Jane Doe v. Boeing Company: 
Transsexuality and Compulsory 
Gendering in Corporate Capitalism

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Jane Doe, a self-identified male-to-female transsexual who desired anonymity, was a Boeing engineer from 1978 to 1985. In 1985 she began undergoing counseling to prepare for sex reassignment surgery and changed her dress and physical appearance to reflect her gender and sex identification. She also notified her supervisors and coworkers that her physical appearance would change. Company leaders struggled with how to respond to what seemed to them to be new, potentially dangerous issues. Boeing’s personnel department asked Doe’s supervisor, Barry Noel, to “formulate a company position on it.” Lacking both precedent and policy, Noel described his responsibility as “plowing new ground,” a comment that exposes the sexist mind-set of company leaders as well as the entrenched position of gender discrimination in corporate culture and policies. After several months of trying to create a policy, Boeing managers asked Doe to dress in a “gender neutral fashion” and wear either male or “unisex” clothing. Doe tried to negotiate the boundaries of Boeing’s request for “gender neutrality” while simultaneously attending to preoperative directives to dress as a woman for up to a year prior to surgery. She had to negotiate between an intense pressure to conform to masculine norms and an expression of her gender that was pathologized and stood outside corporate norms. The coercive gender norming Doe faced was reinforced through corporate disciplinary measures that amounted to
compulsory gendering. Boeing leaders forced Doe to choose a “normal”
gender that was part of larger patriarchal heterosexual prescriptions. As
C.L. Cole and Shannon L.C. Cate note, this “compulsory gender bina-
rism” is inherently limited and discriminatory under patriarchal systems.²

A few months after she changed her appearance, in late 1985, Doe
went to work wearing clothing that she thought was feminine yet still
within the company’s directed guidelines. Her outfit included slacks, a
sweater, a necklace, earrings, makeup, and nail polish. Doe’s managers de-
cided that her appearance did not meet company standards of dressing
“androgynously, male, or neutral.” Consequently, they fired her for
violating company orders to avoid feminine attire.³

After she was fired, Doe sued Boeing for employment discrimination
based on gender dysphoria under state disability discrimination provisions.
Gender dysphoria, along with gender identity disorder, was invented by
the medical profession in the early 1970s to refer to a “range of crossgender
identifications that might ultimately lead to surgery.”⁴ Doe ultimately lost
the suit, but Jane Doe v. Boeing Company remains a landmark case in the his-
torical record on transgender and worker rights. The case illuminates
how transgender identities, and gender and sex norms more broadly, were
constructed and maintained through legal, medical, and corporate
discourses. Moreover, it provides a needed opportunity to go beyond a
focus on gender and analyze transsexualism within historical capitalist
relations. The case is also crucial for understanding the contemporary
legal relationship between transgender and disability and the normative
organization of labor power under neoliberalism.

Above all, the case of Jane Doe reveals the stakes at play in capitalist
power relations. As scholars such as Rosemary Hennessy, Ruth Milkman,
and Karen Ramsay and Martin Parker have pointed out, capitalism does
not require a gender division of labor but has historically used a division of
labor built on sex and gender norms. To understand how corporate capi-
talism enforces gender norms and creates an appearance of stability at the
macrolevel, it is imperative to examine the construction of gender norms
on a microlevel. The Doe case shows how corporate capitalist power at
the microlevel is composed of day-to-day negotiations based on compul-
sory gender binarism and unwritten and assumed norms. As Ramsay and
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Parker note, “if we look at organizations as cultures, they begin to appear as webs of meaning that are constructed through the everyday practices of actors. Dress, language, symbolism and so on become the unrecognized material out of which the organization is built.” The case of Jane Doe exposes this “unrecognized material” to provide insight into how corporate bureaucracies function. At Boeing, it was the unspoken and unwritten role of convention that allowed the workplace to function and that simultaneously placed Jane Doe outside organizational norms. More broadly, the case reveals the corporate investment in enforcing compulsory gender binaries through coercive norms.

The Story of Jane Doe, 1978-1985

From 1978 to 1985, Doe worked in several different positions at Boeing. She also transitioned through several departments and divisions, including Boeing Aerospace Company, Boeing Commercial Aircraft Company (BCAC), and Boeing Computer Services (BCS). She spent the majority of her time at BCS in Renton, Washington, including the period up until her termination in 1985. BCS provided support for—and shared office space with—just one customer, BCAC. Thus, Doe worked not only among her fellow engineers but also in the same physical space as her customer. Even in such a large corporate setting (there were over 800 employees in her office complex alone), Doe worked closely with a smaller work group. Of the fourteen people working in her group, only a few were women, including two who sat near Doe. The rest, including Doe’s immediate supervisors, were men.

Doe excelled at BCS and her work performance was never called into question. She consistently achieved good work performance reviews and recognition for her engineering abilities. In addition, her supervisors testified that even at the time of termination Doe’s work performance was not at issue. What Doe’s managers and Boeing leaders did question, however, was the gender and sex image Doe began to present in the mostly male engineering department beginning in 1984.

