

“INVIDIOUS DISCRIMINATION”

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Ladies and Gentlemen,

Welcome to the 1,620th presentation of a Chit Chat Club essay. Tonight is special for at least two reasons: First, but by no means foremost, the occasion restores a critical component of the club experience, to share a dinner with familiar, charming and really smart friends; second, and most important, a chance to meet or re-acquaint with our female guests after a 2-year absence enforced by the pandemic. It took 100 years to invite women to our table. The story of that struggle is worth retelling in the light of today's intense re-examination of gender and race issues. The documentation for this historic crisis in the life of the Chit Chat Club, and how events almost led to the venerable club's breakup, are drawn from letters and secretarial notations in the archives of the Club at Stanford housed in the Special Collections section of the Green Library.

From the day the Chit Chat Club was founded on November 10, 1874, until the celebration of its 100th anniversary in November, 1974, no meeting was ever graced by the presence of a woman either as a guest or a member. On a singular occasion a female singer was brought in to accompany an essay on music being presented by a member. What follows is presented as a drama in three Acts.

Act I. The seed is planted

In preparation for the centennial dinner in 1974, it was suggested to Judge Duniway, the Secretary and senior member at that time, that it would be nice to include wives for the evening. The judge agreed and even brought his own wife for the occasion. When asked later if he would agree to continue the tradition of inviting women annually, he instead suggested the invitation should remain on a centennial basis. Hence the Hail to the Ladies hymn composed for the occasion by the prolific Frank H. Sloss, concludes as it does.

TO THE LADIES

A thousand evenings have come and gone,
A thousand essays been commented on,
Of variable merit;
And still we few, we happy few,
Each month punctiliously renew
The customs we inherit.

First the cocktails creating a mellow mood,
Which may or may not be enhanced by the food;
Next the essay, *amusing or serious*.
And then come the comments perceptive and bright,
Incisive and trenchant, extremely polite,
Taking off in directions mysterious.

But when that second Monday (Tuesday) arrives,
It saddens us that a score of wives
(unless we're much mistaken)
Will be left alone to grieve and yearn
Until their absent lords return –
Abandoned, forlorn, forsaken.

So tonight with courage resolute,
A drastic change we institute,
Approved by every member:
We welcome you ladies among us men,
And we fully intend to invite you again
Each hundredth year, in November (December).

Frank H. Sloss
November 11, 1974

He wasn't joking, after all. Nevertheless, the seed had been planted. Some members suggested a summer picnic luncheon with wives included, but Judge Duniway never responded to the invitation. Later, when pressed, the judge explained that since Chit Chat functions were held only on the second Monday of a month, he regarded the luncheon a non-event that did not require a response or even an acknowledgement. (I sure would like him as my lawyer!) He held fast to that policy until the day he died a decade later.

After Judge Duniway's death in the mid-1980's, the members began to invite women again once a year, choosing the December dinner instead of the November anniversary. And here we are! But that's just Act I of our drama.

Act II. The plot thickens

Seven years later, at the June, 1992 dinner, a new activism concerning alleged gender-based discrimination d pushed aside and breached 113 years of tradition. The year before, the essayist for the evening, David Kennedy, Professor of History and American Studies at Stanford, had cast a lone negative vote against Judge Ed Stern's successful candidacy, writing on his ballot "we need to have a comprehensive discussion of the composition of our membership and stop making these isolated ad hoc decisions. *We are in danger of becoming a white, male, geriatric organization*, and if we are to retain our vitality into the future we need to confront this question directly." Given the opportunity, Kennedy invited a woman as a guest at his presentation; the newest member, Judge Ed Stern, did likewise, seemingly in collusion with Kennedy. Kennedy's essay addressed both gender and race discrimination in parallel, citing a case about women's work time won by Justice Brandeis before he joined the Supreme Court .

Several members felt Kennedy and Stern had violated the by-laws, or at least overstepped the bounds of propriety in not discussing their unprecedented actions with the membership. A discussion of this matter was scheduled for the upcoming dinner in September, 1992.

