Gender Integration at the University of Virginia

Katherine Collins
Gender and the Law in American History
Professors Chused and Williams
Final Draft
January 24, 2000

Gender Integration at the University of Virginia

In 1972, more than a century and a half after its founding, the University of Virginia finally opened its doors to all applicants based on merit, regardless of sex. Although women had been on Grounds since 1920, the University had restricted admittance to women in the graduate and professional schools, and in special cases, the qualified wives and daughters of faculty. The number of women enrolled had never reached more than a small fraction of the student body. In 1969, under the specter of judicial mandate, the UVA Board of Visitors voluntarily adopted a plan of gradual admission of undergraduate women to the College of Arts and Sciences, and the University as a whole.[1]

It is important to note at the outset that the women referred to in the majority of this paper are white women. Although women of color did seek admission to the University, they were denied enrollment based on their race, not on their gender.[2] A court order forced UVA to racially desegregate in 1950.[3] Until that time, most proponents and opponents of a coed UVA were debating the admission of white women to the University.

The contagious sense of tradition at Mr. Jefferson's University, strong alumni opposition, southern ideals, and the absence of legal compulsion all contributed to

---

[1] The plan would allow 450 women in 1970, 550 women in 1971, and by 1972, admission would be gender-neutral.

[2] *See e.g.* Mary E. Whitney, *Women and the University* 104 (1969) (unpublished, University of Virginia Alderman Library, Special Collections). For example, in 1938 an African-American female graduate student from Richmond applied to UVA and was denied admission because "the admission of white and colored persons in the same schools is contrary to the long established and fixed policy of the Commonwealth of Virginia." Women of color were admitted to the University after the 1950 court decision; however, they were not permitted to live in the white graduate students' residence halls until 1961. *See id.* at 123.

delaying the admission of women. This paper will explores the cultural, social, and legal context surrounding the debate that permitted UVA to deny equal admission to women for decades. Section I will explore the early years at the University of Virginia; the different sides in the debate to admit women; and the cultural and legal evolution influences UVA to become coeducational. The next section will explain the various methods and justifications used for keeping women out of UVA, including the strong traditions of the University, alumni opposition, lack of federal legislation requiring equal treatment of men and women; and UVA's desire to distinguish itself as one of the country's top universities. Section III briefly considers some additional factors which contributed to the change in perceptions that ultimately led UVA to change its admissions policy and admit women.

I. History and Evolution of Coeducation at the University of Virginia

In 1819, Thomas Jefferson established the University of Virginia to educate the bright young men of the Commonwealth of Virginia. Originally named Central College, the University of Virginia was built according to Jefferson's detailed architectural design and carefully constructed under his watchful eye.[4] In line with his political philosophies, Jefferson envisioned the University as a grand institution to be self-governed by the students – the talented young men of Virginia's elite.[5] Through the years, opponents to coeducation at UVA insisted that women should not be admitted to the University in Charlottesville because that was contrary to Jefferson's vision of the institution. As the

---

[3] In 1950, UVA was forced to admit a black male graduate student. For further discussion, see section *infra* regarding race and the University.
[4] *See* Virginius Dabney, Mr. Jefferson's University: A History 4 (1981).
[5] *Id.* at 8

years passed, the sense of tradition at the University grew stronger and women were frequently seen as a threat to the ways of the past.[6]

In Mr. Jefferson's defense, he was not alone in his prejudices regarding gender roles. In the United States before the Civil War, there was little opportunity for women to attend a college or university.[7] However, in the later half of the nineteenth century, a broader feminist movement raised the issue of higher education for women and sought to strike down prejudices against women which asserted that women had intellectual or physical capabilities inferior to those of men.[8] In the 1870s, women activists such as Elizabeth Cady Stanton and Lucy Stone published women's rights literature which fanned the flame and expanded women's exposure to the early women's rights movement.[9] These and other publications helped to bolster women's self-confidence in their abilities and inspire a desire to enrich themselves.[10] Amidst this national movement, Virginia women began to challenge their exclusion from the opportunities afforded to men at the University of Virginia.

A. The Early Years of Struggle

In 1892, Virginia resident Caroline Preston Davis applied to the University of Virginia to take the examinations necessary to receive a degree in mathematics. The University permitted Ms. Davis to take the tests (in a classroom segregated from the male

---

[6] For example, many feared that the admission of women to UVA would destroy the school's Honor System that dated back to 1842. *See* DABNEY, *supra* note 4, at 8.

[7] *See* BARBARA ALLEN BABCOCK, ET AL., SEX DISCRIMINATION AND THE LAW: CAUSES AND REMEDIES 1001 (1975). During the time of Harvard's establishment in 1636 until the foundation of Oberlin College in 1837, there were no institutions of higher education that would admit women in the United States. *Id* at 1000.

[8] *See* Patricia Smith Butcher, *Education for Equality: Women's Rights Periodicals and Women's Higher Education,* HISTORY OF HIGHER EDUCATION ANNUAL 63, 65 (1986)

[9] *See id.* at 64.

students) and upon her successful completion, awarded her a "certificate" in lieu of a degree from the University.[11] Two years later, the University granted a graduate degree in mathematics to another Virginia woman, Addis M. Meade. Later that year in light of the growing number admission requests from women, the Board of Visitors voted that in the future women would not be admitted to the University under any circumstances.[12] The majority of the faculty supported the Board's decision. The faculty reports reasoned that the admission of women would "only serve to draw them away from those excellencies which made that sex such a power in the home."[13] To further support their point, the faculty passed a resolution declaring Thomas Jefferson never intended the University to be coeducational.[14]

The Board of Visitors and faculty at UVA were not alone in their assertion that women did not belong in institutions of higher learning. During the late-nineteenth century, the prominent physicians used biological arguments to assert that women had less intellectual ability than men due to women's lower brain weight.[15] United States Surgeon General and brain specialist William Hammond observed that

> No great idea, no great invention, no great discovery in science or art, no great political, dramatic, or musical composition, has ever yet emanated from a woman's brain. There have been two or three second-rate female painters, and perhaps one first-rate female novelist, and when that is said, all is said.[16]

---

[10] *See id.*
[11] *See* DABNEY, *supra* note 4, at 50. Ms. Davis had never attended any classes at UVA but was self-taught.
[12] *See id.*
[13] *Id.* at 51.
[14] *See* Mary Gathright Newell, *Mary Munford and Higher Education for Women in Virginia, in* STEPPING OFF THE PEDESTAL: ACADEMIC WOMEN IN THE SOUTH 33, 26-38 (Patricia A. Stringer and Irene Thompson for the Commission on the Status of Women in the Profession, eds., 1982).
[15] *See* Butcher, *supra* note 8, at 69.
[16] *Id.* at 70.

Women activists fought to change such perceptions of what Elizabeth Cady Stanton termed "intellectual discrimination."[17]

Not only were women intellectually inferior to men, coeducation in college was discouraged for young women because of the physical strain caused by the rigors of academia. In line with that perception, the UVA faculty report against admitting women stated that "[a]ccording to medical authority, the strain on young women in severe competitive work (in the higher schools of learning does often physically unsex them, and they afterwards fail in the demands of motherhood."[18] Widely-read physician Edward Clarke's book *Sex in Education* strongly contributed to the notion that women could not engage in intellectual studies comparable to men without damaging their physical health because the demanding academic lifestyle would drain their body's limited energy, sometimes causing a deterioration of their reproductive organs.[19] His book recounted tales of women who had died from the physical strain of their collegiate pursuits.[20] Notions of women's intellectual inferiority, physical frailty, and the ideology of separate spheres – which placed women safely in the home in the cult of domesticity and men in the harsh rigors of the outside world – all contributed to nineteenth-century belief that women did not belong in college. If women were to fulfill their role in society as wives and mothers, formal education was not only considered unnecessary, but potentially dangerous.

Surrounded by these cultural attitudes, advocates of women at the University realized that coeducation was not an easy goal. The generally held beliefs about the

---

[17] *Id.*, at 67.
[18] DABNEY, *supra* note 4, at 51.
[19] *See id.* at 71.
[20] *Id.*

proper place for women were also widespread among the Virginia elite. Richmond's prominent families shared the view that it was "unheard of" for girls from good families to attend college.[21] Yet in spite of the resistance of the Virginia elite, some women of this time period did want to attend college. After the turn of the century, the women's suffrage movement was opening new opportunities for women and, in addition, raising women's expectations. One such woman was Mary Munford. Due in large part to Munford's efforts to expand women's opportunities for higher education in Virginia, women were granted limited admission to UVA in 1920.

1. 1900-1919: Mary Munford and Coeducation in Virginia

Daughter of a wealthy Richmond family and raised in the 1880s when the cult of domesticity was at its height, Mary Munford did not accept the narrow view of her contemporaries that a woman should forego education and remain in her appropriate sphere.[22] Despite her upbringing and her parents' strong opposition to her attending college, Munford devoted her career to creating educational opportunities for women in Virginia.

