One Woman's Contribution to Social Change at CIA

Dawn Ellison

> **"I hope to provide Agency women with a better appreciation for the history behind the professional opportunities that they enjoy today."**

The CIA workforce that is fighting the war on terrorism is much different from the workforce that fought the Korean war, the Vietnam war, and the Cold War. The workforce of the 21st century is diverse in both gender and race.

This article is dedicated to the women and minorities who broke the Agency's glass ceiling and the enlightened white male managers who helped it happen. It specifically recognizes Harritte "Tee" Thompson, the first woman to challenge the status quo at CIA in court. The details of this case came to my attention while I served as Deputy Inspector General in the late 1990s. Through Thompson's story, I hope to provide Agency women with a better appreciation for the history behind the professional opportunities that they enjoy today.[1]

The Story Begins

In October 1977, a female officer filed a formal complaint of discrimination against the Directorate of Operations (DO). It was not the first such complaint, but it became the first to result in a discrimination lawsuit against the Agency.

Having appropriate academic credentials, Harritte Thompson had joined the Agency in 1952 as a DO intelligence officer. She served in staff jobs in the Far East Division (FE) and was promoted in the first few years in a manner similar to her male colleagues. After she reached GS-12, her promotions stopped for ten years, unlike those of her male colleagues performing similar work. Finally, in 1967, she was promoted to GS-13 and embarked on an odyssey of serving in a series of positions previously held by more senior male colleagues. She performed successfully in positions rated one and sometimes two grades higher than her grade level. In 1972, still in FE, she was promoted to GS-14. Four years later she moved to a Directorate staff, her third consecutive assignment to a GS-15-level position. Supervisors repeatedly requested her promotion to GS-15, but the promotion panels disregarded their recommendations. By this time, the officer was categorized as a Specialist—a staff officer not directly involved in clandestine operations—and was counseled that without

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Dawn Ellison recently retired after more than 30 years at CIA.

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[1] I wish to thank the CIA's Office of General Counsel for assistance in retrieving records from the archives. In addition, the employees of the research department in the Lyndon Baines Johnson Library in Austin, Texas, helped me locate two Ph.D. theses that were insightful on how the Equal Pay Act and the inclusion of women in the Civil Rights Act came about

Report Documentation Page

Form Approved
OMB No. 0704-0188

Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

1. REPORT DATE **2002**	2. REPORT TYPE	3. DATES COVERED **00-00-2002 to 00-00-2002**
4. TITLE AND SUBTITLE **One Woman's Contribution to Social Change at CIA**		5a. CONTRACT NUMBER
		5b. GRANT NUMBER
		5c. PROGRAM ELEMENT NUMBER
6. AUTHOR(S)		5d. PROJECT NUMBER
		5e. TASK NUMBER
		5f. WORK UNIT NUMBER
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) **Center for the Study of Intelligence,Central Intelligence Agency,Washington,DC,20505**		8. PERFORMING ORGANIZATION REPORT NUMBER
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)		10. SPONSOR/MONITOR'S ACRONYM(S)
		11. SPONSOR/MONITOR'S REPORT NUMBER(S)
12. DISTRIBUTION/AVAILABILITY STATEMENT **Approved for public release; distribution unlimited**		
13. SUPPLEMENTARY NOTES **Studies in Intelligence, Volume 46, No. 3, 2002**		
14. ABSTRACT		
15. SUBJECT TERMS		

16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT **unclassified**	b. ABSTRACT **unclassified**	c. THIS PAGE **unclassified**	**Same as Report (SAR)**	**9**	

Standard Form 298 (Rev. 8-98)
Prescribed by ANSI Std Z39-18

operational experience she was not competitive with her peers.[2]

In 1977, Thompson moved to a GS-16-rated DO staff position, replacing a GS-16 officer. Her supervisor and even the ADDO recommended her promotion to GS-15. The DO panel that year placed her ninth on the promotion list with authorized headroom for only three promotions.

That October, with the encouragement of her white male supervisor, she filed a formal complaint of discrimination, claiming that DO management was "oriented primarily toward male operations officers." The complaint continued: "Women, *as a matter of course, are limited* to certain types of positions . . . with grade levels seldom higher than GS-13."[3] Thompson also charged that, "Because of my sex, I have been systematically denied essential training courses designed to prepare officers for upward mobility," which tilted the competition for promotion toward male colleagues who had received such training She requested promotion to GS-15 retroactive to May 1972, the date of assignment to her second GS-15 position, and promotion to GS-16 effective August 1977, the date of her assignment to the GS-16 position

"The investigator never found anyone who had dealt with Thompson who did not hold her performance in high esteem."