Although Doe’s decision to change her appearance was the culmination of decades of conflicted feelings about her gender, she cited 1984 as a pivotal year in her transformation, recalling it as the point when she
“reached that dramatic conclusion” that she was a woman. In late 1984, she decided to pursue sex reassignment surgery. Ultimately it was not until 1989, well after she was fired from Boeing, that Doe could afford to undergo sex reassignment surgery. Her decision in 1984, however, had widespread and immediate ramifications for both her personal and professional life. She began seeing a doctor for hormone therapy and a psychologist for counseling in preparation for her surgery. On the basis of several recommendations from friends, Doe went to Colorado in 1985 to consult with Stanley Biber, one of the leading physicians in gender dysphoria and sex reassignment. Biber advised Doe on the specific guidelines that the medical profession had established for transgendered persons who wanted sex reassignment surgery. More specifically, he cited the Harry Benjamin International Gender Dysphoria Association’s Standards of Care: The Hormonal and Surgical Sex Reassignment of Gender Dysphoric Persons (Benjamin Standards), which advised patients to live full-time in the social role of the sex they identified with for at least one year. Doe described her reaction to Biber’s instructions to live as a woman as one of relief. She stated: “I had to know that I could be comfortable in public as a female. I was certain that I was not comfortable in public as a male.” She also emphasized the deep reflection that went into this decision: “Gender dysphoria is not just something I read about and thought would be fun to try.” At the same time, however, the Benjamin Standards conflicted with Boeing’s requirements, and Doe could not simultaneously fulfill both.

The choices Doe faced cannot be fully understood without taking into consideration the trajectory of disability discourses and litigation and their intersections with transgender and medical discourses. The creation of the Benjamin Standards and the emergence of “gender dysphoria” and “gender identity disorder” as terms of diagnosis reflect the growth of the medical profession’s involvement with transsexualism in the 1970s and 1980s. Doe relied on the recommendations of psychologists and counselors to deem her ready for surgery. But medical diagnoses of gender dysphoria and gender identity disorder remain complicated, controversial, and inextricably connected to developments in the history of disability. As Susan Burch and Ian Sutherland explain, until the 1980s, disability studies, and conceptions of “handicap,” followed a medical model that posited
that disabilities were equated with pathologized dependency or a deficiency that could be rehabilitated through medical intervention. In Doe's case, the diagnosis of gender dysphoria allowed her to gain access to sex reassignment surgery and also served as the platform upon which her legal claims of employment discrimination against Boeing were built. However, although the diagnosis of gender dysphoria can sometimes allow people to receive medical care and pursue legal claims under disability statutes, it can also undermine individual autonomy, reify dominant gender norms, and reinforce the idea that transpeople are sick or pathological. The search for an "authentic" self can also reinforce the idea that gender is stable, fixed, and coherent. As Judith Halberstam points out, transsexuals are often represented both "as 'empire' and the subaltern, as gender dupes and gender deviants, and as consolidated identities and fragmented bodies." Joanne Meyerowitz argues that these classifications are problematic, because for transgender people "varied presentations of gender were no less 'authentic,' and no more 'free,' than other sincere attempts to express a sense of self."

Doe's desire to follow the Benjamin Standards and her gender identity was at odds with Boeing's investment in maintaining rigid gender divisions in the workplace and masculine norms in the engineering department. She was therefore placed in the impossible situation of needing to express gender and being banned from expressing her gender, of being categorized as either normal or pathologized, and of conforming to a homogeneous corporate culture or standing out as outside that culture. For the most part, Doe relied on a language that explained her postoperative gender as fixed and in line with an "authentic" gender. She argued in court, for example, that "only those that are still in the early stages of dealing with their issues" would present themselves as transsexuals. At the same time, however, Doe also relied on the legal definitions of gender dysphoria as a handicap or disability where she had to make adjustments for having a gender that did not match her body: "My understanding is that the legal definition of a handicap... is a condition that prevents one from performing one of life's major functions," and as she noted, "I still can't have babies. I can't menstruate. I have some maintenance that I have to do that biological women don't do in terms of I have to dilate on a weekly
basis, and I have to take hormones." Doe further described herself as "emotionally handicapped" because of her "history as being raised as a male, and not many women have that history, so my history is part of my mental handicap." Doe's language illustrates the complexity of her relationship to the diagnosis of gender dysphoria; she both rejected the idea that transsexuality was fixed or a permanent state at the same time that she affirmed transsexuality could never be fully erased.10

In the summer of 1985, several months before she was fired, Doe made the decision to inform her managers and coworkers of her intentions to transition and indicated that her physical appearance would change. Doe testified that she was nervous about telling her coworkers, but felt she had to because she was afraid of the attention she could attract, particularly after she informed her supervisors. She noted that although she "had hoped to transfer to a new job as a female because there would be less chance of disruption and less fingerpointing," she was not offered a new position. Nevertheless, she stated, "It has been a smooth transition however in my work group. Everyone was made aware that I would be dressing as a woman on 1 June 1985 and going by the name [Jane]." Doe noted with surprise that, in most cases, relationships remained "very professional" and many of her coworkers proved supportive. Others, however, had difficulty accepting what they perceived as Doe's disavowal of male privilege, which included a place of belonging and authority within the masculinist engineering department. Some reactions were exceptionally harsh. A lead engineer in Doe's department, for example, reacted with "disgust" that Doe was "rejecting his male birthright" and was "so fouled-up mentally that he would even contemplate such a thing."11

As the engineer's reaction suggests, Doe's transition disrupted Boeing's organization of work along sex and gender lines. Women were rare in the engineering ranks of the company. Many women engineers at Boeing were discouraged by the male atmosphere and left Boeing after only a few years of employment. As one woman manager who was interviewed in 1989 recalled,

"I know, or have heard about, a number of young women engineers who've left the company after a short period of time—two, three years—because they're discouraged. Often, because of the way they're treated by their
male coworkers. They’re not necessarily harassed; it’s worse. They’re ignored. And I know what it feels like; I’ve been in meetings where the men behaved like I wasn’t even there.\textsuperscript{12}

