Motion for a Protective Order 13 Aug 1979, Vol 3, Box 42, NARA I.

<sup>434</sup> Ibid.

<sup>435</sup> Ibid.

<sup>436</sup> Taliaferro 20 Oct 2019.

produced because “courts have recognized that a liberal construction of the discovery rules in Title VII cases is not only highly desirable, but that absent such a construction a plaintiff may be denied the very opportunity to establish a prima facie case.”<sup>437</sup> Because Margolis ruled to limit discovery and not allow an amendment to the claim, by March 1980, Taliaferro appealed Magistrate Margolis’s order to the District Court, Judge Richey.<sup>438</sup> The decision to limit the scope of discovery was foundational to Taliaferro’s ability to prove her claim of discrimination, and ultimately, was overturned by the Court of Appeals.<sup>439</sup> Phrases such as “whether leave to amend should be granted is a matter of justice, not merely convenience to the defendant,” which some may argue was gamesmanship, seem to reflect Trinder’s vigor that this case was a matter of right and wrong, one she cared very much to see decided on the side of what she viewed as morality.<sup>440</sup>

---

<sup>437</sup> Memorandum of Points and Authorities in Support of Motion of Claimant Gloria T Taliaferro to Compel for the Production of Documents, signed 28 September 1979 Vol 5, Box 42, NARA I.

<sup>438</sup> Notice of Appeal to United States District Judge Richey of Claimant Gloria T. Taliaferro from the February 29, 1980 Order of Magistrate Margolis, 13 Mar 1980, Vol, Box 42, NARA I.

<sup>439</sup> *MEAN v Beggs*, 723 F.2d 958 (D.C. Cir. 1983), Box 43, NARA I.

<sup>440</sup> “I think Gloria's energy and passion was the key defining factor in what she managed to achieve. She knew that what was happening was wrong at a very fundamental level, and she was justifiably angry about it. But she kept that anger in check and remained totally focused, passionate rather than angry, and that passion certainly invigorated me. I could feel the terrible unfairness and sense her pain as well as her passion, and yet she was never bitter about how she was being treated by Headquarters. She also felt that it was her duty to try to make a difference to others similarly affected, and that really inspired me to try to help. I consider it an enormous privilege to have been able to play a part in assisting her. The case was ultimately about basic justice.” Trinder, 10 May 2019, Trinder email communication with the author, 22 March 2020. Reply of Claimant Gloria T. Taliaferro to Defendant’s memorandum in Opposition, 3 Oct 1979, Vol 5, Box 42, NARA I.

RT: By the time my law firm became involved, the case had already been going on as a class action for some time. We were assigned a case that would be tried by a magistrate, but there had already been limitations imposed on the gathering of evidence. It was a significant challenge because proving any case requires evidence, and if a plaintiff is prevented even from seeking that evidence through discovery, that can be an insurmountable obstacle. To me it was further proof of the fundamental unfairness of the system seen throughout the civil rights movement, because there were glaring limitations placed on minorities in so many aspects of life - voting rights restrictions, for example. The way I saw it, she faced enormous resentment that an African American female would have the nerve to challenge the system, and we had a magistrate who didn't appear interested in seeing or understanding the impact of imposing severe discovery limitations. There was a terrible sense among the claimants that the deck was stacked against them – which it was.<sup>441</sup>

Taliaferro sought backpay that remediated the difference in pay resulting from not receiving promotions from March 1972 through 1980 (at the time the claim was submitted to the court), totaling \$10,914.<sup>442</sup> She also requested that she be compensated for leave time used to fight this case, totaling 400 hours, and that she would receive a position “within the NASA Headquarters STEP upward mobility program at the GS-7/7 or higher level.”<sup>443</sup>

On 12 March 1981, Margolis ruled against Taliaferro. He believed that Taliaferro had made a prima facie case, but NASA had demonstrated satisfactorily legitimate and nondiscriminatory reasons for Taliaferro's non-promotion. He ruled that Taliaferro had not demonstrated that NASA's reasons were pretextual.<sup>444</sup> Taliaferro filed objections to

---

<sup>441</sup> Trinder, 10 May 2019.

<sup>442</sup> Pretrial Statement of Gloria Taliaferro, 11 Sep 1980.

<sup>443</sup> Claim of Gloria Taliaferro, 9 Apr 1980, Vol 6, Box 42, NARA I; Ibid.

<sup>444</sup> Findings of Fact of Face and Conclusions of Law, (Taliaferro), Margolis, 12 Mar 1981.



Margolis' findings by April 1982.<sup>445</sup> On her behalf, Trinder's essential argument hinged upon this claim, "defendant's continually shifting, invalid justifications are even more suspect when viewed in conjunction with the evidence concerning racial imbalance in the lower echelons of the agency and Plaintiff's well-known civil rights activities. By continually retreating from one invalid reason to another, Defendant has destroyed its own credibility."<sup>446</sup> Two major issues, Trinder argued, were apparent in Margolis's findings. He found that NASA had "articulated clear and specific legitimate reasons for its failure on two occasions to promote her [Taliaferro] from GS-6 to the GS-7 level," but first, did not even address Taliaferro's claim that she was misclassified as a GS-6.<sup>447</sup> Margolis recognized that, "the Historical Office had a 'moral obligation' to promote the white employee because she was undergraded," but Trinder argued that this explanation was "woefully inadequate," and that Margolis ignored, "the fact that similar efforts were not made to promote Plaintiff although she too was undergraded" and concluded that "the Special Master's findings fail even to address the undisputed evidence that special treatment was accorded the white employee, and they are erroneous for that

---

<sup>445</sup> Taliaferro asked for an extension on filing an appeal until Rose Mary Ferguson's case was decided, because many issues were "the same or inextricably tied," implying and moving forward the argument that these individual cases really belonged together, not broken down into individual cases.<sup>445</sup> Richey approved the extension. Motion of Plaintiff Gloria T. Taliaferro for Enlargement of Time, 8 Apr 1981, Vol 9, Box 42, NARA I; Order, Charles Richey, 13 Apr 1981, Vol 9, Box 42, NARA I; Objections of Plaintiff Gloria T. Taliaferro to the Special Master's Recommended Findings of Fact and Conclusions of Law, 21 Apr 1982, *MEAN*, *Taliaferro v Frosch*, US Court of Appeals, DC, Box 43, NARA I.

<sup>446</sup> Objections of Plaintiff Gloria T. Taliaferro 21 Apr 1982.

<sup>447</sup> *Ibid.*

reason.”<sup>448</sup> Additionally, Trinder argued that Margolis was incorrect because both of NASA’s justifications were invalid. These two basic problems, Trinder argued, caused the whole case to crumble, and held that “although it is conceivable that the Special Master might have found that any one of the excuses given to Plaintiff, if made independently, might have been made in good faith, the record as a whole and the fact that Defendant found it necessary continually to change its position requires a finding that these defenses were pretextual.”<sup>449</sup>

Trinder’s argument continued; while NASA stated that the white individuals promoted had promotion potential, NASA repeatedly refused to provide evidence to substantiate that claim.<sup>450</sup> She therefore argued that, “defendant’s failure and refusal to produce these documents can lead only to the inference that their production would have been unfavorable to its case.”<sup>451</sup> She pointed out that NASA lawyers themselves “made the astonishing admission that the lack of promotion potential was irrelevant in the promotion of whites...that whites: were recommended on their own merit, and these recommendations were justified irrespective of whether there is promotion potential in the job or not.” (Tr. P. 153)<sup>452</sup> On 8 June 1982 Judge Richey ordered that Margolis’s recommendations be approved and that Taliaferro’s claim be dismissed.<sup>453</sup>

---

<sup>448</sup> Ibid.

