



WASHINGTON AND LEE SPECTATOR



April 1991 Volume 2, Issue 6

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Law School Faculty Votes to Ban the Military from Law Campus

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WASHINGTON AND LEE SPECTATOR

April 1991

The W&L Student Journal of Fact and Opinion

Vol. 2, No. 6



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LETTERS

Alum Reacts to Law School

Editor's Note: The following letter was sent to Dean Randall Bezanson and to the Richmond News Leader. It is reprinted here with Mr. Cogar's permission.

Dear Dean Bezanson:

With dismay and disgust, I read in the morning paper that 11 school faculty members have succeeded in banning the military from recruiting on the law school campus at Washington and Lee University.

It is not clear whether you, as the leader of this merry band, voted with the 11 or join the nine dissenters. What is clear, however, is that you and your predecessors have assembled an abysmal group of wrong-headed academicians whose priorities do not include the greater good of the university.

It is nearly incomprehensible that a ridiculous incantation of the American Association of Law Schools championed by these 11 shrill trillers actually could close the campus to representatives of the armed services of the United States.

Will you tell me please, sir, just what this association has done for Washington and Lee — lately or ever?

And while you ponder that question, need I remind you what our armed forces have done lately for you, me, Washington and Lee, the trillers — indeed the whole world?

Great God, man, did anybody ever tell any of these knee-jerk gay-rights fans that George Washington was General Washington and Robert E. Lee was

General Lee? Are their military backgrounds now cause for their debase-ment? Will General Lee's remains (and the recumbent statue) be removed from the campus if the Association hereafter concludes that any symbol or remnant of a military heritage offends the sensibilities of homosexuals?

Is it actually conceivable that the disciplines of our great university have so eroded that a deviate minority now can subordinate the integrity and honor of a proud institution to its perverse sexual orientation?

Do crimes against nature now occupy higher ground than Valley Forge, Argonne Forest, Iwo Jima, Seoul, the Chosin Reservoir, and the sands of the Persian Gulf?

Aren't you telling us that the law school we knew and loved now is infested with types totally alien to Washington and Lee's traditional culture and values?

The students are quite another matter.

They continue to exhibit in abundance those aspects of character and intellect that have marked our tradition down through the centuries — and we have no intention of closing our doors to them. I intend to urge the members of our firm to adopt a policy deploring the shameful action you have taken, and, further, I intend to urge the firm to abstain from any appearance on the campus for any purpose until your outrageous ban of the military is lifted.

For the purpose of mooted the action you have taken, I will appreciate it if you will provide me with the most current

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list of alumni.

I would also like to know the identity of the eleven voting for the resolution, a brief description of their service affiliation (if any), and which of them (if any) attended either undergraduate or law school at Washington and Lee.

Finally, I would like to know which (if any) of the 11 are "out of the closet." The relevance of this last request is this: If the disgrace visited upon our university by this action was precipitated by individuals seeking revenge for lawful proscription of their immoral, illegal, and disgraceful conduct, then these individuals clearly are not acting in their own behalf and without any regard whatsoever for the best interests of the university.

As you well know, the Supreme Court of the United States has upheld the right of the armed forces to expel or deny sexual deviates admission to the services. You must also know that sodomy is a crime in this Commonwealth.

Can you possibly explain why an institution charged with teaching law and respect for the law would cast out the law-abiding to appease those routinely engaged in immoral and illegal conduct? The ass that was the law has surely gone home. Thank God neither General Washington nor General Lee lived to witness it.

Finally: As this letter is posted to you, it is also being sent to The Richmond News Leader. I desperately want the world to know that the irrational and unconscionable action that has been taken does not comport with the views of our alumni as I have known them for more than 40 years, nor with any policy of the trustees or administration of which I am aware.

You have acted independently of university policy and tradition to the great shame of us all; as Saddam Hussein anxiously watched and waited, so should the unenlightened 11 — because Uncle Sam soon will be a welcome guest on our campus.

Very truly yours,
William R. Cogar '51, '55L



Top Ten Draws Fire

Dear Editor:

Where were the professors? I can only answer for myself. I was not there by choice. I don't like sending young men to war. One of my closest friends was killed standing a yard from me on the Anzio Beachhead in Italy. Another close paratrooper friend of mine drowned in the Mediterranean Sea in the invasion of Southern France. He was dropped too soon. It's called pilot error. Another friend and platoon leader was practically cut in half by machine gun fire in the Ardennes Forest outside the village of Sadzot, Belgium. I am still haunted by the faces of these friends who died in War almost fifty years ago. But there is another reason I did not come to the rally. A high school football coach of mine once said "the best blocks and tackles are made in the stands." It is a good point. I prefer the quiet patriotism of individuals to the noise and excitement of "patriotic rallies of the those who stay at home" and go nowhere...

Sincerely,
Milton Colvin
Professor of Politics

P.S. I supported the President from the beginning.

Editor's Note: No one we know of favors war. The rally in question was in support of the troops in the field, not the politicians in D.C.



Understanding the World

Dear Editor:

To begin, I would like to congratulate the Spectator is witty, pointed, and well executed "Women In The Creative Arts" ad. It made me laugh.

