

# Serious problem, treated by not so serious people

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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, backward foremen and miners to torment the women with crude remarks, sexual graffiti, manhandling, threats of rape and worse. One of the most egregious offenders is Josey's former high-school classmate, Bobby Sharp, who years previously witnessed Josey's rape by a teacher. Josey has kept her rape a secret in order to prevent her son Sammy from associating his birth with the horrible crime.

Any attempt that Josey makes to have the harassment redressed by the company or union leadership proves futile. Increasingly distraught, she decides to sue the mines, an act that angers her male fellow union

members. To her surprise, the town as well the other female miners also register their disapproval of her actions.

In court, every below-the-belt tactic is used by the mine's lawyer—"the best female corporate lawyer"—to discredit Josey. Most painfully, she is forced to discuss her rape. However, with some slick lawyering by Bill White (Woody Harrelson) on Josey's behalf, the latter's charges against the company stand as other women come forward, serving to heal wounds and mend relationships. With an undisclosed cash settlement, Josey rides off into the sunset (literally) with her family.

Director Caro, decent intentions notwithstanding, is not up to the task of dramatizing the Jenson case. The Bingham/Gansler book, despite its limitations, chronicles a far richer and more complex reality than that portrayed in *North Country*. The film's courtroom scenes, intercut with depictions of workplace abuse, are simplistic and unconvincing. A rare instance of depth occurs when, during a mass union meeting, Josey's father Hank takes the microphone from a hostile bureaucrat and delivers an impassioned plea for tolerance and solidarity. His transition, however, from foe to friend—like all of the film's "moments of truth"—is overcooked and facile.

The movie's cinematography is noteworthy and reveals the poverty and rural isolation of the mining towns. Such images hint at problems—above all, industrial decay and the immense social divide in America—well beyond the filmmakers' interests or skills. Shot primarily on location in the Minnesota towns of Eveleth, Virginia, Hibbing and Chrisholm, the production team was also allowed access to the Phelps-Dodge Company's Cobre and Chino copper mines in New Mexico.

The iron ore region's desolate winter is made starker by the camera's glimpse of the "scorched earth" caused by the mining techniques. Bleak and difficult conditions inside the mines go some way toward explaining why brutality flourishes in personal relations. However, the strong visual argument mounted by means of the physical (and social) landscape not only fails to compensate for the film's weaknesses, but rather serves to highlight them.

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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