<sup>449</sup> Ibid.

<sup>450</sup> Trinder made this argument all throughout the case, it was not a new argument in this opposition. Ibid.

<sup>451</sup> Ibid.

<sup>452</sup> Emphasis in the original. Ibid.

<sup>453</sup> Order, 8 Jun 1982, Charles R. Richey, MEAN, No. 82-1915, Box 43, NARA I.

Gloria Taliaferro, Diane Moore, and Rosemary Ferguson collectively challenged Margolis’s dismissal—and Richey’s affirmation of the dismissal—on the basis that his order violated the rights owed Title VII claimants by unlawfully, “limit[ing] the substantive scope of discovery permitted in the individual discrimination cases.”<sup>454</sup> The Court of Appeals DC Circuit heard the case in November 1983, and justices Edward Tamm, Abner Mikva, and David Bazelon decided the case, finding that,

the district court's order limiting the substantive scope of discovery was incorrect as a matter of law. Because the discovery limitation may have denied appellant Gloria Taliaferro access to information that was central to her claim of disparate treatment, we remand her claim for further proceedings. Our reversal of the court's discovery order, however, does not affect the claims of appellants Diane Moore and Rose Mary Ferguson. Neither Ms. Moore nor Ms. Ferguson demonstrated how reversal of the discovery order might lead to the discovery of information which could alter the magistrate's conclusions.<sup>455</sup>

The Court argued that Margolis’s “primary flaw” was that he had prioritized the Settlement’s limitation with regards to relevance to an individual claimant over the, “section of the Settlement which provided that the individual discrimination claims ‘be resolved in accordance with the law governing Title VII actions in the federal courts.’”<sup>456</sup> The information crucial to Taliaferro’s case, which had gone ignored in the lower courts, concerned statistical information comparing Taliaferro to similarly situated white employees outside her office. The Court found that. “If NASA promoted white employees without promotion potential or during the hiring freeze, this information would be highly relevant to Ms. Taliaferro's claim of intentional discrimination. But the

---

<sup>454</sup> James Beggs began his tenure as NASA Administrator in 1981 and became named plaintiff in the case. *MEAN v Beggs*, 723 F.2d 958 (D.C. Cir. 1983), Box 43, NARA I.

<sup>455</sup> *Ibid.*

<sup>456</sup> *Ibid.*

discovery order precluded her from obtaining that information. This erroneous interpretation of the Settlement precluded Ms. Taliaferro from obtaining comparative information that goes to the heart of her claim against NASA.”<sup>457</sup> The Court confirmed that, contrary to Margolis’s ruling on statistical data requested in discovery by all three claimants, “it is well established that statistical data and comparative information concerning an employer's treatment of minorities is relevant evidence in an individual discrimination claim against that employer.”<sup>458</sup> The Court concluded their opinion with this order, “we emphasize that it is an abuse of discretion to prevent a Title VII plaintiff from obtaining information that is vital to proving a discrimination claim.

We affirm the district court's orders concerning Diane Moore and Rose Mary Ferguson. We vacate the district court's orders limiting the scope of discovery and dismissing Gloria Taliaferro's claim and remand for further proceedings consistent with the opinion.”<sup>459</sup>

Throughout 1984, NASA repeatedly attempted to get Taliaferro’s claim dismissed; Trinder characterized these efforts as requests, “apparently designed to render meaningless Ms. Taliaferro’s victory in the Court of Appeals” that NASA was “attempting to ‘appeal’ the Circuit Court’s order to the District Court, a course of action clearly not available,” and that NASA intended the Court to act, “as if the entire appeal proceedings were merely a figment of Ms. Taliaferro’s imagination.”<sup>460</sup> The Court denied both of NASA’s motions to dismiss. NASA required multiple extensions to answer

---

<sup>457</sup> Ibid.

<sup>458</sup> Ibid.

<sup>459</sup> Ibid.

<sup>460</sup> Plaintiff’s Memorandum of Points and Authorities, 12 Apr 1984, Box 43, NARA I; Plaintiff’s Memorandum of Points and Authorities, 1 Aug 1984, Box 43, NARA I.

Taliaferro's interrogatories and requests for documents; in November, Taliaferro requested leave to take depositions. NASA opposed this measure, and Richey denied her, "although after the remand, this Court has permitted plaintiff to conduct some new discovery, it has not consented to depositions such as those now requested."<sup>461</sup> The denial was based on substantial legal and practical reasoning: the Settlement limited the claimants to one deposition—which the Court of Appeals had allowed as appropriate—and because none of the three individuals were even still employed at NASA.

On February 13, 1985, NASA and Gloria Taliaferro settled her claim; the first point states that NASA "expressly denies that plaintiff's rights were violated in any way or that plaintiff is entitled to any of the relief sought."<sup>462</sup> NASA paid Taliaferro \$15,000 for any backpay, attorney's fees, and any other costs associated with the action.<sup>463</sup> This amount was nearly a year's salary for Taliaferro and significantly more than any other of the MEAN complainants were awarded. However, this settlement did little to remediate even Taliaferro's personal problems at the agency. While Taliaferro was still in litigation for her claims of discrimination in the History Office, she filed a new complaint in June 1979. By 1982, she had appealed it up to the EEOC, which affirmed NASA's finding of nondiscrimination. She did not appeal the EEOC's decision, but the complaint highlights the fact that the MEAN case did little to improve conditions for black employees at NASA.<sup>464</sup> While her individual claim did not affect the outcome of MEAN's Settlement,

---

<sup>461</sup> Order, Judge Charles Richey, 7 Nov 1984, Folder (267-73), 1 of 2, Box 46, NARA I.

<sup>462</sup> Claim of Gloria Taliaferro, Settlement Agreement and General Release, 13 Feb 1985, Folder (267-73), 2 of 2 Box 46, NARA I.

<sup>463</sup> Settlement Agreement and General Release, 13 Feb 1985.

<sup>464</sup> *Gloria Taliaferro v. NASA*, 1982 EEOPUB LEXIS 53; 83 FEO (LRP) 3002.

the statistical information Taliaferro eventually obtained may have helped to fuel efforts to extend the Settlement which was originally set to expire in 1981.

## VI

### RESULTS AND CONCLUSION: Unsettled

“[We] may have placed too much reliance on NASA’s good faith in carryout the Stipulation” -MEAN, 4 December 1981

The MEAN case’s Settlement was not effective in moving NASA forward in its structural and systemic treatment of black employees. By breaking down the case from a class action into individual claims, the burden to illustrate a pattern of discrimination shifted from the entire class to individuals. Despite the limited individual successes, Taliaferro reflected that the Settlement was disappointing but not worthless. While not worthless because the Settlement benefited some, it was disappointing because the outcome has not led to the needed shift in NASA structure and culture toward racial equality and justice.<sup>465</sup>

RC: What impact did the Settlement have? Were people satisfied with it from the MEAN side?

GT: Well, we were satisfied that it got the recognition. Some people got rewarded; a lot of them were too scared to come forward. And they didn’t do it. Too scared—that was their livelihood—they had a family. They were very, very frightened. And it’s a shame, but that’s the way it was. But they were glad we did it.