I now feel compelled to thank J. Cameron Humphries for the obviously well-researched and thoroughly thought-out essay, "Myth. of Multiculturalism." Mr. Humphries touched on nearly all the points against multiculturalism studies

that the University Scholars class raised in debating the proposition that "A Class on Women in The Creative Arts Wastes Time That Should Be Devoted to the Traditional Canon." It is understandable that he did not mention all the points the class discussed in favor of such studies.

Extensive research in other cultures was not part of the preparation for the class debate, and I found the examples Mr. Humphries cited of the plights of women in the barbaric cultures of China, India, Africa, and the Middle East edifying.

Any reader aware, as I am, of the patriotism and belief in the freedom of speech inherent in the publication for which Mr. Humphries writes, would assume that he included these examples in the spirit of our country's founding fathers, who united members of varied cultures into a strong people. John Adams, for example, wrote, "Liberty cannot be preserved without a general knowledge among the people.... Let us cherish, therefore, the means of knowledge. Let us dare to read, think, speak, and write...." Or perhaps Mr. Humphries turned to John Locke, who inspired so many great American thinkers, for his inspiration. In "Some Thoughts Concerning Education," Locke states that, "The only fence against the word is a thorough knowledge of it."

And so I thank Mr. Humphries for so subtly pointing out that the well-educated need "a thorough knowledge" of their world. I would like to encourage other students who recognize this need to register for the next multicultural class that catches their eye.

Sincerely,
Rosanne B. Cornbrooks, '94
University Scholar



On Nature

Dear Editor,

I am writing in response to the article you recently published in the Spectator by Camile Paglia, entitled, "The Lies About Date Rape."

I will not indulge myself in a tirade, but I would like to caution you against thinking that this woman's opinion represents a silent feminine majority, and

against congratulating yourselves on having found a woman ' courageous ' enough to voice these atavistic beliefs.

I would, however, like to refute this woman's use of human instinct and the all encompassing absolutism of Nature to excuse the masculine urge to rape with the arguments of a respected member of the Western canon, John Stuart Mill. In Mill's essay On Nature, he warns humanity of the danger of believing that everything natural and instinctive is inherently right and good. Ms. Paglia seems to include date-rape in this category. Mill argues that Nature is a harsh and brutal place which gratuitously inflicts more pain and suffering on people and animals than they do on each other. He also says that man has managed to acquire several traits with which Nature did not endow him that form the better part of human nature. These characteristics include courage, cultivated sympathy, self-control, veracity and justice - all of which, if exercised frequently enough, would prevent many date rapes, and the suffering and anguish which are their legacy.

Mill knew, as should Ms. Paglia, that it is utterly ludicrous to want to abandon all the advances and advantages of reason to the brutal chaos of a society whose members operate solely on instinct. Ms. Paglia seems to accept this male instinct to conquer and pillage with equanimity, and to believe that women have been led by feminism from the true and natural protection of curfews, chaperones, and the double standard.

No woman can deny the risk of the situations that can lead to date rape, nor should she believe that she can expose herself to them with impunity. Every woman is vulnerable to a certain extent, but no woman should accept the lack of control of the urge that causes this risk as natural - and neither should any man.

Sincerely,
Meredith T. Gronroos, '93



Revisionism Revisited

Editor:

In the March issue of the Spectator and coincidentally also in the same

LETTERS

month's edition of Campus magazine, references were made to the movie Dances With Wolves as being "revisionist." Labeling a movie which depicts violence by the United States government upon American Indian tribes as "revisionist" reveals a paranoia on the author's part. Indian annihilation is a historical fact, and the credibility of conservatives is undermined when they can not stomach any critical portrait of American history.

At the very least, Dances With Wolves compensates for the entertainment industry's traditionally skewed portrait of the American West, one of innocent and virtuous white settlers and savage, marauding Indians.

American conservatives can defend the merits and virtues of the United States and Western Civilization without attacking reasonable criticism of our nation's history.

Justin Peterson, '94



It's in the Genes

Dear Spectator Editors:

I am writing in response to the egregious comments made by Mr. Humphries on the topic of multi-culturalism in Volume two, Issue four of the Spectator.

The purpose of multi-culturalism is to expose the ignorant to other cultures so that they may become educated. With this purpose in mind, Mr. Humphries misses the point. His feeble attempt to marginalize the importance of other cultures, all far older than his own is sophomoric. To say that the worth of any culture must be based upon the bad without talking about the good is over simplistic.

While he is correct to say that the advancements of the West are tremendous, he fails to pay homage to the origins of that greatness. Without the Mayans the concept of zero might not have ever come about. Without Egyptian improvements in ship making, ocean transportation and world exploration would have been delayed for decades or even centuries. The Nubians created aqu-

educts and Nileometers to measure the flow of the Nile. These are a few of the many contributions to mankind made by non-Western cultures. The hubris exhibited by Mr. Humphries that denies the importance of this kind of cultural exploration is exactly why multi-cultural studies should be mandatory.