Mary Munford's activism began when she married a wealthy Virginian who was interested in improving the state's public school system. Munford and her husband worked to mobilize volunteers to lobby the Virginia legislature in favor of education.[23] Through these activities, Munford established connections with influential people in Richmond and learned important skills that later proved invaluable in her campaign for

[21] *See* DABNEY, *supra* note 4, at 28.
[22] *See* Newell, *supra* note 14, at 29-30.
[23] *See id* at 30.

educational opportunities for women in the state.[24] In 1906, the Virginia General Assembly passed a bill establishing free public high schools in Virginia.[25] With this accomplished and after her husband's death in 1910, Munford sharpened the focus of her efforts on a new goal - opening admission to women at the University of Virginia. Soon into her campaign however, she realized opposition to coeducation at UVA was intense. Munford concluded that an alternative would be necessary: the establishment of a coordinate women's college in Charlottesville. In 1910, Munford organized the Central Committee for the Coordinate College in Charlottesville which extensively campaigned for a college for women affiliated with the University of Virginia at Charlottesville.[26]

Supporters of the coordinate college introduced legislation during each biennial session of the General Assembly from 1910 to 1918.[27] Each session the bill was defeated, despite insistence by the Central Committee that the college would "not be coeducational."[28] Even though the legislation failed, the coordinate college idea steadily gained support during these years.[29] In 1910, Virginia created the Virginia Education Commission to investigate higher education for women and compare Virginia's educational system with the rest of the country.[30] The Commission ultimately concluded that the coordinate college was preferable to coeducation.[31] Furthermore, in 1911, the Southern Association of Colleges and Secondary Schools passed a new regulation requiring that *all* (male and female) public high school teachers have at least a

---

[24] *Id.*
[25] *See id.* at 31.
[26] *See* Whitney, *supra* note 2, at 50.
[27] *See* DABNEY, *supra* note 4, at 51.
[28] *See* Whitney, *supra* note 2, at 50.
[29] *See id.*
[30] *See id.* at 51.
[31] *See id.*

baccalaureate degree or its equivalent.[32] This obviously pressured lawmakers in Virginia to create some alternative to a coeducational UVA which would allow women to receive the training they required to be accredited public school teachers.

In 1912, the alumni association convened a meeting to discuss the idea of a coordinate college. Opposing arguments included financial considerations, a desire to maintain the status quo of the University, and general sentiment against higher education for women. Opponents claimed that the coordinate college for women would divert funds and resources from the UVA; this was considered to be wasteful because "few women would want to take higher degrees."[33] Furthermore, if the standing of the University declined as a result of insufficient funds, alumni from the state would not want to send their sons to Charlottesville.[34] Furthermore, alumni opposed the legislation on gender-based policy grounds. One alum angrily asserted that the women in support of the legislation designed to "put women alongside men in everything; that they want to destroy the difference between the sexes."[35]

The Board of Visitors however, recognized the powerful influence of Mary Munford and her supporters.[36] Proponents of the coordinate college legislation noted that seventy-five percent of public school teachers were women and these women needed proper training.[37] Furthermore, even if a woman did not want to become a teacher, a college education would provide opportunity for women to "be congenial companions of

---

[32] *See* Whitney, *supra* note 2, at 55-56.
[33] *Id.* at 53.
[34] *See id.*
[35] *Id.*
[36] *See id.* at 54. In a letter to Mary Munford, Board of Visitors' member Armistead Gordon wrote "I do not want to see a woman's university college at Lynchburg or anywhere else in the State, except at the University because this movement will, I feel assured, never end in Virginia until Virginia women receive a University of Virginia recognition." *Id.*
[37] *See id.* at 58.

their college-bred husbands and sons and wise leaders of the less gifted and blest women of their community."[38] But in light of the strong alumni opposition, the Board officially concluded that the issue should be tabled in the General Assembly due to the "apparent division and misunderstanding on the subject among alumni of the University whose loyal and united support is so essential to its continued prosperity and advancement."[39]

It is also notable that during this decade, the University was under significant outside pressure, exacerbating the economic concerns against expanding opportunities for women in higher education. With the advancement of the first world war, enrollment at the University steadily dropped as young men were called up for military service.[40] However, in the first decade of the 1900s, it was not acceptable that UVA should open admission to women to supplement the declining enrollment of men. To the relief of UVA administrators, William & Mary, Virginia's oldest institution of higher education, became coeducational.[41] Many hoped this would alleviate the pressure on the University of Virginia to admit women. But Munford was not satisfied. In 1919 she wrote a letter to President Alderman requesting that the Board of Visitors consider a proposal to admit women to the graduate and professional schools at UVA.[42]

---

[38] *Id.*
[39] *Id.*
[40] *See* DABNEY, *supra* note 4, at 57.
[41] *See* Whitney, *supra* note 2, at 70.

2. The Admission of Women in 1920

By 1920, there was national attention to women's issues. In that year, the Nineteenth Amendment to the U.S. Constitution was ratified, granting women the right to vote.[43] Response to the Amendment was varied in the South – some saw this as a threat to the traditional role of women.[44] Suffragists in Virginia, however, supported a wide range of legal and social reforms, including support for Munford's coordinate college campaign.[45] Virginia suffragist Mary Johnston asserted "the fact that Virginia was one of the five states of the United States without any provision for higher education for women was a disgrace to the state of Jefferson, Marshall, and Madison."[46]

In the early part of 1920, President Alderman presented Mary Munford's letter to the faculty. The General Faculty subsequently passed a resolution to admit "white women to the Graduate and Professional Schools of the University under such regulations as the Visitors and the President and Faculty may deem wise and just."[47] Soon after, the Board of Visitors formally approved the faculty's recommendation and in 1920, women were admitted to the graduate and professional schools at UVA.[48] To quell further debate regarding full coeducation, President Alderman announced that due to the strain caused by the United States' involvement in the first world war, the University did not have the financial capabilities to broaden this limited admission policy.[49] The question of whether to make the University of Virginia a coeducational institution would not be extensively debated again until the late 1960s.

---

[42] *See id.*
[43] *See* DORIS WEATHERFORD, A HISTORY OF THE AMERICAN SUFFRAGE MOVEMENT 250 (1998).
[44] *See* MARJORIE SPRUILL WHEELER, NEW WOMEN OF THE NEW SOUTH 30 (1993).
[45] *See* Whitney, *supra* note 2, at 80.
[46] *Id.* at 80-81.
[47] *Id.* at 78.
[48] *See id.*

3. The First Women at the University

The first female students at the University of Virginia encountered significant resistance to their presence on campus. Reports note that upon the entrance of a female student into one classroom, the men began to stomp their feet in protest.[50] These Virginia gentlemen created such a disturbance that the professor felt it necessary to call the class to order and lecture the men on their "lack of courtesy."[51] Similar to the grumbling students, some professors were not supportive of the new female graduate students. In another instance, a French professor was so disturbed by the presence of a woman in his classroom, he ordered the young woman to leave and never return.[52]

Soon after their arrival, the female students created the Women's Student Association (WSA) as a means for the women on grounds to gather socially and create a separate system of governance. One graduate student explained that the women self-segregated themselves "out of respect for the traditions of the male student body."[53] The women created other parallel student organizations such as a female honor society in 1930, the Lychnos, as a counterpart to the all-male Raven Society.

Throughout its existence the WSA advocated a "code of discretion," making it clear that women were aware that their presence on grounds was shaky. They felt that deference to the male students was necessary to their continued acceptance as part of the UVA community.[54] It is also important to note that at the time, the University only

---

[49] *See* DABNEY, *supra* note 4, at 52.
[50] *See* Whitney, *supra* note 2, at 83.
[51] *See* DABNEY, *supra* note 4, at 52.
[52] *Id* at 67.
[53] Tami Lynn Curtis, Imperfect Progress: Coeducation at the University of Virginia 14 (1985) (unpublished M.A. thesis, University of Virginia) (on file with the University of Virginia, Alderman Library) (quoting Regina Bowles Fischer 1942).
[54] *See id.* at 16.

admitted "mature" women.[55] The women's self-segregation has also been attributed to women's desire to distance themselves from the less mature undergraduate men.[56] Whatever the reason, these early women kept a low profile. Evidence shows that agitation for expanding the admissions policy at the University did not come from the women already attending the school.[57] Furthermore, during the first half of the twentieth-century, the debate centered on the coordinate college and its relationship to UVA, rather than any further changes to UVA's admission policy.

B. The Coordinate College Experiment

Intense opposition to a coed UVA did not always symbolize a desire to bar all women from higher education.[58] In 1870, Dr. W.H. Ruffner was named Virginia's first Superintendent of Public Instruction. Early speeches by Dr. Ruffner indicate his support for educating Virginia's women. Notwithstanding his advocacy, his comments also revealed the ideology of separate spheres and the unique position of women as morally superior yet legally helpless. In one report Ruffner commented

> How strangely they [Virginia women] have been neglected by the ruling sex. They are mixed through and through our social life . . . they dictate our personal habits, they raise our children, they refine our tastes, they conserve our morals . . . and yet where has there ever been any public recognition of their inestimable claims upon society? Men make provision for their boys out of public funds and for themselves too . . . but how wretchedly small has been the share doled out to

[55] The average age of the female students was older than the majority of male undergraduates because in order to enter a professional program, these women had to have completed at least two years of undergraduate study. *See id.* at 16-17.
[56] *Id.* at 16.
[57] *Id.* at 17 (noting that the "impetus for coeducation did not come from the 1000 women present when the Woody Committee began its work" in 1967).
[58] As noted, the General Assembly voted to make William & Mary College coeducational in 1918.