We got some recognition. Some people were rewarded. And we had NASA on their toes. We had them on their g—d—n toes about what they were doing and who they were doing it to, because eyes were on them to do the right thing. And I was black balled, and that’s how it goes with people like me, but I understand. And instead of rewarding me for putting them to straighten up for this disgrace to our agency which is supposed to be so high tech. It was a disgrace. You would think we would put more emphasis on our people. Like we did the d—n astronauts.

But they [other black employees] were happy, but they were just too scared to come forward. Like one girl, she said “Gloria, I just can’t do it.” She didn’t even

---

<sup>465</sup> Rachel Trinder commented that she felt “because of the precedent that was established when Gloria’s case was successful on appeal in the DC Circuit, she made a tremendous difference for the future.” Trinder email communication with the author, 22 March 2020.

want to go to lunch with me. She said, “I can’t go to lunch.” I said “Ok. I’ll take that. But when you get ready, you know, hey I’m here.” If you stay at NASA long enough—you’re going to get sh—ted on. That was the policy. Especially black men. If you stay there long enough, you’re going to get sh—ted on in some fashion....All of them...down the line they get sh—ted on. That’s what they do. It’s worse now, I’m sure....

GT: there were some bad times. Some struggles. This [MEAN] was a struggle. This was the biggest struggle...back then, it was a lot of civil rights activities. Congress [was] looking at them. They did, you know, start hiring minorities—black and women—and promoting. And then it fell off. you know, what? I think they just stopped. They don't give a d—n.<sup>466</sup>

Progress at NASA was not linear. Black employees at NASA remained intimidated and mistrusting of NASA administration, a fact demonstrated by the low number of employees who brought individual complaints as provided for under the Settlement. The Settlement did little to instill faith in NASA administrators. While some MEAN members did receive some monetary awards, many victims of discrimination were too afraid of retribution to come forward. The case gained little recognition within NASA; many white employees, even those aware of some of the same discrimination complaints made in the case, were unaware that a class action case was litigated.

The case did have a measure of success in making NASA accountable. The Court validated some of MEAN’s concerns of discrimination and ordered NASA to change some glaring discriminatory structures, maintaining jurisdiction over the settlement from 1978 through 1985. Additionally, because of the MEAN complaint and the Ruth Bates Harris controversy, Congress became aware of the problems, and multiple committees probed into NASA’s EEO activity in 1974 and 1976. Congress observed slight progress

---

<sup>466</sup> Gloria Taliaferro, Interview by Ruth Calvino. Oral interview. Oxon Hill, MD, 20 October 2019.



on NASA's part, but did not follow-up on NASA's refusals to adopt their recommendations. Because NASA administrators and supervisors had not allowed the facts of the case to reform their attitudes and actions, once the Settlement expired, many black employees watched as their situation deteriorated to as bad or worse than before.<sup>467</sup>

NASA and MEAN settled out of Court in September 1978; the Settlement initially was set to expire after three years, on September 20, 1981.<sup>468</sup> The Settlement allowed MEAN to file a motion with the Court to extend the Settlement in the event that, "any aspect of the Stipulation has not been substantially complied with."<sup>469</sup> In early September 1981, MEAN expressed "significant concerns with respect to NASA's performance of certain of its obligations under the Stipulation."<sup>470</sup> Throughout the summer, MEAN analyzed the information that NASA was obligated to furnish to them, including statistical and performance reports. MEAN "attempt[ed] to resolve these perceived deficiencies in NASA's performance through informal negotiations with

---

<sup>467</sup> Taliaferro repeatedly mentioned that she felt NASA got worse after the Settlement; she voiced that individuals she knows who still work at the agency feel similarly. Taliaferro, 20 October 2019.

<sup>468</sup> The Court of Appeals case no. is 81-1349 (but still often associated with the civil no. 74-1832). Motion and Supporting Memorandum of Points and Authorities for Conditional Extension of the Term of the Stipulation of Settlement and Consent Order, 1 Sep 1981, United States Court of Appeals for the District of Columbia (hereafter referred to as "US Court of Appeals, DC"), No. 82-1071, September Term, 1981, RG 21, Box 43, Container No. 44, Civil Case Files 01/01/1965-12/31/1985, District Court of the United States US District Court for the District of Columbia, National Archives Building, Washington, DC, (this archive is hereafter referred to as NARA I).

<sup>469</sup> Motion and Supporting Memorandum of Points and Authorities for Conditional Extension of the Term of the Stipulation of Settlement and Consent Order, 1 Sep 1981, US Court of Appeals, DC, No. 82-1071, Sep Term, 1981, Box 43, NARA I.

<sup>470</sup> Ibid.

NASA personnel.”<sup>471</sup> These meetings were still on-going in September; NASA was cooperating, including supplying MEAN with further information requested. In order to protect MEAN during these informal negotiations, MEAN filed for an extension of the Settlement. This meant that MEAN would wait to file a motion with the Court to require NASA’s compliance with the Settlement in hope of remediating concerns out of court. Judge Richey affirmed this action.<sup>472</sup> By November, MEAN asked the Court to require NASA’s compliance.<sup>473</sup> MEAN raised major issues concerning the Settlement’s provisions on minority hires into job code block 600 and that supervisors be evaluated on their adherence to EEO policy. Code block 600 referred to “NASA’s occupational code for professional administrative positions, for which a college degree or the equivalent, and specialized training and experience are required.”<sup>474</sup>

NASA argued against the extension, first, with a procedural argument that MEAN had violated the Settlement by bringing their concerns for the first time in late August 1981, not “promptly conferring...any alleged deficiency.”<sup>475</sup> NASA argued that MEAN had not actually tried to resolve them in informally, but that the meeting MEAN referred

---

<sup>471</sup> Ibid.

<sup>472</sup> Order, Charles Richey, 14 Sep 1981, US Court of Appeals, DC, No. 82-1071, Sep Term, 1981, Box 43, NARA I.

<sup>473</sup> Defendant’s Opposition to Plaintiff’s Motion to Request Compliance with Stipulation of Settlement and Consent Order, 19 Nov 1981, US Court of Appeals, DC, No. 82-1071, Sep Term, 1981, Box 43, NARA I.

<sup>474</sup> Emphasis in original. Defendant’s Memorandum, 11 Jun 1982, US Court of Appeals, DC, Sep Term, filed 16 Sep 1982, Box No. 43, NARA I

<sup>475</sup> Defendant’s Opposition to Plaintiff’s Motion, 19 Nov 1981, US Court of Appeals, DC, No. 82-1071, Sep Term, 1981, Box 43, NARA I.

to was not a good faith attempt at informal resolution but, “for the most part attempted to conduct discovery and to relitigate matters disposed of 3-5 years ago.”<sup>476</sup>

NASA accused MEAN of trying to enforce terms which NASA “specifically rejected...which were never agreed-upon in this settlement agreement. This includes the effort by plaintiffs to expand the life of the settlement to a 5-year term (which was also specifically rejected during negotiations)...Plaintiffs seem intent on continuing to litigate and relitigate this case, even after settlement.”<sup>477</sup> NASA argued that they “had complied with the terms of the settlement agreement concerning Code Block 600 hires...STEP, and Evaluation of EEO Performance.”<sup>478</sup> On this point, NASA further argued that MEAN misinterpreted “the *maintenance of the hiring rates* achieved for minorities, as measured by their proportion of total hires, in code block 600” to be a quota.<sup>479</sup> Rather than a quota, NASA argued, this was an “ambitious” goal that would be pursued “to the extent feasible” and accused MEAN of pushing for “preferential hiring” and “reverse discrimination.”<sup>480</sup> NASA demonstrated that minority hires into professional jobs (code block 600) increased from 10.1% in 1974 to 15.4% in 1981.<sup>481</sup> NASA furthered argued since STEP, the program established to help nonprofessional employees advance into

---

<sup>476</sup> Ibid.