Moreover, Mr. Humphries seems to look at the West through rose-colored glasses. Mr. Humphries, the history of America is not all that great. America has had and continues to have its share of problems - from the genocide committed against Africans in the middle passage to slavery; to the killing of the Native Americans through disease; to the taking of Indian lands; to the murder of college students at Kent State; to the increase of Americans living below the poverty line; and finally to the increase in secularized and institutionalized racism. Do these events lessen the viability of American history worthy of exploration? I think not. The acts of any given culture, even those that we find distasteful, are worthy of exploration if for no other reason than to try to learn from their mistakes. For if we do not learn from our mistakes, we are damned to repeat them.

Multi-culturalism is not a tool by which we as African-Americans learn to be as ethnocentric as Westerners. It is a way to expose ethnocentric Westerners to other cultures. The fact that other cultures have different mores or patterns of socialization does not make the study of these cultures any less important. Just as other cultures study Western culture, so should we study other cultures. For it is an exploration of other cultures that leads us to a greater understanding of the world at large. If there is to be a "new world order" then we must strive to understand cultural differences. Finally, I would like you to think about your genetic ancestry and the fact that the genes that create your pigmentation are recessive and that the origin of those genes must have come from a people carrying dominant genes...Africans - perhaps. Mr. Humphries respect your ancestors and thank you for making the need for multi-cultural studies so apparent.

Sincerely,
Claude V. Worrell, II, '91L

GENERAL OPINION

SPECTATOR SABOTAGE

Is there a double standard among some of the faculty when it comes to independent campus publications? While many faculty simply do not like the *Spectator* and publicly say so, Dean Ruscio seems to be overtly aiding the newly formed *Traveller*. According to the *Ring-tum-Phi*, Ruscio "knows several alumni who would contribute" to the left-leaning *Traveller*.

Professor Hedquist of the Art Department, however, has taken the double standard to new extremes. She has recently written an unpleasant letter to some of the *Spectator's* advertisers. One can easily surmise that the goal of this letter was to adversely affect the financial status (and hopefully the publishing schedule) of the *Spectator*; Professor Hedquist must realize how difficult it would be for a magazine without university funding to continue publishing without advertising revenue.

In addition, the university community should know that the letter itself was inaccurate and offensive. In it, Professor Hedquist accuses the *Spectator* of being "blatantly racist, sexist, and offensively conservative"; however, she provides no examples of racism, sexism, or offensiveness (whether conservative or not) from the magazine.

Finally, the letter was circulated without the knowledge of the *Spectator* editors. When we asked Professor Hedquist for a copy of the letter to print unedited in our magazine, she responded that she had the right to keep her "personal correspondence" private. Indeed she does, and we suppose that a person has the right to be sneaky as well. We hope that in the future, however, Professor Hedquist will have the courage to make her arguments in an open forum. And we respectfully suggest that if Professor Hedquist is interested in stimulating discussion over the *Spectator*, her un-

derhanded tactics do not serve her purposes well.

So once again we ask you, Professor Hedquist, to come forward with your arguments against the *Spectator*. We will gladly give you a full length article in the next issue should you choose to air your grievances. We hope that you will provide the community with your definitions of racism and sexism, and give examples from the pages of the *Spectator*. We hope that you will explain not only why you disagree with some of the views that the *Spectator* espouses, but also why you find the magazine so offensive that you wrote to our advertisers about us. Please know that we will respond to your letter, but, after all, isn't this the sort of debate that a liberal arts education should encourage?



SCC REFORMS

The Student Conduct Committee (SCC) has taken quite a beating lately. It used to be criticized by feminists for being "sexist" because no women were elected to serve on it. Now, it is just smeared as being inept. President Wilson is largely responsible for the SCC's poor reputation in that he unfairly and inaccurately justified his decision to suspend three students on the grounds that the SCC did not do its job.

While President Wilson's accusation could not be further from the truth, the SCC, under the leadership of Tom Spurgeon and Richard Burke, has embarked upon a much needed reform of the institution. Under the guidance of the Student Affairs Committee (SAC), the SCC has embraced many changes which will help it run more efficiently. The simplification of its procedures will allow the committee to get to the truth of the matter (which can sometimes be quite complex) without getting bogged down in procedural rules of order.

The SCC and the SAC are in general agreement over most of the changes except for two very important points of contention. SAC is of the opinion that the SCC ought to publish the names of those found guilty in a public record. This insidious proposition, while possibly having some benefit in deterring repeat offenders, is absolutely at odds with W&L's normal system of discipline. It is not necessary to shame a student in order to properly discipline him. Furthermore, by releasing the names of the guilty, confidentiality will be shot to pieces. It's amazing that those who argued for the necessity of the Confidential Review Committee are now arguing for the SCC to be less private. Second, some on the SAC want to change the membership of the SCC, however this suggestion has been tabled until later.

The overall goal of the reforms is to have the SCC based as much as possible upon honor. The SCC is not a court of law; it is, however, a responsible institution striving to safeguard gentlemanly and ladylike behavior in the community.

