Dilg: This is Janice Dilg with the Washington State Women’s History Consortium Equal Rights Amendment Oral History Project. Today is August 26, 2008. And I’m interviewing Gayle Barry in her home in Medina, Washington.

If you would start, Gayle, by stating your full name and the date and place of your birth.

Barry: My name is Gayle Barry. I was born in Bremerton, Washington, on June 23, 1935.

Dilg: And you could go ahead and talk about kind of your background, your family, and where you grew up in the Washington area.

Barry: My time in Washington from the time I was born was spent in three basic locations, but all very close. The first in North Kitsap County, which was the home of my mother’s parents, and later my father’s mother. The date of my birth indicates that I was born before World War Two and during the Depression, which had to do with many things in my life. And I lived there until my family, my mother, my father, and my one sister at the time and I, moved to Seattle when I was about four. The reason being that my father got a job at Boeing, where he remained during World War Two building airplanes.

We lived in Seattle until 1950, North Seattle, close to Woodland Park. And at that time, I continued my education in Seattle until I completed high school, but we moved to Bellevue at a time when it was a small, unincorporated town with lots of dirt roads. I have remained in the Bellevue area since that time.
Dilg:  Describe a little about your family life. You had a couple of siblings.

Barry:  Right.

Dilg:  And sort of what was the birth order, and–

Barry:  All right. I’m the oldest. I was, as I say, born in 1935. My parents lost a second child at birth, and then a third child is the older of my two sisters, Patricia Helen Barry Dootson. She was born in March of 1938. In terms of family issues, there were some health issues with her that were overcome, but she was quite ill, as an infant and it was iffy at the time. That was our family for a really long time.

When, in June 1948, two days after my thirteenth birthday, my second sister was born. Her name is Jan Evelyn Barry McClinton. I’m close to all of my family. I’ve lost both of my parents: my mother in 2000, my father in 1993. I see both of my sisters regularly. We celebrate family times together, still. They’re close by in Bellevue and Issaquah. My sister Patricia married and had three children, and started nurse’s training after high school. She left training when she became ill with rheumatic fever, but later finished her training after she had her family. She spent her career in nursing—is now retired.

My youngest sister, Jan, went through school and became a teacher. And she taught at the junior high level. After she had her third child, she retired from teaching, and doesn’t plan to return to teaching. So that constitutes my siblings and our basic upbringing.

My parents, I think, were very much affected by the problems of the Great Depression, as they call it. My mother is the daughter of an immigrant Norwegian couple who met and married in Seattle. They came from different parts of Norway. My father came originally from Minnesota, although he was not of a Scandinavian background. Primarily Irish and some French, perhaps. He arrived here as a ten year old. His family lived in Tacoma and a wonderful small town by the name of Pe Ell, where he graduated from high school, and then his family later moved to Seattle.
My mother spent her entire childhood in the North Kitsap area and came to Seattle when she graduated from high school where she got a job at Kress’ dime store. [laughs] [This, of course during the Depression. Narrator note] My parents met not too long after that when they both got jobs at a place called Manning’s. Manning’s was an earlier purveyor of coffee in this area. [chuckles] They had a small cafeteria-style restaurant, but the history books on Seattle show Manning’s Coffee Roasters in Pike Place Market.

After the war, my father left Boeing and spent his career in selling hotel and restaurant supply equipment. His personality didn’t seem to say that he was a salesman, but he was apparently a very good one. After my youngest sister started school, my mother went back to work and worked for many years at Frederick and Nelson, which of course is now defunct.

Dilg: You were mentioning as we were getting set up about that you really grew up around a lot of women.

Barry: I did. I have two sisters and no brothers. My mother was one of four daughters raised to adulthood, and among three of the four, there were seven granddaughters for my grandparents. The second child that my parents had that didn’t live was the only boy. [The only boy in two generations of my mother’s family.]

My father’s family was more evenly balanced, but his mother left an abusive husband, bringing the four children, two boys, and two girls to Tacoma, I believe it was 1922. She came here with a six, eight, ten and twelve-year-old, and with no job. Her training was musical, and she supported her children by teaching piano.

Going back momentarily to my Norwegian immigrant grandparents, they were like most immigrants at the time, very, very committed to Americanization. And I’m really blown away when I consider how able they were in the English language without the help that we now have of English as a Second Language and various aids of that type. They did not speak Norwegian in their home unless on a very few occasions there was a non-English speaking guest. In fact, if I stayed with them, I would wake up in the
morning and hear the two of them speaking in English. They did not speak Norwegian to each other.

Part of that, I think, resulted from the various dialects in a country like Norway, which is so mountainous. There are variations in dialects. They came from different parts of Norway, and they may not have spoken dialects that were compatible. My Norwegian grandparents, who spoke with an accent, only spoke English. The unfortunate part of that is that we are not bilingual as we might have been.

So my primary exposure to men during my growing up years during World War Two was to my grandfather and to my father who worked, as all men did at the time, seven days a week. Various uncles and the like were off fighting wars and doing things like that, and I didn’t grow up with contemporary young boys. I had on my dad’s side boy cousins who came later, but they were not my contemporaries. So that was my exposure. It may have had something to do with how I developed. I was around male figures who did not feel that gender prevented you from doing what you wanted to do. And I speak there of both my father and my grandfather. Clearly my mother. “Gayle, you can do anything you set your mind to.” [laughs] So that may have had something to do with where I found myself.

Dilg: You mentioned briefly that you did most of your schooling in Seattle, even after your family moved to Bellevue.

Barry: That’s correct.

Dilg: What was your education like? Where did you attend school?

Barry: Grade school, B.F. Day on 39th and Fremont. I believe it may be the oldest school still operating in Seattle. Again, because of the wartime, the teachers were number one, all women, except for the principal. And, of course, you couldn’t have a woman principal then. And the teachers were all older, and most of them unmarried. In that school, they had two special programs for children. One was a so-called “sight-saving program” for children with limited vision. And the other was the “vocational students”
who were probably high school age, and were apparently thought not to be able to do some types of work. But they were in that school as well. [coughs]

So our exposure there was not just as a grade school, but it was a broader, the children who were sight-savers were mainstreamed—a term that had not yet been coined—as much as possible. They did some things, probably reading, and various things like that separate from the main class. These were visually impaired. I don’t believe, as I recall, that they were blind, so they were taught to read normally. They were in many of our classes, and these things were happening in the early ‘40s. So I think they rediscovered some of these practices maybe twenty years later. [laughs]

Dilg: Right. And then was there junior high and high school at that point?

Barry: Yes, there was junior high. It was junior high from seven through nine. For me, it was Alexander Hamilton Junior High School. And at one time, it had been very, very strictly enforced discipline by one of the earlier principals, and it had earned the name "Hamiltraz." [laughs] But by the time I got there, it was a little bit more casual.

That was an interesting time. I remember one or two particularly good teachers. I was going through some things that my mother saved, [and some were from] a social studies teacher who I’m sure he used his praise [to encourage his students]. I can recall one of them, and I don’t remember what the project was at all, but on it, he had written, “Excellent work, Gayle. Be sure to think about a college career.”

What that tells you is people didn’t automatically think of it. I can’t tell you whether he was seventh, eighth, or ninth grade, but he was, oh, that sounds interesting. And he’s probably the most memorable one in junior high. You always remember a couple, like your first grade teacher, Miss McCassey. And a very good music teacher and art teacher. I liked music and art, but didn’t excel in it. Then there were those that were terrifying to you—I had my share of those—in a way that would probably no longer be allowed.

What I also remember about grade school—harkening back to World War Two—we would have air raid drills. Once a week you could buy savings stamps to put in a book to buy savings bonds, and children were encouraged to do that.
This was a dominant thing in my childhood, the fear factor. Fear of imminent bombing, and things like that. I’ve observed since I’ve grown up [that these fears were] much stronger here on the west coast than in other parts of the country, with appropriate reason. And I continue to this day when I go over to Kitsap County, one of the things I recall is taking the Bremerton ferry during the war. There were submarine nets there, and the ferry would get to Bremerton shipyards in the Bremerton Harbor, and cut the motors way back while they opened the submarine nets, and go through, and then close them. Also around that time frame, on the points where my grandparents were, they had barrage balloons. These were balloons that were likely to keep strafing planes, which never came, from being successful. And my grandparents’ home, which is very close to a place that my two sisters and I have, was right across from Keyport Torpedo Station, now called the Naval Undersea Warfare Center. My grandfather worked there until just before World War Two, and he used to row to work, but that was very carefully guarded, too.

For a child, is a strong fear factor, and when I compare my wartime experiences with other people my same age, it’s quite different if they were from a different part of the country. I had one cousin about a year younger, whose family had been in Dutch Harbor, Alaska and they were evacuated before it actually was bombed by the Japanese. And her terrors were even stronger than mine. [laughs]

We had blackouts and things like that. This was part of my grade school experience. I don’t know that that has much to do with [my later decisions, but the war experience was significant.]

Dilg:  It sounds like you were interested and engaged in your education, and schooling was something interesting and important to you.

Barry:  It was, and I always did well in my classes. And I always hasten to add that I was committed to doing it and wanted to please people, but it was not, I wasn’t doing something that was difficult for me.
Dilg: Right. So aside from the junior high teacher who made a note on your social science paper about college, was that something that was discussed in your family that you were expected—

Barry: Well, both of my parents graduated from high school. Mom from North Kitsap and my dad, as I say, from Pe Ell, and then his family moved to Seattle. And it was not financially possible [for him to go to college.] He tried to go for a quarter to the U (University of Washington) and could not manage the finances. Interestingly enough, my husband’s father also tried and couldn’t for the same reason. His older brother did go, for a very short time, to Washington State.