In 1989, only one in fifteen Boeing engineers was a woman; at a total number of 978, female engineers made up around 6.5 percent of Boeing’s engineers. This number had increased from 227 engineers, or 2 percent of the total number, in 1979. Company-wide, only 20 percent of Boeing production workers were women and there were only a handful of female executives.\textsuperscript{13}

At the same time that Doe disrupted this male-dominated environment, there was also a sense that Doe stood outside those gender and sex lines for rejecting normative identity. Some of her coworkers’ reactions typify what Robert McRuer refers to as “compulsory able-bodiedness,” where “people with disabilities embody for others an affirmative answer to the unspoken question, ‘Yes, but in the end, wouldn’t you rather be more like me?’” As Lennard Davis’s analysis of normalcy shows, the construction of the norm assumes that most people are or should be included in the norm. In the minds of some coworkers, Doe was not able bodied nor was she within the homogeneous gender and sex norms of Boeing engineers.\textsuperscript{14}

Boeing, like other organizational cultures, put a premium on predictability and certitude, particularly with regard to gender. Like other women at Boeing, Doe had to negotiate the gendered hierarchy in a male-dominated workplace. In the midst of her lawsuit, a coworker at a new non-Boeing job who was not aware of Doe’s history asked about her experiences as a female engineer at Boeing. Doe went home that night and wrote in her diary: “He asked if it had been tough as a woman at Boeing! I . . . thought if he only knew.”\textsuperscript{15} The coworker’s question reflected a widespread awareness that beyond just Boeing, engineering departments, along with the entire aerospace industry, were dominated by men. Post-war policies such as the GI Bill, whose benefits flowed overwhelmingly to men, along with the masculinist imperatives of the burgeoning field of aerospace research and development during the cold war, led to the dramatic growth of engineering as a skilled, white-collar professional occupation for men.\textsuperscript{16} Yet, by the 1960s, corporate engineering jobs earned
a reputation for strict uniformity and homogeneity. One disillusioned engineering student noted that in corporate engineering departments "individuality seems to be completely lost. . . . Rumors reach the campus ranks of certain corporations telling employees to wear certain colored suits, ties, shirts and hats to work and even suggesting what their wives should or should not wear to company sponsored functions." The strict normative codes within corporate culture described by this student worked to foster "structural inequalities" that uphold male domination. Corporate cultures thrive on values of stability, predictability, and conformity. Boeing was no exception.

In addition to challenging the normative organization of labor power as a woman engineer, Doe also confounded organizational and state norms in transitioning to a woman. Most state, legal, and corporate definitions of gender and sex are conflated with anatomical or chromosomal tests. Although Doe considered herself female long before her surgery, Boeing leaders also subscribed to an anatomical view of gender and sex and refused to recognize Doe as female until her anatomical sex was surgically changed. There were a few cases of transsexual persons at Boeing who had challenged corporate policy before Doe. Boeing leaders had addressed transsexual rights at least as early as 1982, when a male-to-female transsexual inquired about company policy and began to transition while employed at Boeing. Doe reported knowing several other transsexuals who worked at Boeing. She also met several other Boeing employees at various support groups she attended throughout the late 1970s and 1980s. For instance, at the Seattle Counseling Service for Sexual Minorities, Doe recalls that she befriended "both transvestites, transsexuals, and people that were professionals, doctors, lawyers, Boeing employees, as well as carpenters and blue collar and unemployed, and just the whole spectrum of careers and skills and education level." Doe, however, appears to be the first to make legal discrimination claims against Boeing on the basis of transsexualism.

**Boeing's Response to Doe's Transition, 1985**

The events leading to Doe's discrimination suit began in March 1985, when she informed her managers that she would begin to dress as a woman,
which she did in June of that year. While there were no complaints about her dress, except from management, in September 1985 a coworker complained that Doe had used the women’s restroom. The complaint prompted managers to reexamine their response toward Doe’s transition, although it was her dress and appearance that became the central issues in the case. Doe, her managers, and corporate leaders held a series of meetings in September and October to negotiate attire. By October, corporate managers decided that Doe needed to be disciplined for transgressing the norms of workplace culture and gave her two weeks to stop dressing as a woman or face termination. Doe was fired in November 1985 and *Jane Doe v. Boeing Company* was filed in 1986, though the case did not reach the court until 1990 and the final ruling did not occur until 1993.

In spite of the fact that Doe was not the first transsexual to ask for accommodation at Boeing, her transition confounded corporate policies and disrupted Boeing’s workplace organization immediately after she announced her intentions in March 1985. Doe expressed a desire to work with Boeing to minimize any disruption that might occur as a result of her transition. She asked Boeing leaders to allow her to dress as a woman, use women’s restrooms, and change her name but stated she was willing to work with managers to introduce coworkers to the transition and to cooperate with other policies. In spite of this, Boeing leaders had difficulty being flexible. The company refused Doe’s requests for accommodation such as a medical leave of absence, although corporate leaders did tell Doe that if she quit they would consider rehiring her after surgical reassignment.21

Doe’s supervisors and managers investigated company policy but did not uncover a specific written corporate policy applicable to her case. The absence of a written policy was critical; it meant a lack of recorded institutional precedent, which in turn privileged and empowered the norms of Boeing’s corporate culture. Boeing leaders eventually concluded that although there was no policy, there was an “unwritten position that people were to present themselves according to their biological gender at most recent date of hire.”22 This extralegal response by Boeing leaders reflects what Stephen Whittle calls the “default assumption,” the belief that gender is fixed and corresponds to anatomical sex.23 For transgender people, this assumption can mean discrimination both before and after
transitioning. In leaning on an unwritten position that conflated gender with anatomical sex, Boeing managers adamantly refused to recognize gender presentation as fluid and understood sex reassignment in normative binary terms. They rested their power to discriminate against Doe on the false understanding of gender as a static state of embodiment.

