



LOCAL COUNSEL







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First Women at The Citadel, and Beyond

Robert Ray Black



CAROLINA ACADEMIC PRESS
Durham, North Carolina



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Library of Congress Cataloging-in-Publication Data

Black, Robert R.

Local counsel : first women at the Citadel and beyond / Robert Ray Black.

p. cm.

ISBN 978-1-61163-032-9 (alk. paper)

1. Citadel, the Military College of South Carolina--Trials, litigation, etc. 2. Sex discrimination in higher education--Law and legislation--South Carolina--Charleston. 3. Black, Robert R. 4. Lawyers--South Carolina--Charleston--Biography. I. Title.

KF228.C53B53 2012

355.0071'17579--dc23

2011050119

CAROLINA ACADEMIC PRESS

700 Kent Street

Durham, North Carolina 27701

Telephone (919) 489-7486

Fax (919) 493-5668

www.cap-press.com

Printed in the United States of America



*For Karen, Tonya, Pat, Liz, Angela, Shannon, Sandy, Evelyn, Ethel, Nancy,
Spencer, Melinda, Mary Holland, and Blanche.
And others similarly situated.*



“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Section 1, Fourteenth Amendment to the
United States Constitution

“IT IS, THEREFORE, ORDERED, that the defendants forthwith admit Shannon Richey Faulkner to the South Carolina Corps of Cadets under such terms and conditions as this court hereinafter orders.”

C. Weston Houck, United States District Judge, July 22, 1994

* * *

“As for The Citadel’s status now, ‘The federal courts ordered women to be admitted.’ I have been observing The Citadel for over 40 years. The Citadel is in the best position it has ever been in.”

The Boo, Lieutenant Colonel T. N. Courvoisie,
Charleston, South Carolina, *The Post and Courier*,
October 12, 2002

* * *

“An accurate history of this important case should be preserved for future generations.... I hope in your writing you will endeavor to paint the true picture of the scene by giving full flavor to the hatred and bigotry which was generated by so-called responsible people who did all within their power to defeat justice.... No one involved demonstrated more courage than Judge Houck and I hope he will receive the credit he deserves in your book.”

Arthur G. Howe, Esq., Senior Member of the Charleston
County Bar, letter to the author, October 8, 1999

* * *

“By a faction I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.”

James Madison, *The Federalist* No. 10

“The education and empowerment of women throughout the world cannot fail to result in a more caring, tolerant, just and peaceful life for all.”

Aung San Suu Kyi,
Burmese Nobel Peace Prize laureate

“This is the only case that has bumped O. J. Simpson off the front page.”

Oprah Winfrey in an interview on
September 7, 1995, with Shannon Faulkner
after she withdrew from *The Citadel*

“Faulkner’s not the only story. You’re the story too.”

Nationally syndicated columnist Kathleen Parker,
telephone conversation with the author

“Que las historias fingidas tanto tienen de buenas y de deleitables cuanto se llegan a la verdad o la semejanza della, y las verdaderas, tanto son mejores cuanto son mas verdaderas.”

(“Fictional tales are better and more enjoyable the nearer they approach the truth or the semblance of the truth, and as for true stories, the best are those that are most true.”)

Don Quixote, Chapter LXII

* * *



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The Citadel

Chronology of Events

1989

- 05/15/89 Robert Ray Black (RRB) calls John Banzhaf from Birmingham
05/28/89 RRB meets with a young woman and her mother in Charleston
06/26–28/89 Two young women write letters of inquiry to Department of Justice; RRB's correspondence begins with Nat Douglas at DOJ

1990

- 01/26/90 RRB calls Jeanette Kellogg Wotkyns, Morrison & Forrester, Washington, D.C.
02/90 RRB visits Brigadier General Meenaghan, VP, Academic Affairs, The Citadel
12/4/90 ACLU Debate on Women at the Citadel
12/11/90 Mother of Tiffany Provence calls RRB

1991

- 03/05/91 House committee hearings on Manly bill to admit women into the Corps of Cadets; RRB speaks in support of bill
08/21/91 Citadel admits woman ROTC student from MUSC
11/18/91 Melody Lutz and RRB visit three high school women ROTC programs

1992

- 01/28/92 Navy veteran Patricia Johnson calls RRB
05/05/92 Madeline Collison, Denver, agrees to serve as co-counsel
05/11/92 Isabelle Pinzler, Women's Rights Project, ACLU, agrees to serve as co-counsel
06/11/92 Women veterans Johnson, Lacey (and Chapman, 6/17/92) sue Citadel under 14th Amendment to join male veterans in Veterans Day Program
08/07/92 Women veterans' motion for preliminary injunction is denied

- 08/18/92 Valorie Vojdik, Henry Weisburg, Shearman & Sterling, agree to be co-counsel
- 09/02/92 Citadel gets rid of Veterans Day Program
- 09/04/92 Citadel's first motion to moot women veterans' lawsuit is denied
- 11/10/92 Citadel modifies its motion to moot women veterans' lawsuit
- 12/14/92 Two male veterans sue Citadel for closing VDP; held to be separate from women veterans' lawsuit but dismissed 01/27/93