Now just to go back for a moment, I don’t know that much about my father’s own father. But my mother’s father in Norway had gone from his local area into the King’s Guard in Oslo. And then when he came to this country, spent some brief time at St. Olaf’s. So what I’m saying is that yes, education was valued; it wasn’t easily available. And my dad really wanted me to go. I didn’t want to go. I figured I was finished with school in high school. He said, “Well, just go for a while.” And of course, I went on through. So they valued it and were supportive. And that was before student loans and things like that. It also wasn’t as expensive. It was hard, but it wasn’t as expensive.

I went to Lincoln High School in Seattle. I went briefly to Bellevue. I had two outstanding, totally different geometry teachers. One was named Mr. Odle here in Bellevue. There’s a school named for him. And the other was Mr. Koehnig at Lincoln. Totally different personalities and excellent teachers.

An outstanding French teacher that I recall who was able to teach her students to pronounce French without an accent. I took quite a bit of French in college, but now could not say more than “bonjour.” [laughs] Well, I can do a little more than that, but I did not learn to speak it fluently. Those were my positive high school experiences, and I just went to a high school reunion not long ago and was looking at an annual, and had forgotten that in a class of five hundred and some, I was in the top twenty. I don’t know where in the twenty I was. So, obviously it was something that I was able to perform and do well.
As far as my parent’s emphasis on college, again, it was not financially possible. For instance, my mother had given up an opportunity to go into nurses training because it would have meant borrowing money, and she didn’t want to do that. Very unlike now. [laughs]

At any rate, I remember the high school counselors talking to various students, me included. I was somewhat clueless, I’m sure. But I remember one of them saying something interesting. “Well, you take your undergraduate work on one side of the country, and your graduate work on the other.” Oh. Maybe a person does graduate work. An interesting concept, and of course it makes some sense to do something like that. But this is how they were talking to those of us whom they saw as viable college students.

And I just applied to UW (University of Washington). There was no such thing as applying to schools all over the place. I applied to the U, and was accepted. Then I went through what they then had. I don’t remembered when I decided I wanted to be a lawyer. By this time, I already knew one of the things that bothered me is they would ask you things like, “Do you want a career or do you want to get married?” And I was thinking why can’t you do both? [laughs] Guys don’t have to decide that.

Dilg: So they were gender specific questions.

Barry: Yes. I didn’t want to give up having a family, things like that. Although I didn’t want to marry early because of several things that I observed, that I didn’t like that women had to deal with.

Dilg: Elaborate on what kinds of things?

Barry: I was seeing that women didn’t have power to make decisions themselves. And I was in a more reasonable family than many. But of course the legal system was set up to limit the power that women had. I didn’t recognize that that was part of the problem at the time, or part of the issue, a lot of people didn’t think it was a problem. I thought getting married could mean giving up too many things. And I didn’t like that at all. So I
was also thinking well, I guess maybe I’ll never get married, so maybe I better be able to support myself.

You were asking about whether there was an emphasis on college. What my folks emphasized is they wanted the three of us to be able to support ourselves. This was essential in their view. So they got a lawyer and a nurse and a teacher. So they accomplished that goal in plain solid, useful services.

So that was, before I went to college; I know my grandfather was still living. One of the interesting things that happened about that time—you’ve heard of the House Un-American Activities Committee?

Dilg: Absolutely.

Barry: Well, this was happening during my high school and college years. They had hearings here in Seattle. They were hauling people out, when I think about it now, it’s a terrible, terrible travesty. But my grandparents had a TV, and I was maybe eighteen or nineteen, and I was visiting my grandparents. And I had gone outside to play—that’s a term you don’t hear much anymore, go outside and play—and Grandpa came out and said, “Gayle, Gayle! Come in. there’s a woman lawyer on the TV.” And I went in there, and indeed, there was. And I think I know who it was, but she was a particularly dumpy looking woman. Oh, she looked awful!

He said, “You don’t have to look like that!” So he knew that I was thinking in those terms, and he was supportive. And I have to give him his due. I’ve talked to other people who said their immigrant grandfathers and fathers were absolutely “anti” [educating girls in this manner.] That wasn’t mine, at all, not at all. I recall specifically seeing one of the hearings, and the representation. And the lawyers, [representing the people appearing before the HUAC committee.]

I also remember hearings were going on involving two college French teachers that I had. Those two UW professors took the Loyalty Oath cases to the Supreme Court. The last names were Keller and Nostrand. I had taken classes from them, and seeing the abject sad, panicked look of these powerful people, in my view, before a Senate
committee in the McCarthy Era. It was devastating to see, and certainly, I was already thinking in terms [of the importance of constitutional freedoms.]

I went to a high school reunion about a month ago, and those become more interesting with time. [laughs] This one was number fifty-five, and I saw Peggy Ullman. She said, “Gayle, I remember you in junior high saying you wanted to be a lawyer. And then you did.” I don’t remember it, but apparently I was thinking about it a long time.

There was a combined degree program during my time at college. I went through, taking mostly French history, and courses like that for three years, and then you started law school your fourth year. My undergraduate degree, is a Bachelor of Arts in Law. And it was a very successful program, they haven’t had for years, but it existed in some form for a number of years. What it meant was your entire undergraduate bachelor’s degree was dependent on all those classes you took that fourth year. You couldn’t have a bad fourth year. You could do average, which I did that first year, but you had to be successful.

And so I got my undergraduate degree at the end of my first year of law school, and in those days, it was an LLB, [which I received two years later.] Later, the degree was a JD, but I never had mine turned into a JD, because that’s not what I got at the time. I was very young when I got out, which was both a plus and a negative.

Dilg: Which was?

Barry: ’59.

Dilg: 1959, when you finished your law school.

Barry: Right. And I was just about to turn twenty-four. And quite young, certainly in life experience.

Dilg: So when you were on campus and you were talking about some of the questions that you would be asked about: Do you want a career, or do you want to get married?
Barry: This was more high school.

Dilg: But when you got to college, what was the gender mix of the student body at that point? And what were the attitudes that you experienced among your peers?

Barry: Well, I lived at home for financial reasons. I was not part of campus life. I had friends that had come from high school and things like that, and people I was in class with and had coffee with. I can’t really speak by personal experience to those that lived on campus,. There were a number [of girls] going to school for an “MRS. degree,” (A Mrs. Degree) and there were an awful lot of students that married right out of college.

As far as the mix, I’m trying to think about the male/female, and I don’t know. I’m pretty certain at that point that there were significantly more men than women. Now keep in mind that was also when there was the draft deferments, so it was important for the guys to be in school if they wanted to defer their draft. My husband graduated the summer before I started. He was under a draft deferment, and later resigned the commission from the ROTC and enlisted in the regular army. His post-college life is interesting there, too. He went through boot camp training, went to CIC (Counter Intelligence Corps) School and the army language school for a year in Japanese. He did some really interesting things, really fun things.

Dilg: So did the gender mix change considerably when you started the actual law degree program?

Barry: [laughs] I’ll tell you—whether it’s war stories or anecdotes or whatever—there were certain requirements that you had to take if you were going to be in the combined degree program. Most of my classes had been in arts and sciences, history, French, and language and stuff like that. Then I took a basic real estate course; it may have been a 300-level course, I don’t really remember. I walked in there, and it was a small classroom, and there were twenty-five, thirty guys, and three women. And that was my first experience in being in a class loaded with men and no women. And I thought, “Wow!”
So I went back the next time, and the other women had dropped the class. And there was me. “I can’t do this! Gayle, you’re planning to go to law school. If you can’t handle this, you better—.” So I stayed; I took the course. I was the only woman in that course. In fact, I had that professor do one of my recommendations to get into law school, which I thought made some sense; not to have only ones from arts and sciences.

A couple of things happened as far as the attitude at the time. We had our routine exams, and I did well in them. They post the grades—these are details I’ve not thought of for years—and I can remember standing just before a final, in a group, maybe at the beginning or the end of the class—and they made some comment about my good grades. They looked at me and they said, “Well, bad luck in the final.” And they were quite serious. [laughs] Well, I didn’t have bad luck, and there was no way I was going to, after that. I had an ancestor, I’m told, who was known by the nickname Stubborn Nels. [laughter] And I’m thinking it might have been genetic. Anyway, that happened, and that was when I was a junior.

That sort of thing really angered me—set the jaw, and put one foot in front of the other. I was quite determined that that’s what I was going to do, and I didn’t know what it was going to be like in law school. The law school class started with about 150 students, the incoming class. It used to be they would go through, I call it a hazing process, but they’d weed people out. They don’t do that anymore. It was never a good thing to do anyway, because it makes everybody miserable, and I don’t think it makes better lawyers. But that’s what they did.