Interestingly, there were no Boeing company rules about employee name changes, and managers did not devise an extralegal solution for Doe. Doe found similar latitude in changing her name within the governmental arena. In 1984, even before she altered her attire at work, she changed her legal name, got a new driver's license, and had the Department of Defense reissue her security clearance at Boeing to reflect her new name. Doe was even able to change the sex on her driver's license with a letter from her doctor. Boeing changed the name on Doe's employment records, and one of her supervisors changed the male pronouns in her work performance review. Doe's name change went through without controversy. In the security clearance interview, which was required to change the name on her security badge, Doe presented her transsexuality as established both at home and at work: "Everyone I associate with on a regular basis as well as some that I don't are aware that I am a transsexual. My coworkers and supervisors at the Boeing Company, Seattle, WA, as well as my immediate family are aware of my transsexuality."^24

For Doe, matters of image and presentation proved more difficult to navigate than matters of record. After she announced her transition in March 1985, managers informed Doe that her attire required regulation in order to "prevent disruption in the workplace." They defended this regulation as nondiscriminatory by claiming that all employees, not only Doe, were required to wear clothing that was "appropriate" to their gender at the time of hire. Based on her 1978 employment application, when she identified as male, Boeing considered Doe male until she had sex reassignment surgery and thus instructed her to dress in what they termed "gender neutral fashion" by wearing either male or unisex clothing and avoiding feminine attire. They specifically prohibited dresses, skirts, and "frilly blouses." Although managers sometimes touted neutrality and ambiguity in dress as a solution, they clearly also sought to strictly enforce binary gender. For example, managers further instructed Doe to
maintain a "male image" through her attire, which suggests that "unisex" or "neutral" functioned more within the terrain of "male."  

Understandably, there was some confusion on what precisely characterized "feminine attire" and a "male image." The corresponding lack of definition of sex that upheld Boeing’s instructions on attire has been crucial for how discrimination operates, particularly under nondiscrimination laws. According to the logic of one Boeing manager, the criterion for judging Doe’s attire was “if someone would be uncomfortable with that individual going into the female bathroom, that would be the criteria. That would be the measure.” Doe was told that under this definition, feminine attire referred to dresses and skirts. Doe expressed frustration at this criterion because she had no clear guidelines when getting dressed in the morning and remained unsure whether her attire on any given day was acceptable. Doe sought further clarification from her supervisor, who told her “that my overall appearance, if viewed by someone that didn’t know me, should not be female. It could be male or neutral.” As feminist scholars, including Ramsay and Parker and Susan Wendell, have revealed, the assumption that “neutral,” natural, or normal is a default position for male has ordered much of the way the world has been constructed.  

The ambiguous and decidedly subjective nature of the criteria for judging Doe’s attire was compounded by the fact that there was not a written, published dress code at Boeing. In the engineering department, typical dress for men included ties, jackets, and some jeans, while the smaller number of female engineers typically wore dresses, skirts, or blue jeans. Yet these normative modes of employee attire were enforced by company culture and traditions, not by managed regulation. This reflects the role of convention in Boeing’s workplace organization; the fact that the conventions were unspoken empowered them as “neutral,” normal, and invisible.  

Many of the unwritten rules at Boeing were enforced at the discretion of individual supervisors and managers. Thus, regulation of inappropriate dress remained in “local” control. As Geoffrey Stamper, who in 1985 was a corporate Equal Employment Opportunity (EEO) administrator and manager of Employee Relations and Services, characterized it: “it’s usually the line management that exercise the prerogatives.” Even so, corporate rules
exercised ultimate authority and the rules on dress were vague. According to Boeing leaders, by dressing in a feminine manner, Doe did not violate a dress code but instead violated the "preamble of the company rules which stated that ordinary reasonable common sense rules of conduct applied in the workplace." Unsurprisingly, Boeing’s vagueness on the topic of dress led to variation. Doe recounted seven other cases of transsexuals working at Boeing in the mid-1980s and argued that management treated them differently depending on the department and the supervisors. She noted that in two cases in particular the treatment differed on the regulation of dress and access to use of the women’s restroom.

It is clear, however, that in 1985 corporate policy in regard to dress and gender performance was still being negotiated among Boeing leaders. The company had a bureaucracy in place for dealing with discrimination and equity issues, which included personnel representatives, a discipline coordinator, human resource managers, EEO officers and administrators, and a Corporate Manager Employee Relations and Services Department. Even with this bureaucracy, however, Boeing managers still faced difficulty in handling the issue.

Ultimately, by September 1985, Doe’s supervisors decided that disciplinary action was needed. The impetus for this decision was a complaint filed by a female employee regarding Doe having used the women’s restroom after business hours. The complainant had not actually seen Doe use the women’s restroom but had instead heard it secondhand while gossiping with a fellow male employee. At least two other female employees were aware Doe had used the restroom but did not complain. Management personnel had wide latitude to interpret the corporate position on transsexuality, but this complaint illustrates that employee surveillance of other employees also determined the ways in which the corporate position was carried out and the limitations (as well as reach of) bureaucracy and formal policies.