> her who deserves everything. This is an injustice that will make our children ashamed of their fathers.[59]

Despite Ruffner's admonishments and support for women's education, the men of Virginia were slow to recognize the opportunities that they were denying their daughters, wives, and sisters.

In the early part of the century, the impetus for expanding women's opportunities for higher education Virginia largely stemmed from necessity. As noted, during the first decade of the twentieth-century, public education in Virginia was rapidly expanding. By 1910, three-quarters of high school graduates in Virginia were girls.[60] But, due to a lack of colleges for educating women, there was nowhere for them to go after high school. In light of the traditional role in society of women as wives and mothers, at first glance this may not appear to be a dramatic problem. However, the rapid growth in public education left Virginia with a shortage of qualified public school teachers.[61] Virginia educators noted the dual role of women as teachers and mothers which created a need for women to be educated, if only to better serve their designated roles: "Virginia needs its trained and cultured women in the school . . . and above all, in her homes."[62]

If these teachers and mothers required training, Virginia taxpayers wanted the opportunity to educate their daughters close to home and at a reasonable cost.[63] At the turn of the century, the only higher education of caliber available to women in Virginia

---

[59] VIRGINIA SCHOOL REPORT 1879 (Richmond, Superintendent of Public Printing) (reprinted in Mary E. Whitney, *Women and the University* 34 (1969) (unpublished, University of Virginia Alderman Library, Special Collections).
[60] *See id.*, at 32.
[61] *See* THE COORDINATE COLLEGE: THE STATE'S NEED OF IT 4 (1914) (reprinted from the VIRGINIA JOURNAL OF EDUCATION, University of Virginia Alderman Library, Special Collections). By the early 1900s, women constituted seventy-five percent of public school teachers in Virginia and as noted above, the accreditation system in the South required that high school teachers have at least a B.A.
[62] *Id.* at 7.

was the private Randolph-Macon College.[64] Virginia needed a place to educate female teachers and mothers. Largely out of this need, the idea of a coordinate college received considerable time and attention.

1. Why a Coordinate College Over Coeducation?

Although ultimately unsuccessful, the coordinate college experiment is an important step in the road to coeducation. Advocacy for a sister school and the debate surrounding this proposal helped UVA avoid full coeducation for decades. The discussion also demonstrates the intense opposition by the Virginia legislature and alumni to a coeducational UVA. At best, the coordinate college was seen as a feasible alternative.

Support for the coordinate college came largely from the notion that the University of Virginia could emulate the Harvard/Radcliffe model. One petition in support noted the success of the coordinate colleges at Columbia, Brown, Harvard, and Tulane. In an effort to assuage the fears of disconcerted alumni it stated:

> The College will have its own name, its own individuality, its own life . . . Women supporting this movement are not irreverent vandals seeking to lay violent hands on sacred traditions. Many of them are daughters, nieces and granddaughters of alumni of the University and have inherited and been trained in reverence for its past and devotion to its present and future.[65]

The idea gained support due to testimonials like the one above – assuring the legislature and alumni that these women did not seek to destroy the male bastion that was the

---

[63] Financial arguments, similar to the competing "vision" of Mr. Jefferson for the University, were used zealously by both sides of the debate.

[64] The baccalaureate requirement for public school teachers in conjunction with the lack of institutions of higher education for women to attend may have been the impetus for the General Assembly making William & Mary coeducational.

[65] Mary Newton Standard, *The Petition for a Women's College at the University of Virginia* (1913) (University of Virginia Alderman Library, Special Collections).

University, but that women could augment UVA's reputation by creating a coordinate system similar to those of other prestigious universities.

Advocates also argued that Virginia should not lag behind in the nationwide trend to expand education for women.[66] By 1913, only five states in the nation did not offer a state-funded college education to women.[67] Advocates argued the absence of a public college for women in the state forced female students to spend their tuition dollars elsewhere, causing concern that "these girls and this money should have been kept in Virginia."[68] In his 1914 inaugural address, Virginia Governor Henry C. Stuart articulated a need for Virginia to educate the women of the state "in such a manner and at such time as may be practicable."[69] Despite agreement that the coordinate college was to be the "manner," the "time" did not arrive until 1944 when the Virginia legislature designated Mary Washington College as UVA's sister school.

2. At Least Thirty Miles From the Charlottesville Campus

The Harvard/Radcliffe model of a coordinate college presupposed geographical proximity. Planners based the success of the sister college on the ability to share facilities with its all-male counterpart. One petition for a woman's college recommending the Radcliffe model explained that the women's school will "share separately . . . the teaching force, library and laboratories of the University . . . without

---

[66] Fear of being "left behind" would later prove to be a strong justification for coeducation in the late 1960s.

[67] Georgia, Delaware, New Jersey, and Maryland were the other four states. *See* A.M. Gannaway, *A State College for Women At the University of Virginia* (1913) (University of Virginia Alderman Library, Special Collections).

[68] *Id.*

[69] THE COORDINATE COLLEGE 7 (1915) (University of Virginia Alderman Library, Special Collections). The Governor's support for education for women is vague, and his call to action is similar to the Board of

detriment to the interests of said male students."[70] Proponents conceded that professors might have to rewrite lectures for the females, but this would be of minimal inconvenience because it would only be required for the first year.[71] Furthermore, the success of the women's college depended on shared facilities for two additional reasons. First, building a nearby coordinate college would not create the prestigious institution advocated by the coordinate college plan because building new facilities from scratch would be both inferior and cost prohibitive.[72] Second, if the state selected a location for the new college that was not near the University, the women's school require a separate teaching staff. The Virginia Journal of Education concluded that:

> [T]he University has traditions and academic prestige. It has a teaching force that cannot be duplicated, both by reason of its cost and the unwillingness of most men of highest grade to continue to teach permanently in a separate women's institution.[73]

Likewise, sharing facilities would reduce costs by alleviating the need for total duplication of resources.

Despite these compelling reasons for a nearby sister school, the administration, faculty, and alumni had their own reasons for trying to keep the coordinate college at a distance. Although many perceived the coordinate college idea as a clearly superior alternative to full coeducation, many also wanted the school as far away from Charlottesville as possible. Distinguished professor Charles Dabney voiced his opposition to a coordinate college "in close proximity to the University" because "an establishment of such a College would render co-education much more probable than

---

Visitor's decision in 1967 ordering the University president to investigate the "need" for women at UVA and subsequently the "feasibility" of the University meeting that need.

[70] Standard, *supra* note 65.

[71] *Id.*

[72] *Id.*

otherwise."[74] Administrators feared that locating the women's college close to the UVA campus would make eventual coeducation more likely.[75] Accordingly in 1930, the Virginia General Assembly passed another bill aimed at solving the seemingly inescapable problem of women at the University. The legislature voted that *if* Virginia was to have a sister school, it must be at least thirty miles from the Charlottesville campus.[76]

Now that the Virginia General Assembly had give its acceptance (albeit limited) to the idea of a coordinate college, the question was to determine where and how this sister school should be established. In 1931, the UVA Board of Visitors concluded that the State Teachers College in Fredericksburg should be modified to become the state's women's college.[77] The General Assembly considered the Board's proposal. First however, they wanted an assessment of alumni support for converting the college into a counterpart to UVA.[78] Despite concluding that alumni preferred a sister school to a coed UVA, the controversy of a women's college in Virginia did not end there. During the Assembly debate one House Delegate observed that although alumni do not want to open the University to women, support for the sister college will require that money previously designated to the Charlottesville campus will be diverted to fund the women's college.[79]

---

[73] THE CO-ORDINATE COLLEGE: THE STATE'S NEED OF IT, *supra* note 69, at 7.
[74] Whitney, *supra* note 2, at 47.
[75] This fear was later realized at other universities in the late 1960s and early 1970s, when schools like Harvard and Radcliffe began to merge their men's and women's colleges into one institution.
[76] *See* DABNEY, *supra* note 4, at 69. In 1910, the Virginia legislature had rejected the idea of a sister school to UVA.
[77] *See* Whitney, *supra* note 2, at 99-100.
[78] *See id.* at 101-102.
[79] *See id.* at 102.

