

## Breaking Out: VMI and the Coming of Women by Laura Fairchild Brodie

Melissa Nimit

Follow this and additional works at: <http://digitalcommons.law.umaryland.edu/rrgc>

 Part of the [Civil Rights and Discrimination Commons](#), [Education Commons](#), and the [Women Commons](#)

---

### Recommended Citation

Melissa Nimit, *Breaking Out: VMI and the Coming of Women by Laura Fairchild Brodie*, 2 U. Md. L.J. Race Relig. Gender & Class 281 (2002).

Available at: <http://digitalcommons.law.umaryland.edu/rrgc/vol2/iss2/7>

This Book Review is brought to you for free and open access by DigitalCommons@UM Carey Law. It has been accepted for inclusion in University of Maryland Law Journal of Race, Religion, Gender and Class by an authorized administrator of DigitalCommons@UM Carey Law. For more information, please contact [smccarty@law.umaryland.edu](mailto:smccarty@law.umaryland.edu).

## BOOK REVIEW

BREAKING OUT: VMI AND THE COMING OF WOMEN. By Laura Fairchild Brodie. New York, NY: Vintage Books, 2001. Pp. 368. \$14.00.

*Reviewed by Melissa Nimit\**

The status of women in American society has changed drastically over the years. The changes came slowly, but with the accomplishment of women obtaining the right to vote, women received more basic rights and societal views began to change. Yet, like with the slow process of desegregation, there still remain vestiges of past discrimination against women. In 1996, the Virginia Military Institute (VMI) was the only all-male military college remaining in the country.<sup>1</sup> The VMI, founded in 1839, has an impressive historical background. Its cadets fought in the Civil War, as did several famous alumni, including Stonewall Jackson and George Marshall.<sup>2</sup> Originally a school that only admitted white male Virginians who wanted to major in chemistry and engineering, and who qualified for a military commission, VMI slowly began to change after the Civil War.<sup>3</sup> In 1859, the school expanded its acceptance to students from other states and countries. After 1912, VMI augmented its curriculum to thirteen disciplines, including liberal arts and economics.<sup>4</sup> In addition, after the Cold War, enrollees no longer had to qualify for military commissions, and could opt for reserve status.<sup>5</sup> Finally, in 1968, VMI began to admit black men.<sup>6</sup> Despite this progress, by the early 1990's, VMI had yet to admit women.

Laura Fairchild Brodie, a member of one of VMI's Assimilation Committees,<sup>7</sup> wrote a book entitled, *Breaking Out: VMI and the Coming of Women*.<sup>8</sup> This book not only describes what VMI

---

\* J.D. Candidate, University of Maryland School of Law, 2003.

1. LAURA FAIRCHILD BRODIE, *BREAKING OUT: VMI AND THE COMING OF WOMEN* 15 (Vintage Books 2001) (2000).

2. *Id.* at 7, 13, 168.

3. *Id.* at 16-17.

4. *Id.*

5. *Id.* at 16.

6. *Id.* at 17.

7. A committee formed by VMI to discuss co-education at VMI. BRODIE, *supra* note 1, at xiii.

8. BRODIE, *supra* note 1.

represents and how VMI approaches the training of its cadets, but also discusses the process VMI underwent to comply with the 1996 Supreme Court's decision ordering VMI to admit women.<sup>9</sup> In addition, it also gives insight into the views that the Administration, alumni and cadets at VMI had towards the prospect of admitting women, as well as their views once women arrived at VMI. Brodie's approach in writing the book entailed telling the story of what happened at VMI before and after the Court's decision, from the perspective of someone who works at the institution, yet using an objective tone. The book contains four main parts. In the first part, Brodie describes VMI as an institution, and how those close to VMI viewed the idea of coeducation.<sup>10</sup> The second part of the book addresses the preparations VMI made for women, including recruiting, modernizing facilities, as well as the formation of a holding committee to discuss issues unique to female cadets.<sup>11</sup> The third part describes what happened once women arrived at VMI. Brodie discusses VMI's Summer Transition Program, the first seven months of the women's first year ("ratline"),<sup>12</sup> problems that arose and the procedures used to address them, the experiences the women went through with their femininity, and the transition out of the "ratline" to full fledged cadet status ("breakout").<sup>13</sup> In the final part of the book, Brodie reflects on the first year of assimilation.<sup>14</sup>

---

9. *United States v. Virginia*, 518 U.S. 515 (1996) (holding that the Commonwealth of Virginia did not meet its burden of justifying its single-sex admissions policy).