The complaint prompted Doe’s supervisors to push for stronger regulation of Doe’s gender performance. In an attempt to resolve the problems, Boeing management determined, once again, to specify prescriptions for Doe’s gender performance, but this time they specified by writing draconian consequences for any transgressions. Doe’s warning came in October
1985 in the form of a “Corrective Action Memo,” which was a typical step in Boeing’s disciplinary process. The memo instructed Doe to not use the women’s restroom (even though she typically used an off-site restroom), and despite the fact that Doe had worn none of the prohibited items such as skirts and dresses, ordered her to avoid dressing like a woman. Finally, the memo stated that Doe had two weeks to comply or face termination. In response to Doe’s disciplinary warning, more than a dozen of Doe’s coworkers signed a petition and presented it to her supervisor stating their support for Doe’s transition. The petition did not go beyond her supervisors, although corporate leaders became increasingly involved with regulating Doe’s transition. They were not happy with the amount of time that had passed in responding to Doe’s clothing. One corporate director told Doe’s human resources manager that he was “very upset that nothing had been done about [her] attire before this time.” Corporate leaders wanted the situation tightly managed so as not to set a precedent of accommodating what they considered to be gender transgressions.

The corporate instability that plagued American business in the 1980s helps explain the bureaucratic infighting and struggles for control. The case of Jane Doe occurred during a time of economic reforms and corporate organizational woes, both at Boeing and in business generally. In the 1980s corporations struggled to achieve “efficiency” and managerial streamlining in the midst of a wave of mergers and rapid expansions. The proliferating bureaucracy of Boeing’s divisions was typical of the development of firms in the United States in the post-World War II period, particularly in the 1970s. Boeing had developed increasingly dispersed chains of command in order to deal with the growth of new facets of the company and a marked expansion of middle management. In an organizational culture in flux, there was less resiliency in confronting a fundamental challenge to routine administration.

The neoliberal turn of the 1980s and 1990s also left little room for bargaining power for workers’ rights. As modern welfare capitalism declined, corporations offered fewer services and benefits for workers. Workers could no longer expect to have the same kind of relationship or identification with their corporate employers. President Reagan’s focus on tax and budget cuts, deregulation, and the disempowerment of trade unions and
professional organizations in the 1980s set the stage for a full-scale commitment to neoliberalism in the 1990s, an era characterized by privatization and a decrease in social services provided by the state. While the power of workers declined, the power of the chief executive officer, at Boeing and at other corporations, grew. In this new business environment, corporations focused more on flexible labor arrangements that have left workers vulnerable and easily replaced.\

As Boeing's bureaucracy expanded, workers began to lose power and felt increasingly alienated and distant from upper management. Throughout her transition, Doe attempted to talk with the corporate leader responsible for establishing company policy, but she was not entirely clear on who that person was. Unsurprisingly, Doe felt particularly alienated from Boeing's hierarchical leadership structure. She asked to meet with Boeing leaders and two doctors on the Boeing medical staff, but these requests were never fulfilled, and Doe never met with anyone above her supervisors and human resources representatives. Doe also wrote a letter to EEO administrator Stamper and the Vice President of Industrial Relations, Stanley Little, but she testified she was unsure if they were the appropriate people to contact. As she explained:

I wasn't real clear on who reported to who at upper management. It seems like a lot of vice presidents that were under other vice presidents and stuff. So I wanted to send it to at least two people and I just thought that—I wasn't sure who was the right person, but I felt if I sent them to a couple people that were fairly high up that it would filter over to the appropriate people.

Doe attributed part of the confusion to a sense of organizational instability and the fact that her work environment seemed in flux. She noted that the organizational structure of her work group was in transition and she rarely saw her supervisor because he was located in a different building. In the new neoliberal order, company leaders were less responsible for the day-to-day operations of firms like Boeing.

Yet increased pressure from corporate leaders to monitor Doe's dress heightened the managerial resistance she faced. Doe's managers asserted that by the time they issued the Corrective Action Memo in the fall of 1985
(roughly six months after she changed her appearance), she had pushed them too far. One supervisor testified that she “had really changed from a point of reasonableness to one of a crusader for the transsexual cause.” Doe, however, testified that she had not attempted to make a political statement, claiming that if she had wanted to get fired she would have worn a dress or skirt. Political statement or not, to Boeing leaders Doe crossed an established line of workers’ rights and sociability at Boeing by making demands with significant consequences for legal and medical policy at the company. In the context of a decline in modern welfare capitalism, such demands seemed particularly threatening. Firms were trying to rein in costs by providing fewer services to employees. The policies of late capitalism might have seemed to offer what Karl Moore and David Lewis term “globalized, turbo-charged capitalism,” where firms were all-powerful; but as Suzanne Bergeron points out, firms were, in fact, “limited and potentially vulnerable” because of the economic changes caused by late capitalism.

Under the Corrective Action Memo that regulated Doe’s appearance in her final weeks at Boeing, her transition was marked as a site of heightened power for her supervisors. Doe’s supervisor had the power to decide if she was in compliance, or in his view, if she was dressed like a woman. These reviews provided justification to fire Doe if her supervisor decided she was not in compliance. At a follow-up meeting to her Corrective Action Memo in October 1985, Doe requested that her supervisor assess the outfit she wore to see if it met company guidelines and was surprised when he found her appearance, which he described as follows, in compliance:

shoulder-length, curly blond hair; earrings—salmon colored, behind hair; no finger nail polish noticeable; may have had some makeup base—not noticeable; pale blush—had to look for it; no lipstick; blue plaid shirt—open at neck; salmon colored sleeveless sweater; gray slacks/pleats; gray women’s flats.