Although the Fredericksburg bill passed the House and Senate, the Governor ultimately vetoed the bill.[80]

From the defeat of the legislation in 1932 until 1940, between 100 and 140 women attended the University each year.[81] These women met significant opposition to their presence on campus, making it clear that the prevailing attitude was against expanding higher education opportunities for women at UVA.[82] By the early 1940s, World War II was causing a significant decline in the number of male applicants to the University. This drop in attendance resulted in financial problems for the University. Some suggested that the University admit women to supplement the school's declining enrollment. In response, the Governor resurrected the discussion of a coordinate college.[83] The Governor suggested, in an effort to save money, that Radford State College be merged with Virginia Polytechnic Institute and Mary Washington State College merge with UVA.[84] After consultation with the Governor in 1943, the University's Board of Visitors approved a plan to link Mary Washington and UVA.[85]

3. Mary Washington College

In 1944, the General Assembly approved a bill designating all-female state teacher's college Mary Washington as the coordinate institution to the University of

---

[80] *Id.*
[81] *See id.* at 103.
[82] During this time period, Mary Munford died in 1938, which obviously hindered the women's movement in Virginia. *See id.* at 104.
[83] *See id.* at 111.
[84] *See id.* at 112.
[85] *Id.* at 112. In the 1996 VMI case, the Commonwealth of Virginia also used the idea of a sister program at Mary Baldwin College as an alternative to admitting women to the all-male Virginia Military Institute. In the appellate decision, Judge Motz asked, "[h]ow can a degree from a yet implemented supplemental program at Mary Baldwin be held 'substantially comparable' to a degree from a venerable Virginia military institution that was established more then 150 years ago?" United States v. Virginia, 518 U.S. 515, 530

Virginia campus in Charlottesville. Although initially seen as a favorable solution, the relationship was doomed to fail. Located more than sixty-five miles from Charlottesville, women at Mary Washington could not benefit from the faculty, resources, or prestige of Charlottesville's male campus. As the years passed, the administration and students at Mary Washington began to resent the control exercised by UVA administrators over the college. In the early 1950s, the Dean of Women at Mary Washington resigned in protest following an incident where female students protested a mandate by UVA officials that the women wear caps and uniforms when serving food in the dining halls.[86] As similar disagreements arose, the relationship between the two schools rapidly deteriorated.

By 1966, the Board of Visitors began to discuss ending the relationship with Mary Washington.[87] As one faculty member observed in 1967, UVA was the "only state university in the nation which, by closing its main-campus college to women, forces them to attend a separate, autonomous college sixty-five miles away from the parent institution."[88] Finally, in 1972, the Virginia General Assembly voted to end the affiliation between UVA and Mary Washington. However, before this official recognition of the failed relationship, UVA once again faced the prospect of the inevitable onslaught of woman onto the Charlottesville campus.

(1996). Although Mary Washington was already an established school when the affiliation with UVA was proposed, critics did note the striking differences in faculty and resources at the two schools.

[86] DABNEY, *supra* note 4, at 367.

[87] *See* Board of Visitors Minutes, Jan. 8, 1966 (University of Virginia Alderman Library, Special Collections).

[88] DABNEY, *supra* note 4, at 490.

C. Coeducation at the University

From 1940 to 1958, the percentage of female students in the University's student body rose from four percent to ten percent.[89] During the first part of the 1960s, there was little discussion regarding coeducation at UVA.[90] Then in 1964, the General Assembly passed legislation creating the State Council of Higher Education directing it to consider the "needs and resources of public and private higher education in the Commonwealth of Virginia."[91] Under the scrutiny of this new state council, the faculty began to express concern about the University's admission policy regarding women in 1965.[92] During a meeting that year, the faculty admissions committee stated that "[a]part from the question of justice to the women of Virginia, the educational impact of the admission of women to the College of Arts and Sciences on equal terms with men is a question with which we as educators might well concern ourselves."[93]

In 1965, just before the state's Higher Education Commission was due to submit its report to Virginia's governor, the UVA Board of Visitors instructed the president to form a committee to consider "the future of the University and where it should be going with respect to the State and the nation."[94] In 1965, President Shannon established the all-male, fifteen-member, Committee on the Future of the University (COFU).[95] Various members of COFU recognized that the time had come to seriously consider making UVA coeducational. By April 1967, the Board of Visitors voted to grant President Shannon the

---

[89] *See* Whitney, *supra* note 2, at 122.
[90] *See id.* at 123. During this period, two branch colleges of UVA were established – one at Wise, Virginia (later Clinch Valley College) and the other at Fairfax, Virginia (later George Mason College). *See id.* at 122-23.
[91] *Id.* at 123.
[92] *See id.* at 124. Earlier that year, President Shannon had stated that girls could not enter the University of Virginia directly after high school because of the program for women at Mary Washington.
[93] *Id.*
[94] Whitney, *supra* note 2, at 125.

authority to commission another study to determine "whether there is a need for the admission of women to the College of Arts and Sciences at Charlottesville."[96] *If* the President's study revealed a "need" for coeducation, the Board further authorized him to initiate an investigation into whether or not coeducation was feasible.[97]

In the summer of 1967, President Shannon established the Special University Committee on the Admission of Women to the College of Arts and Sciences of the University of Virginia at Charlottesville, commonly known as the Woody Committee because it was chaired by Professor T. Braxton Woody, B.A. '23. This special committee ultimately spent eighteen months investigating and deliberating coeducation at UVA.[98] The ten-member committee consisted of professors from UVA and Mary Washington as well as selected members of the Board of Visitors. Ultimately, the Woody Committee concluded that there was a need to expand admissions at UVA and the "ultimate satisfaction of that need will require the enrollment of women."[99]

1. The "Woody Report"

The Woody Committee officially articulated three main reasons why there was a need for women at the University: 1) the present structure at the university unfairly discriminated against women; 2) the quality of the academic life at UVA would be strengthened by the new "vigor" that coeducation would bring; and 3) coeducation would

---

[95] *See* Curtis, *supra* note 53, at 20.
[96] Board of Visitors Minutes, Apr. 8, 1967 (University of Virginia Alderman Library, Special Collections).
[97] *See* Board of Visitors Minutes, Apr. 8, 1967.
[98] *See* Kathleen D. Valenzi, *When the Women Came,* ARTS & SCIENCES, UNIVERSITY OF VIRGINIA 5, 4-8 (Fall 1999).
[99] Report of the Special Committee on the Admission of Women to the College of Arts and Sciences of the University of Virginia at Charlottesville, November 1968 (University of Virginia Alderman Library, Special Collections) (hereinafter Woody Report).

improve social life for both sexes at the University.[100] Two main themes permeated the report. First, highly-qualified students and faculty favored coeducation, and the University must follow the nationwide trend of gender integration if it hoped to maintain its reputation and the quality of its applicant pool. Second, the legality of the current exclusionary policy was questionable at best.

Despite this "need" for women on campus, many were still opposed to coeducation.[101] The Woody Report highlighted the major concerns of the opponents which included: the potential effect on the Honor System; intense opposition from alumni and student government; the possible repercussions to the other Virginia colleges that already admitted women; and the financial and practical concerns of modifying the University to accommodate women.[102] By the time the final report was submitted, only six members signed in support of the recommendation, with one dissenting and two having withdrawn in protest before the report was submitted.[103] However, even those in stalwart opposition to coeducation recognized the strong possibility that resolution of this issue could ultimately end up in the courtroom.

In December 1968, the Board of Visitors confirmed the Woody Report's conclusion that there was a "need" for women at the University.[104] Now that the Committee had established a need for women undergrads in Charlottesville, the President would have to consider the feasibility of meeting that need. In 1969 the President presented an interim report on the admission of women to the Board of Visitors. He also

---

[100] *Id.* at 2-3.
[101] *See generally id.*
[102] *See id.* at 2-3.
[103] *See id.* at 5. Before the Committee concluded its deliberations, the two committee members from Mary Washington had withdrawn in anger after an argument during one of the committee meetings. *See id.* A third member had died before the final report was completed.

informed the Board that Jo Anne Kirstein had filed a lawsuit against the University for its exclusion of women in United States district court on May 5.[105] The Attorney General of Virginia would represent the University, accompanied by Senator James H. Michael, Jr. as local counsel for the defendants. The threat of a legal battle was now a reality.

2. The Plan

More than a year before Kirstein filed her case, a student columnist in UVA's student newspaper, the *Cavalier Daily*, remarked that it "would be better for an increasing number of girls to be admitted year by year in growing percentage . . . than for the President to be handed a court order for instant coeducation."[106] Similarly, when polled for the Woody Report, a recurring argument asserted by faculty members for coeducation was that the University's exclusionary policies violated the constitutional rights of the women of the state.[107] Assistant Professor of Chemistry Lester Andrews voiced his opinion on the illegality of the University's policies stating "it is equally unconstitutional to deny admission to women as it is to deny a Negro. 'Separate but equal' facilities are not available for the races or the sexes."[108] In 1950, the University had been forced under court order to admit black students.[109] If predictions were correct and gender integration was truly inevitable, the University intended to maintain control over the timing and administration of integration.

---

[104] *See* Board of Visitors Minutes, Dec. 14, 1968 (University of Virginia Alderman Library, Special Collections).
[105] *See* Board of Visitors Minutes, June 6, 1969 (University of Virginia Alderman Library, Special Collections).
[106] David Cox, *Coeducation Force*, CAVALIER DAILY, Sept. 26, 1967, at 2. *See also* Curtis, *supra* note 53, at 18.
[107] *See* Curtis, *supra* note 53, at 18.
[108] *Id.* at 36-37.
[109] *See also* Kay, *infra* note 146, at 1.

