

A HOSTILE WORKPLACE INTO AN ABYSS OF SEX HARASSMENT AT EVELETH MINE

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A HOSTILE WORKPLACE

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EVELETH, MINN. -- In 1991, miner Patricia Kosmach won a legal victory that was hailed as marking a new era for women in the workplace. But three years later, when she died at 57 from Lou Gehrig's disease, the iron-willed redhead made a bitter last request. From an airplane flying above the fierce terrain of Minnesota's Mesabi Iron Range, two friends emptied a box that contained Kosmach's ashes. Her remains drifted down over the Eveleth Taconite Mine and came to rest on the floor of the open-pit excavation where she had worked for 13 years, mixing indistinguishably with the iron ore dust.

"It was her way of saying, This is what you did to me," said Lois Jenson, Kosmach's longtime friend and co-worker.

Kosmach and Jenson had joined 19 other women in bringing a precedent-setting case, which legally established that the atmosphere of sexual harassment inside a company can be so pervasive and hostile that employees, as a class, can sue for relief. The class-action decision set a legal framework for others, including the current federal suit involving hundreds of women auto workers at Mitsubishi Motor Manufacturing of America Inc. in Normal, Ill.

The Eveleth case, only now winding down after more than 12 years in Minnesota state and federal courts, documents violent and vulgar sexual harassment in a traditionally male workplace -- and the failure of management and the union to stop such conduct. The women miners testified they were groped, grabbed, pressured for sex, threatened with rape, beaten, stalked and subjected to coarse sexual language and graffiti. One young boy, now in his early twenties, testified to watching his mother, Shirley Burton, pack her lunch box for work each day: knife, Mace, rope to tie shut the door to her work area, and food.

The case also documents how the legal system can create a second ordeal for women by allowing the most intimate details of their personal lives to be used in court to help discredit their allegations of harassment on the job. One plaintiff, in answering lawyers' questions, had to recount the horror of being molested by her grandfather at age 13. Another plaintiff's son learned for the first time through a court document that he was the product of a rape.

The women miners' legal battles still aren't over. In March a federal magistrate judge finally awarded them damages, ranging from \$2,500 to \$25,000 each -- a fraction of what some experts say is the average jury award of \$250,000 in such cases. The women appealed and a federal judge agreed in July to review the awards. A ruling is expected within the next few months.

The women won their case, but as yet they celebrate no victory. The World of the Mines

Minnesota's Iron Range, about two hours south of the Canadian border, is one of the nation's major suppliers of iron ore, particularly a low grade of ore called taconite that is used in making steel. Eveleth Taconite, one of seven mines in that region, was launched in 1965 by Ford Motor Co. and Cleveland-based Oglebay Norton Co. to provide the raw materials for making cars. Oglebay Norton still manages the mine and makes all administrative decisions. Ownership now is shared with three other companies, AK Steel Corp., Stelco Inc. of Canada and Rouge Steel Co., a former Ford subsidiary. Ford no longer owns any share in the mine.

The mine, which sprawls across more than 8,000 acres near the tiny town of Eveleth, looks like the setting for a science fiction movie about mining operations on an alien planet. It is bitterly cold in the winter, with recorded temperatures dropping to 60 below zero, but workers labor outside round the clock, digging and blasting huge iron ore-laden rocks from the ground and carting them off in massive trucks that carry up to 120 tons at a time. Then the rocks are pulverized, processed, baked into iron ore pellets in a 2,400-degree blast furnace and shipped to other manufacturing plants.

Until the mid-1970s it was a man's world. The mine was staffed by second- and third-generation European immigrants, many of Scandinavian or Slavic descent, with sons following their fathers into the work. Their wives and mothers stayed home or helped tend family farms.

The Minnesota mines, including Eveleth Taconite, first began hiring women miners in the mid-1970s, at a time when the federal government was pressing employers generally to provide equal job opportunities. The jobs -- then paying about \$25,000 a year for a laborer, and now about \$45,000 a year, with full health benefits and pensions -- were far more lucrative than other work available in rural, northern Minnesota.