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CAMPUS PERSPECTIVE

NO GENERALS ALLOWED

IN EARLY FEBRUARY, the Law Faculty at Washington and Lee voted to amend its placement policy to forbid employers who discriminate based upon sexual preference from using the W&L placement office or other W&L law facilities. Under the revised policy, the only groups which will be barred from campus are the Judge Advocate General Corps (JAG Corps) of the Armed Forces, the FBI, and the CIA. The Law Faculty's vote was a reaction to a policy endorsed by the Association of American Law Schools (AALS), an accrediting body of which W&L is a member. The revised placement policy (new wording in bold) reads as follows:

Washington and Lee University School of Law is committed to a policy which opposes discrimination in employment based on sex, age, race, religion, national origin, handicap or disability, sexual orientation or any other legally impermissible or irrelevant grounds. The facilities and services of the school are available only to those employers whose practices are consistent with this policy.

Dean Randall Bezanson explained the new policy in a forum with students on February 20, 1991 and provided some insight into how the faculty made its decision. According to Bezanson, the faculty decision centered upon four major factors: 1) the risk of losing AALS accreditation, 2) the relevance of sexual orientation to being a good lawyer, 3) a concern that not passing the policy would send a negative signal to homosexual students, and 4) the relatively minor effects of implementing the policy. Each of these factors did play an important role in the faculty vote, and, accordingly, I shall attempt to address each of them. However, I believe that Dean Bezanson did not address the motivating factor for the change: the opportunity for some of the faculty to further their own ideological agenda. In truth, the new policy should be understood as a political protest. The important issue involved here is not whether the Armed forces should be allowed to discriminate based upon sexual orientation, but rather, whether the Law Faculty should use law school policies as a means to protest political issues. While law professors certainly should exercise their first amendment rights, it is inappropriate for the faculty to use the policy statements of the law school for

by Jeff Kelsey

such protests.

In addressing the four major factors which Dean Bezanson noted, it becomes clear that not one of them alone nor all of them combined are compelling enough to warrant the revised policy. For example, the risk of losing AALS accreditation is not very great. Indeed, one law professor estimated the chances of W&L losing its accreditation at zero percent. As Dean Bezanson noted, the original AALS by-law which fostered the new policy was the subject of "acrimonious debate within the governing body of the AALS," and even the AALS has not kept track of exactly how many of its member schools have or have not adopted the policy. Bezanson estimates that approximately seventy-five percent of the member schools have adopted some policy, but a percentage of those schools have narrowed those policies to exclude only those employers who illegally discriminate based upon sexual preference. Since the Armed Forces are specifically allowed by federal law to discriminate against homosexuals, those employers are not banned from campus under such policies. A similar compromise policy was proposed at W&L by Professor Tim Phillips, but it was rejected by a majority of the law faculty. Technically, such compromises do not conform with the AALS policy which has been interpreted by the AALS governing body to exclude *any* employer who discriminates based upon sexual orientation despite the legality of such discrimination. Thus, the AALS faces three groups of schools within its membership: those who have passed the policy full strength, those who allow exemptions for the federal agencies who legally discriminate and those who have not passed the policy. Given that no one knows exactly how many schools fall into each category and the divisiveness of the issue within the AALS, it seems unlikely that W&L would lose its accreditation by not passing the policy or by passing a compromise policy. Indeed, in the state of Virginia alone, UVa. and William & Mary Law Schools have failed to adopt the AALS policy. They apparently aren't afraid of losing their accreditation.

The second factor affecting the faculty decision was the irrelevance of sexual orientation to good lawyering. While one's sexual preference does not affect one's ability to be a good lawyer, I

Jeff Kelsey is a second year law student from Collierville, Tennessee.

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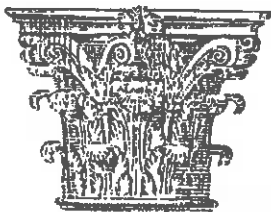


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would point out that the United States Supreme Court has decided that sexual preference does affect one's ability to serve in the military. Until the U.S. Supreme Court or Congress decides otherwise, sexual orientation is relevant for a lawyer practicing in the armed services. The new policy reads "sexual orientation or any other legally impermissible or irrelevant grounds." The use of the word "irrelevant" focuses the policy on the Armed Forces which is the only employer who may legally discriminate against homosexuals. Any other employer who used sexual orientation, or any of the other enumerated criteria, would fall under the "legally impermissible" language. So, saying that sexual orientation is irrelevant to good lawyering in support of the policy really begs the question because the policy asserts the exact same thing. By passing this policy, the law faculty imposes its morality upon groups acting within the law and unnecessarily burdens the students who want to interview with those groups.

The third factor in the faculty's decision was the desire to send a signal of support to homosexual students at W&L. Yet it is hard to imagine how the new placement policy really benefits those students. The policy does not attempt to make up for past discrimination by law firms. Indeed, as Dean Bezanson noted, before the AALS forced the issue "there was a sense that there wasn't a problem, in fact, with discrimination by private law firms that warranted or required the faculty to broaden this policy." Surely, the faculty, if necessary, could devise a more constructive means to benefit the gay community than banning the Armed Services from recruiting.