10. *See infra* text accompanying notes 15 to 46.

11. *See infra* text accompanying notes 47 to 95.

12. A "rat" is a first year cadet, so described "because the rat is 'probably the lowest animal on earth.'" Bennett L. Saferstein, *Note: Revisiting Plessy at the Virginia Military Institute: Reconciling Single-Sex Education with Equal Protection*, 54 U. PITT. L. REV. 637, 655 (1993) (quoting *United States v. Virginia*, 766 F. Supp. 1407, 1422 (W.D. Va. 1991) (finding of fact III (B) (1))). "Ratline" is a term that "comes from the sole path that rats are allowed to walk inside VMI's barracks," and from which they "must be escorted by an upperclassman or a VMI official," should they wish to take another route. BRODIE, *supra* note 1, at 39. VMI's ratline, which lasts for the first six to seven months of a first-year student's tenure at VMI, is the adversative training method VMI uses to "[encourage] habits of time management under severe stress and [promote] lifelong friendships forged through commiseration." *Id.* at 40. The purpose of the ratline is to "'break down' individual freshmen into one 'rat mass' and rebuild them as 'VMI Men.'" *Id.* at 6.

13. *See infra* text accompanying notes 96 to 130. "Break out" is a ceremony performed at the end of the ratline, where all the rats go on a long march, then "crawl on their bellies across a field of mud, then inch their way up a thirty-foot, slimy hill, with upperclassmen at the top alternately pushing them down, and then, in a final gesture of acceptance, pulling them up." BRODIE, *supra* note 1, at 312. This ceremony entailed "the rats...form[ing] human chains, climbing up one another's bodies in the spirit of Brother rats helping Brother Rats," and being helped up at the end by upperclassmen. *Id.*

14. *See infra* text accompanying notes 131 to 138.

The analysis details both praise for and criticism of *Breaking Out*. The author skillfully describes the reactions of VMI Administrators, alumni and cadets to the Supreme Court decision requiring VMI to admit women. Brodie's book illustrates the Administration's preparations for the arrival of women, the issues that arose during the first coed year, and the challenges of complying with the Supreme Court's decree without destroying VMI's character and history. Despite Brodie's intent to provide a complete account of VMI's transformation to a coed institution, some sections could have been further developed to provide the reader with necessary background information. For example, Brodie should have discussed the connection between previous cases abolishing racial segregation and more recent cases seeking gender equality in education. Similarly, the author should have informed the reader of the Supreme Court's decision's impact on equal protection jurisprudence and the standard of scrutiny applied to gender discrimination cases. Additionally, the author neglected to detail the legal standards that VMI was required to meet in order to comply with the Supreme Court ruling, thereby failing to provide the reader with a formal standard by which to judge the success of VMI's coeducational experience. The author appears to judge VMI's assimilation efforts by the female cadets ability to endure the adversative system, which may not be a viable measure of success.

## I. INTRODUCTION

*Breaking Out* begins with a description of VMI, its past, and its culture. Brodie describes VMI as a four-year military college in Virginia with a strong Confederate heritage.<sup>15</sup> This heritage, according to Brodie, is apparent in many of VMI's customs, such as the annual reenactment of the Civil War's Battle of New Market, and the requirement that all newly arriving first year cadets salute a statue of Stonewall Jackson outside the barracks each time they pass it.<sup>16</sup> However, Brodie insists that while these customs seem to celebrate the Confederacy, they do not. Rather, they "recognize the values of honor, duty, and discipline embodied in praiseworthy individuals."<sup>17</sup> Today, many of the school's Confederate symbols are gone, but

---

15. BRODIE, *supra* note 1, at 5.

16. *Id.* at 7.