1993

- 02/12/93 RRB calls Suzanne Coe on behalf of Shearman & Sterling and ACLU to represent Shannon Richey Faulkner (SRF)
- 03/02/93 SRF sues Citadel under 14th Amendment to join Corps of Cadets; amended 03/03/93
- 03/18/03 SRF lawsuit consolidated with women veterans' lawsuit for purposes of discovery
- 04/24/93 DOJ agrees to intervene in SRF lawsuit; permitted to intervene and names state as defendant 06/07/93
- 05/27/93 Concurrent Resolution adopted by General Assembly
- 05/28/93 SRF files motions for class action and summary judgment
- 08/12/93 District court grants SRF's motion for preliminary injunction to allow SRF to enter day program as civilian pending trial on the merits to enter Corps of Cadets in August, 1994.
- 08/16/93 Fourth Circuit stays district court Order; SRF does not enter day program. *Faulkner v. Jones*, 10 F.3d 226 (4th Cir. 1993)
- 09/20/93 Court grants Citadel's second motion to moot women veterans' lawsuit
- 09/29/93 Nine cadets move to intervene; motion denied 02/17/94
- 11/17/93 Fourth Circuit affirms preliminary injunction and lifts stay (J. Niemeyer, Hall; Hamilton dissenting)
- 12/01/93 Citadel petitions Fourth Circuit for rehearing *en banc*

1994

- 01/10/94 Fourth Circuit denies Citadel's petition for rehearing
- 01/11/94 Legislative Committee issues its report to General Assembly
- 01/12/94 C. J. Rehnquist grants Citadel's emergency application for stay; SRF registers as day student at Citadel
- 01/18/94 Supreme Court lifts C. J. Rehnquist's temporary stay
- 01/20/94 SRF begins biology class as day student at Citadel
- 03/07/94 Citadel files motion to bifurcate trial to decide justification before remedy
- 04/01/94 Citadel files a proposed remedial plan

THE CITADEL CHRONOLOGY OF EVENTS

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- 05/16/94 Two-week trial begins, ends 05/27/94; closing arguments 06/16/94
- 06/10/94 Citadel files motion for mistrial
- 06/28/94 SRF files proposed remedial plan
- 06/30/94 Citadel files motion to reopen the record
- 07/22/94 *Faulkner I*: district court finds Citadel in violation of 14th Amendment and orders SRF into Corps of Cadets. *Faulkner v. Jones*, 858 F.Supp. 552 (D.S.C. 1994)
- 07/27/94 Citadel moves district court to stay its 07/22/94 Order
- 08/01/94 Hearing in district court to implement 07/22/94 Order; SRF's motions for special sexual harassment committee
- 08/05/94 District court orders implementation of its 07/22/94 Order; Citadel seeks stay in Fourth Circuit, pending appeal
- 08/09/94 U.S. marshals ordered to monitor SRF's entry into Corps of Cadets; Citadel ordered to grant marshals access to grounds and buildings, to take no action to interfere with activities of marshals, and to fully cooperate with marshals
- 08/11/94 Parts of transcript pertaining to SRF's medical records held under seal
- 08/15/94 Fourth Circuit stays district court; SRF does not enter Corps of Cadets but continues in day program
- 09/23/94 SRF's motions to participate in cadet extracurricular activities pending appeal to Fourth Circuit to enter Corps
- 09/29/94 Oral arguments on appeal in women veterans' case to Fourth Circuit
- 12/05/94 Fourth Circuit affirms District Court to moot women veterans' lawsuit
- 1995**
- 04/13/95 *Faulkner II*: Fourth Circuit affirms *Faulkner I*, with modifications, ordering SRF to enter Corps of Cadets in August, 1995, if no adequate remedy (e.g., parallel program at Converse College) found at trial in district court. *Faulkner v. Jones*, 51 F.3d 440 (4th Cir. 1995); stay lifted
- 06/05/95 Citadel's motions to approve its remedial plan to put women in South Carolina Institute for Leadership, SCIL, at Converse College, to limit discovery and trial to Mary Baldwin/VMI issues already approved by Fourth Circuit, comparing Converse with Mary Baldwin; denied 06/07/95; proposed plan amended 06/12/95 and 06/16/95