At the peak of female employment at the mine in 1984, 29 women hourly workers were employed there. Today, there are nine women out of a total hourly work force of 550.

The mine's leadership and many male workers strongly resisted the change, court testimony makes clear. Personnel Director Robert Raich, for example. He was responsible for hiring and promoting workers, and several employees testified that he told co-workers repeatedly that "women don't belong in the mines," and that women should be "barefoot and pregnant."

Raich did hire a few dozen women, many of whom he had identified as "hardship cases," without a husband or a father's support. The women said that he told them they would be accepted more readily by their male colleagues than married women.

Kosmach was hired to work in the mine's laboratory in 1976, allowing her to quit the two jobs she had been working after her husband stopped supporting her and their five children, according to Kosmach's testimony and interviews with her friends and family. She and her children were living in a dank, unfinished basement in an uncompleted house in rural Eveleth.

With Kosmach's new job, she could afford to move her family into a trailer. "She was really happy," her daughter Brenda, now 35, recalled. "For the first time, she was making some money."

Kosmach also was grateful to the union, which she saw as responsible for making such well-paying jobs possible. She became an active volunteer in Local 6860 of the United Steel Workers of America, co-chairing first the human services committee, where she helped people who had drug or alcohol problems get counseling; later, she joined the civil rights committee.

The women miners came to know Kosmach as a person they could go to with their problems.

Barrage of Bad Behavior

And those problems started almost immediately.

LoisJenson, now 48, recalled her first day at the mine in 1975, as one of the first four women hired. A blizzard had hit the March weekend before she was to start, and the three other women had not arrived by the time she got there. Jenson said she walked into the lunchroom dressed in blue coveralls, work boots, hard hat and safety glasses.

She was met with dead silence. Men swiveled to stare. "They acted like they had never seen a woman before," she said. "They acted like I was nude."

According to court testimony, many of the male miners repeatedly harangued, threatened and assaulted the new women miners in ways that made clear they never would be treated as co-workers in the mine. The 21 women plaintiffs alleged these incidents:

Three times, a male worker masturbated into Judy Jarvela's locker and ejaculated onto her clothing. Several men exposed themselves. Joan Hunholz testified that John Jagunich exposed himself, and LoisJenson testified that the same man broke into her house in the middle of the night, entered her bedroom and attempted to embrace her, exiting when she turned on the lights and started to scream.

Audrey Daniel testified that Leon Erickson slashed a gash in her pant leg, drawing blood. Marilyn Greiner testified that Hank Brown pressed his body against her and then put his hands around her throat. Marcia Steele claimed that LeRoy Stish menaced her with a huge red dildo he called "Big Red."

Contacted this month, Jagunich declined to comment on the allegation. Brown said he had been told by the company "not to talk" about what happened at the mine and was not asked to testify. Stish denied he had brought a red dildo to work and then hung up the phone, saying he didn't want to talk anymore. None of these three men testified in the trials in response to the women's allegations.

Erickson testified in court that he had a photo of a nude woman on his desk and that he did not believe women belonged working in the mines. He declined to comment in an interview this month on the knife-slashing incident.

None of these men was fired, and none was charged with any crimes. Only Brown was disciplined, with a five-day suspension.

The women workers' testimony drew a picture of widespread verbal and physical harassment. They were at times addressed with foul slang for parts of the female anatomy instead of by their names; they were sometimes denied bathroom facilities. Several reported their crotches were grabbed in what the men called a "horse bite." They were stalked by co-workers at home and at work.

Two women who worked in the same area were commonly referred to, even by supervisors, as "the dogs," with the red-haired worker called the "Irish setter" and the brunette called the "black Lab." When a woman miner who was an aspiring poet had some of her poems published, the men with whom she worked wrote sexual graffiti about her in rhyme.