Still puzzled by the characteristics that Boeing used in defining feminine dress, Doe was anxious to both keep her job and make a successful transition and argued that clothing and dress were a vital, if competing, part of both desires:
I was terribly frustrated, confused, stressed, distraught. I wanted to dress in feminine attire. Boeing was accepting my dress that I thought was feminine attire. . . . [B]ut since they were accepting it and they weren’t accepting feminine attire then, I felt that they were saying it wasn’t feminine attire. So I was very confused and I wanted them to accept what I was wearing as a feminine attire or let me wear more feminine attire or actually both. I wanted to look professional.

At the same time that Doe worked to stay within the bounds of acceptable dress at Boeing, then, she also attempted to adhere to a normative feminine gender expression in order to meet the requirements of her transition. Doe’s compliance reviews occurred on a daily basis. Doe recalled that her supervisor would “stand in front of me first thing in the morning, and look me up and down, head to toe, and take notes.” This ritual reflects gendered bureaucratic organizational norms more broadly. As Ramsay and Parker note, in corporate organizations, “The privacy is often male and the surveilled are often female—but not vice versa.” On the day that Doe was fired in November 1985, her supervisor decided she was not dressed “androgynously, male, or neutral,” particularly because of the pink pearl necklace. The lack of a written, published dress code makes the pink pearl necklace an inauspicious catalyst for termination, and at the same time it reinforces the power of clothing in organizational culture and administrative routine.

It is clear that as Doe and her supervisors negotiated the company position the possibility of a court battle was not far from their minds. Both Boeing and Doe indicated an awareness that the conflicts they experienced might end up in court, or at the very least require legal counsel, before Doe’s termination on November 5. In her supervisor’s notes from a meeting with corporate officials and human resources personnel on October 22, he noted that “Boeing will defend me if I am named a co-respondent and will pay the damages if Boeing loses the case.” His notes also contain the line, “Handicap is hest defense,” likely in reference to Doe’s anticipated tactic should she choose to file a discrimination suit. For her part, Doe had been in contact with lawyers throughout the meetings leading up to her termination and had consulted with her lawyer before signing the Corrective Action Memo Boeing issued to her in October 1985.
By the time Doe filed her lawsuit in 1986 there was legal precedent for her claims. The case emerged during a period of growth in transgender activism. In the 1970s and 1980s activist groups such as the American Civil Liberties Union pressed for legal recognition of transsexual rights. In 1974 the city of Minneapolis passed an antidiscrimination civil rights ordinance that included transsexuals; shortly thereafter, Margaret Deirdre O'Hartigan used the ordinance to successfully sue the state of Minnesota and have them pay for her sex reassignment surgery. In California a suit resulted in the right for transsexuals to change their names and sex on their birth certificates. More broadly, increased attention to workplace rights stimulated efforts to fight against patriarchal heterosexual sex and gender norms in the workplace. Meyerowitz notes that by the 1990s, the transgender movement had “emerged in force.”

Beginning in the 1980s, there were a handful of legal filings that charged corporations with discrimination against transsexuality based on state disability discrimination provisions. For example, in *Jane Doe v. Electro-Craft Corp.*, 1988, the New Hampshire State Supreme Court ruled that under the state employment discrimination statute, transsexualism qualified for disability claims. Although similar cases were tried in the 1990s and early 2000s, *Jane Doe v. Boeing* remains one of the earliest.

The case went through three rounds of hearings. In 1990, the trial court ruled in favor of Boeing, finding that Doe had been accommodated. On appeal, the court ruled in Doe's favor under state disability discrimination provisions. In the final review in 1993, the Washington State Supreme Court reversed the Court of Appeals and ruled that Boeing did not discriminate against Doe.

During the three rounds of trial, particularly when Doe won the second round in Appeals Court, local newspapers including the *Seattle Times* and the *Seattle Post-Intelligencer* reported the rulings. Although neither paper devoted substantial attention to the case, several articles were written on the case, and both papers narrated it as a battle over a “pink pearl necklace.” In the final Washington State Supreme Court ruling, the judge, Frederick T. Rasmussen, pointed to the complexity of the case and noted it was not “a case about pink beads.” Rather, he ruled the case was
about “the need to strike a balance between the company’s duty to respect human dignity and the human condition and the need for the company to be respectful of others and the obligation of the company under the law to draw a balance.”

There were two very closely related issues that shaped how Rasmussen arrived at his decision. The first was whether gender dysphoria fit under the definition of a handicap. Significantly, the case played out just as the American with Disabilities Act (ADA) was being debated in Congress and in the media. The ADA was passed in 1990 to protect the rights of people with disabilities, but it explicitly excluded transsexuality as a category of protection. Nevertheless, Doe and her lawyers won the argument that gender dysphoria was a “handicap.” The judge relied on the medical diagnosis of two medical experts to “prove” she was gender dysphoric and thus handicapped. He ruled fairly easily and quickly that Doe’s gender dysphoria was a handicap under Washington State law and noted: “it seems to me that the facts are really pretty clear as to handicap. There is a condition, gender dysphoria, which is medically and psychologically recognized. It is referred to in DSM III.” He further characterized gender dysphoria as a “lifelong condition” and “abnormality” that is “not a static thing but a continuum.”

Under his ruling, however, Doe’s handicap was conditional; he ruled that gender dysphoria was not always a handicap but became a handicap in Doe’s case because of her psychologists’ advice that she live as a woman for a year, which “caused conflict with the work environment,” as evidenced by complaints from other workers about her feminine dress and use of the women’s restroom. This corresponds with many disabilities’ scholars arguments that “disability is often less about physical or mental impairments than it is about how society responds to impairments.”