Cognizant of the nationwide trend towards coeducation and faced with the threat of legal compulsion, the Board of Visitors approved the admission of women to the University on October 3, 1969.[110] Full coeducation, however, would not be immediate. During a transition period from 1969-1970, qualified daughters of faculty members and wives of students would be admitted. The University would accept 450 women in 1970 and 550 in 1971. Finally, in 1972, admission to the University of Virginia would be open to all applicants regardless of sex. Despite efforts by the University to avoid a court battle by voluntarily opening admission to women, the plan itself would ultimately face judicial scrutiny.

3. *Kirstein, et al. v. The Rector and Board of Visitors of the University of Virginia*

UVA denied admission of Virginian Jo Anne Kirstein to the College of Arts and Sciences; and in 1968, Ms. Kirstein informed Braxton Woody that, if necessary, she would seek a court order to gain admission.[111] In 1969, an attorney for the American Civil Liberties Union filed suit against the University of Virginia in federal district court on behalf of Kirstein, three other women, and the National Student Association.[112] In a preliminary order issued in September 1969, District Judge Robert R. Merhige, Jr. ordered the University to consider all applications for admission, regardless of sex.[113] By the time the case reached the courtroom, the Board of Visitors' plan to admit women in

---

[110] *See* Board of Visitors Minutes, Oct. 3, 1969 (University of Virginia Alderman Library, Special Collections).
[111] *See* Curtis, *supra* note 53, at 35.
[112] *See* Valenzi, *supra* note 98, at 6.
[113] *See* Kirstein v. The Rector and Visitors of University of Virginia, 309 F. Supp. 184, 187 (E.D. Va. 1970).

stages had taken effect. Nevertheless, Kirstein maintained her challenge against the University's admission policy.

After reviewing the school's plan, a three-judge panel approved the timetable established by the University, expressly noting a reluctance to "interfere with the internal operation of any Virginia college or university, and particularly that of the University of Virginia at Charlottesville."[114] UVA's Woody Report convinced the court that the school had every intention of following through with their plan to admit women, commenting that they were:

> Most favorably impressed with the willingness of the authorities controlling Virginia higher education to innovate and favorably entertain the relatively new idea that there must be no discrimination by sex in offering educational opportunity.[115]

The plaintiffs did not share the Court's enthusiasm for Virginia's gradual plan. Kirstein objected to the plan on the following grounds: 1) final authority for the admission of women rested with the Virginia legislature; 2) the plan was insufficient because it could be challenged or overturned by future Boards of Visitors; and 3) the plan was limited to UVA and thus did not solve the problem of the exclusion of women applicants at other state schools.[116] The court rejected each of these arguments, concluding that coeducation in colleges had only been widely accepted in the United States during the preceding decade. Because this coeducation trend was a recent development, the school's plan was adequate.[117] As a result, the court's holding was extremely narrow:

---

[114] *Id.* at 186.
[115] *Id.*
[116] *See id.*. At the time, Mary Washington of the University of Virginia, Radford College, and Longwood College admitted only women and Virginia Military Institute was restricted to men.
[117] *Id.* at 187.

> We hold, and this is all we hold, that on the facts of the case these particular plaintiffs have been, until the entry of the order of the district judge, denied their constitutional right to an education equal with that offered men at Charlottesville and that such discrimination on the basis of sex violates the Equal Protection Clause of the Fourteenth Amendment.[118]

The narrow holding meant that although UVA would have to admit women applicants on the same basis as men, the Court would not rule on whether the Commonwealth could practice gender-based admissions policies at other state schools (namely, the Virginia Military Institute).[119] The court explicitly refused to decide whether all Virginia colleges must be coeducational. First, the women plaintiffs lacked standing to challenge the gender-biased policies at the state's all-women institutions because they "are not harmed by the operation of an all-female institution that they do not wish to attend."[120] Furthermore, the court declined to rule that admission to the Virginia Military Institute should be open to women. The court asked, perhaps rhetorically, if women are admitted to the military institute "are they to wear uniforms and be taught to bear arms?"[121] In 1970, the court's likely answer, had they addressed the question, would have been "no."[122]

In support of its ruling, the court cited several reasons why the denial of admission of female students to UVA violated the women's rights. First, the court offered justifications reminiscent of the arguments posited over five decades earlier in favor of a coordinate college. The University at Charlottesville offered educational facilities and a "prestige" factor that was not available to women at the other state

---

[118] *Id.*
[119] *Id.* The Virginia Military Institute did not admit women until the Supreme Court ruling forced them to integrate in 1996. *See* United States v. Virginia, 518 U.S. 515 (1996).
[120] *Id.* at 188.
[121] *Id.*
[122] This issue was later decided by the Supreme Court in 1996. *See* United States v. Virginia, 518 U.S. 515 (1996) (ruling that the Virginia Military Institute must open admission to women applicants).

universities. Second, despite the court's acknowledgement of recent changes in gender perceptions and a trend toward formal equality between the sexes, the court used painfully archaic reasoning to support coeducation at UVA:

> Two of the plaintiffs are married to graduate students who must remain at the University of Virginia at Charlottesville. A pattern of continued sex restriction would present these plaintiffs with the dilemma of choosing between the marriage relationship and further education. We think the state may not constitutionally impose upon a qualified young woman applicant the necessity of making such a choice.[123]

We are left to assume that these husbands "cannot leave" Charlottesville due to their desire to obtain their degree from UVA. Beyond that, the court does not explain why the "choice" between marriage and education had to fall with the wife.

The court also supported the gradual nature of the University's plan. In light of the practical and administrative concerns facing a school the size of UVA, the University's moderate approach was reasonable. Citing *Brown v. Board of Education*, the court acknowledged that "when declaring constitutional rights not previously recognized" it is common for courts to allow a reasonable delay and concluded that "[w]ithin the limited constitutional duty which we have adjudged it is beyond argument that the plan . . . is constitutionally adequate."[124] Because of the reasonableness of the Board of Visitor's plan, the court dismissed the plaintiffs' claims for further injunctions or damages.

---

[123] *Id.*
[124] *Id.*

II. KEEPING THE "FAIRER SEX" OUT OF UVA

After centuries of debate, when the first coeds finally arrived at the University of Virginia in 1970 outward opposition to these women was strikingly minimal. The Office of Student Affairs did away with the title of "Dean of Women" in an attempt to create a gender-neutral policy in the Dean's office.[125] The University abolished all previous gender-biased rules regulating the dress code and dorm life of women students.[126] Male students immediately accepted women into their previously all-male clubs and activities. Unlike the "mature" women of the 1920s, the 1970 coed had no desire to self-segregate. The smooth transition to coeducation was in notable contrast to the years of opposition to women at the University. So, how was the University of Virginia able to keep women out of Charlottesville for so many decades? And what had changed by the 1970s to cause such a striking contrast?

A. Tradition at the University

In 1911, University President Alderman professed, "I am especially opposed to co-education at the University of Virginia because of the genus of the place. Its inheritance and traditions and the very nature of life here are against it."[127] One of the most outstanding aspects of the early history of women at UVA was their lack of challenge to the status quo. The sense of tradition at the University was so pervasive that it was held by both men and women. As one female graduate student noted, the "absence

---

[125] *See* Valenzi, *supra* note 98, at 6.
[126] *See id.* Previously, the women's residence halls on campus had earlier curfews and women were required to adhere to a dress code not similarly imposed on male students. *See id.*
[127] Whitney, *supra* note 2, at 48.

of a legal challenge indicates the existence of a cultural, social and political consensus which accepted the view of Jefferson's university as a bastion of male privilege."[128]

1. Mr. Jefferson's University: Bastion of Male Privilege

The sense of tradition at the University of Virginia is still strong today. Around Grounds, Thomas Jefferson has reached mythical proportion and is treated by many with a god-like reverence. Throughout the controversy over the admission of women, both sides often quoted Jefferson in support of their cause. The University's strong adherence to history and Jefferson's "vision" made change unwelcome.

Thomas Jefferson envisioned a system of public education in Virginia able to provide students with elementary through university instruction. In founding the University of Virginia, the institution was to be "the capstone" of Jefferson's vision. But, many debated whether this vision included education for women. Opponents of coeducation strongly felt that women were not a part of Mr. Jefferson's ideal. They argued that if Jefferson had intended to include women, he would have made provisions for them when establishing the school. Out of Jefferson's arguably intentional omission of women, opponents argued that the "prestige and eminence" of the University were the outcome of the institution's all-male tradition.[129]

A student debate between Virginia and Princeton in 1967 illustrates the blinding belief held by many students in what they perceived as Jefferson's vision for the University. In favor of admission, the Princeton debater noted that women were rising in managerial positions and therefore required as much education in men. Furthermore,

---

[128] Curtis, *supra* note 53, at 7.
[129] Newell, *supra* note 14, at 27.

both Princeton and UVA were losing valuable "talent" by excluding women from their student bodies.[130] Virginia responded that the admission of women would drain the financial resources of the University, depleting the money that could be better used for books in the library. And more importantly, Mr. Jefferson didn't want women at the University.[131] The Princeton student astutely noted that Jefferson also authored the Constitution, which had denied women the right to vote.[132] When forced to switch sides from negative to the affirmative, the UVA debaters deftly asserted this bracing argument: "Girls should be allowed to wander around the Grounds and make their asinine comments simply and solely for the psychological and sensual amusement of the male population."[133]

Granted, some of this debate was tongue-and-cheek; and furthermore, the views expressed by the Virginia gentlemen were clearly not shared by the entire student population. However, the students' demeaning attitude towards women and the strong adherence to the notion that Jefferson created the University for men was unquestionably pervasive.