<sup>477</sup> Ibid.

<sup>478</sup> Ibid.

<sup>479</sup> Emphasis added. Ibid.

<sup>480</sup> NASA supervisors received accusations of reverse discrimination: “would you explain why, on the flyer for the Fashion Show...the models were both black. Talk about discrimination! ...Us white folks have had it!” Larry Vogel memo to Earl Ginyard, 16 June 1976, Defendant’s Opposition to Plaintiff’s Motion, 19 Nov 1981.

<sup>481</sup> Exhibit 1, Ibid.

professional positions, “was not and is not...to help minorities gain entry to Code Block 600,” that NASA had no responsibility to make changes to this program.<sup>482</sup>

The Settlement required NASA to make EEO performance part of evaluation for all managers and supervisors.<sup>483</sup> NASA argued that MEAN was attempting to “substitute their judgment for that of the NASA Administrator as to what the EEO obligation would be.... or to what extent or degree the Administrator would employ such outcome in considering the professional advancement of managerial/supervisory personnel.”<sup>484</sup>

In MEAN’s estimation, NASA’s trajectory was going in the wrong direction, even before the Settlement expired. The Settlement’s effect was not substantially advantageous to minority employees at NASA, and NASA was not putting forth the necessary effort to remediate even the agreed upon inadequacies. “Plaintiffs believed—they thought reasonably—that defendant’s performance under the Stipulation would improve with time, and that a three-year running battle would not be necessary or productive in encouraging NASA to fulfill its obligations. It now appears in retrospect that plaintiffs unfortunately may have placed too much reliance on NASA’s good faith in carryout the Stipulation.”<sup>485</sup> In response to NASA’s accusation that the motion was untimely, MEAN replied that they had been “overly optimistic” and while “it is

---

<sup>482</sup> Ibid.

<sup>483</sup> This was a requirement by Executive Order 11478; a GAO report on NASA found only Johnson Space Center had implemented this. Report to the Committee on Labor and Public Welfare, “National Aeronautics and Space Administration’s Equal Employment Opportunity Program Could be Improved,” 16 April 1975, Box 45, NARA I.

<sup>484</sup> Defendant’s Opposition to Plaintiff’s Motion, 19 Nov 1981.

<sup>485</sup> Reply to Defendant’s Opposition, 4 Dec 1981 US Court of Appeals, DC, No. 82-1071, Sep Term, 1981, Box 43, NARA I.

unfortunate that the Motion had to be filed at all...its timing certainly cannot excuse defendant's conduct."<sup>486</sup> MEAN's reply pointed out that NASA sought,

to divert attention from its inadequate performance by claiming that its efforts have been measured against the wrong standard...this hardly obscures the truly dismal nature of the results...clearly NASA has not come close to the 25.5 percent minority hiring rate goal to which it committed itself, and its compliance with the Stipulation has actually deteriorated over the past three years...minority representation as a percentage of totally code block 600 employment actually has decreased each year during which the Stipulation has been in effect.<sup>487</sup>

The Settlement required NASA to provide MEAN information on EEO efforts. NASA complained of MEAN's insistence on NASA's accountability on EEO performance—not just goals. MEAN argued that it was “inherent” in the agreement that NASA was accountable to MEAN and the Court, and that NASA should not expect them “to accept on faith that EEO performance has become a meaningful factor in the evaluation of Headquarters and supervisory personnel despite the substantial evidence to the contrary.”<sup>488</sup>

NASA appealed the motion for extension, but Richey ruled that portions of the Settlement would be extended through 20 September 1983.<sup>489</sup> Richey's opinion stated, “NASA has failed to comply in some respects with the Stipulation...with respect to the Code Block 600 minority hiring goals...the defendants have not performed satisfactorily, particularly in Fiscal year (“FY”) 1981, in which only 7.2% of those hired were

---

<sup>486</sup> Reply to Defendant's Opposition, 4 Dec 1981.

<sup>487</sup> Emphasis in original. Ibid.

<sup>488</sup> Ibid.

<sup>489</sup> Order, Charles Richey, 31 May 1982, US Court of Appeals, DC, Sep Term, filed 16 Sep 1982, Box No. 43, NARA I.

minorities. The goal agreed to in the stipulation is 25.5%.”<sup>490</sup> Because NASA failed in this section of the Settlement, the Court would continue to supervise that provision, partially extending the Settlement. The Court found that NASA— “by its own internal review”—failed in eleven out of sixteen categories regarding “the requirement that the professional advancement of Headquarters managerial and supervisory personnel be dependent in part upon fulfillment of their EEO obligations.”<sup>491</sup> Richey extended this provision also. However, the Court found that because no specific goal was agreed upon regarding the STEP program, therefore STEP would no longer be part of the Settlement negotiations.<sup>492</sup> The Court’s requirements for NASA remained the same for extension as the original Settlement, including developing goals, keeping race data on competitive hires and promotions in code block 600, and supplying MEAN with information regarding EEO performance in code block 600 hires and promotions, and submitting evidence to the Court for two years that, “demonstrates that EEO performance in fact plays a significant role in the advancement process.”<sup>493</sup>

---

<sup>490</sup> Memorandum Opinion of United States District Judge Charles R. Richey, 1 Jun 1982, US Court of Appeals, DC, Sep Term, filed 16 Sep 1982, Box No. 43, NARA I.

<sup>491</sup> “NASA’s 1981 Interim Status Report: ‘Each Office Head was evaluated...five organizations were rated satisfactory or better...the remaining eleven organizations whose progress was judged to be less than satisfactory were assigned EO as a Key Specific Objective.’” Memorandum of Points and Authorities in Opposition to Defendant’s Motion for Reconsideration, 24 Jun 1982, US Court of Appeals, DC, September Term, filed 16 Sep 1982, Box No. 43, NARA I; Reply to Defendant’s Opposition, 4 Dec 1981.

<sup>491</sup> Memorandum Opinion, Richey, 1 Jun 1982.

<sup>492</sup> Ibid.

<sup>493</sup> Order, Charles Richey, 1 Jun 1982, US Court of Appeals, DC, September Term, filed 16 Sep 1982, Box No. 43, NARA I.

NASA fought extension, arguing that “the Court’s interpretation...transformed the goal into a mandatory quota of 25.5%...this was not what the Stipulation provided or what the parties agreed to. The goal was a goal to aspire toward—a maximum ceiling, not a minimum floor...the goal was agreed upon simply to prevent the decline of the existing minority representation.”<sup>494</sup> NASA claimed that the internal report highlighting their deficiencies in prioritizing EEO performance in personnel’s work reviews, “was an incomplete, unreviewed, interim report, which inaccurately described the evaluation outcome.”<sup>495</sup> Last, NASA argued that they had fulfilled their obligation to the Settlement “the central issue is: did defendant require that EEO performance be included in all evaluations of Headquarters managerial and supervisory personnel? The answer is a resounding Yes, as it is undisputed that this is being done.”<sup>496</sup> MEAN found this rebuttal to be a confirmation of their fears, “this effort highlights what Plaintiffs have suspected for some time, i.e. that NASA has not taken, and indeed never intended to take, certain elements of the Stipulation seriously.”<sup>497</sup> First, MEAN disputed NASA’s invention that the code block 600 goal was merely to prevent decline of minorities, arguing that this idea was, “a construction...defies common sense, misrepresents the purpose of the Stipulation, and misconstrues the terms to which NASA agreed. The purpose of the

---

<sup>494</sup> Emphasis in original. Defendant’s Memorandum, 11 Jun 1982

<sup>495</sup> One may wonder why such an inaccurate report would have been submitted to the Court at all. Emphasis in original. Ibid.