As an undergraduate, you take a class, and maybe take a couple of exams, or a midterm and a final; maybe a quiz or two. You got a sense of this teacher and what they seemed to want. However, in law school at that time, you took several classes. One that first quarter was Personal Property. You started by taking Contracts and Torts when you came in that first quarter, and you took them all three quarters. Ten or eleven credits rode on that grade. You took no exams, until the final, which lasted four hours. [These two courses made up nearly one half of the first year credits.] I didn’t do that well that year. I did average, but I didn’t do well. Later on, I did a whole lot better. I know for the Torts exam I had a blinding headache that hit me just before the exam.
Another thing that happened, I’d never taken a four-hour exam. I’d get so hungry! [laughs] Low blood sugar. I learned to bring something to class, and it made a huge difference. I don’t know how many people I told after that, “It’s a long time. You need something to keep your blood sugar up.” I can recall two things as the day went on, thinking, I can’t do this anymore. I think maybe someone now might be better prepared for that reality. It’s kind of a practical issue, to survive that kind of a long—there were other exams in classes that were only two or three hours—but some of them were four hours long. When I say they were four hours long, they weren’t things that you checked and could get out early. They were long exams; you have to divide your time. You simply had to. And you might leave something unfinished, rather than not get to the last one. If you wait until you finish each one and never get to the fourth one, you’re already have lost one quarter of a grade.

Dilg: You had to strategize.

Barry: Yes. But the low blood sugar thing was significant, and I suspect that may have had something to do with the headache. I just remember that clearly. You learn all kinds of things. But that was a huge shock. I got through that first year and had a much better sense of how to approach it after that.

Dilg: Did you have mentors, either fellow students or faculty that helped you figure things out or encouraged you?

Barry: There were three classes: first, second, and third year. Twelve started. By the time we finished that first year, there were five of us. One never came back. Two finished the next year. One was part time; she was raising kids. And another one took a year off and to travel and came back. I was the only one that graduated in my graduating year. The year ahead of me there were two women. The classes went from about 150 students to about 85. A lot of them were vets and older, and they’d had other careers. I was limited in life experience. [laughs]
So, the mentoring was among the women, and there weren’t that many of us. And I had the support of family. One of the things that helped me a lot is was my family physician in Ballard. I was jittery and couldn’t sleep. I was drinking so much coffee I was floating away. I knew medicine wasn’t for me because of the “yucky” stuff I’d have had to do. [laughter] Anyway, my physician said, “Gayle, you don’t need as much sleep as you think you do. I sometimes only got two hours when I was going to medical school. Just relax.” And then I think she gave me early tranquilizers that I used for one month, at which point I gained some sense. She said, “Knock off the coffee. You can have one cup in the morning.” That was a huge help. In other words, having someone who’s been through some similar sort of things. I’m sure there’s much more help available now.

The answer is, I don’t recall much help. There were discussions with the other women, but there weren’t that many to talk to. One of them, in the class ahead of me, although we had a fair number of classes together, left because she’d had a baby the summer between her first and second year. She’d been in the Marines, graduated from Brown University in physics, joined the Marines. Her husband was in the Navy; he came out to teach in the ROTC, and she resigned from the Marines and came out, too.

Dilg: It was a different time.

Barry: It was indeed a different time. At any rate, she dropped some of her classes that second year. They had a sitter, and Tim, her husband, when he didn’t have class, would take Timmy. But a few times it would break down, and the first year class, and second year had classes at alternate times. So the first year class would baby-sit Timmy if Mary Ellen lost her sitter. So it was a small group of women students.

But mentoring in a sense of helpful, I didn’t come from a family of lawyers. So I had the actual support, but not an experience base to turn to.

Barry: So I didn’t have a mentor. And when I say “I,” maybe some of the others did to the extent that they had family in law. So that at least they could talk the same language.
Dilg: So how did you decide what type of law you wanted to practice? I know you were in private practice initially.

Barry: Mm hmm. And general practice. Actually, one of the interesting things is by the time I got out of law school I think I was number thirteen in the class. So the last two years, I did a whole lot better than that first year. And I say that because had I been a man in that position, I’d have been sought after. Almost all the guys had jobs. I had to pound the pavement, and interesting experiences on interviews then, and later as well.

And I got a job, and it was an excellent experience. One of three lawyers that I worked with most was a very supportive guy. But it wasn’t a very friendly setting, because the other two partners weren’t real sure about women lawyers. And I would have never gotten into litigation. Now, litigation is stressful. But my own view, and I knew at the time, is you had to be able to do it. And you needed to do this early in your career, not late. You don’t want to be learning that later on. The answer to “What law do you practice?” many times is just pure chance. I think that was true of me., and the breadth of experience I got in that first firm was lifelong helpful with what I did going on to help other people. Had I been making a choice, it would probably have been labor law. Didn’t work out. And in fact, I turned down a job with the National Labor Relations Board (NLRB) in Washington, D.C. But my point was, I needed to do litigation, and that offer was in the appellate division, not litigation.

I’ve often had thoughts about what it would have been like to go to D.C. at that time. And in thinking about it over the years, it would have been very close to the time that Elizabeth Dole was in D.C. But there were no litigation positions open in any of the NLRB districts in the country, and I’m not sure they’d have put me there. That I don’t know, and I won’t ever know.

So in the meantime, I interviewed with the [state] attorney general’s office through a friend of mine who had been there earlier. There had been a couple of women in my division earlier, which was Labor and Industries (L & I), and where I spent my career. I spent ninety-five percent of my career doing workers compensation, which is very heavy on litigation: taking testimony, cross-examining, preparing witnesses, trying
cases, etcetera. So that was most of it. And then women’s issues I did in addition to those duties.

Dilg: So you went to the attorney general’s office in 1962?

Barry: ’62.

Dilg: You had been doing general practice for a couple of years. Talk about a little what the interview process was like, and what the attorney general’s office was like when you first started there.

Barry: I’d had my first interview in the Seattle office, with the head of the Seattle office and the head of the Seattle L & I division. I applied for the Labor and Industries, for litigation. That’s also where my friend Barbara had been, so she was familiar with it. Then they asked me if I really wanted to do this kind of litigation. I’d be thrown to the wolves, because these are very experienced opposing counsel, which they were. I did get thrown to the wolves. They were right. “Yes, I want to do that.”

So they set up an interview with John O’Connell in Olympia. I went to Olympia and met him. Maybe it’s because he hired me, maybe it was because I was young, who knows, but he was the most impressive to me of all of the attorneys general. He had a certain basis of honor [and acceptance of women] that was surprising for the time.

At any rate, we had the interview. He said, “Well, I’d like to hire you, Gayle. We could use a woman on staff” So I went in and there was fairly little formal training. People did try to help me. In time, the training for new hires became much more formalized. When I started, and one of the things I noticed was there had been no women in the division for a number of years. There was only one other woman on the AG staff in Olympia. She might have been DSH’s Department Social Health Services. I can’t remember exactly.

Anyway, they gave me a longer time than they would have a guy before I had to go into hearings. And I got only a half of a week the first week of hearings. Shall I tell you about one of my first cases? [laughs]
Dilg: Absolutely.

Barry: It was an “aggravation: case, which is a technical issue to reopen a case for more treatment—“I got worse after the case closed.” It was a testicle injury. [laughs] And I looked at it and I thought, this has to be planned, but it doesn’t make any difference. Everybody claimed it wasn’t planned. But in all the years I was there, I think I only had two other testicle injuries, and I’m speaking thirty years, so—[laughs]

So, anyway, I had to find out what’s going on. A friend of mine in the class ahead of me was living out in Sandpoint, and they had a couple of young doctor neighbors going through residency. I called Mary. I said, “God, Mary, I have this case.”

She said, “I’ll talk to Henry.”

So I went out to see Mary, and Henry came down with his anatomy book. [laughs] Every time I’d go in the library at the office, people were so polite, “Can I help you, Gayle?”

“Oh, no!”

So I got prepared on the issue. And I realized by then that the men had been handling cases about menopausal women and all of these so-called female problems for years, and if they could do that, I could surely do what I had to do.

So I walked in the hearing, and the room was filled, filled, filled with men. The reporter, the hearing examiner, the opposing counsel, the witness. The opposing counsel was one that didn’t handle workers’ compensation claims very often. I had had a lot of instruction on questions to ask and answer. And one of the classic ones when you’re dealing with physical injury is objective and subjective, pain being subjective, and therefore not measurable when you’re trying to figure something out. It applies not just to this kind of injury.

So I’m asking my questions. And I said, “Was there a change? Was this objective or subjective?” Well, it’s subjective, it’s pain.

And afterwards, the opposing counsel, a very pleasant guy. I only had one or two cases with him after that, came over and he said, “Gayle, I probably shouldn’t say this to you. But,” he said, “have you ever seen a basketball player get the wind knocked out of
him on the basketball court?” And I said well, yes. And he said, “Well, that’s not what happened. And I can tell you, that pain is not subjective. It’s objective.” [laughs]

It was funny. But all of the men in there were really uncomfortable. Much more so than I was. It was a grit-my-teeth and go ahead. So that was one of my first experiences. You learn a lot in what I did about medical issues. There was a lot of it, it was constant. Hearings, depositions, and it is high stress because of it. You never know who’s going to say what. Even with the best preparation things can go awry. But anyway, that’s mostly what I did.

I did a fair number of jury trials over the year, which I liked to do. Well, I didn’t like it when I was starting, you always get nervous. But it’s one of those things. So I did a lot of that. And then as time went on, the whole training process increased and improved. And I worked with a lot of people in the actual training process. Because it’s really scary when you start out in that kind of business, when you think you’re going to be eaten alive.

Dilg: Right.

Barry: So I did mostly that. [Then the women’s issues arose and I was also assigned to the Washington State Women’s Council as their assistant attorney general.] I was doing the Women’s Council work as well. I was doing the Women’s Council work in addition to the Labor & Industry work. Occasionally they tried to relieve me of some of my regular worker’s comp stuff.