2. Southern Culture and Separate Spheres

In conjunction with the heritage of Mr. Jefferson, the patriarchal nature of the South also played a role in the University's ability to deny admission to women for so many decades. As previously discussed, many of the Richmond elite staunchly opposed higher education for their daughters until well into the twentieth century. The

---

[130] *See* Anson Franklin, *On Coeducation 'Risque' Humor Livens Debate*, CAVALIER DAILY, Oct. 10, 1967, at 1.
[131] *Id.*
[132] *Id.*
[133] *Id.*

experiences of Mary Munford, born into a wealthy Richmond family, exemplify this early Southern opposition to women attending college. Her mother was described as "a women whose devotion to the southern "cause" and to the way of life of her own youth was elevated to the intensity of a religion by the defeat of the Confederacy."[134]

More notably, many faculty members at UVA also adhered to the traditions of the South. When the faculty debated the admission of women in 1894, one professor noted that coeducation would change the "exalted position which matrons and daughters have long held and still hold in our social organization . . . coeducation strikes the very root of this prized form of society, and tends to subvert what we cherish as most excellent in our homes."[135] This professor feared that intermingling of the sexes would cause women to become "familiar, boisterous, bold in manners, often rudely aggressive, and ambitiously competitive with men, thus producing, in general, a type of womanhood from which we devotedly pray to be spared."[136]

Although these examples describe the Southern mentality at the turn of the century, opinions of the proper role for women in Southern society were pervasive even decades later. For example, in a essay describing her experiences as a Southerner in academia in the 1960s, a former Harvard professor lamented the fact that her parents had not had enough money to send both her and her sister to private colleges (she had wanted to go north to an Ivy League school).[137] She remembered that at the time she never considered part-time work to help pay for expenses because that was not what Southern

---

[134] Newell, *supra* note 14, at 29.
[135] Whitney, *supra* note 2, at 31.
[136] *Id.* at 31.
[137] *See* Susan Reed Baker, *Fair Harvard and the Fairer Sex*, STEPPING OFF THE PEDESTAL: ACADEMIC WOMEN IN THE SOUTH 91-98, 92 (Patricia A. Stringer and Irene Thompson for the Commission on the Status of Women in the Profession, eds.) (1982).

girls did. In her opinion, "Southern public schools [were] still producing students whose level of cultural awareness [was] below average . . . and that until the 1960s the South remained outside the mainstream of the nation's development."[138] She had strong feelings about her role as a Southern woman and her goals for a college education believing that "Southern girls were supposed to have a good time at school. The clever ones would make good grades, while the lucky ones would find husbands."[139] She felt that the Southern culture was not supportive of women who stepped outside the traditional role prescribed to her gender.[140]

And she is not alone in her perceptions. The notion of the Virginia gentleman is still a tightly held tradition at the University. The mentality of traditional gender roles, and an adherence to Southern culture, greatly contributed to UVA's ability to keep women at a distance. During the history of the University, the *Cavalier Daily* frequently ran articles lamenting the impending demise of the Virginia gentleman, admonishing students for "inappropriate" behavior. One example occurred in 1954 when the student paper criticized students for "ungentlemanly" behavior, such as booing professors in class.[141] One Charlottesville resident wrote that the students had "succeeded in making the term 'Virginia Gentleman' a complete and utter travesty."[142] Other such incidents arose through the years, reinforcing the pressure on the young men to act the proper role.

By the late 1960s, student articles mourned the break-down of the tradition of wearing a coat and tie to class – the ultimate symbol of the Virginia gentleman.[143]

---

[138] *Id.* at 97.
[139] *Id.*
[140] *Id.* at 98.
[141] *See* DABNEY, *supra* note 4, at 300.
[142] *Id.*
[143] *See* Steve Wells, *Students' Attire Reflects Individualism,* CAVALIER DAILY, Sept. 24, 1969, at 2.

Alongside an article debating the merits of a slow plan of coeducation to the University, this article noted that young men now wore sweatshirts and bell-bottom pants to class citing that many of these male students had decided that they did not want "tradition to rule their lives."[144] Although subtle, this change in attitude about the "unofficial" dress code of the University signaled a change in perceptions about the traditions of the past.

3. Race and the University

Until 1970s, school football games opened with a rendition of *Dixie,* and even today, Confederate flags cover the walls of UVA's fraternity houses.[145] True to its southern tradition, UVA did not accept racial integration voluntarily. In 1950, a district court order forced UVA to admit Gregory Hanes Swanson (a black law school graduate seeking a Ph.D.) to the University.[146] In the decades preceding that decision, *no* blacks had been admitted to the University, in contrast to the dozens of women graduate students who gained admittance from 1920-1950.

As with gender integration, University reputation and the threat of a court order made administrators nervous. After consultation with the Virginia Governor and Attorney General, UVA concluded that because segregation had been legally mandated by the Virginia legislature, the University could not admit black students absent legal compulsion from a court or a amendment to the legislation from Richmond.[147]

---

[144] *Id.*
[145] *See* Editorial, *Racist Attitudes*, CAVALIER DAILY, Oct. 5, 1970, at 2. The stores on the Corner at UVA displayed the Confederate flag in store windows. One student asked why the flag was displayed so prominently and the store clerk answered that the Rebel flag was one of the hottest selling items. *Id.*
[146] *See* Bryan Kay, The History of Desegregation at the University of Virginia: 1950-1969 (1979) (unpublished, University of Virginia Alderman Library, Special Collections).
[147] *See id.* at 12.

UVA also considered the "coordinate college" idea in the racial context, investigating the success of separate graduate schools for blacks at other southern institutions such as the University of North Carolina.[148] But financial constraints, usually a winning argument against change at the University, made such an option unfeasible. It is also relevant to note that the Virginia legislature had made segregation of the races a legal requirement. In the case of women, denial of admission was upheld only under the authority of the Board of Visitors.

The debates concerning racial integration at the University also illustrate UVA's strong sense of tradition and adherence to the mentality of Southern culture. In 1935, in response to students favoring integration, one undergraduate wrote:

> If [students in favor of integration] were of a more analyzing nature, they would realize that this is the South . . . [f]rom the time when the first Negro set foot in Virginia in 1619 that race has not been placed in the classroom with whites . . . and they never will be . . . Other universities may do as they like, but so far as the University of Virginia is concerned . . . black is black and white is white and never the twain shall meet.[149]

As we know today, his prophecy was not fulfilled and black and white did eventually come together at the University. However, his opinion illustrates UVA's status as a southern university and the inherent prejudices that accompany that position.

B. Alumni Opposition: Influence at the University and Control in the General Assembly

The group most vocally opposed to coeducation at the University was the alumni. Under alumni pressure, the Virginia General Assembly consistently rejected attempts by activists to expand the educational opportunities for women in the state. In large part,

---

[148] *See id.* at 10.

opposition to coeducation in Charlottesville was successful due to the fact that the majority of the Virginia legislature was comprised of alumni from UVA.[150] Former Dean of Women Mary E. Whitney reflected on the intensity of the alumni opposition to coeducation and the desire to maintain the all-male tradition at the University during the early part of the twentieth-century:

> The Opponents of the Strode Bill [for a coordinate college], and every other Bill presented in the Legislature between 1910 and 1918, were not necessarily opposed to higher education for Virginia women. Rather, they were opposed to women's receiving an education at or near the University of Virginia, and they used every argument, logical or illogical, to prevent their presence."[151]

For the most part, by the time activists had reinvigorated the coeducation debate in the 1960s, students and faculty recognized the positive advantages of a coed UVA. By contrast, when news of the Board of Visitor's decision to admit women reached the alumni, opposition was so vehement and widespread that the school called a special meeting to allow angry alumni to voice their discontent with the decision.[152] Alumni reaction was so severe, the Board considered postponing implementation of the plan for coeducation and Edgar Shannon contemplated resigning his position as president of the University.[153] As a result of their influence in the General Assembly and the threat of withdrawing all-important monetary donations, alumni participation against the admission of women at UVA was not to be ignored.[154]

---

[149] *Id.* at 2.
[150] *See* DABNEY, *supra* note 4, at 52. UVA alumni held powerful political positions in the federal government as well. For example, in the 1903-4 congressional session, six members of Congress were UVA alumni (as compared with three from Harvard, seven from Yale, and nine from Princeton). *Id.* at 52.
[151] *See*, DABNEY, *supra* note 4, at 46.
[152] *See* Valenzi, *supra* note 98, at 5.
[153] *Id.* at 5.
[154] Alumni concern was also a significant concern in the VMI debate. In 1996 case, the alumni were considered so influential that the District Court permitted the VMI Alumni Association to intervene in the case. *See* United States v. Virginia, 518 U.S. 515, 523 (1996).