The Investigation

The Agency's Office of Equal Employment Opportunity (EEO) assigned an investigator to the case. Examining the documented record, he found that Thompson's performance evaluations had been consistently high throughout her career. Between 1970 and 1977, eight of 10 different supervisors had given her an overall "outstanding" evaluation and the other two had rated all individual elements "outstanding" and given a summary rating of "strong."[4] Affidavits from senior managers attested to the fact that she had become virtually indispensable to FE. Everyone interviewed referred to her encyclopedic knowledge of operations. In fact, the investigator never found anyone who had dealt with her—as a supervisor, co-worker, subordinate, or consumer—who did not hold her performance in high esteem.[5]

Next the investigator gathered information to assess the validity of her contention that she had not been provided training appropriate for her professional progression. He compared her training record with seven male officers of similar age and positions of responsibility.[6] From this information and affidavits from managers, the investigator concluded that in one division staff position, she had performed in an outstanding manner and was described as indispensable, but had been cancelled from training courses. Competent but less glowingly described males had been rotated to broadening experiences that resulted in promotions. Senior division managers confirmed that emphasis had been given to training operations officers over Specialists because operations officers were viewed as future managers.[7]

Another part of Thompson's complaint concerned the impact of mobility on promotion decisions. The investigator noted that her reviewing officers from 1963-1965 had repeatedly stressed the importance of mobility (i.e., overseas experience). In her complaint, Thompson stated that she was never offered an overseas assignment.[8] To test the impact of this issue, the investigator looked at the record for four male officers in similar professional circumstances. For these employees, he noted that the lack of, or limited, operational

[2] Attachments to Complaint of Discrimination, CSC Form 894 Harritte T Thompson, 17 October 1977, pp 7-12
[3] Ibid

[4] At that time, performance evaluations did not assign numerical ratings
[5] Report of Investigation, Equal Employment Opportunity Complaint of Harritte T Thompson, 7 July 1977, pp 8-9

[6] *Ibid*, p 6
[7] *Ibid*, p 8
[8] Thompson told the author that she thought the DO never asked because she was married to a man who was not an Agency employee

experience had not prevented their advancement.[9]

Satisfied that there was some validity to the complaint, the investigator went on to examine the proportional representation of females at high grades in the Directorate. At that time, females comprised 19 percent of the DO's professional cadre. Looking at grade-level statistics, he noted that there were 6 percent *more* GS-14 than GS-12 males, while there were 77 percent *fewer* GS-14 than GS-12 females. The dropoff of female representation at the G-15 level was even more severe. Between grades GS-14 and GS-15, the percent of males dropped 48 percent while females dropped 92 per cent.[10]

Although the investigator concluded that in the period 1972-1977 women were not proportionally represented in the senior grades in the DO, the Directorate claimed that attitudes toward women were changing and that women were getting operational assignments and doing well. In fact, at the time of the investigation, the Deputy Chief of the then-East Asia Division was a woman. These were encouraging developments, but the investigator concluded that they were not relevant to this particular case.[11]

The investigator found that attitudes in the DO regarding

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female operations officers contributed to the disparate representation of females at high grade levels. Interviews of DO officers revealed that the Directorate viewed itself as an organization of operations generalists. Affidavits that addressed the subject of women in operations overwhelmingly voiced the opinion that women could not run agents. This was attributed to prejudice in the cultures of the countries where the DO operated. Specifically, it was believed that in Latin America, Africa, the Near East, and Asia, women were second class citizens. "Women in these countries seldom have access to information of value; hence they are not likely to be selected as agents. Implicit in these statements was the opinion that females could only run female agents, an assumption that could be challenged These same people pointed out that in such cultures female officers would not have the freedom of movement enjoyed by males."[12]

Operational experience remained a critical factor in promotions, setting women at a disadvantage. While the Directorate viewed itself as an organization of generalists, in fact it relied extensively on Specialists to meet the mission. Specialists were grouped into their own categories for purposes of evaluation and ranking for promotion. Thompson was described as a Specialist and a Category C employee.[13] The Directorate career service handbook documented that Category C employees did not have to compete with operations generalists for promotion. Headroom was allocated proportionally to each of the specialist categories.[14]