Dilg: So are you talking about your work as legal counsel?

Barry: Yes, but it was in addition. This did not involve any kind of an increase in pay. Gisela [Taber] had checked into the specialty counsels, Native American, Black, Asian. I can’t remember all of them, but there were several. There were not as many as now, because not as many minority groups had been fully recognized. In each case, the executive director was male, and in each case, they were paid more than the executive
director of the Women’s Council. And of course, the interesting thing about that was that
women are the only one that was the majority but needed to be treated as a minority.

Dilg: Right. How long had you been in the attorney general’s office before—?

Barry: The interagency.

Dilg: Which was, was that the Interagency Committee on the Status of Women.

Barry: I don’t think I was in there to begin with. I don’t recall how I got appointed.

“Gayle, we want you to go down and do this.” The committee had already begun work on
the community property issues. That’s when I came in and continued the process. I’m
thinking I probably got into it closer to ’71, to the interagency. [Later, when the Women’s
Council was established and I was assigned to it, the work on community property issues
was transferred to the Council.]

Dilg: So there had been a change in the attorney general at that point. Or was O’Connell
still—

Barry: O’Connell was, in ’62 he ran again that year. ’66.

Dilg: I didn’t quite have that straight from the records I was looking at.

Barry: [thinking and counting years] I think that Slade [Gorton] must have been AG by
then, and the reason I’m saying that, that picture.

Dilg: The picture being referred to is from the Kick Off of—

Barry: —the Equal Rights Amendment. And you have a date on yours.

Dilg: The fifth of June, 1972. And Slade Gorton was the attorney general at that point.
Barry:  Right. So he must have been.

Dilg:  So you had been working mostly in worker’s compensation issues. And then you were assigned to the Interagency Committee on the Status of Women. And this was in addition to the duties that you’d been doing.

Barry:  Right.

Dilg:  So what were you asked to do as part of the Women’s Council?

Barry:  I remember going to meetings in Olympia. There were some really interesting women. One was the state librarian. Marian Reynolds was her name. One was Evelyn Hilton, she was chief of Women and Minors at the Department of Labor and Industries. Someone else—Janet Ward, I think she was DHS.

Dilg:  Oh, I’ve seen that name.

Barry:  She was chair at the time. These are only three of the very interesting women that I met in state government. The first meeting that I remember was at the state library on campus in Olympia. The reason I think I wasn’t there to begin with is they had already tried to do something about community property. And I got in there and said, “We’re not making any headway.” I pointed out that under the management provisions of the existing law at the time, the husband was the sole manager of the community personal property. This, by logical extension, meant that a workingwoman couldn’t receive and manage her own income, because that’s community personal property. And that seemed to be such an obvious fairness issue to me that it would be okay to allow her to manage her own salary.

So the first draft that I recall proposing, not because it’s what I wanted, but because I thought it might fly—it’s a practical call—was one that would have given her the right to receive and manage her own income. That fell flat. So, that’s not working.
Dilg: This was within the Committee.

Barry: This was within the Committee.

Dilg: Do you remember, just generally, the how issues were raised?

Barry: It was such a short time before the Women’s Council that I’m having a hard—

Dilg: Okay.

Barry: I think Janet Ward was the chair. And there are some letters in there from her that I recall going through my materials. I don’t think I retained any copies.

Dilg: That’s where I saw her name.

Barry: And my recollection, and it is just that, is same issues—equal pay, childcare—all of the same issues that continue to haunt people today, except that now at least they’re recognized. You can say that much, and that progress has been made. So the Interagency Committee members were discussing those issues. But it was in the interagency setting within state government. The Women’s Council, was intended to be broader and cover more than just state government. And that was the significant thing as far as the executive order creating the Women’s Council.

The Interagency committee continued. I couldn’t do everything. So at one of those meetings where Gisela [Taber], who had been chosen to be the executive director of the new Women’s Council, came to a meeting. We obviously were discussing community property. I’m sure we also discussed the Equal Rights Amendment, too, but I just don’t remember well enough to say that. And so I was back to the drafting table, figuring out what to do. Gisela asked that I be assigned as the legal counsel.
So that’s how it happened. And then I think one of the letters from Janet Ward says, “and transfer the community property issues to the council.” She made that recommendation.

And it would have been at that point that we started drafting—and I think there was action on that earlier bill, and that must have been when I saw [the members of the legislative committee] needed to be a couple of impressive male lawyers from the area, professors, preferably, [supporting the concept of equal management powers]. And so, I think the community property changes passed the legislature in ’72. I think you probably have that. I forget because community property and placing the Equal Rights Amendment state on the ballot happened in the same session, spring ’72

Dilg: It was ’72.

Barry: So I had to be on the council as the counsel before that time in order to put it together.

Dilg: Right. So talk a little bit about the process of putting it together. You were saying, “I had to go back to the drafting board, and you put these other people together on the committee.” If you would please talk about who that was, how that worked.

Barry: I realized with that modified, very limited legislation failed, that number one, it didn’t make any sense at all that it would fail, it was so modest. Secondly, I was able to visually see, the joint judicial committee of the legislature and realize how many of them were lawyers at the time. There are fewer now for other reasons. And it happened to have also been my vintage. I knew who many of them were.

And the two professors I thought of, Luvern Rieke and Harry Cross, were highly regarded by most lawyers, and my many other people. So I thought, I’ll fix them. And working with the Women’s Council I got—I don’t remember who made all of the calls—I made some. Everybody was very helpful, very helpful in creating a “blue ribbon subcommittee.] Luvern Rieke, who taught domestic relations; Harry Cross, who was a nationally recognized expert in community property; Betty Fletcher, then a member of
the Council; Mary Ellen Krug, a labor lawyer who was a partner in one of the firms here in Seattle; Mary Ellen Hanley, who was with Carr Tuttle Campbell?; I think by that time she was a partner there; me; Ned Lange, who I believe he was with a firm that represented banks; and then Lee Craft, who called me and asked if she could participate, so she was added.

We had just a couple of meetings. I remember chatting, and had meetings at the attorney general’s office, and we were trying to figure out just which way to go. I sent you that little blurb from the law review. Was it you I sent it to? [retrieves news article about community property issue.]

[End Track One. Begin Track Two.]

Dilg: We were talking about the process of putting together the committee for crafting the bill to submit to the—

Barry: The community property, right. And there was a fair amount of discussion. And the question was, should they have to manage everything jointly? I recall clearly at one point that Mary Ellen Hanley said, why don’t we just say either husband or wife acting alone may manage community personal property, and figure out what the limitations should be for real property. And there had been limitations; a husband couldn’t sell community real property without the wife’s permission before, but he could acquire it. Because if you think about money, that’s personal property. So the husband could go out and buy the house, he just couldn’t sell it.

Now historically, over the years, if you think about how long community property had been in effect, the amount of protection that gave the wife diminished, because at the time it came into effect, almost all the family wealth was likely to be in the family farm, i.e. real property. So at least it couldn’t be sold out from under her.

As time went on, and a family’s wealth expanded into areas that were not real property, and she had no management powers, except some limited emergency and necessary powers to feed the family and things like that. The protection was less than it had initially intended it to be. But it was basically the husband shall be the manager of the
community, and that’s the way it was set up. It was decided [by the subcommittee] that it would become an equal, and that either person could manage community property.

There are practical limitations that are in the act, where a couple have to act jointly in the acquisition and sale of real property, and in some other areas as well.

I recall some discussion between Mary Ellen Krug and Harry Cross where Harry was concerned that women would go out and spend unwisely. And Mary Ellen said, “Harry, the ability to handle money is not gender based.” [laughter] “And the reality is probably most women are doing this anyway.” There was a great fear that if they’ve never been able to manage and suddenly they can and don’t know how to, but not due to a lack of ability. I can go that far, but even that wasn’t realistic, because the wife is usually keeping the house and buying the groceries and making financial decisions.

At any rate, the purpose was to create equality. And that article recognizes that even though there might have been sometimes that joint action might have been in some ways easier, equality was the purpose. And that’s what was done. We had hearings on it. Again, the subcommittee attended hearings, both professors came and spoke. And indeed, when you’re working with something controversial, which that was at the time—it shouldn’t have been, but it was—figuring out what calms people, what makes them recognize that it is okay. That is what you have to try to do, and that’s how I tried to do it.

Drafting always takes a whole lot longer than you think it will. It’s a short statute, but it wasn’t short to draft. But there was also a time limitation it had to get done. There were changes made in committee, just before the passage, having to do with some of the circumstances when real property can be sold alone. And while I don’t remember the details myself, I remember getting a call on it, the purpose was that if you’re in the real estate business, or something like that, then the non-business person shouldn’t have to be consulted all the time. It was, again, a practical exception that was intended. And so that was huge. That legislation was a huge increase in rights for women, for married women.

Dilg: Where was the opposition coming from? I mean, certainly this was happening in the midst of lots of other big social changes.

Barry: It was. Yes. There was great fear that women couldn’t handle money.
Dilg: So who would testify to that? Would it be legislators, or were there organized groups that were coming and saying this was—

Barry: I’m trying to remember who appeared at the various hearings who would have spoken against it. You may have some conservative religious groups. I don’t recall that particularly. The amount of change, I think, would have caused some people concern just because it was a significant change. A lot of businesses were set up for doing business with the husband, not the wife. There was a huge concern, “Well, that would be too hard for us to let anybody do this who wanted it.” I heard a lot of that in the hearings I went to on the credit regulations that the Human Rights Commission had proposed.