<sup>496</sup> Emphasis in original. Ibid.

<sup>497</sup> Memorandum of Points and Authorities, 24 Jun 1982.

Stipulation...was clearly to increase minority representation...if NASA were correct...there would have been no benefit whatsoever to Plaintiffs in agreeing to it.”<sup>498</sup>

On the issue of NASA’s compliance with EEO performance in personnel evaluations, MEAN argued that,

NASA has chosen unilaterally to ignore the most important part...that the professional advancement be dependent in part upon the adequacy of a person’s EEO performance...NASA has been unwilling to release information that would aid in monitoring compliance...the evidence that does exist completely undermines NASA’s contention that professional advancement has been dependent in part upon EEO performance.<sup>499</sup>

MEAN argued that NASA’s track record on this issue “meshes perfectly with NASA’s unwillingness to comply” with the Settlement, highlighting NASA’s broader structural and systemic problems with regard to race and unwillingness to change.<sup>500</sup> MEAN drew the conclusion that without this provision, all other issues could not be resolved. NASA managers and supervisors were the key component of bringing change and equal opportunity for black employees at NASA, and without accountability and “incentive to remedy their deficiencies,” MEAN harbored little hope for effective change.<sup>501</sup> Richey upheld his decision to extend certain provisions of the Settlement.<sup>502</sup> NASA unsuccessfully appealed the decision a second time.<sup>503</sup>

---

<sup>498</sup> Emphasis in original. Ibid.

<sup>499</sup> Ibid.

<sup>500</sup> Ibid.

<sup>501</sup> Ibid.

<sup>502</sup> Order, Charles Richey, 6 Jul 1982, US Court of Appeals, DC, Sep Term, filed 16 Sep 1982, Box No. 43, NARA I.

<sup>503</sup> Notice of Appeal by Robert Frosch, 28 Jul 1982, US Court of Appeals, DC, Sep Term, filed 16 Sep 1982, Box No. 43, NARA I.



Throughout the fall of 1983, MEAN filed motions with the Court to extend the deadline by which they could require NASA to comply with the Settlement; while NASA rebutted these extensions, Richey granted them.<sup>504</sup> By January 1984, MEAN filed for an extension of the Settlement and for leave to conduct limited discovery.<sup>505</sup> After extended time to respond, NASA opposed this extension in March.

Little happened substantially until August 1984, when MEAN renewed attempts to further extend the Settlement.<sup>506</sup> MEAN argued that the Court had authority to extend the Stipulation until, “satisfied defendant has complied with the terms of the Stipulation.”<sup>507</sup> MEAN argued that they sought a second extension, “only after having become convince that defendant’s highly unorthodox personnel actions fail to comply with the goals embodied in the Stipulation.”<sup>508</sup> This “unorthodox” action referred to

---

<sup>504</sup> By August 1983, MEAN and NASA agreed to a settlement concerning attorneys’ fees for requiring compliance with the Settlement through 3 July 1982, in the amount of \$17,476.10. This did not prevent MEAN from requesting attorneys’ fees from their efforts after that point in time; Settlement Agreement and Release 25 Aug 1983, *MEAN v Beggs*, Box 43, NARA I; Motion by plaintiffs for an enlargement of time to file, 20 Sep 1983; 23 Dec 1983; *MEAN v Frosch* Docket No. 74-1832, Civil Docket Continuation Sheet, acquired from the US District Court for the District of Columbia Historical Records Specialist, in the author’s possession.

<sup>505</sup> Motion by plaintiffs for extension of the stipulation of settlement and consent order and for leave to conduction limited discovery; Points and Authorities; exhibits A, B, C, 4 Jan 1984, *MEAN v Frosch* Docket No. 74-1832, Civil Docket Continuation Sheet, acquired from the US District Court for the District of Columbia Historical Records Specialist, in the author’s possession.

<sup>506</sup> Memorandum by plaintiffs in support of further extension of the stipulation of settlement and consent order, 3 Aug 1984 *MEAN v Frosch* Docket No. 74-1832, Civil Docket Continuation Sheet, acquired from the US District Court for the District of Columbia Historical Records Specialist, in the author’s possession.

<sup>507</sup> Plaintiff’s Memorandum in Support of Further Extension of the Stipulation of Settlement and Consent Order, 3 Aug 1984, 1 Aug 1984, Box 43, NARA I.

<sup>508</sup> *Ibid.*

NASA's methods—"manipulation" of the personnel system—to meet the code block 600 goals.<sup>509</sup> MEAN argued that NASA made only "cosmetic changes" in attempting to meet the code block 600 hiring goal. NASA "converted technical positions held by minorities in Code Block 500 into professional positions in Code Block 600...the position descriptions produced by defendant fail to dispel this suspicion...there is serious question whether the employees whose positions were converted received any real improvements in their employment status in the agency."<sup>510</sup> Of the eighteen converted positions, twelve of them were held by minority employees; MEAN argued that this number was unprecedented, and that the job descriptions "reveal[ed] few or only superficial changes in job duties."<sup>511</sup> NASA included temporary employees, including interns, in the numbers of code block 600 hires. MEAN argued that all of these indicated that NASA was not implementing "real and lasting gains in minority representation."<sup>512</sup> In 1982, MEAN's assessment was "the agency achieved virtually no improvement in its level of minority representation in Code Block 600." The increase in percentage of minority employees resulted only because some white employees were no longer employed in code block 600.<sup>513</sup> MEAN argued, if calculated apart from NASA's bureaucratic maneuvering, the percentage had actually decreased.<sup>514</sup>

---

<sup>509</sup> Ibid.

<sup>510</sup> Ibid.

<sup>511</sup> Ibid.

<sup>512</sup> Ibid.

<sup>513</sup> Ibid.

<sup>514</sup> Ibid.

NASA explained that they intended to at least offer interns—many of whom, NASA claimed, were minorities—competitive, permanent positions.<sup>515</sup> NASA considered this fact to be legitimate grounds for inclusion in the code block 600 numbers. Additionally, NASA argued that while some of the conversions were lateral reassignments, many of the employees converted to code block 600 received promotions and had a career ladder.<sup>516</sup>

By November 1985, the Settlement was dismissed from Court oversight. The Court ruled that each party had satisfied their obligations.<sup>517</sup> NASA paid \$21,830 in attorneys' fees and \$1,456.79 in costs of case, but this Settlement, like the initial Settlement, maintained no admission of liability.<sup>518</sup>

The MEAN Settlement expired in 1985, but just as the case had not begun in a vacuum, it did not end in one either. Black employees at multiple NASA centers brought class action suits around the same time the MEAN case was being litigated, including “Barrett v CSC, et al., Civil Action No. 74-1694, filed November 20 1974, pending before this court in which a class of black employees at Johnson Space Center, Houston, Texas, is presently certified...[and] two class actions against the Marshall Space Flight Center, Huntsville, Alabama. Bynum v Fletcher, C. A. 75-G-0352-NE, filed March 26, 1975; Cofield v. Fletcher, C. A. 76-G-0665-NE, filed May 10, 1976, both cases in the

---

<sup>515</sup> There is no evidence of these offers, nor evidence that many intern positions were converted into long-term positions.