The men taped sexually oriented posters, hand-rendered drawings and photographs on the walls throughout the mine, including depictions of women with their legs spread and naked women in an advanced stage of pregnancy. More than 30 of these pictures became exhibits in the trials.

Inside a locked, glass-paneled bulletin board where work schedules were posted by managers, a poster carried the message: "Sexual harassment in this area will not be reported. However it will be graded."

Barefoot and Pregnant'

What could have triggered such behavior? One male employee, a manager who has worked at the mine for three decades, said in an interview that some of his co-workers are "male chauvinists who got off on" harassing and intimidating women. "They're not couth," he said, asking that his name not be used because it could jeopardize his job. "These are redneck guys, and back then they were young, and young guys do these things."

This manager said he never had any women in his group, but the harassing behavior by men in other parts of the mine was condoned by their managers, including officials at Oglebay Norton in Cleveland. "These are headstrong management people who are not aware of what's happening in the 20th century," he said. "They think it is still the 19th century."

Eugene Borgida, a social psychology professor at the University of Minnesota who served as an expert witness on behalf of the women, said his review of the men's depositions led him to believe the male miners had developed a pattern of group thinking after regularly reading pornographic literature at work, and that the men came to view the women not as co-workers but as potential sexual partners.

Oglebay Norton officials in Cleveland deny there was a widespread pattern of abusive behavior. During the long legal battle, their attorneys disputed many of the specific allegations. Top officials of the company declined repeated requests to comment for this story, but the attorney retained by their insurance companies who are paying the legal bills, David Jendrzejek, spoke on their behalf.

"The company feels strongly, and always has, they did not discriminate against the plaintiffs, and they were not subjected to sexual harassment or a hostile environment," Jendrzejek said. "The company doesn't believe it did anything wrong."

Jendrzejek alleged that some of the women bringing the claims had a "history of mental illness." He contended: "There is reason to question the veracity of those particular claimants." The company's lawyers presented these arguments in detail in court, in their efforts to challenge the women's claims for damages.

Some individual company officials also denied that they allowed rampant sexual harassment at the mine. Raich, the personnel director, was asked on the courtroom stand whether he had told mine employees that women should be "barefoot and pregnant" and didn't belong in the mine. Raich testified that he was unable to "recollect" what he had said.

"His most-used comment was women should be barefoot and pregnant," said Raich's secretary, Kathleen Tessier, who testified on behalf of the plaintiffs. She added Raich stated it as a fact, not as a joke. "He used that comment a lot when it came time for layoffs."

Several women alleged that Raich was himself a sexual harasser. One woman testified that she danced with him at a club, but when she rejected his sexual advances on the dance floor, he told her he could jeopardize her job. Another woman described in court how he fondled her, and a third told the court that Raich told her women would be hired at the mine when they could learn to urinate like men. Raich testified he could not recall saying or doing those things.

Raich, contacted at Sun Lakes, Ariz., where he has retired, said he could not comment about the case because he does not recall any details and does not remember testifying in court about the case. "When you retire you kind of go blank," Raich said.

Union officials testified that, when presented with the complaints, they didn't take action because they thought it was important to protect the men's jobs. Stanley Daniels, the union president, said in court testimony that he thought the women's complaints were a "bunch of BS."

"It's my job to represent the employees and the members of my union out there," Daniels testified. "And it's not my job to give discipline. It's my job to protect them from discipline."

Another of the mine's attorneys, Mary Stumo, said in an interview the presence of the union complicated the case because it made it harder to fire people.

But Milton Sundeen, president and grievance chairman at a nearby branch of the same union, Local 1938 of the United Steel Workers of America, which represents miners at the U.S. Steel

facility, said in an interview that other mines in the region, including his, strongly disciplined or fired male workers who harassed female workers. He said the behavior he had heard about at Eveleth was not accepted elsewhere in the industry.

"If it were my mother or my sister, I wouldn't want to expose them to the level of embarrassment those ladies were put through," Sundeen said.