DO management refused to make available to the investigator the names of the Category C employees who were ranked above the complainant in 1977. Unable to make a comparison of qualifications, he relied on statements from the members of promotion panel.[15] The panel was composed of men from diverse professional backgrounds, but all described themselves as operations officers. From the interviews with the panelists and an examination of the ranking form they used, the investigator concluded that no matter how outstanding the performance of Category C officers, specialization was not being rewarded as much as operational experience. And because DO culture considered female

[9] Report of Investigation, pp 11-12.
[10] *Ibid*, pp 4-5
[11] *Ibid*, p. 10

[12] *Ibid*, pp. 9-10

[13] At that time, operations personnel were assigned to Categories B and D.
[14] Report of Investigation, p. 13.
[15] *Ibid*, p. 15.

operations officers to be of limited value, those women also were handicapped in competing for promotions.[16]

In summary, the EEO investigation report found practices in the DO that constituted discrimination against women in the promotion process. In the specific case of Harritte Thompson, the report said discrimination clearly was a factor in preventing her promotion to GS-15 in 1977. The investigator's final observation was that, "Complainant has been damaged primarily by unwitting, subliminal, unconscious discriminatory procedures that have become institutionalized by practice. Thus, there is no discriminatory official. Most of those involved in the ranking procedures, etc., which most affected this officer's pay status and future, did what they are sincerely convinced was the right thing to do."[17]

Seventh Floor Reaction

Thompson carefully and patiently followed the requirements of the EEO process. In August 1978, as mandated, she met with the director of the DO (the DDO) and other senior Directorate officials to defend her case. Even though that meeting is now many years ago, she remembers it like it was yesterday. The DDO explained why he disagreed with her position. The Directorate's career management officer commented: "If we bought ourselves for what we are worth and sold ourselves for what we thought we were worth, we would be rich." Thompson's response was, " I am not for sale."[18]

> **"Thompson's response was, 'I am not for sale.'"**

The DDO notified the officer in September 1978 that he found no evidence that she had been discriminated against because she was female. He thought her training had been appropriate for the positions she had held, and pointed out that non-operational personnel and women without overseas experience had been promoted to GS-15 or higher during the period in question. He also noted that she had been promoted to GS-15 subsequent to the complaint.[19]

In October 1978, Thompson formally advised the director of EEO that she found the DDO's conclusions contradictory to those reached in the investigation. She made reference to an Agency study undertaken earlier that year and one completed in 1971 about the underrepresentation of female officers at senior levels. Both of these studies had outlined plans for improvement. In a July 1978 dispatch to the field, however, the DO had admitted a lack of progress on these plans.[20]

Thompson decided to appeal her complaint to the Director of Central Intelligence (DCI).[21] The EEO established a Complaints Advisory Committee to consider the appeal in January 1979. The Committee found that "The panel's application of operational criteria to Specialist candidates for promotion, instead of recognizing the specialized skills and performance for which that category was created, was not only an error which by itself argues for remedial action, but has a disparate effect on women to whom, to a major extent, the opportunity for operational experience has not been available. There is reason to believe that this panel was typical of those which had failed to rank her high enough for her to be promoted in the past."[22]

The EEO director forwarded Thompson's appeal to the DCI

[16] *Ibid.*, pp. 13-15
[17] *Ibid.*, p. 16

[18] Request of a Decision by the Director of Central Intelligence on the Discrimination Complaint of Harritte T. Thompson, 24 October 1978, p. 6
[19] CIA Memorandum from DDO to Complainant. Notice of Proposed Disposition of Discrimination Complaint, 20 September 1978, pp. 1-2

[20] CIA Dispatch 11525. Utilization of Female Officers in the "D" Career Service, 7 July 1978, pp. 1-2
[21] *Ibid.*, p. 7
[22] CIA Memorandum from the Complaints Advisory Committee to D/EEO. Recommendations for Final Agency Decision in the Discrimination Complaint of Subject, 22 January 1979, pp. 2-3

with the Advisory Committee's findings and recommendations. The Committee's proposed remedy was promotion to GS-15 retroactive to October 1975, a date two years prior to her filing the complaint as provided in Civil Service Commission regulations. It did not recommend promotion to GS-16, because committee members believed that such decisions should be reserved to promotion panels. The EEO director concurred in the Committee's findings of disparate treatment, but suggested that the DCI *consider* promotion to GS-16 retroactive to October 1977, the date of the formal complaint.[23]