<sup>516</sup> Defendant's Response to “Plaintiffs' reply to Defendant's Opposition to Plaintiffs' Motion for Extension of the Stipulation of Settlement and Consent Order and for Leave to Conduct Limited Discovery,” 16 May 1984, Box 43, NARA I.

<sup>517</sup> Stipulation of Settlement and Dismissal, 5 November 1985, Box 43, NARA I.

<sup>518</sup> Ibid.

U.S. District Court, Northern District of Alabama.”<sup>519</sup> In addition, four complaints with third-party components were filed at Langley Research Center around this time.<sup>520</sup>

Another black Headquarters employee, Gale Watson, whose name does not appear in any MEAN case files, filed a class action complaint on behalf of BEAN—Black Employees at NASA—in August 1982. The complaint concerned many of the same problems the MEAN complaint had addressed: NASA’s “pattern and/or policy of giving preference to Whites when making all employment decisions in the areas of promotion, upward mobility, recruiting, hiring, training, job assignments, disciplinary policies, reorganizational policies, and terms and conditions of employment.”<sup>521</sup> The EEOC ruled that while it was not technically identical to the MEAN complaint, and individuals whose employment at NASA Headquarters began after 1978 could technically bring their own suit, because Watson had been employed at Headquarters in 1978, she was bound by the MEAN Settlement.<sup>522</sup> She did not appeal the EEOC’s ruling. Watson brought a second complaint in 1987 which the EEOC remanded to NASA for a second investigation, including how the MEAN Settlement related to Watson’s second claim.<sup>523</sup> The fact remained: black employees at NASA did not feel they were treated fairly, even after the MEAN Settlement had been implemented to the Court’s satisfaction.

---

<sup>519</sup> Memorandum of Points and Authorities, 20 Jun 1978, Vol 2, Box 41, NARA I.

<sup>520</sup> R. Tenney Johnson, General Counsel, memo to James Fletcher, Administrator, 22 Nov 1974, Folder: Complaint Processing, Box: George M. Low Papers-Alphabetical Subject Files, Equal Employment Opportunity files #2, #13883, NASA HQ, HRC.

<sup>521</sup> Gale A. Watson v. NASA, 1985 EEOPUB LEXIS 72; 85 FEOR (LPR) 1054.

<sup>522</sup> Ibid.

<sup>523</sup> Gale A. Watson v. NASA, 1988 EEOPUB LEXIS 3695; 88 FEOR (LPR) 21995.

Employees felt compelled to bring administrative action because of the adverse effects they experienced and observed.

Despite administrator Dan Goldin's efforts in the early 1990s to uproot the "male, pale, and stale" nature of NASA's ranks and to promote diversity in hiring, in 1993, 120 black scientists and engineers filed a class action.<sup>524</sup> The case "contend[ed] that the Goddard Space Flight Center discriminated against African American non-managerial, non-supervisory scientists and engineers who were eligible for but did not receive promotions to the GS- 14 and GS-15 levels."<sup>525</sup> The parties settled in 2002; NASA did not admit wrongdoing.<sup>526</sup> The Settlement, overseen by the EEOC, provided \$3.75 million in economic relief. The Settlement appointed independent experts to help Goddard improve how they assessed employee performance and awarded promotions, and members of the class (and others) would be awarded promotions after merit-based reviews. Another outside consultant would evaluate and suggest changes to Goddard's EEO complaint resolution processes. The Settlement also stipulated that Goddard would provide additional training to managers and supervisors on issues like employee development, EEO, and diversity.<sup>527</sup> While this case did not concern Headquarters, it

---

<sup>524</sup> Albert A. Harrison and Edna R. Fiedler, "Behavioral Health" in *Psychology of Space Exploration: Contemporary Research in Historical Perspective*, ed. By Douglas A. Vakoch, Washington DC: NASA History Program Office, 2011, 40; Sawyer, Kathy. "The Man in the Moon." *The Washington Post*, 20 July 1994, accessed 6 February 2020, <https://www.washingtonpost.com/archive/lifestyle/1994/07/20/the-man-on-the-moon/0fc3cc3d-ea96-401d-9947-302ad1edad5a/>

<sup>525</sup> "NASA Goddard and Class Agree to Settle Race Discrimination Suit," *Inside Wallops*, Volume XX-02, Number 13 May 6, 2002, National Aeronautics and Space Administration, Goddard Space Flight Center, Wallops Flight Facility.

<sup>526</sup> *Ibid.*

<sup>527</sup> *Ibid.*

demonstrates the truth of MEAN’s allegation of “system-wide discrimination at NASA.”<sup>528</sup>

In 2014, a motion was filed with the EEOC to certify a class action representing over 2,000 black and Asian American NASA employees in GS grades 13-15. The claims are similar to those raised in the MEAN case “alleging discrimination in performance appraisal ratings that result in lower compensation and lesser promotion opportunities for members of those two racial groups.”<sup>529</sup> The administrative judge assigned to the case did not rule on the case for five years; in 2019 it was reassigned to a different judge, but by March 2020, the class was still awaiting certification.<sup>530</sup> The EEOC and court systems have not shown to be an effective or efficient tool for change in NASA’s treatment of minority employees.

### ***Reflections: NASA Institutional Memory & Race Relations***

In 2018, Congress renamed the street in front of NASA Headquarters “Hidden Figures Way,” alluding to the film (2016) and award-winning book authored by Margot Lee Shetterly, which tells the story of three black women, Katherine Johnson, Dorothy Vaughan, and Mary Jackson who were employees at NASA Langley. NASA hoped that this renaming would honor these women, “as well as all women who honorably serve their country, advancing equality, and contributing to the United States space

---

<sup>528</sup> Judge Charles Richey affirmed Headquarters “overall responsibility” for all NASA personnel policy. Order, Charles Richey, 2 Mar 1976, *Barrett v USCS & MEAN v Fletcher*, Vol 1, 12/16/74 - 7/27/76, Box 41 NARA I.

<sup>529</sup> “NASA Race Discrimination,” Mehri & Skalet PLLC, <https://findjustice.com/cases/nasa-race-discrimination/> (accessed 7 Feb 2020).

<sup>530</sup> Michael Lieder, phone conversation with the author, 13 Feb 2020; Mehri & Skalet, <https://findjustice.com/attorneys/michael-lieder/> (accessed 12 Feb 2020).

program.”<sup>531</sup> This event was NASA’s public-focused attempt to deal with its discriminatory past which Shetterly’s work had highlighted. The book and film highlighted issues of discrimination on the basis of race and sex intertwined. However, NASA chose to generalize the event to all women, and continue to leave them hidden by not using actual names.

Three white men, NASA administrator Jim Bridenstine, D.C. Council Chairman Phil Mendelson, and Senator Ted Cruz were the main speakers, along with author Margot Lee Shetterly. But perhaps even the individuals involved were not attentive to NASA’s own history. Administrator Jim Bridenstine announced that Hidden Figures was “a very prominent book that became a magnificent movie that *started a movement that brought all of us here today.*”<sup>532</sup>

Margot Lee Shetterly spoke at the dedication, and her comments touched on a fear of some older black NASA employees, that *their* names and struggles will be glossed over and forgotten, “let it [the street name] also remind us of the Hidden Figures way, which is to open our eyes to contribution of the people around us so that their names, too, are the ones that we remember at the end of the story.”<sup>533</sup> To some blacks associated with NASA, the “new movement” Brindenstine referred to looked identical to all NASA’s previous efforts. NASA has, in some way, celebrated Black History Month and black

---

<sup>531</sup> “Sign of Progress: Street Renaming Puts NASA Headquarters on Hidden Figures Way” 12 June 2019, ed by Karen Northon, NASA, <https://www.nasa.gov/feature/sign-of-progress-street-renaming-puts-nasa-headquarters-on-hidden-figures-way> (accessed 6 Feb 2020).