At any rate, I think it came from businesses to an extent of being concerned about what the change would mean. You know, “This works, it’s worked for a hundred years. Why change it now?” What people forget, is that community property is basically a Spanish civil law—it’s not an English common law. What it recognizes is that in a marriage, whether two people are working or not, the non-acquiring spouse who is working at home is a co-acquirer, an equal partner. It’s an equal partnership. And you don’t have to be the one acquiring money. It’s a very fair approach. It may not have been implemented fairly here, and for that matter, in the countries that had it. But the concept is quite fair. And it’s the recognition of a reasonable division of labor.

At any rate, there were holdouts who were concerned as part of the whole equal rights issue. People were very concerned about unisex bathrooms, failing to recognize that that’s what you have in an airplane. [laughs] “Oh! Okay.”

Dilg: It’s been interesting to go back and look at a lot of the stories about the ERA. And the issue of unisex bathrooms did come up often.

Barry: If somebody’s recovering from a major surgery, whether in a CCU or an ICU, these wonderful, huge, glassed in places with patients; they’re not segregated by gender. Those things are unimportant, depending on what the circumstances are.
Dilg: Who was deciding that the community property law was something that you should be working on? Was that coming out of the attorney general’s office?

Barry: When I took community property [at law school], I thought, I’ve got to fix this. But somebody else was working on it, too [at the attorney general’s office] I think they’d already worked on it when I got there and I thought, “Yes, yes!” But I did know when I took community property that that was not a good thing. The concept was good, but not the way it was implemented.

Dilg: You’re talking about when you took it in law school.

Barry: Yes, when Darrell and I married, and this was in ’65, before the statute was passed, I went to change some credit cards, and they closed the accounts. But I just plain stopped changing my credit cards, because that happened. I wanted to be angry, but I couldn’t really be angry with the creditor because for their own protection and the existing law, it was their only reasonable thing to do.

Dilg: Right.

Barry: Now, Nordstrom’s allowed me to reopen one in my own name, however. They closed it, but they allowed me to do it. Which made me feel, well, at least somebody’s reasonable, but there was this risk issue. Wives could always deal with things in an emergency, and they could create debt or buy things for the community necessaries. What’s necessary can vary from family to family. Are piano lessons necessary? Some families, yes. Others, no. You see the factual issues that can arise. Food, yes. Medicine, yes. Nobody’s going to say you can’t go buy groceries, even under the old law. If they had a checking account that was a joint account, that grants permission. Things like that. But the reality is that you couldn’t do anything. And that is a terrible thing to do to more than one half of the population.
Dilg: We’ll get into the credit laws a little more here, because I know that you worked on them for a while. I realized as you mentioned your husband Darrell, we probably should catch up a little on the personal side of your life, since you had some of those other things going on.

Barry: Some of this was happening at the same time.

Dilg: You were melding career and—

Barry: I was, indeed. Darrell and I were introduced by a mutual friend of his from high school and someone I knew in law school. And it was, for nowadays, a very fast courtship and marriage. For then, it wasn’t that unusual, things happened differently. And I had been practicing law for a number of years. Darrell is as Northwestern as anybody can be. When I say that, his father’s family goes back to the mid 1800s, where his great-great-grandfather came across in a covered wagon and settled in Dallas, Oregon. And then they scattered to southwestern and southeastern Washington and northern Oregon, and Seattle and the like. I mean, he’s really a pioneer. And his mother’s family came up in the late 1800s, from San Francisco. So he’s really “old Northwest.”

I’m really the “newy,” because my dad didn’t get here until 1922. Darrell was an only child, and his mother was a widow by the time I met him. His parents met and married in Seattle, and then they had a hotel in Tacoma. It was called the Bonneville Hotel. It was a grand old hotel; I’ve seen pictures of it. He spent his youth in Tacoma, and graduated from Stadium High School.

And then they also had a “motor court,” it was called at the time, right after World War Two, north of Ocean Shores between Ocean City and Copalis. It was called Alexander’s by the Sea. So they would spend their winters at the hotel and the summers at Alexanders. We have a place right next to where part of it was sold. They had to reclaim it, and then sold it to his aunt and his uncle, and who later sold it. Ocean Crest timeshare is there now. But Darrell’s mom retained a very sizable piece of ocean property right next to it. Now we have a small place down there that his aunt had for a while that
we can get away. So we can go to the ocean or over across the south, and get away from
the city if we need to.

Dilg: You said by today’s standards yours would be considered a whirlwind romance.

Barry: Yes. We met in August and were married the following April; less than a year.
And you know, that doesn’t happen anymore. My daughter and her husband went
together and then lived together for several years before they married. And my son just
proposed to his girlfriend of four years. It’s just done differently. I can remember hearing
stories of people in World War Two who would meet and be married, and three days
later, he's off to the war.

Dilg: Different times.

Barry: Right.

Dilg: So you and Darrell married. And then at some point you had a couple of children.

Barry: Laura was born in 1967, after we were married a couple of years. And then Greg
was born seven and a half years later, in 1974. I was pregnant with him while I was
working on the Rape Bill. [laughs]

Dilg: We’ll get back to that. Did you remain working when the children were little?

Barry: Yes. Let’s first say that the term “maternity leave” was as yet uncoined. I took
leaves of absence. And begged, pleaded, “Can I come back?” And the view at the time
was such that they could have easily said, “No, you have to stay home with your baby.”
Laura was born earlier than expected; she was born in the latter part of March, but due in
April. I went back to work after Labor Day.

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With Greg, it was similar. He was due middle of October. I left the office at three o’clock on September 26, and he was born at 8:30 that night. [laughs] Both of them were a bit early. I went back to work I think maybe the first of April, something like that.

I managed to have in-home care. I don’t know that I would have survived without it. The first woman, it took me a while to get, and I had a very unsatisfactory arrangement for the first month after I went back to work with Laura. But then we got Mrs. Caron, who was a widow and couldn’t yet draw her husband’s Social Security. She lived in a mobile home park overlooking I-90. Lovely woman who’d had five of her own children, and she was with Laura for four years.

Mrs. Caron’s daughter Nina, would bring her and pick her up daily. And Nina had four children herself. I had some rocky times after Mrs. C left. I had Mrs. Frye for one year, and that brought Laura to five. And then I had Mrs. Caron’s daughter pick Laura up from school, and I would pick her up at Nina’s.

Then I had a young woman who I didn’t realize how not with it she was. I don’t know how to describe it. I would tell her how to do something, but she always did it her own way. Made me crazy. At any rate, I struggled through these times. Then Nina, whose children were old enough and in school, came when Greg was a year old. The first several summers, she couldn’t work in the summer because her children would be out of school.

I had a couple of really very nice summer replacements. One was a young woman who was going through college, became a teacher, then went to flying school, and she was one of the early pilots. I’d found out about her because my sister found her when she was in high school, and she’d come and take care of her kids while Pat was going to nurses school, nurses training.

Dilg: So it was definitely a whole different kind of network of childcare.

Barry: Mm-hmm. I remember calling the local churches for Laura, here in Bellevue. And finally one said, “Well you know, most of the people who live out here don’t have to do childcare.” [laughs] “Oh, okay. Got it.” And I had Nina for years, until Greg graduated from high school. And as time went on, her time here was less and less. They both did
housework. I would say as I would do it, their needs come first, but I also need to have housework done, so they don’t get all of the attention, as if I were here.

Mrs. Caron just died a couple of years ago. And I got a note from Nina, who’s relocated to Arlington. This has been a very long relationship with both of them, and very good. And I’m not sure I could have done it without them. They didn’t have daycare, that’s another new term. They didn’t have daycare providers. My mother was available sometimes, but she was still working. And if I had a sick child, well, [it was a challenge to get coverage at work.]

Dilg: Did you experience changed attitudes towards you at work once you had children? Or were the expectations just the same?

Barry: That’s hard. Somewhat the same. One fellow who was a boss would, I think after I had Greg, he kept me in the office for a year. He tried to keep me from having to travel overnight, because that could be iffy. At times it would be necessary, and I’d try to coordinate with Darrell so that he would be with them. I had family backup. If I had to leave him with my folks or Darrell, I could have managed that. I tried not to do that. I suppose there were some accommodations. But it wasn’t yet where you could share jobs, work part time, or any of those things. Later on, one of the women in the office was able to do part time. That was after she had a child, before I had Greg, and when I tried to do the same with him, I got a thumbs down from the same fellow who could also be cooperative if it suited him.

There were, I think, some changes in attitude. I recall one interview I had in a firm where the question was, “Well, do you plan to marry and have children?”

I said, “At this point, I don’t know.” Hadn’t ruled it out.

“Well, what do you plan to do if your child gets sick?”

And what I wanted to say, and couldn’t say, was, “See that they’re cared for. What do you do when one of your children gets sick?” [laughs] So those attitudes were still there.

Dilg: Sure.
Barry: I know one time Mrs. Caron was sick. I had hearings in Roslyn, and Laura was really little. Thank God it was on a Thursday and Mom, who usually did her cleaning on Thursday, was off, and I had to take Laura up there and take off to Roslyn, because I would have been in a lot of trouble to have to cancel all those hearings. And it happened, you know, after probably everybody was already on their way Roslyn. And that was one of those scary times.