According to Rasmussen, however, it was a temporary handicap that would be alleviated upon Doe’s surgery because Boeing’s policy dictated that after surgery the company would treat Doe as a woman and allow her to dress in a feminine manner and use the women’s restroom. Overall, this aspect of the case remains an important legal precedent for the resulting court recognition of gender dysphoria and for using state disability statutes to argue for employment discrimination based on transsexuality.
Nevertheless, this tactic remains controversial as it rests on an assumption that the disability can be “fixed” through sex reassignment surgery while also reifying categories of disabled/“handicapped” and “normal.”

The second and more decisive issue that the case hinged on was whether Boeing reasonably accommodated Doe, if indeed her gender dysphoria could be considered a handicap. Doe and her lawyers argued that Doe suffered discrimination because her supervisors did not use female pronouns and did not allow her to use the women’s restroom and dress in feminine attire. The judge’s ruling was complicated by the fact that under Washington state law there was little established legal precedent for ruling on reasonable accommodation for claims of employment discrimination; the degree of accommodation that defined reasonable, or as the judge put it, “whether or not the employer is obligated to provide any reasonable accommodation sought by the employee, or whether the employer is only obliged to offer a reasonable accommodation,” was not clear. As Rasmussen noted, “there is just plain no holding.” He ruled that the test was “if the employer bends far enough to permit that individual to work.” Rasmussen’s ruling illustrates the ways in which ideas of normalcy have been constructed in the workplace. Ideal workers have historically been those who are free from disability, so to “reasonably accommodate” Doe meant within the confines of a narrow and homogeneous view of “normal” working bodies. Conversely, Doe and her lawyers also appealed to a normative gendered order in order to make the case that Boeing discriminated against her while at the same time trying to negate that gender should matter to workplace order. Doe argued, for example, that she needed to dress as a woman in order to successfully transition: “I had to know that I could be comfortable in public as a female. I was certain that I was not comfortable in public as a male.” At the same time, one of her lawyers argued that Boeing’s dress restrictions constituted discrimination because “in a work place situation it makes no difference how a person presents pre- or postoperatively.”

In the end, it was the second issue of reasonable accommodation that swung the ruling in favor of the defense. During the case Boeing spokesperson Russ Young stated, “We continue to maintain our accommodations were reasonable. I think this underscores the difficulty of trying to
balance the needs of an individual with those of the rest of the work force.\textsuperscript{47} Young’s statement reveals the fundamental assumptions about gender and normalcy that formed the basis for Boeing’s unwritten policy position. To Boeing leaders, Doe stood outside organizational norms.

Judge Rasmussen agreed with Young’s assessment and ruled that Doe had “failed to cooperate” with the directives of her supervisors and the accommodations they had provided to her.\textsuperscript{48} Clearly the judge recognized Boeing’s right to regulate appearance to preserve company workability. His ruling is an implicit acknowledgment that gender and sex, and their regulation, were at the center of the way corporate life at Boeing functioned and could be profoundly disruptive. The evaluation and uneven regulation of Doe’s behavior and appearance reinforced the more general idea that all Boeing employees regulate their own self-presentation at the same time that it reinforced the idea of male privilege. The compulsory gender binarism that Boeing leaders required, and which patriarchy is built on, stands at the heart of corporate culture and corporate power.

Tellingly, in the midst of Doe’s case, another male-to-female transsexual employed at Boeing questioned the meaning of gender difference at Boeing and the ability for the workplace organization to change in a meaningful way. She pondered: “One can only wonder what Corporate will do when the inevitable female-to-male transsexual announces his intention to use the men’s restroom.”\textsuperscript{49} To her, unsurprisingly, a woman claiming rights and access to male spaces seemed even more problematic to Boeing’s workplace organization than a man (at least as so defined by Boeing leaders) choosing to enter female spaces. Those who disrupted this structure (Doe, in this case) paid in severe and material ways. Doe faced multiple sources of discrimination; she was positioned both outside the realm of normalcy and able bodiedness as well as outside Boeing’s male corporate culture. As Susan Wendell points out, “Disabled women struggle with both the oppressions of being women in male-dominated societies and the oppressions of being disabled in societies dominated by the able-bodied.”\textsuperscript{50}

Despite the challenges posed by \textit{Jane Doe v. Boeing Company}, it was not until 2006 that Boeing instituted an antidiscrimination policy covering gender identity.\textsuperscript{51} In this regard, Boeing followed the lead of other U.S. corporations. Between 2000 and 2007, for example, the number of companies
instituting employment discrimination protection for transgender employees jumped from 3 to 125. A few of these companies, including Kodak and IBM, provide insurance coverage for transgender employees' medical expenses. The fact that Boeing and these other companies have made these changes does not necessarily mean that they have committed themselves more broadly to issues of gender and sexual equality. Even as transgender and transsexual employees (most in the global North) have faced fewer restrictions, major corporations, including Boeing, now rely on flexible labor arrangements, with increased part-time and temporary labor, and greater financial speculation. For workers, this has meant greater similarities between women and men workers as white men lost high-paying career jobs. Nevertheless, white men continue to be concentrated in the highest paying and highest ranking jobs. In this new sex and gendered order, many workers have been left vulnerable because they are easily replaced as jobs are increasingly outsourced and layoffs become more commonplace. Indeed, the new “preferred workforce” is young women of color; these women, especially those living in the global South, work outsourced jobs that pay low wages and provide little protection.

Even as transgender people have been increasingly recognized within corporate bureaucracies, then, new regimes of control and exploitation have emerged to undermine their power and the power of all workers. Overall, Jane Doe v. Boeing Company exposed the everyday assumptions, based in gender and sex, that have ordered capitalism and workplace organization, while at the same highlighting the changing work dynamics under neoliberalism that have reinforced the power of corporate bureaucracies to regulate workers even as they diversify their workforces.