17. *Id.* at 8.

southern traditions remain.<sup>18</sup> According to Brodie, these traditions matter “because VMI’s Southern heritage and reverence for tradition have influenced its legal struggles, its planning for coeducation, and its approach toward men and women.”<sup>19</sup>

Brodie stresses that VMI’s Southern heritage played a key role in its opposition to coeducation.<sup>20</sup> Many individuals connected with VMI objected to coeducation because they did not want the institution to change.<sup>21</sup> The constancy of VMI enabled any alumnus to return to the campus and see the same VMI as before, except for the increased number of students.<sup>22</sup> Many felt that this sameness represented VMI’s intrinsic nature, which should remain constant.<sup>23</sup> Thus, if women came to VMI, the very essence of VMI would be lost.<sup>24</sup> Those opposed to coeducation argued that the single sex culture of VMI was the school’s defining characteristic.<sup>25</sup> Part of this single sex culture involved open living conditions, an adversative system of verbal abuse and physical stress that many felt only men could endure.<sup>26</sup>

Both before and after the Supreme Court’s decision, VMI’s Administration looked at possible alternatives to coeducation. After the Fourth Circuit’s decision that VMI had to either admit women, lose public funding, create a parallel program for women, or find another solution, VMI created the Virginia Women’s Institute for Leadership (VWIL).<sup>27</sup> The VWIL program started at Mary Baldwin College, a four-year women’s school in Virginia.<sup>28</sup> Despite this effort, the Supreme Court told VMI it must admit women.<sup>29</sup>

---

18. *Id.* at 10.

19. *Id.*

20. *Id.* at 14-15.

21. *Id.* at 14.

22. *Id.* at 14-15.

23. *Id.*

24. *Id.*

25. *Id.* One reason for the sentiment that the institute’s maleness was a defining characteristic, was the fact that “no other college in the United States had a system of education that relied so heavily on the assumption of a single-sex student body.” *Id.* at 15. In particular, different aspects of the program at VMI fostered single-sex students, such as the open living conditions, and the system of teaching through verbal abuse and physical stress. *Id.*

26. *Id.* at 14-15.

27. *Id.* at 20. VWIL differed from VMI in that the VWIL program did not incorporate VMI’s confrontational style of military training, which meant that there was no “adversative system” or ratline. *Id.* Other differences included lower average SAT scores, faculty with lesser credentials, fewer course offerings in Math and Science, as well as a much smaller alumni network and endowment at VWIL than at VMI. *Id.* at 21.

28. *Id.*

29. *Id.* at 21. The Supreme Court held that VWIL’s program was less than the education sought by “[w]omen seeking and fit for a VMI-quality education,” and therefore fell

After the Supreme Court's decision, VMI's Administrators began meeting daily to "draft blueprints for a new coed era."<sup>30</sup> Meanwhile, some alumni started discussing the privatization of VMI, as nothing in the Court's opinion explicitly forbade making VMI private.<sup>31</sup> In order to fully explore this alternative, VMI's Board of Visitors, whose members were appointed by the Governor of Virginia, assembled in the summer of 1996.<sup>32</sup> Brodie asserts that the Board took its time to decide what to do because of the many factors the Board had to consider.<sup>33</sup> For example, VMI felt it needed time to prepare for coeducation.<sup>34</sup> Also, VMI had not previously made any efforts to accommodate female students, such as female living quarters and locker rooms.<sup>35</sup> In addition, there existed strong attitudinal barriers against coeducation.<sup>36</sup>

The Board first looked at privatization, according to Brodie, because money could become a decisive factor in determining whether VMI could privatize.<sup>37</sup> VMI had the biggest endowment per capita of any public college in the United States.<sup>38</sup> If VMI became private, it would need to obtain most of the money from its alumni, because VMI would not agree to a substantial raise in tuition.<sup>39</sup> Though VMI had a tradition of strong alumni support, it remained uncertain whether the alumni would contribute the needed money.<sup>40</sup> Usually, VMI's wealthiest alumni came to the institution's aid in times of crisis, but this time, the \$200 to \$400 million needed to privatize exceeded their financial abilities.<sup>41</sup>

In addition, the ROTC Program played a significant role at VMI, as it was a required part of the curriculum.<sup>42</sup> Administrators assumed that if VMI went private, the Department of Defense (DOD)

---

short of "afford[ing] them genuinely equal protection." *United States v. Virginia*, 518 U.S. 515, 557 (1996).