I managed to cover most things. It was okay when Greg had an appendectomy and I had to cancel an four different witnesses in one day. Almost everybody would recognize that Dad had to be there, too. So those things happened. But having in-home care, I always got the kids to the doctor myself with very few exceptions. And then it was when the kids were older that, I mean, I’d arrange it ahead of time that I could do that. It’s not the same thing if someone else comes and tells you what happened at the doctor.

And as they got older I tried to teach them to be able to deal with some issues themselves, but I had to take them a couple of times. Or I let Nina take them, but I always did that kind of thing when they were younger. I had a setup, I don’t have the remaining things from Laura, because the notes were on the backs of envelopes and the like. But I had notebooks for Greg, Greg and Laura, because it was both of them at the time. And I’d have each sitter write down what happened during the day. Because when you are caring for children, and you’re on the way in when they’re on the way out, and this child is having a miserable tantrum, and they tell you what they remember. And you hear what you think as much. “Well, go look at the book. They slept for twenty minutes. No wonder they’re miserable.” So that worked pretty well, too. [laughter]

Dilg: I’m thinking of my friends who are nurses, who do that at the end of each shift; they tell the oncoming crew what happened the last shift.

Barry: Oh, yes. They call it report.

Dilg: That’s it exactly. You were doing report. [phone rings]
Dilg: We’re going to pick up again talking about the Washington State Women’s Council, which was an organization which you were appointed legal counsel to as part of your duties as an assistant attorney general.

Barry: That’s correct.

Dilg: Why don’t you talk about how that appointment came about, and what your work was with the Women’s Council, and who you worked with and on what issues.

Barry: To begin with, we talked earlier about the Interagency Committee, that I had been asked to participate in sometime before this. Which was a group, as the name implies, of various people in the different state agencies within government. And there had been work done on community property laws, and there had been discussions on the Equal Rights Amendment. I’d been to several of those meetings. And in the interim, and while I don’t recall the date of the executive order, but the Washington State Women’s Council had been created by Governor Evans, and had the first of three executive directors, Gisela Taber. At one of the meetings, she was there in attendance, and we discussed these various things, including the community property, which I believe I had suggested to that group to be one of their issues. The nature of the Women’s Council, as you can tell, is that it doesn’t apply just to state agencies. It has to do with the rights and obligations of all of the citizens of the state.

At any rate, in the course of this, I attended several of those meetings. I don’t now recall how many. A request was made, I believe, by Miss Taber, that I be assigned as legal counsel, the assistant attorney general assigned to the Washington State Women’s Council. Janet Ward of the Interagency Committee, who I believe was the chair, had written to the governor and made several recommendations, among them that I was going to be the legal counsel to the Women’s Council. And incidentally no longer on that committee, because I couldn’t do that, too. That the work that was begun in that committee on the community property be transferred to the Women’s Council, where it, as a statewide issue, did properly belong. So that is how I ended up as the assistant
attorney general assigned to the Washington State Women’s Council. And I continued in that position during the time it existed, which was until 1977, when it was disbanded after the referendum defeated the statutory creation of a Women’s Commission.

Dilg: Right.

Barry: So at that point, the work on the first order of business were the community property laws and the state Equal Rights Amendment, and also the federal Equal Rights Amendment. That was a tall order, as it turns out. I went about looking into the community property issues again, having had something to do with that earlier with the interagency. And there was a lot of public expression concerning whether women would be able to handle money. This doesn’t sound like anything realistic now, and it wasn’t at the time, but that was the perception.

At any rate, I also recognized that at a hearing of the joint judiciary committees of both the House and the state senate, many lawyers were on there, and many of them were of the same vintage that I was. I knew them. And I also knew that two of the professors in the university that we’d all had were highly regarded in their fields of domestic relations. In that case, Luvern Rieke, and community property, Harry Cross, who was nationally recognized as well. And I had worked with a number of these women over the years and knew them. The women’s legal community was quite small at the time.

So I decided that we needed a committee that would carry impact in terms of the respect that they would carry. And in the process I had, I think somebody on my behalf contacted both professors who agreed to serve. I called Betty Fletcher. I can’t remember who called them all, I think I did most of it. Betty Fletcher was then practicing law in one of the local large law firms. Mary Ellen Hanley, I think her field was, in large part, estate and the like. Betty was general, I don’t know what all she did. And Mary Ellen Krug who practiced law in a firm that did large amounts of labor law. And also we needed at least more than two men. So Ned Lange, who was with one of the Seattle firms then, did a lot of representation of banks, had agreed to serve. I received a call, actually, I didn’t know her well, she’d only recently arrived in Seattle, but Lee Craft called and asked if she
could also serve, so she was added. And myself. So I didn’t count on my fingers. That’s six or eight people, with both genders well represented. [laughs]

And we had a couple of meetings discussing the theory and the language and the like. And it was decided that the goal would be to equalize the management provisions as between husband and wife. And that in deciding which various forms to take, the equalization would be the primary consideration. And the final bill that was drafted and came out did create equal management provisions. Basically in most instances allowing husbands and wives to act alone on behalf of the community. There are many instances significantly involving acquisition and sale and encumbrance of real property that do require both. And there are some other areas as well. They are common sense areas, some of them historical, that it would not be entirely so.

Dilg: Right.

Barry: So that’s what was finally drafted and filed. And again, hearings were held. Members of the Women’s Council and members of the drafting committee, many of them were there and spoke at the hearing. I was there as well.

Significantly, the presence and the participation and the support of the professors who worked in these specific areas was extremely helpful, and it finally passed. In private, a number of people, men, mostly, had some concern over whether this is something women could do, at least right away. The answer to them was that number one, it was not a gender-based skill. Secondly, the reality is that in many cases, this is probably pretty well equally divided anyway between gender. And that at least all of the women there assured them that there would be no problem, and in fact there has not been. [laughs]

Dilg: So you mentioned that the Women’s Council and other organizations were really juggling quite a few issues at one time.

Barry: Absolutely.
Dilg: And the state ERA was happening. These were both going on in the same year, in 1972.

Barry: Those were the dominant issues right after the establishment of the council. The community property laws did pass in ’72, and became effective, I believe it was in June. The Equal Rights Amendment was passed by the legislature and referred to the public for the fall ballot, and so the issue of the Equal Rights Amendment did appear on the November, 1972 ballot. As part of that, a lot of things happened, in order to raise people’s awareness. The federal Equal Rights Amendment was making its rounds of the various states at the same time. And I don’t know the date, but our legislature did approve that and did pass it. We’re one of the states that passed it. But since that never was ratified, the issue for us was always the state Equal Rights Amendment. Several issues happened through the Women’s Council. More broadly there was a kickoff meeting and gathering Saturday morning in June.

Dilg: Right.

Barry: We checked on that date. And various people, Jim McDermott, currently a congressman, Slade Gorton the AG, later senator, and many other politically active people were present and spoke at that meeting. I was there at the request of my office, the attorney general. And I see from the photo that so was Betty Fletcher, one of the members of the council, and others. And so that started, that was really kind of an official start of the attempt to get that passed in the state.

Several other things happened. The Women’s Council tended to meet on a monthly basis. Gisela Taber, the first director, was very careful to try to spread the meetings around so that they didn’t all occur either in Seattle or the I-5 corridor. One of the meetings held concerning the Equal Rights Amendment was held in Spokane. And at that meeting, there were several of us there, and we had our meeting. There were people, and these, of course, were open meetings for those others to appear. And from time to time we had people who didn’t support it, didn’t give their opinions. And while I’m sure
other things were on the agenda, I would have to look at that, the agendas of those meetings, the dominant thing was the Equal Rights Amendment.

There was also a television appearance after that Spokane meeting that Gisela Taber, Betty Fletcher and I were on, and I think there may have been a fourth person, and I don’t remember who. We made some trips around the state where we would appear and speak. When I say “we,” I’m speaking of council members. I would be there sometimes and not others. And just to clarify, I was not a member of the council; I was their legal counsel. So things like drafting questions and answers, and work would come to me, either for me to do or to suggest how it might be done, or to review something that somebody else had done. I did a fair amount of drafting and reviews. But I certainly did not draft everything. That would have been an impossibility for any one person to do anyway.

Dilg: So, for example, did you help guide the wording of the state Equal Rights Amendment?

Barry: That had been done before I even became involved.

Dilg: Okay.

Barry: And it’s slightly different than the federal. It says “rights and responsibilities.” Which the federal says the rights only, if I recall correctly. So that had been done. That was a done deal. I was asked by my office to attend the Washington State Labor Council, where their annual convention was in Spokane. The concerns that they expressed and were interested in and wanted addressed, had to do with the so-called protection laws. At that time, under the auspices of the state Department of Labor and Industries, there was a section called the Division of Women and Minors. And this was covered in the workers compensation and industrial laws. And there were a great many laws dealing with the welfare of women and minor workers.

At the same time nationally was going on an obviously needed big push for workplace safety, known more commonly as OSHA, the Office of Safety and Health—
Dilg: Health and Safety Administration.

Barry: Right. Health and Safety. And that was leading to WISHA [Washington Industrial Safety and Health Act], and there the state could oversee if their guidelines were at least as stringent as the federal government. So at this point in time, and as a follow up on that, we now have worker protection laws that are not gender based or age based, as is appropriate.

However, the concern that they were expressing is what would happen if they passed the Equal Rights Amendment. Would they extend them to men? Or would they be so nobody was being protected.

Quite honestly, I don’t remember what I said in my speech. It’s pretty hard to extend them. The obvious answer is get in really fast and fix it. [laughs] And so if that couldn’t be done, the safest thing to do was to extend them, but perhaps not the constitutional thing. And only a court could say which way it would go. But that was the purpose of my being there, and they were interested as a state labor organization would be likely to be interested.