- 06/06/95 Motions heard on SRF's medical records; under seal per 08/11/94 and 05/22/95 Orders; and 06/14/95, 07/19/95, 07/25/95, 08/02/95, 08/04/95
- 06/07/95 Citadel's request to billet SRF as cadet in Infirmary; denied
- 06/12/95 Hearing on SCIL
- 06/28/95 Court visits Virginia Women's Institute for Leadership, VWLI, Mary Baldwin College, Staunton, Virginia
- 07/03/95 Court visits SCIL, Converse College, Spartanburg, South Carolina
- 07/24/95 District court finds Citadel's SCIL remedial plan impossible to set for trial prior to beginning of classes on 08/12/95; postpones trial and sets new trial for 11/06/95, then 12/05/95; SRF ordered into Corps of Cadets pursuant to *Faulkner I*, affirmed by *Faulkner II*
- 08/02/95 Citadel's motion to Fourth Circuit for stay of district court Order of 07/24/95
- 08/10/95 U.S. marshals ordered to monitor SRF's entry into Corps of Cadets; Citadel ordered to grant marshals access to grounds and buildings, to take no action to interfere with activities of marshals, and to fully cooperate with marshals
- 08/12/95 SRF becomes the first woman to enroll in the Corps of Cadets
- 08/18/95 SRF withdraws from the Corps of Cadets
- 08/23/95 Citadel moves to dismiss SRF's case
- 08/25/95 Court orders clerk to unseal record of all in-camera proceedings
- 08/31/95 Motion by Nancy Mellette to intervene
- 10/03/95 Court grants Mellette's motion to intervene and to step into shoes of SRF; SRF's case dismissed; Mellette denied class certification; trial set for 11/13/95
- 11/30/95 Court grants Citadel's motion to stay trial pending *VMI* decision in Supreme Court
- 1996**
- 04/96 Mellette accepts place in USMAPS, prep school for West Point
- 06/26/96 Supreme Court rules that all-male admissions policy at VMI violates 14th Amendment and orders women to be admitted to VMI. *United States v. Virginia*, 518 U.S. 515 (1996)
- 06/28/96 Citadel admits women; offers assimilation plan; four women enter in August
- 08/14/96 District court finds SCIL in violation 14th Amendment and orders Citadel to admit women; orders Citadel to develop assimilation plan; Citadel enjoined from continuing its all-male

THE CITADEL CHRONOLOGY OF EVENTS

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- admissions policy; Citadel appeals contending this order and previous others are moot
- 11/01/96 SRF's attorneys file petition for attorney fees; hearings 07/07–11/97
- 1997**
- 01/09/97 Draft of plan to assimilate women into the Corps of Cadets
- 05/23/97 United States and Citadel enter Consent Decree for assimilation of women
- 1998**
- 02/11/98 Fourth Circuit affirms in part and vacates in part district court Order of 08/14/96, and affirms orders of 07/22/94, 07/24/95, and 10/03/95; SCIL not inadequate because no trial of fact finding was held; Citadel not enjoined from continuing its all-male admissions policy because no evidence in record that Citadel will revert to all-male admissions policy; Mellette lacks standing because she accepted place in USMAPS. *United States v. Jones*, 136 F.3d 342 (4th Cir. 1998).
- 1999**
- 03/30/99 District court orders Citadel and state to pay plaintiffs' attorney fees
- 2002**
- 03/28/02 *Faulkner/Mellette* Case dismissed
- 2010**
- 01/10 Veterans Day Program reopened



VMI Chronology of Events

early 1989	Letter from unnamed Virginia school girl sent to Judith Keith, CRD, DOJ
03/21/89	DOJ letter of inquiry sent to VMI; again 01/03/90
02/01/90	DOJ notifies VMI that its admissions policy is in violation of 14th Amendment and Title IV of Civil Rights Act of 1964
02/05/90	VMI Foundation and State of Virginia file declaratory action against DOJ
04/04/91	Liability trial begins in district court, Roanoke, Judge Kiser; lasts 6 days, 19 witnesses; tried under 14th Amendment and Title IV
06/14/91	J. Kiser finds all-male admissions policy at VMI constitutional. <i>United States v. Virginia</i> , 766 F.Supp. 471 (W.D. Va. 1991)
04/08/92	Arguments before Fourth Circuit Court of Appeals (J. Niemeyer, J. Ward, J. Phillips); RRB and Citadel attorney M. Dawes Cooke are present
10/05/92	<i>VMI I</i> : Fourth Circuit reverses District Court and rules that VMI is in violation of 14th Amendment; gives VMI four options. <i>United States v. Virginia</i> , 976 F.2d 890 (4th Cir. 1992)
05/24/93	Petition for writ of <i>certiorari</i> in <i>VMI I</i> denied by Supreme Court; J. Scalia comments; case goes back to J. Kiser for trial on remedy
02/09/94	Remedial trial begins in district court on Mary Baldwin College parallel program
01/26/95	<i>VMI II</i> : Fourth Circuit rules that MBC parallel program is an adequate remedy; J. Motz and J. Phillips dissent from court's denial of DOJ petition for rehearing by all members of the court. <i>United States v. Virginia</i> , 44 F.3d 1229 (4th Cir. 1995)
10/05/95	Supreme Court grants petition for writ of <i>certiorari</i> to <i>VMI II</i>
01/17/96	Oral arguments before Supreme Court
06/26/96	Supreme Court reverses <i>VMI II</i> to rule that MBC is not an adequate remedy; women ordered to be admitted to VMI, effective 1997. <i>United States v. Virginia</i> 518 U.S. 515 (1996)