Serious problem, treated by not so serious people

By Joanne Laurier
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North Country directed by Niki Caro; screenplay by Michael Seitzman, based on the book, Class Action: The Landmark Case that Changed Sexual Harassment Law by Clara Bingham and Laura Leedy Gansler

The Jenson v. Eveleth Mines case, the first class-action sexual-harassment lawsuit in US history, inspired North Country, the new film directed by New Zealand filmmaker Niki Caro (Whale Rider). The lead plaintiff in that case, Lois Jenson, who began working at the northern Minnesota iron mine in 1975, along with 14 other women, ultimately won a multimillion-dollar settlement in 1998—eleven years after the suit was filed.

The punishing and often degrading legal battle against the company exacted an immense toll on the women, most of whom were left physically and mentally debilitated.

In North Country, a fictionalized version of the case (loosely based, in turn, on Class Action: The Landmark Case that Changed Sexual Harassment Law, by Clara Bingham and Laura Leedy Gansler), Charlize Theron plays Josey Aimes, who returns to her Minnesota hometown after leaving an abusive marriage. To support her son and daughter, she applies for employment in the iron mines. Josey’s father (Richard Jenkins), a veteran miner, is hostile to the idea, and he berates his daughter with remarks like “You want to be a lesbian now.” He believes, like most of his colleagues, that the mine is no place for women. Lured by the prospects of a relatively lucrative wage, and with the encouragement of her friend Glory (Frances McDormand)—a union representative and truck driver at the mine—Josey is prepared to endure the backbreaking and dangerous work.

What she is far less prepared for is the sexual divide and severe harassment of the female miners that pervade the workplace. Having recently been judicially mandated to hire women, the company grudgingly fulfills the task (women employees increase expenses, since the company has to provide such things as maternity leave and separate lockers and bathrooms) at a time when the industry is beginning to retrench. The threat of impending job loss creates a level of tension that allows, with a nod from the company and union, physically and mentally debilitated.

The mini-melodramas tend to interfere and distort the narrative. Instead of deriving their drama from actual social life, which certainly provides opportunity enough to the observant, the filmmakers submit the viewer to contrivances and plot devices, largely artificial interludes about Josey’s crises with her parents, her son, her past. Key social and historical elements that helped give rise to the Jenson case are essentially ignored by the filmmakers. Instead, tired themes borrowed from typical Hollywood or made-for-television movies, involving family discord, superficially-treated victimizations and the inevitable triumph of the individual hero(ine), water down the
already diluted storyline. While the movie draws attention to the lawsuit and the issues involved, it does so with too much of an eye on the Oscars.

Some of the weaknesses of the director’s approach to the Jenson case and the issue of sexual harassment emerge in the film’s production notes. Caro remarks: “The story investigates a grey area of male/female interaction and the gradations between the innocuous and the offensive. It isn’t a black-and-white scenario or reverentially politically correct. What happens to Josey and her colleagues has a cumulative effect and North Country explores that from many angles. It’s not simple. These are issues of actions and responses that are part of human nature [emphasis added]. A man tells a dirty joke, a woman tells a dirtier one, then there is an explicit remark or maybe something physical...at what point does this do damage? Where do you draw the line?”

This is a terribly superficial, although by no means untypical, explanation. Of course, first of all, if this is all merely an expression of universal, eternal male/female interplay—a gloomy conclusion, by the way—then why go out of one’s way to adapt this particular case and make this particular film? How does this help explain the level of toxicity in the social/sexual atmosphere represented in the film? The comments simply indicate that Caro has oriented herself entirely the wrong way, away from the socially and historically specific (and, therefore, telling) elements, and toward some rather banal (and wrongheaded) considerations about “human nature.”

The Mesabi Iron Range contains some 110 miles of small towns built at the turn of the last century along a seam of iron ore called taconite. Eveleth Mines was opened by Ford Motor Co. in 1966, and the workers were organized by the United Steelworkers of America (USWA). In 1974, there was an affirmative action “consent decree” between the federal government, nine of the largest steel companies and the USWA, requiring the companies to provide 20 percent of their new jobs to women and racial minorities.

The Bingham/Gansler book hints at some of the conditions that led to the attacks on female workers: “At Eveleth Mines, attrition was high. In 1980, 1,425 employees worked at the mine. But in 1982, the mine shut down an entire line of production, cutting the workforce in half. In August 1983, Eveleth shut down completely for eight weeks. By the end of 1983, a paltry 723 remained—702 miners had vanished as if into the pit. Eveleth Mines had an additional problem: It was the least efficient of all the mines on the Range. Its labor and railroad costs were the highest, and it expended the second largest amount of energy per ton of taconite pellets.

“With so few jobs to go around, hostility at the mine increased toward the women who had enough seniority to keep their jobs.”

Various elements fed into the severity of the sexual harassment, aside from the brutality of the conditions and the inevitable backwardness of the semi-rural area. The USWA bureaucracy, steeped in chauvinism and anti-communism, refused to conduct a struggle against the loss of jobs, pitting workers against each other in times of economic downturn. In the late 1970s and 1980s, this same bureaucracy presided over the decimation of the US steel industry without lifting a finger. Clearly, when workers are stressed about the possibility of losing the only decent jobs in a given area and cut off from any progressive solution, the imposition of racial and gender quotas will tend to bring out the worst in the most susceptible layers of the population. Moreover, the events took place under conditions of a general turn to the political right, not only within the more privileged layers of the American population, but also within sections of the working class. All in all, unhappily, the most propitious possible conditions existed for the abuses the women miners suffered.

The actual Jenson trial was a far more torturous ordeal than its shallow recreation in the film would suggest. Jenson describes the 11-year lawsuit as her rape by the judicial system; Class Action cites her comment: “I felt naked on the stand. The atmosphere in the courtroom was just like being at Eveleth Mines. I felt like a criminal and I was going to be sentenced to something.”

Are life’s problems (and the problems of working class women in particular) solved by victory in a hard-fought court case, with the hero(ine) handed a check at the end, as North Country implies? The conditions of working women are hardly idyllic in America; indeed, they are measurably worsening, thanks to bipartisan efforts in Washington.

A recent press release from the National Women’s Law Center notes that on October 26, the House Ways and Means Committee approved more than $8 billion in cuts to programs that benefit low- and middle-income women and their families in order to finance an additional $70 billion or more in tax cuts for the wealthy.

As well as cutting child support enforcement and other services, the Committee intends to reauthorize the Temporary Assistance Needy Families program with more severe requirements and restrictions on access to education and training. Also affected are Child Care and Development Block Grants, for which only $500 million in additional funding will be provided over the next five years. This represents half of the $1 billion increase previously approved by the House, far less than what will be needed to meet the increased child care demands resulting from the bill’s increased work requirements.

“Poor women and their children who have so little are being asked to make painful sacrifices while Congress moves ahead with plans to give even larger tax breaks to those who already have so much,” summarizes the NWLC.

Such is real life in America. From the film industry, often even with decent intentions, we largely receive stereotyped and trivial products, sharply at odds with life.

It is also worth noting that North Country, which rather complacently lauds the practice of launching class-action suits, appears precisely (and appropriately, given the general level of foresight and insight that prevails in Hollywood) at the historical moment when the Bush administration, with the support of the Democratic Party, has signed into law a measure that will severely curtail the ability of consumers and workers to use class action lawsuits to seek damages for corporate malfeasance. The “golden age” of American jurisprudence advertised in North Country, in other words, which was never so golden to begin with, is already at an end!

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