C. No Help from the Courts: Equal Protection for Women Before 1970

In the *Kirstein* case, the three-judge panel ruled that denying admission to qualified women applicants violated the women's constitutional rights under the Equal Protection Clause of the Fourteenth Amendment. Under the Equal Protection Clause, a court will declare that a law is invalid if the government's action discriminates against a particular group but does not provide a rational basis for such distinction. Differentiation on the basis of race, religion, national origin, or alien status triggers heightened judicial scrutiny and usually results in the court concluding that the law violates the plaintiff's constitutional rights. All other classifications only require a rational relationship between the state's purpose and the disparate treatment caused by the law, legal distinctions based on gender required no more than low level scrutiny.[155]

When the District Court ruled on the *Kirstein* case, the Supreme Court had yet to deviate from its historical treatment of women under the Equal Protection Clause.[156] After 1954, the Supreme Court had made it clear that "separate-but-equal" was illegal in the racial context. However, despite the ruling in *Brown,* separate but equal remained a valid justification for the disparate treatment of women.[157] The court in *Kirstein* successfully avoided the "separate-but-equal" question by deciding that the educational opportunities at other Virginia schools were not equal to that at UVA; therefore, their exclusion from UVA was a violation of their rights. In *Brown*, the Supreme Court

---

[155] *See e.g.,* Bradwell v. Illinois, 83 U.S. 130 (1873) (allowing a law prohibiting women from practicing law, based largely on their proper place in the domestic sphere); Minor v. Happersett, 88 U.S. 162 (1875) (upholding the validity of state laws denying women the right to vote).

[156] *Reed v. Reed* in 1971 marked the first time the Supreme Court ruled that a statute placing priority status on men over women violated the Equal Protection Clause of the Fourteenth Amendment. *See generally,* Reed v. Reed, 404 U.S. 71 (1971).

considered the psychological and sociological implications of segregated facilities detrimental to black students and subsequently, *separate* but equal was inherently discriminatory. In contrast, courts approached gender segregation differently looking more to the issue of convenience for the students or types of courses offered rather than analyzing the impact of segregated schooling on the quality of education received by the students.[158]

For example, plaintiffs in two Texas cases sought to compel the admission of women to Texas A&M.[159] The women claimed that the state school was more convenient because it was located near their residence. In both cases, the Texas appellate court held that the constitutional rights of these women had not been violated by the school's refusal to admit women. The court explicitly rejected an analogy between race and sex. Citing the Supreme Court decision in *State of Missouri ex rel. Gaines v. Canda*, the Texas court distinguished the two cases. The plaintiff in *Gaines* applied to law school at the University of Missouri upon completion of his undergraduate degree. The court concluded that the situation of the women plaintiffs in *Allred* was not analogous to the *Gaines* case because:

> The University of Missouri refused to admit him to the law school solely on the ground that he was a Negro. In other words, here was discrimination solely on the ground of color and/or race. That situation is non-existent here.[160]

Unlike discrimination based upon race, the law had not evolved to the point where courts considered discrimination on the basis of sex patently illegal.

---

[157] *See* Patricia Werner Lamar, *The Expansion of Constitutional and Statutory Remedies for Sex Segregation in Education: The Fourteenth Amendment and Title IX of the Education Amendments of 1972*, 32 EMORY L.J. 1111 (1983). *See also* Brown v. Board of Education, 347 U.S. 483 (1954).
[158] Lamar, *supra* note 111, at 1126-27.
[159] *See* Heaton v. Bristol, 317 S.W.2d 86 (Tex. App. 1958); Allred v. Heaton, 336 S.W.2d 251 (Tex. App. 1960).
[160] Allred at 260.

It is relevant to note that part of the problem with the plaintiffs' case in *Allred* stemmed from a procedural problem with their applications. Rather than following the normal application process, these women had filed their admission applications through their attorney. However, despite the lack of proper procedure, the court still held that the women's constitutional rights had not been violated because the women's convenience argument did not place them in a situation any different from other students who lived a significant distance from any of the state school campuses.[161] What is interesting about these cases is that the argument that the school's admission policy was unconstitutional because it discriminated on the basis of sex is strikingly absent from the record.[162] Although the legal tide was changing, before the early 1970s court precedent did not provide legal support for women seeking to compel UVA to admit them.

D. Maintaining the Reputation of the University: A Glass Ceiling?

Despite the pervasive ideology of separate spheres, the experience of the woman in the western United States was often different from her sister in the East. University of Wisconsin, University of Michigan, and the University of Missouri were all coeducational in the nineteenth century.[163] The University of Virginia took pride in its perceived status as one of the top universities in the country. Fear of losing this position was strongly articulated by opponents of coeducation - the all-male student body was perceived to lend stature to the University's reputation. In 1934, one journalist expressed

---

[161] *See* Allred at 260.
[162] *See also* Williams v. McNair, 316 F.Supp. 134 (South Carolina 1970) (rejecting the race/sex analogy as a justification for allowing the admittance of men to the all-female Winthrop College in South Carolina).
[163] *See* CHARLOTTE WILLIAMS CONABLE, 62 WOMEN AT CORNELL: THE MYTH OF EQUAL EDUCATION (1977). *See also* Amy Hague, *What If the Power Does Lie Within Me? Women Students at the University of Wisconsin 1875-1900,* HISTORY OF HIGHER EDUCATION ANNUAL 78-99, 78 (1986).

the general sentiment towards coeducation at the University in College Topics. He writes:

> If Virginia draws more co-eds, and the lure and lilt of the Lawn gives way to the love-making atmosphere of the mid-Western campus, we advocate a second Rotunda fire and the deletion of the last phrase, 'founder of the University of Virginia,' from Mr. Jefferson's epitaph.[164]

Part of the University's resistance to coeducation was a desire to distinguish itself from these other western schools.

In accordance with this desire to distinguish UVA as a top university, administrator encouraged acceptance of the coordinate college idea by demonstrating how similar programs had worked at Ivy League universities like Harvard, Columbia, Yale, and Brown (none of which had embraced coeducation).[165] University of Virginia administrators and faculty did not whole-heartedly embrace coeducational until the trend in the Ivy League schools shifted and these universities began to consider coeducation.[166] This desire to affiliate with top universities contributed to the school's long inertia in the area of gender equality.[167] Despite acknowledging the trend towards coeducation, concern that women would lessen the school's academic standards influenced the administration to be reactionary, rather than visionary, regarding its admissions policies.

---

[164] DABNEY, *supra* note 4, at 68. In 1895, the Rotunda building, the central architectural structure of the University Lawn, was severely damaged by a fire.
[165] In 1967, a study group was conducted at Yale and Vassar to explore the idea of moving Vassar to New Haven. This idea was rejected, but some at the University of Virginia suggested that administrators should examine the study. The study group was formed because as more colleges in the country became coed, Vassar was losing many of the top women it had recruited in the past (and also the money these women had brought to the school). *See* Editorial, *Vassar Says "No,"* CAVALIER DAILY Nov. 29, 1967, at 2.
[166] Yale and Princeton became coeducational in 1969; Brown and Dartmouth in 1972; Harvard in 1976; and Columbia in 1983. *See* Nancy Levit, *Separating Equals: Education Research and the Long-Term Consequences of Sex Segregation*, 67 GEO. WASH. L. REV. 451, 514, n. 466 (1999).
[167] *See generally* Deborah L. Rhode, *The "No-Problem Problem: Feminist Challenges and Cultural Change*, 100 YALE L.J. 1731 (1991).

By the 1960s, coeducation had achieved credibility. The importance of higher education for women was no longer the contentious issue it had been in the past.[168] Nonetheless, women in academia were not accepted on the same level as men and gender stereotypes of the past persisted. For example, when periods of fiscal conservatism hit a university, the college would fire the women professors first, based on the assumption that they did not really need the job because they had husbands at home to support them.[169] One angry male university professor complained that "married women faculty have no excuse. They just want to be contrary, to take bread from the mouths of men's starving families."[170]

The argument that women professors should not take scarce positions from their worthy male counterparts trickled down to the students as well. The perception that women would damage the University's reputation was widespread. One female graduate student voiced her opposition to open admission, concluding that "[i]t wouldn't look right . . . It would ruin the intellectual atmosphere and lower the standing" of the University.[171] So, despite the move towards coeducation across the country, acceptance of woman at the nation's top universities was still perceived by many to be a detriment rather than an improvement to the status of the school.

[168] In 1960, the percentage of men-only institutions of higher education was twelve percent. By 1970, that figure had dropped to 6 percent. *See* BABCOCK, *supra* note 7, at 1014.
[169] *See* BETTY RICHARDSON, SEXISM IN HIGHER EDUCATION 168 (1974).
[170] *Id.* at 168.
[171] Editorial, *Whitney Sees Gain for Men, Women in Co-education*, CAVALIER DAILY, Sept. 29, 1967, at 1.