The new policy does send a very strong message to students who might wish to interview with the armed services. The law faculty has pointed the finger at those government agencies and found them morally unfit to use the services and facilities at W&L. Dean Bezanson would like us to believe that the faculty has made no moral judgments but has merely set a policy. He explains, "It (the new policy) imposes a disability, consequentially, on our students. I don't think it in any way, shape or form was intended or should be understood to reflect a judgment that those employers should not interview our students or that they are not perfectly welcome to interview our students nor a judgment that our students should not find employment with those employers. That's a subtle line to draw." Despite Bezanson's subtle line, it is inescapable that the policy reflects the moral judgment of the faculty. It should come as no surprise that this policy focuses upon the military which has been the favorite target of liberal politics for many years. It is at the very least ironic that at a time when American troops were fighting and dying overseas, our law faculty was pronouncing the armed forces morally unfit to interview on campus. The faculty has imposed its morality beyond the strictures of the law, and the ideas and personal ethics of students give way to the political agendas of the faculty. Will the faculty now decide to ban from our placement facilities those law firms having underlying political agendas which do not match those of our faculty? Perhaps we should ban firms who represent tobacco companies (who pollute our lungs) or

firms who represent oil companies (who pollute our environment) or "union busting" firms because none of these groups have the moral fiber to measure up to the new standard set by the law faculty.

The final factor affecting the faculty decision was the relatively minor effect of implementing the new policy. While it is true that only a small number of students interview with the JAG Corps, FBI, and CIA, the consequences of this whole episode are not minor for the student body. Perhaps the most disturbing aspect of the action is that the entire discussion about the policy revision was conducted behind closed doors and without student input. Dean Bezanson has regular contact with the Student Bar Association president, Grant Burns, yet he never mentioned the policy change until after the faculty voted and *The Law News* ran an article the following Friday. Bezanson explained that the decision was within the province of the faculty and implied that no student input was needed. When pressed about the lack of student input he responded, "If you are proposing the rule that anything that affects students must be decided by students that is, I'm sorry, it's simply not acceptable." After one student explained that students only wanted to express their opinions, not to decide the matter autonomously, Bezanson tersely responded "Well, here we are, here we are," implying that a forum held weeks after the final decision would be adequate for students to air their grievances.

It is difficult to imagine how an issue such as employ-

CAMPUS PERSPECTIVE

ment which affects student life so dramatically could be viewed as solely a faculty matter without any need for student input. Perhaps

Dean Bezanson underestimated how strongly the law student body would react. Over sixty percent of law students signed a petition asking the faculty to reconsider the policy. And here we arrive at the basic problem. The faculty members who support this policy do not believe that students will make the "correct" decision regarding the armed forces and similarly politically incorrect employers. In other words since the morality of the students is defective, the faculty has imposed its own morality. In essence, they have taken the good name of Washington and Lee, which belongs to all students and alumni, and have used it for their own cause without so much as asking for alumni or student input. The faculty at W&L has been entrusted by the Board of Trustees with the power to run the daily operation of the school, and the placement policy does fall within the faculty's jurisdiction. The primary role of the faculty, however, is to educate the student body. The new placement policy has nothing to do with education; rather, it concerns making political statements and establishing a new, extralegal morality by which to judge potential employers and the students who wish to interview with them. These goals represent an inappropriate use of the faculty's power, and President Wilson or the Board of Trustees should review this action and should amend the new placement policy to allow the Armed Forces to recruit on campus.

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INTERVIEW

Professors Barritt, Cook, and Coulling

Editors' Note: Of the six professors retiring at the end of this year, four are W&L alumni. Professor Barritt, a native of Pennsylvania, was a member of the class of 1943. He majored in English and French and returned to teach permanently in 1952. He was not a fraternity member. Professor Cook, a member of Sigma Alpha Epsilon, graduated from W&L in three years as a history major. Originally from Pennsylvania, Mr. Cook returned to teach here in 1953. Professor Coulling, a member of the class of 1946, did not graduate until 1948 because of a two year interruption in his education due to military service in World War II. Originally from Tazwell, Virginia, Mr. Coulling was a member of Pi Kappa Alpha fraternity and an English major. He returned to teach at W&L in 1953. Professor Stephenson, the fourth retiring alumni professor, was unable to attend the interview.

Spectator: Washington and Lee, at least for as long as we have known, has had a reputation for being sort of a party school. Could you characterize the social life in the 1940's.

Coulling: Well, I suppose that the social life centered on the three large dance sets during the year. Those things often coincided with Homecoming, a two night dance set. The Fancy Dress Ball which was a three night dance set was in January immediately after examinations of the first semester. There was a formal dance on Thursday night, the costume ball on Friday night, a tea dance on Saturday afternoon and a formal dance on Saturday night. I remember that a friend of mine said, as we saw our dates leave on a Greyhound bus (all dates always came in a Greyhound bus) that if you are sorry to see your date leave you know you are in love... Then there was the spring set, usually in April and then finals for those who stayed around. One formal fraternity party, which was the last full weekend before Christmas break, was a black tie party. A spring party at Goshen which was the Beano party of the spring term. Do you know what "Beano" is? It's gin and fruit juice.