Meanwhile, the issue continued to percolate during the summer recess. Member Darrell Salomon requested in writing that at the September meeting, the assembly should consider a vote to genderize the by-laws by replacing every male pronoun "he" with "he and/or she", thereby making it clear that maleness was not a prerequisite condition for membership. For good measure, Salomon informed the Secretary "if ever a woman was admitted to the club, he would resign". Another member, Wade Dickinson, weighed in with the opposite proposition: that the bylaws be *degenderized* by removing all pronouns. Finally, David Kennedy revealed the ultimate goal of his strategy in a letter in which he proposed that the current ad hoc method for selecting new members be replaced with a committee that would take into consideration race, age, gender and profession.

Consulting the archives at Stanford, the Secretary ascertained that the club had never held a special meeting of any kind in the past, hence no precedent for changing the by laws existed. All members were notified to arrive one hour early to the dinner to discuss two proposals: 1. Should women be admitted? 2. Should the ad hoc method of selecting new members be replaced by a committee operating within specific biographic criteria required for admission.

Seventeen members showed up for the meeting; 2 were out of the country. The remaining 4 sent in their sealed ballots to the Secretary, and he opened the ballots after the 17 who were in attendance had voted. The debate lasted for an hour and a half when Judge Joseph Sneed called for a vote. The vote to maintain the status quo and not allow women to join the club was 13 to 4. Next, a vote was taken on the procedure for selection of new members. Again, the status quo was sustained by a vote of 16 to 1 (the 4 absentee votes split down the middle.).

Two important developments came out of the pre-dinner discussion: 1. Judge Joseph Sneed rendered an opinion that the Chit Chat club's exclusionary policy did not fall under the definition of "invidious discrimination" as stipulated by the California Code of Judicial Conduct. 2. Judge Ed Stern pointed out that further discussion was moot, since the bylaws stipulated that a candidate can be blocked from membership with 2 negative votes. It was obvious that any two of the 13 nay votes would suffice to exclude women.

Act III. Slaughter at the CCC

The fallout began almost immediately. Two weeks after the September vote, Judge Stern, wrote in a curt note "as a result of the outcome of the vote taken at the last meeting wherein women were excluded from membership in the Club, I must tender my resignation effective forthwith." As the rationale for his decision he cited

the California Code of Judicial Conduct injunction against belonging to “any organization, excluding religious organizations, that practices *invidious discrimination* on the basis of race, sex, religion or national origin.” William German, executive editor of the San Francisco Chronicle, wrote on December 7 of his “unhappy farewell”. He indicated “by coincidence, several “gender issues” (citation his) had only recently had to be decided by his office. He felt it was crucial that his vote in such matters be consistent with “perceived affiliation”.

Professor Kennedy waited until January 22, 1993 to submit his resignation. He wrote “These exclusionary attitudes... seem to me fundamentally incompatible with the club’s presumed purpose of fostering informed discussion from a wide range of perspectives, and incompatible as well with *modern notions of equity* (italics mine). Mason Willrich cited “lack of diversity” as his reason for leaving the Club on February 10. On February 20th, Ted Eliot resigned after 7 years with the Club, stating that “it is best for the club that the remaining members, who clearly feel that it should remain an all-male club, not be troubled with this issue by members like me.” After much soul-searching and hand-wringing, Jack Stuppin resigned under pressure from his friend and sponsor Ted Eliot, bringing the total of departed members to 6, i.e. 25% of the membership.

In his essay of June 9, 1992, entitled “What’s the Difference?”, Professor Kennedy tries to draw several parallels between discrimination against women and racism. Thirty years have gone by and the distinctions between gender discrimination and racism are becoming clearer. I doubt many today would consider the preponderance of all-female book clubs as discriminatory behavior directed against men. Perhaps that’s a question for the discussion. Ladies and gentlemen, thank you for your attention.