III. COEDUCATION AT MR. JEFFERSON'S UNIVERSITY: WHAT FACTORS CONTRIBUTED TO THE ABILITY OF WOMEN TO FINALLY BREAK THROUGH THE BARRIERS?

For over a century and a half, the University of Virginia operated under a gender-biased admissions policy. The threat of a court judgment against the University proved to be an extremely influential impetus for change. However, in contrast to racial discrimination at UVA, the school did voluntarily vote to admit women before a court ordered them to do so. What factors contributed to UVA's ultimate decision to agree to coeducation after so many years of opposition?

A. The 1960s: Change in the Cultural Climate and Perceptions of Gender Roles

In 1963, Betty Friedan's The Feminine Mystique became an often-credited driving force in changing the way women felt about their gender's role in society, sparking a reinvigoration of feminist activism for the equal rights of women.[172] In addition, women's overwhelming presence in the labor force lessened the credibility of the argument that a woman's place was in the home.[173] Women were marrying later, the divorce rate was rising (requiring women to be more financially independent), and the birth rate was on the decline due to new advancements in oral contraceptives.[174] By the 1970s, a reinvigorated feminist movement stressed formal equality and the abolition of sex-specific laws.[175] Arguing against disparate treatment, feminists asserted that

---

[172] *See e.g.*, DAVID TYACK AND ELISABETH HANSOT, LEARNING TOGETHER: A HISTORY OF COEDUCATION IN AMERICAN SCHOOLS 244 (1990).
[173] *See id.* at 244.
[174] *See id.* at 244. *See also* Rhode, *supra* note 167, at 1744.
[175] *See* Mary Becker, *The Sixties Shift to Formal Equality and the Courts: An Argument for Pragmatism and Politics,* 40 WM & MARY L. REV. 209, 213 (1998). It is important to note that not all women advocated the abolition of sex-specific laws, fearing that the loss of protectionist legislation, such as child custody laws, would be detrimental to women.

discriminatory educational policies were a major cause of women's unequal status in society.[176]

Politically in the 1960s, the Kennedy administration commissioned studies on the status of women. This had the effect of placing more women in leadership roles and also raising awareness about women's issues.[177] Similarly, the 1960s Civil Rights Movement allowed women to participate in the "public sphere" and increased women's activism against both legal and social discrimination of women. The discrimination women faced within the Civil Rights Movement itself further strengthened many women's resolve to fight for full equality.[178] Also, the Civil Rights Act of 1964 created a national prohibition against sex-discrimination in employment.[179] The emergence of the National Organization for Women in 1966 encouraged women "to take action to bring women into full participation in the mainstream of American society."[180]

These changes are evident in the *Cavalier Daily's* treatment of women in the late 1960s versus the early 1970s. Previously, articles relating to women consisted of advice on where to find the best "girls" to date and changes in dorm policies regarding overnight guests; by 1970, "women" had appeared on Grounds and the newspaper was publishing articles authored by women about women's issues.[181] Administrators, faculty, and students all recognized that the cultural climate in America had significantly changed.

---

[176] *See* TYACK, *supra* note 171, at 243.
[177] *See* Becker, *supra* note 175, at 217.
[178] *Id.* at 169.
[179] *See* 42 U.S.C. § 2000d-6.
[180] Terry H. Anderson, THE SIXTIES 168 (1999). By 1972, Congress had passed Title IX of the education amendments prohibiting sex discrimination in educational programs. 20 U.S.C. §§ 1681, et seq. The statute provides an exception "to any public institution of undergraduate higher education which traditionally and continually from its establishment has had a policy of admitting only students of one sex." 20 U.S.C. § 1681(a)(5).
[181] *See, e.g.* Editorial, *Visitors Accept Plan for Girls in Dormitories*, CAVALIER DAILY, September 15, 1967, at 1. *See also* Charlottesville Women's Liberation, *For Our Liberated Women 'Personhood' is Our*

B. The Faculty and Nationwide Success with Coeducation

Another influential factor contributing to coeducation was a change in faculty perception regarding the presence of women in the classroom. By the 1960s, an overwhelming majority of professors had either been educated themselves or had taught in a coeducational setting.[182] In striking contrast to previous years, only nine out of the one hundred and fifty-seven faculty members responding to polls by the University opposed coeducation.[183] In a 1967 COFU subcommittee report, the committee concluded that the admission of women would enhance, rather than detract from, the University's reputation noting that "their presence would challenge men to higher achievement in the classrooms."[184] The report further resolved that

> It was inconceivable for a state university not to admit women, that nationally there was a trend towards educating men and women in the same classrooms, that an institution of quality cannot restrict itself to men, that usually high-quality instruction takes place in a coeducational university setting and . . . [the University] might be wise to plan on such eventualities rather than having them "just happen."[185]

Although sexism still existed, this new faculty support showed opponents of coeducation that they faced a much tougher battle than they had in the past.

C. Social Life at the University of Virginia

Although a lesser force than major cultural shifts or legal challenges, the social life of the men at UVA is a notable factor which was considered when making the

---

Right, CAVALIER DAILY, Sept. 14, 1970, at 3. These women intended to raise consciousness about gender issues, provided abortion and birth control counseling (in 1970!), and encouraged men to get involved in breaking down gender stereotypes.

[182] *See* Curtis, *supra* note 53, at 36.

[183] *Id.*

decision to become coed. In addition to Virginia's reputation as an academic institution of higher learning, Virginia students had also earned a reputation for their less than academic extracurricular activities, most notably, heavy drinking. For example, during Prohibition, professors and students alike frequently found themselves in clashes with the law, reinforcing the University's reputation as a "hard-drinking, hell-raising school."[186]

In the 1960s, when the question of women at the University was gaining attention, some administrators and faculty advocated coeducation with the hope that the infusion of women into the University would provide a calming influence on the male students. Dean Whitney noted that women on Grounds might help keep unruly male students in line.[187] Likewise, another UVA tradition received serious attention during this time period. Due to the dearth of college women on campus, University men followed the long-honored tradition of "rolling out" to find women at nearby all-women and coeducational colleges in Virginia. Each fall, the *Cavalier Daily* ran a series of articles providing young men with directions to neighboring schools and tips on the best places to pick up women. In *1969*, one Virginia columnist advised:

> Madison is a good place to start the years [at the University] as most Madison girls are down to earth, and for years Madison girls have had a reputation, well deserved, of having no qualms about getting right down to earth.[188]

The student journalist continued by espousing the tradition of the University and the deep friendships formed between first year men as they go "down the road" in search of Virginia Belles.[189]

---

[184] *Id.* at 25.
[185] *Id.* at 22.
[186] JOHN HAMMOND MOORE, ALBEMARLE JEFFERSON'S COUNTY 1727-1976 375 (1976).
[187] *See* Curtis, *supra* note 53, at 33.
[188] Fred Heblich, *Distant Travel Required to Meet Virginia Belles*, CAVALIER DAILY, Sept. 10, 1969, at 3.
[189] *Id.* at 3.

Heavy drinking, combined with the necessity of driving off campus to find women, resulted in the death of several students each year. Faculty members hoped that if women joined the University it would "create a more natural social life, eliminate the frenzy big-weekend, and negate the need for trips to neighboring women's colleges."[190] Another faculty member supported coeducation as a counteractive measure against the perceived increasing sexual appetite of men in the late 1960s, anticipating that "a steady diet of women would avert some of the psychological and social problems created by a limited diet of them."[191] Although not an argument based on the equality of the sexes, the idea that women students could reign-in these unruly boys was a factor for many supporters of coeducation in the late 1960s.

IV. CONCLUSION: REACTIONS AROUND GROUNDS

Unlike the reaction to racial integration at UVA, the influx of women in the early 1970s received a startlingly small amount of attention, either positive or negative, from the students. For decades, University administrators had argued that coeducation was not feasible due to the high costs of creating facilities to accommodate women. When women finally arrived at the University however, the facilities department made few changes around Grounds. One student columnist joked about the school's failure to remove urinals from the women's dorms and suggested that they use the obsolete bathroom fixtures as flower boxes commenting that "one wonders if the Housing office considers the women to be a passing phase, their demise necessitating only the removal

---

[190] Curtis, *supra* note 53, at 37-38.
[191] *Id.* at 39.

of the bouquet."[192] This anecdote exemplifies that despite decades of arguments to the contrary, ultimately the influx of women was not fatal to the University.

Similar to the lack of significant architectural modifications, the admission of women caused few ripples in student life. Attention focused more on student rallies and class boycotts organized in outraged response to incidents such as the shootings at Kent State in Ohio. The student body president announced that "action" was the new theme for students.[193] In spite of years of strong opposition from all sides, by the early 1970s, most agreed with the student newspaper comment that women were "here to stay" at the University of Virginia.

---

[192] Steve Grimwood, *By God, I Think They're Here to Stay*, CAVALIER DAILY, Sept. 14, 1970, at 3.
[193] *See generally* CAVALIER DAILY, Sept. 1970.