30. BRODIE, *supra* note 1, at 27.

31. *Id.* at 27-28. *See also* *United States v. Virginia*, 518 U.S. 515 (1996).

32. BRODIE, *supra* note 1, at 28.

33. *Id.* at 29-30.

34. *Id.* at 29.

35. *Id.* at 30.

36. *Id.*

37. *Id.* at 29-31.

38. *Id.* at 31.

39. *Id.* at 57. VMI would not raise tuition because VMI prides itself in its accessibility to middle-class students. *Id.*

40. *Id.* at 31.

41. *Id.* at 57. "ROTC" stands for Reserve Officers' Training Corps. *See* WEBSTER'S II NEW RIVERSIDE DICTIONARY 606 (Berkley ed. 1984).

42. BRODIE, *supra* note 1, at 56.

would remove the ROTC Program from VMI, because the DOD had asked VMI “to certify that it would not unlawfully discriminate against women.”<sup>43</sup> However, VMI was considering privatization in order to maintain its status quo, which meant excluding women. As a result, VMI’s Board of Visitors voted to accept women into VMI’s Corps of Cadets beginning in August 1997.<sup>44</sup> In so voting, the Board stated that it intended to comply fully with the Supreme Court’s decision and immediately begin sending applications to interested women.<sup>45</sup> Despite these acts, VMI intended to maintain its existing system and refrain from making any changes other than those necessary to accommodate women in terms of living arrangements and physical training programs.<sup>46</sup> With this decision, the discussion of privatization closed.

## II. PREPARING FOR WOMEN

Brodie next discussed VMI’s preparation for women. The first challenge, Brodie says, was VMI’s choice of words. Instead of using words such as “coeducation,” which implied a greater change than the school wished to make, or “integration,” which carried its own “political baggage,” VMI chose “assimilation.”<sup>47</sup> VMI also chose to keep “Brother Rats,” to preserve the sacred title that “VMI cadets have applied to their classmates ever since the nineteenth century,” and which no Administrator wished to change.<sup>48</sup>

VMI also wrestled with the sexual connotations of some of their customary terms. For example, the word “boned” meant a cadet was reported for misconduct.<sup>49</sup> And “running a period” means a cadet made it through a grading period of approximately thirty days, without being boned. According to Brodie, some cadets and Administrators saw the arrival of women as “the opportunity to professionalize the language of VMI’s Cadre.”<sup>50</sup>

The Administration next considered the process for recruiting women applicants for the incoming coed class. The Supreme Court’s

---

43. *Id.*

44. *Id.* at 66.

45. *Id.*

46. *Id.* at 66-68.

47. *Id.* at 73-74.

48. *Id.* at 75.

49. *Id.* at 77.

50. *Id.* at 83.

decision stated that if VMI went coed, the institution should eventually admit incoming classes comprised of at least ten percent females, or approximately forty women each year.<sup>51</sup> Seeing this as a difficult goal to reach, the Administration created incentives for women to attend VMI.<sup>52</sup> For example, VMI offered both full academic and partial athletic scholarships to women.<sup>53</sup> In addition, VMI created a transfer student program with the New Mexico Military Institute (NMMI), so that older female cadets from NMMI could serve as mentors for incoming female VMI cadets.<sup>54</sup> According to Brodie, VMI carefully tailored its message to attract the kind of women VMI wished to have join its Corps.<sup>55</sup> In essence this message stated that “VMI was looking for a few good women...who could acclimate themselves to a method of education specifically designed for men.”<sup>56</sup> VMI’s efforts resulted in thirty-one women making deposits for enrollment by the summer of 1997.<sup>57</sup>

The Administration then needed to modify the facilities to accommodate women. First, the barracks required renovation because the existing barracks, according to Brodie, had the “architectural design of . . . Jeremy Bentham’s panopticon,” with rooms forming a cylindrical structure, and a central tower from which the activity of all those inside, could be monitored.<sup>58</sup> Conflicting goals made housing decisions difficult. A barracks without privacy would not be ideal for women. Yet, the separation of women from men would not allow the women to get full access to the close-knit cadet environment, and renovations would be costly.<sup>59</sup> In the end, the Administrators decided to designate one stoop of the barracks for women.<sup>60</sup>

The Administration then turned to the building of women’s bathrooms. The Administrators talked to VMI’s post physician and Administrators at neighboring Washington and Lee University to address issues of “special hygiene needs for women” and decided to allow separate showers for women.<sup>61</sup> The private shower for women provoked a feeling among male cadets that women were receiving

---

51. *Id.* at 84.