Barritt: I don't remember any of that.

Cook: Maybe because you drank a lot of it.

Coulling: Beano was often mixed in huge tubs, and I think regardless how Beano was mixed it was absolutely fun drinking it.

Spectator: Was there a lot to do with the girls' schools then? Did they come up here a lot and if they did, where did they stay?

Cook: There wasn't much means of transportation then. There were very few cars. For example, I was in the

SAE fraternity and there were only three cars.

Spectator: You mentioned you were in SAE, and you were in PiKA Mr. Coulling. Could you describe fraternity life? Describe how the houses functioned, house mothers?

Cook: Yes, we had a house mother. We did not have TVs which was a blessing. We usually had quiet hours after dinner until 11 o'clock. So we studied at the fraternity.

Spectator: Did the fraternities host parties?

Cook: Yes, there were limits as to the number of parties you could have.

Coulling: And what you listened to were records and that was the music. We are talking about the medieval times.

Barritt: Out of the whole student body, there were only ten of us who were non-fraternity. We ate in all the restaurants in town.

Spectator: What was the perception of the townspeople for the students? Often today we are called rich snobs that take up all the parking spaces in town, demand charge accounts, etc.

Cook: I don't know because I wasn't on the other side. I was just a student.

Barritt: I don't think there was any great problem. There was more North-South tension. If you were a damn Yankee you had to just about justify your existence among the townspeople. But most of them just accepted you or didn't. A good place for us not in fraternities was in the churches. They were always hospitable. I have always been Presbyterian, so that was easy.

Spectator: Has the town of Lexington changed at all since you've been here either structurally or in its atmosphere?

Coulling: Well, it seems to have changed for the better. You can't imagine the types of people you'd see here in the forties on Main Street. They made you think that evolution is working in reverse, half-breeds from the remote parts of the county whom you'd see on Saturdays...

One of the reasons for the Fraternity Restoration is that so much has been done to downtown Lexington, and Red Square is right in the heart of the town. One of the obligations the University had, and I agreed, was to make the fraternities commensurate with the restorations that had

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been done.

Barritt: Even more around the county has changed. There are roads now where there were never roads. House Mountain was virtually isolated. I got to know a lot of the people because I like to get out and walk around... The county has become very populated and there are houses now all over. Both the county and town have changed enormously...

Spectator: What was the relationship between W&L and VMI?

Cook: There could be some conflicts.

Barritt: The students would steal their cannons every once in a while and then they would come over and do something.

Cook: Sunday mornings were always a problem because they always had to march to church. They would march down the road to church and they would march right by the Beta House and the Phi Kappa Sigma House and they would have to say their cadences. Occasionally, there would be raids on the fraternities.

Barritt: W&L would steal their dates. Their dances were over at about midnight and the girls with less commitment to their dates would stay with W&L students for the rest of the night.

Cook: Then there is another thing that W&L students used to do. They would sleep in the sack of the VMI cadets so that they could get out. They pretended they were cadets by covering up their heads.

Spectator: So the girls who came over, did they have a curfew or have to get back to the hotel by a certain time?

Coulling: They did. If they came from one of the women's schools, curfew was one hour after the end of the dance. Chaperons came from the schools and at least at Hollins, I know, it was an honor violation if the student did not report herself.

Spectator: So the honor system was used as sort of a disciplinary method?

Coulling: There were people, such as Mr. Gilliam, who thought that this was too heavy a burden on the honor system because you asked somebody to incriminate themselves. This is not a matter of integrity, it is a matter of convenience for the chaperon. However, Hollins insisted on that. So you had better get your date in or she would be in real trouble.

Spectator: Is the honor system functioning as it did then? Does it seem that we have the same standard for honor?

Barritt: I can't tell any longer how the honor system functions. Right now, I don't know if it is functioning or



not.

Spectator: You must believe it is functioning in your classes?

Barritt: I believe it does but I also believe that there must be some cheating too. In those days, you were very quickly reported. There was that element of fear which I know kept it going pretty well. I don't think that students report other students now. I can tell if something is not quite right but there is not enough evidence for me to take it before the honor court. I suppose if the evidence were overwhelming, I would. I believe it still functions but I don't think it functions as totally and as well as it once did.

Cook: The difference about a student reporting another student is when we were in school, if you saw a violation of the honor system and did not report it you were the subject. You had broken the honor system then.

Barritt: When I first taught here, the faculty was called upon to report too. If there was any evidence whatsoever it had to be sifted by the honor committee. In my honest opinion now, there are some very honest students, but I don't know how it is functioning.

Coulling: Well, from my perspective, speaking academically, the honor system is as strong as it has ever been



Book. Are there any thoughts on that? Do you think it was much simpler in the days when one man like Dean Gilliam called the shots on gentlemanly behavior?

Cook: He by himself made the decision to dismiss students.

Barritt: He was sort of a dictator.

Spectator: That's where the controversy is, but are the students necessarily looking after their ends?

Barritt: It is a democratic education and it gets you ready for the way things are.