Defensive Tactics

The women miners at Eveleth testified they tried to handle the situation on their own. Some said they tried to laugh off or ignore rough antics. Others worked in pairs for mutual defense. Some said they gained weight on purpose to make themselves less attractive. Diane Hodge walked stiffly, like she was marching, she testified, so that nothing would wiggle.

Kosmach testified that she quickly learned not to smile. "When I went to work there I was fairly happy-go-lucky," she said in court. "I loved to smile. And shortly after working there I learned not to smile excessively . . . because someone was always misinterpreting you as to your smiling or who you were smiling at."

Others testified they began to believe their lives were in danger. Three of the women brought knives to work. Some began to keep loaded guns easily at reach in their homes or cars. Some quit, and ended up on welfare or financially dependent on relatives.

Dozens of women at the mine began to experience symptoms of severe stress, including some with conditions similar to those noted in combat veterans, according to their court testimony and that of medical experts called by their lawyers. The women described panic attacks, sleeplessness, exaggerated startle reflexes and a sense of vulnerability that made them afraid to venture outside. They became fearful of men. Some said they became perpetually enraged while others became depressed. Five ended up on Social Security disability.

The women initially took their concerns to Patricia Kosmach, who had become a volunteer union official. Kosmach testified she tried to get the union's leaders and mine managers to take action on numerous occasions, but they failed to do so. When top union officials were presented with the complaints, they generally would try to blame the women for behaving inappropriately or refuse to do anything at all, she testified.

Kosmach testified that she started to believe the harassment was becoming a life-and-death issue. After she heard that co-worker Don Cummings had angrily thrown work gloves at Michelle Mesich's crotch and told her she was lucky they were not his hands, Kosmach told him that his behavior was unacceptable. She testified that he responded by saying he would throw the "little bitch" into the concentrator bins, huge receptacles for mixing iron ore powder, which likely would cause a victim to suffocate or be crushed under the weight of the taconite.

"I was frightened for her," Kosmach testified, adding that she sought out a foreman to intervene. But, she said on the stand, Mesich was required to continue working with Cummings, who

continued to harass her by writing explicit sexual graffiti about her on the walls of their work area.

Cummings, who no longer works at the mine and who did not testify in the trials, declined to comment when contacted earlier this month.

That incident was a turning point for Kosmach. She stopped believing that the union, the national leadership of which had been offering information and training on sexual harassment, would ever come to the defense of the women workers.

IN COURT, WOMEN MINERS FELT HARASSED AGAIN

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A HOSTILE WORKPLACE

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EVELETH, MINN. -- It was Lois Jenson, an electrician's helper, who finally brought a legal challenge to what she claimed was pervasive sexual harassment in the taconite mine here. She and 20 other women miners filed a class-action lawsuit in 1988 in federal district court in Minneapolis, naming as defendants the operators of the mine and Local 6860 of the United Steel Workers union. Jenson quickly learned what her male co-workers thought of that pioneering lawsuit: When she returned to work at the mine, she found anti-female sexual epithets scrawled in chalk all over the machinery around her work area.

Then she saw, hanging directly over her work area, a hangman's noose made of thick rope, she testified. At first she tried to ignore it, she later recalled in an interview, and went on about her duties. But when she returned to the area again, she saw the noose had been moved to an even more visible position.

"I had a sick feeling," said Jenson, now 48. "My heart kind of jumped."

For Jenson and Patricia Kosmach, who joined in launching the first-of-its-kind case establishing that workers could challenge sexual harassment in the workplace through class-action lawsuits, the noose was only one of many signs of what was to come. For the next eight years, as the women plaintiffs traveled back and forth to Minneapolis 250 miles away to testify in depositions and at trial, they encountered a backlash of anger, retaliation and sabotage from their co-workers. In the small towns where they lived, the women became pariahs.