52. *Id.* at 90.

53. *Id.*

54. *Id.*

55. *Id.* at 92.

56. *Id.* at 93.

57. *Id.* at 104.

58. *Id.* at 107.

59. *Id.* at 109-10.

60. *Id.* at 110.

61. *Id.* at 113-14.



special treatment.<sup>62</sup> This discussion also exhibited a potential for stereotypes regarding women's bodies.<sup>63</sup>

The next significant issue to debate was the femininity of the female rat. In particular, the haircut for a female rat was of special importance. As Brodie describes, the "Institute's alumni [saw] the haircut as a yardstick for measuring VMI's resolve to remain unchanged."<sup>64</sup> Brodie also wrote that "VMI intended to give its women one of the shortest haircuts yet known to a military college."<sup>65</sup> However, while the Administration wanted the women to have very short hair, they did not intend to shave their heads.<sup>66</sup> The arguments for a short haircut stemmed from VMI's principles, which held that anonymity would help the rats bond, and that identical haircuts would de-emphasize individualism.<sup>67</sup> Another argument in favor of cutting the women's hair as short as the men, was to enable the women to "mix in with the men as much as possible,"<sup>68</sup> which is in keeping with the ratline's purpose of creating a "rat mass."<sup>69</sup> To avoid this issue, the Administration decided not to speak publicly about the haircut until after it was actually given.<sup>70</sup> However, so as not to take away all of the female rat's femininity, the Administration approved the wearing of single gold post earrings for special events, conservative cosmetics, skirts, and pantyhose, but not until after breakout.<sup>71</sup>

The Administrators also addressed the cadet dating policy.<sup>72</sup> The Administration decided that fourth-class cadets (freshmen) and older cadets (sophomores, juniors, and seniors) could not date each other. Thus, the first through third classmen could date each other, and rats could date each other. As the Administration acknowledged, with dating, came the issues of sex and pregnancy;<sup>73</sup> however, the Administration did not specify the penalty for sexual activity until after the first female class arrived.<sup>74</sup> They did decide that although pregnancy was not compatible with the life of a rat, it could be

---

62. *Id.* at 117.

63. *Id.* at 116. One such stereotype was that a woman's menstrual period would incapacitate her. *Id.*

64. *Id.* at 127.

65. *Id.*

66. *Id.* at 128.

67. *Id.* at 130.

68. *Id.*

69. *Id.* at 6.

70. *Id.* at 30.

71. *Id.* at 132-35.

72. *Id.* at 139.

73. *Id.* at 140.

74. *Id.*

accommodated for an upperclass woman.<sup>75</sup> Rather than stipulating a blanket policy, the Administration decided “to advise pregnant rats against continuing the ratline, and to handle pregnancies among upperclass women on an individual basis.”<sup>76</sup>

Members of the Assimilation Committee also debated the viability of the physical fitness test, called the VMI Fitness Test (VFT). This test required sixty sit-ups in two minutes, five pull-ups, and one-and-a-half-mile run in twelve minutes.<sup>77</sup> These requirements, however, are the minimum, and would earn the cadet a D.<sup>78</sup> To achieve a perfect score, a cadet had to do twenty pull-ups, ninety-two sit ups, and an eight minute run.<sup>79</sup> Not only was the VFT graded, but the score comprised twenty-five percent of the cadet’s physical education grade.<sup>80</sup> The VFT raised the issue of whether to change the requirements to accommodate the physical abilities of women. One argument for not changing the VFT cited the fact that even if a cadet earned a zero for one event, the cadet could “compensate by earning A’s or high B’s on the other portions of the test.”<sup>81</sup> Also, “VMI’s grading scale for the VFT [had] become more lenient.”<sup>82</sup> An argument for changing the VFT, stressed the link between VFT performance and the liberty privileges of cadets.<sup>83</sup> Before 1997, cadets who failed the VFT could not leave for the weekend until after taps on Saturday night.<sup>84</sup> However, by the time women came to VMI, the Administration decided that the restriction would not apply after the ratline ended.<sup>85</sup>

Changing the VFT was not the only issue relating to the fitness test. Another challenge arose because varsity athletes are exempt from taking the VFT. This could result in the male cadets’ resentment of female cadets because over fifty percent of VMI’s first women would consist of varsity athletes, and therefore would not have to take the VFT.<sup>86</sup> One suggested remedy to this issue was to require cadets to

---

75. *Id.* at 142.

