Gerald Gardner, 83, Dies; Bolstered Sex Bias Suit

By Bruce Weber
July 28, 2009

Gerald H. F. Gardner, who provided the statistical underpinnings for the landmark Supreme Court case that resulted in the prohibition of sex discrimination in newspaper want ads, died Saturday in Pittsburgh. He was 83.

The cause was leukemia, said his wife, Jo Ann Evansgardner.

Dr. Gardner, a geophysicist by profession and a mathematician by training but a social activist by temperament, taught at several universities, including the Carnegie Institute of Technology (now known as Carnegie-Mellon University), Rice University and the University of Houston. He worked for more than two decades for the Gulf Research and Development Company, a subsidiary of Gulf Oil, contributing to significant advances in applied seismology, or methods for finding oil and natural gas deposits.

But Dr. Gardner, a shy man who was uncomfortable in a lecture hall, was most formidable behind the scenes as a social activist, especially on behalf of women's rights. He and his wife were among the earliest members of First Pittsburgh NOW, itself an early chapter of the National Organization for Women, which was founded in 1966.

In 1969, First Pittsburgh, led by Wilma Scott Heide, who would become president of the national organization a few years later, filed a complaint with the Pittsburgh Commission on Human Relations against The Pittsburgh Press, then the leading local daily. The complaint contended that the division by sex of the paper's employment ads ☐ "Male Help Wanted" and "Female Help Wanted" ☐ amounted to discrimination against women.

"What Gerry did was calculate the statistical chance that a woman could get a job in one of the male categories," said Eleanor Smeal, the president of the Feminist Majority and a former president of NOW. "He calculated pay differentials. The disparities just flabbergasted him. He contributed the hard intellectual theory based on the math, and he made it understandable, powerfully so."

When the commission upheld the complaint, The Pittsburgh Press took the commission to court, saying that the ruling violated the First Amendment's guarantee of freedom of the press. The case went to the Supreme Court, whose ruling, in 1973, effectively forbade newspapers to carry sex-designated advertising columns for most job opportunities.

"Gerry was a total feminist," Ms. Smeal said.

Gerald Henry Frazier Gardner was born on March 2, 1926, in Tullamore, in central Ireland. He studied mathematics and theoretical physics at Trinity College in Dublin and was recruited by the Carnegie Institute of Technology. He received an M.S. in applied mathematics from Carnegie Tech and a doctorate in mathematical physics from Princeton.

Dr. Gardner was an officer of First Pittsburgh NOW. In addition to pursuing the want-ads case, he contributed to other legal efforts, including a lawsuit brought in the mid-1970s by NOW and the National Association for the Advancement of Colored People that resulted in the hiring of more women and blacks by the Pittsburgh Police Department.

Ms. Evansgardner, his wife, who holds a Ph.D. in experimental psychology created her name as a hyphenless hybrid of her husband's and her own. They married in 1950; she is his only immediate survivor.

Ms. Evansgardner said her husband, most of all, was fired up by principle.

"He was an activist atheist," she said. "A proselytizing atheist. I hope you can print that because it was important to him. He thought that not *saying* you were an atheist hurt the cause of reality."