In court, the women testified to what they had endured in their work lives: being groped, grabbed, pressured for sex, threatened with rape, and subjected to coarse sexual language and graffiti. Some testified they had even been stalked at home and had begun carrying weapons to defend themselves against physical attacks. They testified that their appeals to the union and

management to stop the harassment were mostly ignored, and that none of the men was fired for what he had done.

Their courtroom experience felt like a second wave of harassment, according to the women's friends and family. Probing lawyers were able to force open their entire lives to public scrutiny. The federal rape shield law prevents such intimate details about sexual assault victims from being revealed in court, but it does not protect victims of sexual harassment if they are making damage claims.

The mine owners, using what has become a common legal strategy nationwide, sought to prove that the individual women were not entitled to financial damages because other events in their lives caused more psychological harm than what they experienced at work.

So it came out that one woman plaintiff's son was the product of a rape 28 years ago, which he had not known until federal magistrate Patrick McNulty made the information public knowledge by including it in his final court report. The mine's attorneys questioned another woman at length in open court about her husband's low sperm count, and whether she had turned to artificial insemination to become pregnant.

The women also found themselves criticized by many of their neighbors in Eveleth and surrounding towns. As layoffs hit the mine, many residents blamed the women miners for taking away men's jobs.

University of Minnesota social psychologist Eugene Borgida, who was an expert witness on behalf of the women and read many of their depositions, said in a recent interview the case left him troubled.

"I came away very sad," he said. "These women were victimized while they were working, victimized by the legal system and victimized in the community where they are living."

Filing for a Precedent

Jenson and Kosmach were among the first women hired at the Eveleth mine in the mid-1970s, and they testified later that the sexual harassment began almost immediately. At first they didn't have any way to explain what was happening to them. Then Jenson saw an article about sexual harassment in a women's magazine and went to the library to learn more about her legal rights.

The women took their complaints to the union and to the company, and in 1984, to the Minnesota Department of Human Rights. They wanted the mine to establish a training program and policy prohibiting such behavior. But four years later, they still hadn't obtained the relief they wanted. Many were continuing to work at the mine, but they found the conditions there deplorable.

Finally, in 1988, the women decided to file a class-action suit in federal court. Several lawyers turned them down, citing the potential expense of the case. They eventually found an advocate in Paul Sprenger, an attorney with offices in Minneapolis and Washington, who had heard about the

case from the Minnesota attorney general's office. Sprenger said in an interview that he took the case because the facts seemed so extreme -- yet provable -- that the suit could establish a "hostile-work" environment as a precedent for class-action cases.

Sprenger filed a federal lawsuit on the women's behalf in August 1988, suing Cleveland-based Oglebay Norton Co. and the other companies that, at various times, owned shares in the mine. They also sued Local 6860 of the United Steel Workers of America, which they alleged had protected the jobs of male sexual harassers despite women's complaints. No money damages were sought from the union.

About two-thirds of the non-salaried women employed at the mine in 1988, ultimately 21 women in all, ended up joining the federal lawsuit.

Oglebay Norton denied the women's claims. "The company feels strongly, and always has, they did not discriminate against the plaintiffs, and they were not subjected to sexual harassment or a hostile environment," said David Jendrzek, the attorney hired by the insurance companies to represent the mine. "The company doesn't believe it did anything wrong."

In court the mine's attorneys denied that there had been a pervasive environment of harassment. They argued that management had responded quickly and appropriately "in the few instances where incidents of harassing conduct were reported to management." They also contended that some of the women used coarse language themselves and that the sexually explicit pictures and graffiti were not as pervasive as the court exhibits indicated because the mine was spread over a large geographic area.

The four current owners of the mine -- Oglebay Norton, Rouge Steel Co., Stelco Inc. of Canada and AK Steel Corp. -- all declined to comment on the details of the litigation. A spokesman for Ford Motor Co., which formerly owned a share in the mine, said Ford's role had been in a "non-operating" capacity.