<sup>532</sup> Emphasis added. Ibid.

<sup>533</sup> Ibid.

firsts at NASA since the late 1960s. Gloria Taliaferro offered her perspective on NASA's black history efforts, exemplified by this street renaming,

I think it's full of crap. That [Hidden Figures] is a d— movie. We had—we have a lot of “hidden figures” at NASA...that's a bunch of crap. I don't know whose idea that [renaming] was “give a dog a bone—give them something.” That's full of sh—. I'm not happy about it. And from what I heard—who was there at the Agency? I wouldn't go there for sh—...That's a bunch of political BS.<sup>534</sup>

Shetterly proposed a lesson to all listening at the dedication, “Hidden Figures is about taking off our blinders and recognizing the contributions of the unseen individuals...whose persistence and whose courage have delivered us to where we are today.”<sup>535</sup> For NASA, removing blinders must include not only celebrating the excellent contributions of black employees, but also recognizing times when individuals were barred from contributing to their fullest ability and recognizing the deep injustice of discrimination. Throughout the course of the MEAN case, NASA consistently refused to frankly define and recognize discrimination. Without this fundamental shift, the agency will continue to perpetuate injustice.

Many individuals benefited by privilege refuse to believe discrimination occurs in employment believing that they have earned their positions through personal merit alone. Perhaps it is human to avoid recognizing and confronting the structures that offer oneself privilege and security. However, the example of white men at NASA complaining about reverse discrimination highlights that to some perceive steps toward equality as

---

<sup>534</sup> Gloria Taliaferro, Interview by Ruth Calvino. Oral interview. Oxon Hill, MD, 20 July 2019.

<sup>535</sup> NASA, “A Sign of Progress: Honoring NASA's Hidden Figures.” YouTube video, 1:16, 12 Jun 2019. <https://www.youtube.com/watch?v=y6NGgs8S4qs>



personally threatening. To desire justice often means putting others above one's own self-interest.

Racial injustice is often perpetuated by ignorance, whether willful or negligent. As the MEAN case demonstrated, employee-supervisor relationships strained under the pressure of cultural or personality differences. But supervisors rarely admitted that these differences were present, instead claiming a colorblind attitude which only further buried the problems. When black employees started conversations around race, white supervisors, perhaps uncomfortable, unequipped, or too busy, quickly shut down these essential conversations, refusing to believe there was anything to talk about.

Individuals in positions of power did not see a problem; perhaps nothing in their personal experiences gave them context to experientially understand the problems minority employees faced. When black employees brought up harassment and discrimination they experienced, people in power refused to call these injustices by their correct names, leading to frustration and deeper mistrust. Many of these supervisors defended themselves, saying they listened, had empathy, or felt badly for the individual. But yet they could not or would not see these injustices for what they were. It is uncomfortable and messy work to reckon with how one's own actions and deeply held beliefs may negatively impact another individual.

The MEAN case is a powerful example of what happens when people in positions of power seem determined to keep their blinders on. The persistent and the courageous suffer because of that attitude, demonstrated by the unending stream of cases since the MEAN settlement. In the midst of the agency's public celebrations of black history,

administrators and many white employees seem to remain unaware of the actual experiences of NASA's black employees and have made little progress in listening to and believing them.

## BIBLIOGRAPHY

### *Secondary Literature*

- Brown, Kate. *Plutopia: Nuclear Families, Atomic Cities, and the Great Soviet and American Plutonium Disasters*. New York: Oxford University Press, USA, 2013.
- Brugge, Doug. Timothy Benally, and Esther Yazzie-Lewis, eds. *The Navajo People and Uranium Mining*. Albuquerque: University of New Mexico Press, 2007.
- Davies, Margery. *Woman's Place is at the Typewriter: Office Work and Office Workers 1870-1930*. Philadelphia: Temple University Press, 1982.
- Dowd Hall, Jacquelyn. "The Long Civil Rights Movement and the Political Uses of the Past" *The Journal of American History*, Vol. 91, No. 4 (Mar 2005): 1233-1263.
- Dudziak, Mary L. *Cold War Civil Rights: Race and the Image of American Democracy*. Princeton: Princeton University Press, 2011.
- Dunar, Andrew and Stephen Waring, *Power to Explore: A History of the Marshall Space Flight Center, 1960-1990*. Washington, DC: NASA Headquarters History Office, 1999.
- Eagles, Charles W. "Toward New Histories of the Civil Rights Era." *The Journal of Southern History* 66, no. 4 (2000): 815-848.
- Fairclough, Adam. "Historians and the Civil Rights Movement." *Journal of American Studies* 24, no. 3 (1990): 387-398.
- Fenrich, Eric. "The Color of NASA: Racial Inclusion in the American Space Program, 1957-1978" PhD diss., University of California Santa Barbara, 2015. ProQuest (3733584).
- Findlay, John M. and Bruce W. Hevly. *Atomic Frontier Days: Hanford and the American West*. Seattle: University of Washington Press, 2011.
- Foster, Amy. *Integrating Women Into the Astronaut Corps: Politics and Logistics at NASA, 1972-2004*. Baltimore: Johns Hopkins University Press, 2011.
- Frederickson, Kari. *Cold War Dixie: Militarization and Modernization in the American South*, Athens: University of Georgia Press, 2013.

- Harrison, Albert A. and Edna R. Fiedler, "Behavioral Health" in *Psychology of Space Exploration: Contemporary Research in Historical Perspective*, ed. by Douglas A. Vakoch, Washington DC: NASA History Program Office, 2011, 17-46.
- Hecht, Gabrielle. *Being Nuclear: Africans and the Global Uranium Trade*. Cambridge: MIT Press, 2012.
- Hicks, Marie. *Programmed Inequality How Britain Discarded Women Technologists and Lost its Edge in Computing*. Cambridge: MIT Press, 2017.
- Jackson, Charles and Charles Johnson. *City Behind a Fence: Oak Ridge, Tennessee, 1942-1946*, Knoxville: University of Tennessee Press, 1986.
- Levine, Arnold S. *Managing NASA in the Apollo Era*. Washington, DC: NASA Headquarters History Office, 1982.
- MacLean, Nancy. *Freedom is Not Enough: The Opening of the American Workplace*. Cambridge: Harvard University Press, 2006.
- McDougall, Walter. *The Heavens and the Earth: A Political History of the Space Age*. New York: Basic Books, 1985.
- McQuaid, Kim. "Racism, Sexism, and Space Ventures': Civil Rights at Nasa in the Nixon Era and Beyond" in *Societal Impact of Spaceflight* eds. Steven J Dick and Roger D Launius, (Washington DC: NASA History Division), 2007.
- "The Space Age at the Grass Roots: NASA in Cleveland, 1958-1990" *American Studies*, Vol. 47, No. 3/4 (Fall/Winter 2006), 113-136.
- Mincberg, Elliot M. & Marc L. Fleischaker, "The Federal Sector Employment Project: Efforts by the Washington Lawyers' Committee to Combat Employment Discrimination in the Federal Government 1972-1983," *Howard Law Journal* 27, no. 4 (1984), 1339-1396.
- Nasstrom, Kathryn L. "Beginnings and Endings: Life Stories and the Periodization of the Civil Rights Movement." *The Journal of American History* 86, no. 2 (1999): 700-711.
- Newell, Homer. *Beyond the Atmosphere: Early Years of Space Science*. Washington, DC: NASA Scientific and Technical Information Branch, NASA History Series, 1980.
- Odom, Brian and Stephen Waring, eds. *NASA and the Long Civil Rights Movement*, Gainesville: University Press of Florida, 2019.