Coulling: One of the big shifts in the fifties was the concept of *in loco parentis*—the faculty were in place of your parents. This is why we had such things as the Social Functions Committee. It was really a sense that faculty-time ought not to be occupied with such values which fostered the drastic shift of authority in matters of conduct from faculty to whom the Board of Trustees delegated responsibility to the students themselves. The fundamental philosophical change was just exactly what Mr. Barritt was talking about. It is democratic. After all, these are young men and women who ought not to have foster parents, namely the faculty. But again, the assumption is that it has to be responsible. A part of this was the creation of the position filled by one of the most valuable people at Washington and Lee, if not the most valuable, and that's Murph. His retirement this year is a university loss of major proportion.

Spectator: You all have long distinguished careers here at W&L. You have seen a lot of changes in higher education. What do you see as the greatest challenges to higher education in 1991?

Barritt: The environment is a big challenge. You are talking about the education of a whole population. We never thought of it. We didn't know there was an environment back then.

Coulling: It seems to me that it's maintaining and preserving a place like Washington and Lee. W&L is stronger now than it has ever been in its entire history. If you look at the physical plan, it makes the physical plan when I was a student seem primitive by comparison. Look at the curriculum. It's in depth. We didn't even have accompanying courses of philosophy when I was a student, or sociology. Look at the faculty—far more diverse. Look at the student body—a much more diverse student body. It is the challenge of perpetuating this and preserving it, of building up an endowment so that it can be affordable as any small liberal arts college. I think we now have the most attractive, interesting, intelligent group of students that I have ever known at Washington and Lee.

Spectator: Gentlemen, thank you very much.

This interview was conducted by George Nomikos and Mike Skarda.

I see no evidence whatsoever that students aren't perfectly honest. Their tests are genuine.

Our big problem, as you well know, in English is plagiarism. Plagiarism is the most difficult of all things to protect yourself against. As you know, we get literally hundreds of papers and I can't remember the last time I got a paper that I thought was plagiarized. This is a very limited sample to talk about, but it is pretty convincing. I allow the students the grace to turn their papers in by midnight with no penalty. You would be surprised at the number of times students have written that they turned their papers in at 12:10, 12:15, or "I had trouble with my computer and I finished at 11:45, but I wasn't able to turn it in until 12:15" and there was nobody to testify against that student. That to me is evidence that students have integrity, and that is reassuring to me.

Cook: Very few times have I had occasion to doubt the work that I received. I do think there is a weakness in being required to report because after all this is the whole idea.

Barritt: But maybe that's worth it, because there was a lot of fear in the old days. There is pretty good evidence that on compositions and essays the honor system is functioning. I don't have anything quite like that in my work.

Spectator: There has been a lot of controversy lately on student conduct affairs, on things not related to the White

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VMI Co-education: The Beginning of an Error

AS THE APRIL 4 DATE for the Virginia Military Institute v. United States Justice Department trial draws near, let us examine the legal issues at hand while retaining our common sense in determining the rationality of co-education at our commonwealth's most prestigious military institute. Setting the stage for next month's unfolding drama, the United States Justice Department sued both VMI and the commonwealth of Virginia on March 1, 1990 in order to force co-education at VMI. The suit claims that VMI's admission policy violates both the Civil Rights Act of 1964 and the equal protection clause of the 14th Amendment. Two counter suits were filed against then Attorney General Dick Thornburgh and the Justice Department by the commonwealth and the VMI Foundation asserting that the federal government cannot force the state to abandon an educational policy of diversity.

VMI, like W&L, is a school rich in tradition and history; its proud heritage includes the education of George Patton, George Marshall and "Stonewall" Jackson. On May 15, 1864 cadets from VMI marched to the aid of the confederacy at the Battle of New Market. By the end of the battle, one in every five of the brave young men lay dead on the ground. A few weeks later Union soldiers burned down VMI. Now, VMI is under attack again and everyone has already written them off believing the courts will continue to cater to the wishes of the intolerant feminists, as much of America already has.

Thus far, Virginia's leaders have performed in humiliating fashion. Originally, Governor Wilder praised the Institute and claimed that VMI's admissions policy should be left up to the school. When the winds of higher office blew his way, however, the governor checked his compass and set sail in the opposite direction. Wilder yielded to feminist ideology and claimed VMI's refusal to admit women was "against his personal philosophy". On November 20, Wilder asked to be removed from the case, but Judge Kiser refused Wilder's request ruling he must remain a defendant. He later threatened to withhold funds from the state-supported school (of VMI's \$26 million budget, the commonwealth contributes \$11 million) and to testify against the school. In similar weasel-like

by Marc Short

fashion, Virginia's Attorney General Mary Sue Terry withdrew from the case, claiming that it presented a "conflict of interest." As the *Richmond Times-Dispatch*

points out, the biggest conflict of interest occurred last January when Wilder and Terry swore to uphold the laws of the commonwealth at their inauguration. No governor may withhold funds against the wishes of the General Assembly.

