

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT  
OHIO — MICHIGAN — KENTUCKY — TENNESSEE

CHAMBERS OF  
HARRY W. WELLFORD  
CIRCUIT JUDGE

MEMPHIS, TENNESSEE 38103

December 7, 1983

Mr. S. L. Kopald, Jr.

Memphis, Tennessee 38117

Mr. J. Stewart Buxton

Memphis, Tennessee 38111

Dear Kopie and Stewart:

I have received a letter recently which indicated that the Board of Trustees is once again considering the changing of the historic Washington and Lee policy, in view of present circumstances, so that it may in the future begin admitting females. I have the difficult job on many occasions of deciding cases that involve sex discrimination and I recognize this to be an important problem in our country. At the same time, I think a private institution has every right to exercise its own judgment about admission without feeling a sense of guilt where there are full and adequate other opportunities and facilities in education for females throughout the mid-Virginia area.

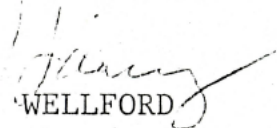
I think in considering these matters, the Board should recognize that a decision to admit females would certainly have an adverse affect on Hollins, Mary Baldwin, Sweet Briar and other female institutions in the near vicinity. This, of course, is not a compelling consideration, but it is a consideration that should be kept in view in making a decision.

In view of the recent recognition by other college presidents of the status of Washington and Lee as an education institution (see the recent U. S. NEWS AND WORLD REPORT article), I would hope that the decision would be to follow the traditions and

Mr. S. L. Kopald, Jr.  
Mr. J. Stewart Buxton  
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the history that has brought a great measure of success to our  
alma mater. I hope that you may see fit to present these views  
to other members of the Board whom I may not know personally.

Yours very sincerely,

  
HARRY W. WELLFORD

HWW/rb

cc: Honorable Lewis F. Powell, Jr.  
Justice  
Supreme Court of the United States  
[REDACTED]  
Washington, D. C. 20543

Honorable John Minor Wisdom  
Senior U. S. Circuit Judge  
[REDACTED]  
New Orleans, Louisiana 70130

December 23, 1983

The Honorable Harry W. Wellford  
United States Court of Appeals  
for the Sixth Circuit

Memphis, Tennessee 38103

Dear Judge Wellford:

Mr. Kopald kindly sent me a copy of your letter dated 7 December on the vexing question of coeducation at Washington and Lee. It is very valuable to me to have your opinion on this matter. Few alumni have a better sense of the larger social context in which questions of this sort inevitably must be fixed.

I believe our decision to re-examine the matter to be based solely on the question of what will serve to strengthen Washington and Lee in the years ahead. To be sure, one member of the Law School faculty wrote to me to make the point that we mustn't find in the decision of many other first-rate private institutions to "cease discrimination" the excuse for continuing to practice it ourselves. This is an interesting perspective (the other side of your "guilt" coin) but not a widespread one. Broad questions of equity have been largely left unaddressed at this stage.

I would especially welcome your sense of the wisdom of the decision to admit women to the Washington and Lee Law School. Do you believe this was a decision we ought to have resisted in some way? I'm not sure I understand all the pressures the profession, through the Association, brought to bear upon the University at that time. I think it has been a good decision from everyone's perspective here, though I do think it makes it harder to justify our current policy in the undergraduate schools. I don't feel comfortable in merely saying that "well, we were compelled to do that but haven't yet been compelled to do it at the undergraduate level." I am quite anxious to have your thoughts on this side of the matter if I can presume upon a terribly demanding schedule to ask it of you.

Every best wish for the holiday. I hope the new year is a good one for you and for Washington and Lee.

Most sincerely,

John D. Wilson  
President

JDW/bcb

cc: Mr. S. L. Kopald, Jr.  
Mr. J. Stewart Buxton