The Trials

The first phase of the case, in May 1991, sought to determine whether the alleged harassment had affected so many women at the mine that it could be pursued as a class-action case. Kosmach's testimony was key because, as a former union official, she had been privy to discussions between management and the union over sexually harassing behavior, and was able to corroborate some of the other women's accounts.

Late that year, in a precedent-setting opinion, U.S. District Court Judge James M. Rosenbaum, a Republican appointee named to the court in 1985, certified that the women could sue as a class. He concluded that, based on a standard of what a "reasonable woman" would find offensive, conditions at the mine constituted a hostile work environment for women.

In the next phase the women's lawyers sought to establish the mine's liability. U.S. District Court Judge Richard Kyle found a "sexualized and anti-female atmosphere" at the mine, as evidenced by numerous incidents of sexual harassment and widespread sexual graffiti.

"The court finds that the effect, and possibly the intent, of the sexualized environment that existed at Eveleth Mines was to inform women that they were perceived primarily as sexual objects and inferior to men, rather than as co-workers, and that these perceptions were an integral part of working at Eveleth Mines," Kyle ruled in May 1993.

Kyle said the mine had responded inadequately to the problem and he ordered it to establish a sexual harassment prevention program and procedures for reporting sexual harassment. He ordered that the women be awarded damages and that Oglebay Norton should pay their legal fees. In 1994 the mine established a sexual harassment training program.

In 1995 the case moved into its third phase, in which the court tried to determine the extent of the damages to the women -- financial, physical and emotional. Kyle passed this phase of the case back to the federal court in Duluth.

But the only full-time federal judge sitting in Duluth was Ray Erickson, a former attorney for the mine, who had since moved onto the bench. Because of Erickson's conflict of interest, part-time magistrate judge Patrick McNulty, 74, now semi-retired, was selected to conduct this final phase of the legal process as special master.

McNulty gave the mine's attorneys, Mary Stumo and David Goldstein, wide privilege to examine the women's lives for signs they were mentally or emotionally unstable before they entered employment at the mine.

The women miners were required to provide full medical records from birth, including such items as a tonsillectomy operation that occurred in 1959 and an incident in 1952 in which a 2-year-old had her stomach pumped, as well as complete psychological and gynecological records, including information on past abortions.

Jenson and another plaintiff, Kathleen Anderson, were told to produce detailed financial records, including canceled checks, covering a three-year period. The mine's attorneys asked to review adoption records concerning Marilyn Greiner's son Brian, and to see Audrey Daniel's bankruptcy records, and they questioned the women about these events in detail.

The mine's attorneys posed numerous questions to the women, including how many lovers they had had, when they began using birth control and why, and whether they had relationships with any of the men at the mine. According to the transcripts, the women were asked about their marriages, and whether their husbands had sexual problems or had been unfaithful. They were asked about their children and their developmental problems. They were asked about their own childhood traumas.

Jendrzejek, the attorney hired by the insurance companies, said these questions and the medical records were "relevant to the issue of damages and causation" because the women claimed to have suffered emotional distress and anguish because of what had occurred at the mine.

"Many claimants have had incidents in their past lives we believe adversely affected them and other incidents caused their distress, not anything that happened in their employment," Jendrzejek said. The mine recommended to McNulty that damage awards to most of the women should be either nothing or \$1.

McNulty's decision on damages, completed last March, came in a 416-page report. That document revealed details he had gleaned about the women's lives.

He recommended the women be paid amounts ranging from \$2,500 to \$25,000 each. That was far below other sexual harassment awards, which have been averaging nationwide about \$250,000, according to records compiled by the U.S. Equal Employment Opportunity Commission.

Mary Anne Sedey, president of the National Employment Lawyers Association, called the low damage awards in the mine case "appalling."

The women objected to McNulty's recommendations and asked Kyle to review it. He agreed to their request in July, and lawyers said this review could take several more months.