Olwell, Russell. *At Work in the Atomic City: A Labor and Social History of Oak Ridge, Tennessee*. Knoxville: University of Tennessee Press, 2004.

Plummer, Brenda Gayle. *In Search of Power: African Americans in the Era of Decolonization, 1956-1974*. New York: Cambridge University Press, 2013.

Ross-Nazzari, Jennifer, Shannon Lucid, & Helen Lane, “NASA Reflects America’s Changing Opportunities; NASA Impacts US Culture” *Wings in Orbit: Scientific and Engineering Legacies of the Space Shuttle* (NASA), 2011.

Stenehjem Gerber, Michele. *On the Home Front: The Cold War Legacy of the Hanford Nuclear Site*. Lincoln: University of Nebraska Press, 2007.

Snedegar, Keith. “The Congressional Black Caucus and the Closure of NASA’s Satellite Tracking Station at Hartebeesthoek, South Africa” in *NASA and the Long Civil Rights Movement*, eds. Brian Odom and Stephen Waring, Gainesville: University Press of Florida, 2019.

***Primary Documents, Interviews, and Memoirs***

Bates Harris, Ruth. *Harlem Princess: The Story of Harry Delaney's Daughter*, New York: Vantage Press, 1991.

Equal Employment Opportunity (EEO) Files, Code and DE Chron Files, 1964-1974, 1975-1982, #18505, Boxes 1-2, NASA Headquarters, Historical Reference Collection, Washington DC.

*Gale A. Watson v. NASA*, 1985 EEOPUB LEXIS 72; 85 FEOR (LPR) 1054.

*Gale A. Watson v. NASA*, 1988 EEOPUB LEXIS 3695; 88 FEOR (LPR) 21995.

George M. Low Papers- Alphabetical Subject Files, Equal Employment Opportunity files, #1-3, #13681-13684, #13685-13692, #13883, #13693-13699, #13700-13704, Boxes 32-34, NASA Headquarters, Historical Reference Collection, Washington DC.

*MEAN v Fletcher* Case Files, CA No. 74-1832, Entry No. A1158-1966-1981 Civil Action Case Files 1/01/1966 – 12/31/1985, Boxes 41-47, Containers 42-48, RG 21 District Courts of the United States US District Court for the District of Columbia, National Archives Building, Washington DC.

*MEAN v Fletcher*, signed draft, in the author's possession.  
Taliaferro gave this document, MEAN's initial statement of their case, to the author. It is a copy of what was submitted to the court.

NASA Publications: Various

Some NASA publications were found online as PDFs or through Google Books. These include weekly bulletins, History Office Newsletters, press releases, and reports. Footnotes to individual documents give online locations.

NASA, "A Sign of Progress: Honoring NASA's Hidden Figures." YouTube video, 1:16, 12 Jun 2019. <https://www.youtube.com/watch?v=y6NGgs8S4qs>

"NASA Race Discrimination," Mehri & Skalet PLLC, <https://findjustice.com/cases/nasa-race-discrimination/> (accessed 7 Feb 2020).

OPM, "Rates of Pay Under the General Schedule Effective the first pay period beginning on or after October 1, 1974," Office of Personnel Management, 1974 <https://archive.opm.gov/oca/pre-1994/1974GS.pdf> (accessed 4 Mar 2020).

Phone conversations: Rachel Trinder, Rod Boggs, and Michael Lieder, civil rights lawyers for plaintiffs in racial discrimination suits against NASA.

During these phone conversations, these lawyers offered valuable insights into their perspectives on the cases, their legal strategy, and their interactions with plaintiffs. Rachel Trinder worked specifically on Taliaferro's claim. She has reviewed and consented to use of her remarks in this thesis. Michael Lieder is a civil rights attorney currently litigating a class action lawsuit against NASA on behalf of African American NASA employees. Because the EEOC has not yet certified the class, the documents of the case are not publicly accessible, and therefore his summary of the case's argument and current status were essential to the author. He has reviewed and consented to the use of the information he shared in this thesis. Rod Boggs worked on the MEAN case as a whole and on Taliaferro's claim specifically. As the director of the Washington Lawyers' Committee for Civil Rights, he litigated discrimination numerous cases against various federal agencies. While not quoted, his insights were valuable to contextualizing the normalcy and abnormalities of the NASA case compared to other similar litigation.

Phone conversations: Alex Roland and Marcus Goodkind, former NASA employees. Alex Roland was employed in the NASA History Office concurrently with Gloria Taliaferro during the time in which she felt she had been discriminated against. His recollections of the office culture included impressions of NASA historians Emme and Wright, both of whom were implicated in Taliaferro's claim, and his limited knowledge of the issues between Wright and Taliaferro. He has reviewed and consented to the use of the information he shared in this thesis. Marcus Goodkind worked at Kennedy Space Center in Florida from 1959 to 1980; he related information concerning NASA culture regarding women and minorities and his own experiences with attempts at integrating the NASA workforce. This information provided helpful background context.

Sawyer, Kathy. "The Man in the Moon." *The Washington Post*, 20 July 1994, <https://www.washingtonpost.com/archive/lifestyle/1994/07/20/the-man-on-the-moon/0fc3cc3d-ea96-401d-9947-302ad1edad5a/> accessed 6 February 2020.

Taliaferro, Gloria, interviewed by Ruth Calvino. Oxon Hill MD, 20 July 2019 and 20 October 2019.

Taliaferro was employed at NASA Headquarters, as well as contract work at Goddard and Kennedy Space Flight Centers, for nearly forty years; she was known as a civil rights activist within the agency. She, along with two other women, organized MEAN, and then became a named plaintiff in the case *MEAN v Fletcher*. Her individual claim was litigated for six years after the initial MEAN settlement.

These two interviews were recorded and transcribed. Taliaferro has consented to their use in this publication, but the recordings and transcripts of the interviews will not be made publicly accessible at her request. Taliaferro also had numerous phone conversations with the author, where, often she clarified details or gave

information; while not recorded, notes from these conversations provided the author clarification, context, and background information. Taliaferro has reviewed and consented to the use of the quotations included in this thesis.

U.S. Congress. Senate. Committee on Aeronautical and Space Sciences. *Review of NASA's Equal Employment Opportunity Program*. 93d Cong., 2d sess., 24 January 1974; Box No. Y 4-546, Congress (Committees of Congress) Senate Appropriates Committee, 1906-, Publications of the Federal Government, RG 287, NARA I.

U.S. Congress. House of Representatives. Subcommittee on Civil Rights and Constitutional Rights of the Committee on the Judiciary. *Hearing on NASA's Equal Opportunity Program*. 93<sup>rd</sup> Cong., 2<sup>nd</sup> sess., March 13-14, 1974. Accessed through Google Books.

U.S. Congress. House of Representatives. Committee on Science and Technology. *Hearing on H.R. 11573, 1977 NASA Authorization*. 94<sup>th</sup> Congress, 2<sup>nd</sup> sess., 27 Jan 1976, 258. Accessed through Google Books.