So all of this ended up with the November election followed by what apparently was that the state Equal Rights Amendment had failed. But, on a recount, I got a telephone call, I discovered from a journalist, whose question was, “What do you think about the Equal Rights Amendment passing?”

“When did this happen?” [laughs]

Well, it passed by quite a slim margin.

So we’re now probably in December. I don’t remember the date. But the process is we now have very short time to get together an implementation bill to deal with all of the gender specific statutes that existed for years. Many things, some of them minor, some of them not minor.

I don’t remember exactly what point in time, but I had arrive on my desk a very thick computer printout, such as it existed in 1972, that picked up all gender specific names and references in all of the statutes. It was sensitive enough, we’re speaking of a much earlier era, that it picked up even things like, “female breeding cattle” and
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“manhole covers.” [chuckles] So it was a major undertaking. And as it turns out, there were two reviews done. I did one, and it was an exhausting and exhaustive job. And the code reviser did one.

Dilg: Would that have been Richard White?

Barry: Yes, yes.

Dilg: He was there from 1951, I think, until ’78.

Barry: Well that would have been him or someone under his control. If that were the case, this is when we’re talking about it. It was to review each statute—would it be challenged under the Equal Rights Amendment, what would happen if it failed, how could it be extended, and whatever. I did a full review, and so did the code reviser. As you probably know, there’s a filing deadline for statutes to come up for passage. And it was very soon after it passed.

Dilg: So it was thirty days? Or sixty days?

Barry: I’d say something between thirty and sixty days. It could have been as early as thirty days. It was short. Then the code reviser, they must have been working on this before. I’ve really lost track of the time frame. And I can tell you it was a very challenging time thing to do in the time allowed, even if we started it before. And I hasten to add that you couldn’t easily change things like you can on Word now, because we had no computer, word processing, or anything like that. So every time I had to redo a draft, my secretary had to retype it. [coughs] And I’ve even left some of those things in the boxes so people can see the editing process.

So at any rate, the actual implementation bill came out of the code reviser’s office, because that’s their job. And I received it, as did probably many other people, but I received it in order to go through it to see if I saw anything that needed to be highlighted, changed, fixed, or whatever. And even that was a major undertaking.
because I know it was thick, and you tell me it was 115 pages. I’ve been asked how many laws had to be changed. Quite frankly, I didn’t ever count them. I spent my time going through it.

So there were a few other issues that were dealing with that area, but were being handled separately. I think one of them was the civil procedure in instances, of bringing an action on behalf of a minor child. The only necessary party had been the father, except in the case of a single parent mother, in which she was the primary party. But the mother did not have standing in an intact, two-parent family [i.e. she could not bring the action.]

So these were all dealt with. A lot of people were working on a lot of things. And they were reviewed, drafted, filed, and passed, in that session.

Dilg: I can look up the vote, but do you recall the popular vote, which was by a slim margin. I think it was just slightly over three thousand votes.

Barry: Something like that. I think I just read that recently, too.

Dilg: Was there an effort to come at the Equal Rights Amendment again through the implementation bill? Or did that pretty much just pass through—

Barry: I think it passed fairly easily. I think people were very concerned that something be passed to correct things that could be a serious problem if they weren’t. And there were some. A variety of serious problems if something hadn’t passed. I don’t recall any big issue over the passage once it got there.

Dilg: And did you have, were there hearings that you had attended since you had worked along with the code reviser so closely?

Barry: I don’t think I went to hearings on that one. And we actually worked parallel, independently, and we exchanged our work. And that may sound not like a good idea, but in fact it was, to make sure that their two reviews were more likely to make certain that things were covered. So I’ve always been glad that there were two independent eyes
looking at it. Code reviser certainly doesn’t have the bias that I would have as legal
counsel to the Women’s Council. And that would be therefore good to have that
viewpoint, too.

Dilg: So this was definitely a time of a lot of activity. I know that the community
property bill was a significant change, as was the passage of the state Equal Rights
Amendment.

Barry: Yes.

Dilg: Were there other issues that you recall?

Barry: That’s it.

Dilg: Gayle is handing me a—

Barry: Seventy-some page—

Dilg: —version of the revisions that she was dealing with.

Barry: Yes, the review.

Dilg: This is titled “The Potential Impact of HJR 61, the Equal Rights Amendment, on
the Laws of the State of Washington.” As you said, it really went from the mundane to
the significant in what you would be dealing with.

Barry: Yes. Absolutely.

Dilg: Once the implementation bill passed, what other work did you do with the
Women’s Council that either stemmed from that or were concurrent issues?
Barry: As legal counsel, I got all of the materials for the monthly meetings. And I went to many of them, but I did not go to all of them. The issues that were discussed, you hear about them today, among many others, childcare, equal pay for equal work.

One of the things that Gisela Taber did at the time, was a landmark study called the comparable worth study. And that was a work that the council did. That didn’t involve me except from fascination by the whole idea. What they were attempting to do was compare skill and judgment requirements across vastly different jobs held primarily by men or women, and then compare pay. So that if you had the same—“skill sets” is the current word I get from my son—training and experience and judgment requirements, it can be a vastly different job, but if they require the same kind of background and judgment ability, you should find similar payment. And of course that was often not the case. But this was what was called the comparable worth study, and that ended up in a lawsuit some years ago, some years later, that was also interesting.

And I’ve also heard speakers say, “By the way, Washington did this very interesting thing, and it was the comparable worth study.” That was one of the things they worked on, and with very interesting results, and very interesting concepts. So they were working on that. And they were working on issues of domestic violence. Just the gamut of issues that are still with us today, in many cases at least partially solved or better, but in most cases still present in some degree.

There continued to be legal issues. There were the changes in the human rights laws, in the credit regulations, in public accommodations and things of that nature. While I did not do the drafting in those areas, I was on the mailing list and committee to participate in the hearings and the various issues that those presented, from the standpoint of the Women’s Council and the Equal Rights Amendment, etcetera, etcetera. There was a woman at the Human Rights Commission, her name was Karen Fox. And I know she was very good about keeping both Gisela and me very, very well informed.

Then, in a totally different setting, about two years later, the issue of the rape law as it existed came up. That came up in kind of an interesting setting. I did that law as part of my work as the legal counsel, but it came by way of the Seattle Women’s Commission, from commissioner Jackie Griswold.

She said, “We’d like to redraft the rape bills. Would you help us?”
And I wasn’t very open at the time, because I knew how long these things take, even though it seems simple. And she’d also contacted Pat Aiken, who was then still at the prosecutor’s office, and later on, the bench.

We ended up a committee of three and started working. We had some input later on, Jane Nolan being one. I think she was just getting out of law school. We spent our time redrafting rape. Now why would we do that? Rape, is one of the basic common law five serious crimes, but getting a conviction is very difficult. And it is a law that has always been thought to be gender based. In this day and age, we know that it happens across gender. While that’s always been true, that’s not always been recognized.

What we did, and the reason we did it, is that it’s very hard to get a conviction. There are a couple of reasons. One was that it was a one degree crime, a Class A felony. Secondly, there were evidentiary issues where the tendency had been, historically, to try the victim instead of the alleged perpetrator. So those were two areas that required very careful scrutiny and fixing. At the same time, we also were working on statutory rape, which is based on age, where it’s presumed the person under a certain age does not have the capacity to consent, so that is not an element of the crime.

So the upshot of it was, we drafted what is a three-degree crime. This not only makes it a wider area of charging and proof, but it also presents some possibilities for plea bargaining, which I know people don’t like, but the reality is if you have a serious, serious offender and some weakness in a case at a certain point, plea bargaining is an appropriate consideration in many cases.

It also changed the statutory rape provisions in one general way. The age of consent had been eighteen. This bill reduced the age of consent to sixteen, which seemed by the various people who were working on it and that we consulted, to be a more realistic representation of life in this age. There were different opinions; many, many people would have preferred to leave it at eighteen. There were some who would have reduced it to twelve, but sixteen was the age that we went with.

Secondly, in the statutory rape aspect, the three degrees basically had to do with the age of the alleged perpetrator and the victim, and the age difference. And the thought there, was that while it’s damaging no matter what, realizing that in many statutory rape cases, just many, certainly not all of them, there may have been consent. Or what the
individual victim might think was consent, but they can’t give it. The thought was there
that the relative damage is worse on a younger person, and particularly if committed by
an older person. That may or may not be psychologically correct, but it seemed to make
sense to the drafting group, and I think it’s probably stood the test of time. I would defer
that to a prosecutor with some experience.

So, and that was a long process. That we worked on beginning sometime in the
early part of 1974.

Dilg: Yes, that certainly jibes with the dates I have.

Barry: So, if we started and worked on it in ’74, then it would have been in the ’75
legislative session. One of the areas that we had to work a fair amount on was the prior
sexual conduct. As I said earlier, the second issue was the evidentiary issue. And it finally
did pass in the form that only allowed evidence of prior sexual conduct if there was a
history—now I haven’t read this for a while, and I should have read it before making this
comment—but there was a history of the alleged perpetrator and victim having had a
prior sexual relationship, but then only if it would bear on consent. It was designed to
prevent the trial of a victim and an action.