NOTES

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1. Jane Doe's name has been withheld. Doe requested anonymity in all legal documentation. She had initially sought press coverage prior to her termination and approached the Seattle Times, which did a story on Doe. However, Doe subsequently backed away from the press, choosing instead to push for anonymity, which the court granted to her in June 1986. See Verbatim Report of Proceedings, vol. 1 (Jane Doe v. Boeing Company, 29 Jan. 1990), 4-5, accessed 5 May 2006 at Peterson, Young, and Putra Law Firm, Seattle, WA; and Motion to Proceed Anonymously and Order Granting Motion to Proceed Anonymously (Jane Doe v. Boeing Company, 6 June 1986); copies of both are available at King County Judicial Administration Records and Research Division, Seattle, WA, Add-on Film File #S-11174. See Deposition of Barry Noel, Jane Doe v. Boeing Company (6 Dec. 1989), 12, and Deposition of Jane Doe (Jane Doe v. Boeing Company, 14 Dec. 1989), 99 (copies of both available at King County), Add-on Film File #S-11090). Jane Doe v. Boeing Company. 121 Wn.2d 8 P.2d 531(1993).


File #S-14583; Meyerowitz, *How Sex Changed*, 255; Harry Benjamin International Gender Dysphoria Association, *Standards of Care: The Hormonal and Surgical Sex Reassignment of Gender Dysphoric Persons*, frame 2061, p. 1, copy at King County, Film File #S-11090.


11. Testimony of Jane Doe, 385-96; 395-96; Declaration of Jane Doe, 3; Testimony of Carlson, 549.


17. See letters to Mr. Swan and the "Response from 1964 Propulsion/Mechanical Staff Forum Members to Engineers on Job Opportunities in Big Business," esp. William Gazda to Mr. Swan, 7 Jan. 1965, copy in George H. Tweney Papers, University of Washington Special Collections, Seattle, Accession Number 4558-3, Box number 17, folder: "Technical Note."

18. Ramsay and Parker, "Gender, Bureaucracy, and Organizational Culture," 267-68.


22. Testimony of Stamper, 16-17, 53.


24. Declaration of Jane Doe, 2; Testimony of Timothy J. Smith, M.D., Verbatim Report of Proceedings, vol. 3 (Jane Doe v. Boeing Company, 30 Jan. 1990), 164, accessed 5 May 2006 at Peterson; Testimony of Jane Doe, 362-63; Testimony of Marquiss, 63; “Statement of Subject” (Department of Defense interview with Special Agent Joyce Foderaro, 12 July 1985), 3, copy available at King County, Add-on File #S-11175; This transition in name and sex is striking because transgender people have struggled, and continue to struggle, to change identification records, particularly with regard to sex. Identification records remain tied to such medical evidence; states that allow people to change gender and sex identity on birth certificates require evidence of sexual reassignment surgery. At this historical moment, however, legal precedents were sparse and this allowed some individuals to change identification documents with little obstruction; see Meyerowitz, How Sex Changed, 241-53; also see Spade, “Compliance Is Gendered,” 227-28, 232-33.


27. Testimony of Marquiss, 63-64.

28. Testimony of Stamper, 29, 41; Deposition of Jane Doe, 89.

29. Testimony of Stamper, 27; Testimony of Marquiss, 64; Sherrill Marquiss to M.G. Stamper, with subject: “Complaint Regarding Use of Women’s Restrooms by Jane Doe,” 25 Sept. 1985, 285, copy available at King County, Film File #S-11175.


32. John Newhouse points out that by the 1990s customers and workers were criticizing Boeing for being bogged down in bureaucracy, in his Boeing Versus Airbus: The Inside Story of the Greatest International Competition in Business (New York: Alfred A. Knopf, 2007), 13-14.

34. Ingrid C. Knorr, meeting notes/memo titled “Discipline Meeting Reconvened with [Jane Doe],” 1, 25 Oct. 1985, exhibit 41 in Deposition of Stamper; Testimony of Marquiss, 57; Deposition of Jane Doe, 145, 14; Testimony of Jane Doe, 389, 382-83.
35. Testimony of Marquiss, 106.
38. Deposition of Jane Doe, 20; Ramsay and Parker, “Gender, Bureaucracy, and Organizational Culture,” 266; Deposition of Jane Doe, 27.
43. Court’s Oral Decision, 8, 6-7. As Susan Burch and Ian Sutherland point out, “Handicap” is a fraught term; see their “Who’s Not Yet Here? American Disability History,” Radical History Review, no. 94 (Winter 2006): 128, 137, 141.
44. Burch and Sutherland, “Who’s Not Yet Here?” 129.
45. Court’s Oral Decision, 10.
46. Ibid., 10-11, 12; Burch and Sutherland, “Who’s Not Yet Here?” 139; Declaration of Jane Doe, 3; Kelby Fletcher in Testimony of Jane Doe, 350-51.
47. Quoted in Hopkins, “Sex Change Worker’s Appeal,” 2.
48. Court’s Oral Decision, 34.
49. Anonymous Boeing worker, “Critique of Boeing’s Workplace Restrictions against Me,” 3, n.d. (letters and correspondence from this individual are marked confidential and the name has been withheld to respect privacy), accessed 5 May 2006 in Jane Doe file at Peterson.
51. See Boeing’s company profile on the Human Rights Campaign Web site, w3.hrc.org/.
53. Hennessey, Profit and Pleasure, 13-14; Ross, No-Collar, 34-41.