In May 1979, the Deputy Director of Central Intelligence (DDCI), on behalf of the DCI, accepted the Advisory Committee's recommendation. He advised Thompson that he approved her promotion to GS-15 retroactive to October 1975 DDCI decided with the Advisory Committee's recommendation. He advised Thompson that he approved her promotion to GS-15 retroactive to October 1975. His notification stated that he could not in good conscience concur in her promotion to GS-16. He was not convinced that, even absent the discriminating effect of the panel procedures, she would, in fair competition with her peers, have been promoted to GS-16.[24]

Going Outside

About the time that the DDCI made his decision, an article in *The Washington Post* caught Thompson's attention. A district judge had recently ruled in favor of women in an EEO discrimination suit. With the encouragement of her husband—himself a lawyer—Thompson called the attorney named in the article. After getting an Agency clearance and reviewing her case, the attorney met with current and former supervisors who all confirmed her exceptional performance at all levels over the years. The only apparent shortfall in her career was the lack of operational experience.[25] Her attorney proceeded to file suit in district court citing the Equal Pay Act of 1963. The CIA's Office of General Counsel (OGC) represented the DCI.

Legal action against the CIA began in June 1979. The suit charged that the Agency had willfully violated the Equal Pay Act of 1963 by paying Thompson less than it paid male employees for equal work under similar working conditions. The remedy requested was promotion to GS-16 retroactive to February 1977, and to GS-15 retroactive to May 1972, with all back pay and commensurate benefits.[26]

Early on, the Agency considered settling out of court to avoid a trial that was likely to prove painful to the DO. The amount and quality of training given women in the Directorate as opposed to men would be a key issue. Statistics from the internal investigation regarding the relative number of women in each grade and the time in grade for women as opposed to men would lead to "difficult questions." Ultimately, however, the DO decided against an out-of-court settlement.[27]

By October 1979, the Agency had formulated a strategy to lessen the burden in responding to the lawsuit. That stra-tegy included granting the retroactive GS-15 promotion as requested.

Formal statements made by the Agency in response to the plaintiff's charges convey its position, sometimes inadvertently:

> *[A GS-16 officer] is expected to possess substantial experi-*

[23] CIA Memorandum from D/EEO to DCI, Final Agency Decision in the Discrimination Complaint of Subject, 1 March 1979, pp 1-2.

[24] CIA Memorandum from D/EEO to Subject Notice of Final Decision of Agency; and attachment The Final Decision of the Central Intelligence Agency in the Sex Discrimination Complaint of Subject, 21 May 1979, pp 1-2.

[25] Author's interview with Thompson, 17 June 2000, pp. 1-2.

[26] US District Court for the District of Columbia, Civil Action File No 79-1565, Summons in Civil Action, 15 June 1979, p. 4

[27] Information drawn from privileged internal records reviewed by the author.

Legal Foundations

The Equal Pay Act of 1963 provided the basis for Thompson's lawsuit. Esther Peterson, a longtime labor lobbyist, worked effectively behind the scenes for President Kennedy's election campaign and subsequently was appointed Assistant Secretary of Labor. In her concurrent capacity as director of the Department of Labor's Women's Bureau, she pursued implementation of measures advocated by a number of national women's organizations since the 1940s. Peterson used her position (as the highest-ranking woman in the administration), her influence with the president, and her reputation with Congress to achieve passage of key legislation.

Under the Equal Pay Act, employers could no longer legally pay women less than men for work requiring equal skill, effort, and responsibility in similar working conditions. Enforcement required complainants to file federal lawsuits. The Act, however, did not address women's lack of opportunity to compete for many jobs—that was addressed by civil rights legislation the following year.

Title VII of the Civil Rights Act of 1964, which made it unlawful for employers to discriminate against individuals because of their sex, established the EEO process for Thompson's complaint. In the early 1960s, television brought civil rights clashes into the nation's living rooms. Responding to public pressure, the Kennedy administration spearheaded legislation to meet many of the demands of the civil rights activists. Title VII of the compromise bill worked out between the House Judiciary Committee and the White House prohibited employment discrimination on the basis of race, color, religion, or national origin, and established a commission to develop federal policies and investigate complaints of discrimination. Complainants could pursue enforcement through the federal courts.

Following Kennedy's assassination, President Johnson made the bill a top legislative priority. When the bill reached the House floor for debate and vote, it became increasingly apparent to its opponents that it would probably pass. In an effort to defeat the bill, segregationists introduced an amendment to prohibit sexual discrimination under Title VII, believing that this would increase the strength of their arguments about the bill's radical philosophy. The bill passed the House despite this effort to undermine it. The Senate next took it up and worked out compromises to ensure the necessary two-thirds vote for passage. In the process, the provision addressing sexual discrimination was retained, in large part due to the efforts of Senator Margaret Chase Smith. Thus, without public pressure and with little debate, equal employment opportunity for women became the law of the land as a result of the last minute linkage of racial and sexual discrimination—an ironic twist of legislative and social history.