And so I would love to see, and don’t know if there have ever been any studies, or
conclusions, on how those changes have permitted more rapes to be tried successfully
with good evidence. It might be hard to tell because we now have the additional DNA
information we can get that helps a lot. And perhaps other technical evidence. It was
designed to make it possible for rape charges to be brought and convicted where it was
very hard, with a one degree crime, to get convictions when you try the victim instead of
the, both to even get people to bring the action. It’s hard enough even with it. So we felt
that that was a very good result.

The original bill had an interspousal rape provision, but I don’t believe that passed
at all. It took about ten years for that to pass. As it appeared in the original version, it was
possible to charge if there was a legal separation between a husband and a wife. And that
was a very hard part to pass. I remember hearing legislators commenting, things like, “I
couldn’t agree with you more, but I have constituents who feel they have an absolute

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right to their wives’ body. And while I don’t agree with that,” these were said quietly, “I have to be aware of that if I want to get elected again.” [chuckles]

Many of those views have been discredited, that people held at that time, so that seems strange. But it wasn’t strange at the time. And it was very strange, even to people who didn’t hold that view, and most people didn’t. But enough people did that it was a political reality that had to be considered.

Dilg: I’ve asked you about various code changes or legislation that you were helping draft or provide legal opinions on that were being drafted by other groups. Rape was, and still is often a very controversial, touchy subject. You’ve just alluded to that. What kind of discussions went on with you and either the attorney general or other assistant attorneys general in the office about what issues they were comfortable with you taking on and working with the Women’s Council? Or were you allowed to make those decisions?

Barry: First I have to point out that many of these, at the time that the community property law passed, and the Equal Rights Amendment was on the state legislature agenda, this was done under the auspices of the executive order of Governor Evans; that went in by his executive request. More than once I would read the order to make sure I was within the order’s stated purpose. I knew some of my direct superiors wouldn’t have agreed, but they would not have been the decision makers. I don’t recall ever once being told I couldn’t deal with a subject of that nature in this setting. Keep in mind that it was the governor that directed these things. Certainly Slade Gorton would have as well. For a couple of reasons, they were probably pretty much on the same page on issues of that type. It was not a situation where that could be different.

Jackie Griswold, from the Seattle Women’s Commission, Pat Aiken, who I think was at that time chief criminal deputy prosecutor, and very knowledgeable in the felony area, and I would not have had any desire to create legislation that would do other than bring proper cases for prosecution. In no crime do you ever do anybody any favor unless you get the right person. And the groups that we were working with held the same view...
This drafted bill was reviewed by various other organizations, I’m thinking Washington Women Lawyers, because I recall going to that meeting. They’d review, ask questions and the like, and then took positions on it. The positions that they almost all took were supportive. The hardest and most controversial were the evidentiary issues. I can’t think of any reason that a three-degree crime wouldn’t have been better for everybody, with the possible exception that maybe some cases may not have been brought because they would be charged at a lower degree than first-degree rape.

So I don’t think it was as controversial as the Equal Rights Amendment, quite honestly. But that’s just my take right on it now.

Dilg: I know there were also issues that were addressed toward the Women’s Council. Even though Governor Evans and later Governor Ray were supportive of a move to give it statutory commission status. And that actually did happen in 1977. You were still legal counsel then.

Barry: Right.

Dilg: That was shortly followed by—

Barry: A referendum

Dilg: —Referendum 20, challenging the council’s statutory commission status. Maybe talk a little bit about your role in that and the outcome of that referendum.

Barry: Well, it was a successful challenge. And this is a procedure where the voting public can challenge something the legislature’s done and set it aside for the referendum process. So generally speaking, that’s a good tool that the populace has. However, I think it was not well done, in this case, because—and this is anecdotal—but we had accomplished a number of things, I will say that. By this time the council was under Dixy Lee Ray, the governor, and she could have retained it as a council. And as I recall, she
decided deliberately not to in view of the outcome of the referendum defeating commission status.

My brother-in-law reported to my sister a conversation he overheard when he was having lunch in one of the restaurants close by. Well, what he heard was: “I told my wife she’s to vote against that council. Until they get a men’s council, I don’t want any women’s council.”

And the other response was, “Well, women aren’t a minority.” Absolutely correct. But the reality is, is we were treated as a minority, and have been for many, many centuries. Or as a non-power group, I guess, would be a better way to put it. So the outcome did not surprise me. I’m happy it came when it did, after we accomplished as much as we did. Perhaps we could have accomplished more if that hadn’t happened.

But I have so much admiration for Gisela Taber, Mary Helen Roberts, and Marianne Craft Norton. Well, and all of the members, but these three people, who were the executive directors of the Women’s Council, were absolutely outstanding in how they handled the many things that came at them all the time, to the very bitter end when we went to the closing down with Marianne.

So I wish they hadn’t defeated it. I think it was defeated for the wrong reasons. It would have been probably addressing other issues, like childcare and equal pay. I think it would have addressed other issues, because we were coming well along into the legal issues. So at least the framework was that. But in the council, working as well as it did work, it could have accomplished more, and more that would have been good. And more that would have helped not just women, not just children, but families. But we can continue to work in other ways. And we have.

Dilg: So with the disassembling of the Women’s Council, then that was one less thing on your plate.

Barry: Right. [laughs]

Dilg: Do you want to wrap up a little and talk about what you went on to do, and what you saw as the result of the work you did on various important legislation?
Barry: It’s been very nice, and most people, most young women now won’t have any clue what I’m saying, I like that I don’t have to get a note from my husband to go buy a car. [laughs]

Dilg: You’re right. There aren’t many young women these days who would recognize that scenario.

Barry: Right. I like that I don’t have to get his permission to get a credit card. Now we’re talking credit here. We’re talking community property management powers. Actually, the best outcome of the Equal Rights Amendment in terms of the protective laws, which was going on nationally as well, is at least now we protect all workers. So you could say that’s an outgrowth of the Equal Rights Amendment, or the movement, whichever you want to look at it, because it was never okay not to protect men. And this is what they don’t recognize.

One of the little things where the men were treated differently from the women is that it used to be at age eighteen, a young woman could marry without her parents’ permission. A young man could marry without their permission at twenty-one. Well, both of my brothers-in-law were under twenty-one when they married, but my sisters were twenty, and they both had to get notes from their parents. [laughs] So that didn’t make any sense, and of course that has changed as well. That’s more of a fun thing to think about. Although maybe it wasn’t for them when they had to do that.

Or when my niece was born, my sister was twenty-one, and my brother-in-law wasn’t twenty-one for another couple of months. So when they went to the hospital, she had to sign the stuff because she was twenty-one and he wasn’t. [laughs] Things like that are changes. You can laugh about them, but you know, they’re practical. They put people in this thing together, and not as one dominant over the other. And if that’s going to be a problem, that has to be something they work out between themselves. But the law shouldn’t be doing that to them.
So I often don’t think of the things that have changed, but it’s changed a huge amount as far as just being able to live as a decision-making adult person. Which women couldn’t do.

Dilg: I recently found a reference that in 2007 there had been two new resolutions introduced in the United States House and Senate, reintroducing the Equal Rights Amendment, and wondered if you had any thoughts on that? And in light of your comments, do you think there’s still a need for an Equal Rights Amendment?

Barry: Well many things have changed, both nationally and locally, so I don’t think the need is as great as it was when we were dealing with that. And secondly, when the federal Equal Rights Amendment failed, we were sitting here with the state Equal Rights Amendment and not suffering the same. But, and most states that I know, for instance, there were states that required the woman to take her husband’s name. There was a provision in California that says, “The husband shall choose any reasonable place to live, and the wife shall comply.” I ran across that one time. You know, I was reviewing other states’ laws when I was working on these issues.

Well, I don’t think any of those exist anymore, whether or not there’s a state equal, or federal Equal Rights Amendment. So I think times have changed so that a lot of things have improved.

There’s the philosophical part of why should there not be a federal Equal Rights Amendment, and of course there should be. We have one with voting, we have one with, the Emancipation Proclamation. Anytime there’s been a group that has been singled out either specifically or by omission, specifically in the case of Blacks, who were counted as two-thirds of a person. Women were counted for their husband’s vote, but not allowed to vote. That’s in the body of the constitution. Maybe there should be something that says that’s no longer true, that women are full-fledged citizens.

And this should never get in the way or protecting people, regardless of gender. I don’t think it should get in the way of female people who are having children, because there you’re protecting the health of somebody that may be pregnant or whatever, and you’re protecting two people. So there will be different treatments in the human rights
laws, there are the prohibitions on gender discrimination unless it is, as the saying goes, bonafide occupational requirement.

And the obvious one, most obvious one there, is if you’re casting a play and you want a male for a male part and a female for a female part. There’s old precedent in various countries where women couldn’t appear on stage, and men played women. But that would be a classic and most easily understood occupational requirement for gender. And there could be others.

But it bothers me still that there is no formal recognition in the federal constitution, even though we’ve come a long way. And I’m sure there are others that feel even more strongly than I do. I’m just glad that I had parents and grandparents who were strong, and who thought people should be strong regardless of gender.

Dilg: That might be the note to end on. I don’t have any more formal questions, but if you have any additional comments you’d like to make, this would be a great time.

Barry: I’m hoping I haven’t forgotten anything significant. I have found it interesting to review things, and I had forgotten a great deal of it. I appreciate the opportunity to pick it up again.

Dilg: Well it’s been lovely talking with you. You have great, interesting contributions to the history of the state and thanks for letting me interview you.

Barry: Well, it was my pleasure and I appreciate that.

[End Track Three. End Interview.]