Resented and Ostracized

At the same time the lawsuit was proceeding slowly through the courts, the close-knit Eveleth area community turned against the women. The mine was the major local employer and jobs were being cut because of corporate reorganization, mechanization and competition from lower-cost Brazilian ore. The women said they became scapegoats. "We were called the mining whores," Mavie Maki, now 73, recalled in a recent interview. She had been in her sixties when she worked at the mine.

Everywhere they went, the women said, they were ostracized. Jenson moved from her apartment complex, she said, because the mother of one of the accused male harassers denounced Jenson to her elderly neighbors during senior citizen ceramic classes. The son of another accused harasser kicked Jenson's teenage son in the leg where he was wearing a cast for a compound fracture he had suffered, Jenson said.

Siblings turned against each other and parents against adult children. The company had a tradition of hiring family members, so many of the women claimants had relatives -- brothers, fathers-in-law, even husbands -- working at the mine. Judy Jarvela's brother still works there. Kathy Anderson's sister is married to Stan Daniels, the president of the union, which was a co-defendant with the company.

"It makes gatherings very sparse," said Anderson's brother, Milo Strom.

It was during this time that a poster first appeared inside a locked, glass-paneled bulletin board where work schedules were posted by mine managers. It read: "Sexual harassment in this area will not be reported. However it will be graded."

The mine's attorneys did not dispute that the poster had appeared there, but they said the glass had a fragile lock that could have been jimmed open, with the poster placed there by an unauthorized person.

Amid the hostility, Kosmach's health deteriorated rapidly. In October 1988, soon after the lawsuit was filed, she left work on disability. Three months later she was told she had Lou Gehrig's disease.

She testified in the first phase of the case and attended the second in 1993 in her wheelchair. She was not well enough to speak, though she had wanted to testify. Kosmach died in 1994 after a long hospitalization, still following the case closely but becoming increasingly bitter about how she had been treated by the mine's management and her male co-workers.

"She was consumed by it, totally consumed by it," said her friend and co-worker Michele Mesich, also a plaintiff. "It took a toll on her."

McNulty dismissed Kosmach's claim in the case, ruling that it could not survive her death and dismissing her daughter Susan Bonach's request to stand in behalf of her mother.

"It seems so unfair," another daughter, Brenda Kosmach, said. "Not just the money part of it. How they believed in it so much -- and they got nowhere. Nowhere. Even when they win."

Sixteen women remain in the case, now awaiting the final word on the appeal of their damage amounts. Of the 21 original plaintiffs, only about one-third still work at the mine.

Four women dropped out of the lawsuit in the past two years. In 1994 Janice Wollin, whose testimony about her sexual harassment had been corroborated by co-workers, dropped out one morning as she went to face the mine's attorneys who were preparing to ask her personal questions about her family.

"I filed my initial claim in good faith, but I do not want to continue because of the stress of the proceeding," Wollin wrote in a letter to the court.

The next year, three more women left the case by settling with the mine. Connie Saari, a 17-year miner who had joined in the suit, said the final straw came during the depositions for the damages phase of the trial.

She was asked questions that were, as she put it, "totally stupid, like Is your son a homosexual? Does anybody have AIDS?' I thought it was so wrong I got out of it. . . . I couldn't take it anymore."

Saari, who lost her job at the mine and now earns \$5.50 an hour assembling air purifiers, dropped her part in the lawsuit in exchange for a settlement offer of \$2,000. She accepted, but two years later, she said she has not received the money. Nor has she heard from the mine or the lawyers who negotiated the settlement with her. The two other women who settled also have not been paid.

Jendrzejek, the lawyer for the mine's insurance companies, said he had "no personal knowledge of any settlements." Attorney Goldstein blamed the failure to pay the settlement money on attorney Sprenger, who he said had not submitted his legal bills to the judge to free the claims of the three women. Sprenger, who still hasn't been compensated for what is now eight years of legal work, said the mine could pay the women if it chose.

Saari said she had become convinced that even if the women won, they would lose because the company had the ability to fight them in court for so many years.

"You could be dead by the time it's over," Saari said. "Pat Kosmach didn't make it."