On the Equal Pay Act, see: Cynthia Ellen Harrison, *Prelude to Feminism: Women's Organizations, the Federal Government, and the Rise of the Women's Movement, 1942 to 1968* (Columbia University, Ph.D Thesis, 1982). On the Civil Rights Act, see: Patricia G. Zelman, *Women, Work, and National Policy: Kennedy-Johnson Years* (Ohio State University, Ph.D. Thesis, 1980).

ence, ability, and personal characteristics which qualify him to serve in important management and policy positions in Headquarters and abroad ... Typically, he will have a decided leadership and command talent ... He will be expected to have a comprehensive knowledge of ... As he approached more senior levels ... His earlier career will have been marked by ...

I know of no facts which can be said to indicate or support a conclusion that the Agency has discriminated against females since March 24, 1972. I have been informed that of the complaints of sex discrimination filed with the Agency's Office of Equal Employment Opportunity since March 24, 1972, only one, apart from this case, has resulted in a final Agency decision finding discrimination. (The complainant accepted the Agency's disposition proposal.) This case is exceptional in the sense that the complainant was given the benefit of substantial uncertainty regarding the existence of unlawful discrimination.

. . It is pertinent to note . . that none of the eight employees ranked above Plaintiff in the disputed fiscal 1977 promotion exercise has yet been promoted to GS-16.

As set forth in the Agency's final decision regarding the complaint giving rise to this action, there was reason to believe that the panel members who considered plaintiff for promotion to grade GS-15 in 1977 may have given improper weight to the factor of operational experience, which may have favored the males ranked at this time in this category. However, operational experience is not an irrelevant factor when considering promotions at the senior management level at CIA, as made clear by the precepts for promotion to grade GS-16.[28]

In March 1980, the Agency responded to additional documents submitted on behalf of the plaintiff:

While the majority of individuals sitting on competitive evaluation panels are white males, the percentage of females on panels evaluating professional personnel is higher than ten percent, at least for such panels convening during and since fiscal year 1977. The percentage of females on panels evaluating clerical personnel is much higher.

The referenced . . position was a GS-15 position at the time of Plaintiff's assignment, although it was soon thereafter changed to a GS-16 position The two individuals identified as previously performing similar duties to this position .. belonged to a different career service than did Plaintiff...and were promoted by their parent component ....[29]

Thompson's attorney filed a pretrial statement that made the following points to the court:

The [CIA] conducted a study (in 1978) of the treatment of female professionals in the Operations Directorate ..This report indicates that women's share of high GS-graded jobs ... is unsatisfactory. It generally acknowledges that female professionals are underrepresented, especially in grades GS-14 and higher, in the Agency. Additionally, the document indicates that for the Agency as a whole, women were disadvantaged in that they held a very low percentage of the higher grades, especially at the GS-14 and higher levels. It also found that women at the GS-14 level spent a substantially longer time in grade than males. The report found that there was a widespread bias toward

[28] US District Court for the District of Columbia, Harritte T Thompson v Stansfield Turner, CA No 79-1565, Answers to Plaintiff's Request for Admissions, November 1979, pp 12, 15-16

[29] US District Court for the District of Columbia, Harritte T Thompson v. Stansfield Turner, CA No 79-1565 Defendant's Answers to Plaintiff's Request for Admissions, March 1980, pp. 2, 7-8

[against] the operational use of women by the Agency.

[The Agency] utilized criteria for the selection of individuals for promotions that had a disparate impact upon females not justified by any business necessity.

The [CIA] claims that the differences in plaintiff's pay vis-à-vis males at higher grade who had done the same work was the result of the operation of a merit system. Plaintiff's rebuttal to this assertion is the fact that employment practices [that the CIA] utilized admittedly had an adverse impact upon females and, therefore, the merit system was not "bona fide." Plaintiff will also show that the merit system was not bona fide because it resulted in females being undergraded in the higher professional levels and spending more time in grade than similarly situated males.[30]

United States Attorney Charles F. C. Ruff—later famous for the Senate impeachment trial of President Clinton—notified the Agency in early May 1980 that the trial was scheduled to begin 27 May. Ruff advised that a settlement was in the CIA's best interest.[31] As a result, the trial was postponed and negotiations began. The DDCI

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was concerned that letting the case go forward would, in effect, put the Agency's entire personnel system on trial. Therefore, in June 1980, he agreed to a proposed settlement, which included acceptance that for many years Thompson had been assigned to positions held by her male predecessors at a higher grade. He noted that she was, that very month, ranked within what appeared to be the available headroom for promotion to GS-16. The terms of the settlement stipulated that Thompson's promotion to GS-16 should be retroactive to 1 October 1977.