In order to win its case, VMI must show that its all-male status is an important state interest. This may be accomplished either by proving its current all-male policy is the only way the school can continue to produce the same type of soldier, or by arguing that its admissions policy denies no one any academic opportunity because Virginia's educational system provides other means for women to obtain a military education.

There is no doubt that the admission of women would force VMI to change in more than a superficial manner. Many of us here in the W&L community realize that the barracks of VMI have no phones or televisions, the windows have no curtains, the doors have no locks, and the cadets share communal bathrooms without shower or stall doors. With the introduction of women to VMI's campus, these facilities would have to be changed. The *Washington Times* writes that "when the school loses its *raison d'etre* it will become a different place from the one associated with General 'Stonewall' Jackson and General George C. Marshall." Hence, it is also dubious that VMI could continue to produce the same uniquely qualified soldier, and once the caliber of citizen-soldier is reduced, the "state interest" in VMI could no longer be maintained.

Many critics contend that the argument supporting "rat bonding" is flawed. Indeed, they argue that all forms of hazing for men and women alike must be eliminated. Judy Mann of the *Washington Post* goes so far as to paint VMI as trapped in a "medieval time warp, in which brotherhood is forged through sadomachoistic rituals in a forgotten monastery supported by the state for its own Byzantine purposes." Ms. Mann's hidden clamor for diversity is

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extremely hypocritical. She, like the United States Judicial Department's feminists, is out to straightjacket VMI into her own narrow view of what a proper educa-

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tional institution should be like. Even our own President Wilson seems to refute Ms. Mann's so-called "logic." He was quoted by UPI on May 6, 1989 as stating co-education "would not be the correct [choice] for VMI. I believe the spirit of VMI is bred in the austere, rigorous, masculine world of the barracks and drill field." The educational system at VMI is a male-bonding experience that generates well-trained soldiers prepared to defend our country. The admission of women would force the school to change the techniques and methods it has employed since it was founded in 1839.

A commission appointed by VMI in 1984 reached the conclusion that in order for co-education to be feasible, VMI would need at least 10% female enrollment. The U.S. military academies reached the same conclusion, however they were able to attract enough females. How? One reason is the lowering of standards. At West Point, a male cadet is required to run two miles in fifteen minutes and forty seconds. Females are allotted an extra three minutes, and this is only one of many tests that have been altered to justify the integration of women. The danger in this double standard is that women are now being moved to the front lines of our combat units at the requests of liberal feminists such as Representative Patricia Schroeder. What good is accomplished by having a less qualified soldier on the front line in order to appease an ideological agenda?

Much was made over the apparent bravery of Captain Linda Bray in the Panama invasion. Very little, however, was heard about the fact that she led a combat unit attack on a dog kennel. As columnist Stephen Chapman writes, "the results [of women in combat] are important only to those who cling to the quaint notion that the first job of the armed forces is defending the nation, not advancing the sexual revolution". More recently, Melissa Rathbun-Nealy was taken captive by the Iraqis. This raises a serious dilemma: is America prepared to witness the death of a female soldier on the battle field? Strangely, the National Organization for Women rejoiced over her capture and hailed it as an enormous triumph in the women's movement. Most Americans grieve over the needless loss of any woman soldier as well as for the poor children who could conceivably lose both parents in combat.

While many claim the legal fight has been lost before VMI has even entered the ring, many previous decisions by more liberal courts than the current Supreme Court have favored single sex institutions. In *Williams v McNair* (1970), several males filed suit in an attempt to force the all female state funded Winthrop College in South Carolina to admit them. The court ruled in favor of the all-female admissions policy stating "it must be remembered that Winthrop is merely part of an entire system of state-supported higher education." VMI's legal counsel will rightly argue that Virginia's educational system must be viewed as a whole. A spokesman for the Attorney General of Virginia stated in the *Washington Times* on February 6, 1990, "Virginia as a whole offers everything to everybody, including all-male or female or coed ROTC and even a cadet corps at Virginia Tech. If the federal government were to [succeed], it would take away from the diversity, rather than add to it."

In 1982, the Supreme Court ruled 5-4 that the Mississippi University for Women could no longer bar men from its school of nursing. Writing

for the majority opinion, however, Justice O'Conner stated that some "gender based distinctions in education are legitimate and important". Also, in his dissent, Justice Blackmun prudently claimed "it is easy to go too far with rigid rules in this area of claimed sex discrimination, and to lose- indeed destroy- values that mean so much to so many people by forbidding the state to offer them a choice while not depriving others of an alternative choice...I hope we do not lose all values that some think are worthwhile...and relegate ourselves to needless conformity. The ringing words of the Fourteenth Amendment do not demand that price."

Justice Blackmun's eloquent words are never more applicable than today. We have already gone too far. In our continual quest for equality we have put blinders on common sense. Is absolute equality the truest form of justice?

Many who criticize VMI's admission's policy do not recognize the difference between racial and sexual discrimination. Racial discrimination prevents justified equality. Men and women, however, are physically different. The enrollment of women at VMI would force the long standing institution to change its educational process. Those who claim it needs to be changed need only remember the names George Patton, George Marshall, and "Stonewall" Jackson.

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