The DO remained unconvinced that the merits of the case warranted the proposed relief accorded by the Agency. Nor did it like the idea of sacrificing the integrity of the panel system to outside pressures. Nonetheless, the Directorate came to accept that settlement of the case on the terms worked out was in the Agency's interest because of the difficulty of presenting a strong defense. On the transmittal document forwarding the General Counsel's recommendation to the DDCI, the DDO wrote: "At times reality supersedes right and principle—in this case the DDO concurs because the court is stacked against us."[32] This is a profound comment from one of the most highly respected senior Agency managers to this day, reflecting both his frustration and, ironically, the cultural paradigm shift as Agency managers began to digest the implications of the revolutionary 1960s legislation.

Thompson accepted the settlement. She was retroactively promoted to GS-16 and received a net payment of $3,898.23.[33] She did not request damages.[34] The Agency paid her attorney $13,000 for costs and fees. As part of the settlement, the DO was required to revise its promotion criteria.[35]

Because Thompson was discrete, few people—even coworkers and close associates—knew about her EEO complaint or the legal action. She insisted that her attorney not talk to the

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[30] US District Court for the District of Columbia, Harritte T. Thompson v. Stansfield Turner, CA No. 79-1565, Plaintiff's Pretrial Statement, March 1980, pp. 8, 11

[31] Memorandum from Office of US Attorney, Washington DC to CIA Assistant General Counsel: Harritte T. Thompson v. Stansfield Turner, CA No. 79-1565, May 13, 1980, pp. 1, 5

[32] Internal transmittal manifest, 6 June 1980

[33] The pay differential owed was not a large amount, because by the time of the lawsuit Thompson was already a senior GS-15

[34] US District Court for the District of Columbia, Harritte T. Thompson v. Stansfield Turner, CA No. 79-1565, Consent Decree, November 25, 1980, p. 1

[35] Author's interview with Thompson, 17 June 2000.

newspapers about her case. Her performance on the job did not falter. Throughout the painful process, her objective remained to prove that women can function effectively in the DO without direct operational experience. She believed that ending the bias of DO panels against officers without operational experience would make the Agency better.

Epilogue

Harritte Thompson went on to serve the Agency and the Directorate of Operations well until she retired in 1989 as an SIS-4. Her last assignment, which she held for a number of years, was as a senior manager of Directorate operational performance and resources, overseeing the very personnel processes she had worked so hard to improve. In 1985, she was one of 35 SIS officers receiving a special stipend, and the only DO female. She was also awarded the Distinguished Intelligence Medal upon her retirement in 1989.[36] Recently, the DO established a Chair for Resource Management in her honor at the George Bush Center for Intelligence.

> **"Thompson believed that the Agency ... would be better served by effectively utilizing and appropriately rewarding the talent and contributions of its entire workforce."**

When I returned from an overseas assignment in 1981, I found the Directorate much changed from two years earlier. As chief of a DO budget and finance branch, I noted that we had a stream of new officers in training or headed overseas. That in itself was not new. What was different was that the trainees were no longer all white males. Sizeable numbers of female officers were coming through, although it was not until the 1990s that we began to see more minorities. I wondered what had prompted the change in the DO. A chance hall conversation with Harritte Thompson led me, years later, to pursue her story and look into the legislation that enabled her success.

Thompson believed that the Agency, particularly the DO, would be better served by effectively utilizing and appropriately rewarding the talent and contributions of its entire workforce—specialists and generalists alike. She put her own peace of mind and career on the line to make that statement. Based on the rights bestowed by the Equal Pay Act and the Civil Rights Act, her case in the late 1970s undoubtedly helped to focus Agency senior managers on the bow wave of social change coming toward them. I have seen many changes occur over the course of my long career, but there is no doubt that still more needs to be done for and by women in the Agency. Social change moves slowly. The war on terrorism raises new opportunities and challenges.

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[36] In recognition of "38 years of superior performance in critical senior positions in which she demonstrated leadership ability and exemplary achievement as an innovator and manager in the fields of operations, intelligence, and resource management and evaluation