76. *Id.* at 145.

77. *Id.* at 147.

78. *Id.*

79. *Id.*

80. *Id.* at 148.

81. *Id.* at 149.

82. *Id.*

83. *Id.*

84. *Id.*

85. *Id.* at 150.

86. *Id.* at 161.

pass the VFT in order to be considered for rank.<sup>87</sup> Yet, no other alternative existed if VMI wanted to build a women's athletic program, because even after all four of VMI's classes included women, VMI would have a much smaller number of female athletes compared to other competing schools.<sup>88</sup> VMI decided to take a "middle path" and "develop a select number of women's sports, while planning an expanded program based on women's interests."<sup>89</sup>

Finally, VMI Administrators were ready to prepare the Corps for the arrival of women cadets. Brodie begins by pointing out that "military colleges have an inherent potential for cruelty."<sup>90</sup> VMI's Administrators combated this potential by holding formal training sessions in the spring of 1997 to indoctrinate "everyone in the standards of behavior that would have to govern a newly coed, and highly scrutinized, VMI."<sup>91</sup> The Administration decided the sessions would provide training for everyone and would occur during different time slots between the spring and fall of 1997.<sup>92</sup> If nothing else, these sessions initiated discussions among the members of the Corps.<sup>93</sup> Some of the cadets felt that the Administration would side with the women, if any complaints arose.<sup>94</sup> The Administration responded to these concerns by trying to reassure male cadets that as long as their behavior fell within VMI regulations, the Institute would support them.<sup>95</sup>

### III. WOMEN ARRIVE

After lengthy preparations, the first women arrived at VMI for the Summer Transition Program (STP). The STP was started in 1986 by an alumnus who wanted to help "at risk" students.<sup>96</sup> It was designed to give interested students time to acclimate themselves to VMI without the pressures of a military regimen.<sup>97</sup> Eighteen women

---

87. *Id.* at 150.

88. *Id.* at 162.

89. *Id.* at 163.

90. *Id.* at 168.

91. *Id.* at 171.

92. *Id.* at 176. Four key topics that would be discussed were fraternization, hazing, new assimilation policies, and sexual harassment." *Id.* at 173.

93. *Id.* at 184.

94. *Id.* at 185.

95. *Id.*

96. *Id.* at 197-98.

97. *Id.*

participated in the STP. These women, along with 169 men, took the VFT the evening they arrived.<sup>98</sup> The purpose of this test, however, was not to grade the students, but to gauge their abilities.<sup>99</sup> Even though most of them failed one event or more, the Administration decided to tentatively keep the VFT unchanged.<sup>100</sup>

The press agreed to leave the rats alone during the ratline, while they were on campus.<sup>101</sup> The Administration wanted to preserve the privacy of the rats and to keep the press from disrupting the cadets and possibly interfering with the women's success.<sup>102</sup> VMI decided that during the first year, it would not single out women as a special group.<sup>103</sup> This approach would allow the women to maintain a low profile, and the school to maintain an aura of business-as-usual.<sup>104</sup>

The most memorable week of the ratline is "Hell Week."<sup>105</sup> During this period, VMI's Cadre, third through first class officers chosen by their company commanders to serve as drill sergeants, "flame" the rats.<sup>106</sup> The Cadre flame the rats by yelling at them and teaching them "how to march, how to dress, how to look, sound, and act like VMI cadets."<sup>107</sup> According to Brodie, most of the cadets do not remember Cadre Week for its distinct traumas, but rather as "a constant blur of activity, hurrying from one thing to the next, not knowing what day it is, what time it is."<sup>108</sup> At the end of Hell Week, one woman and twenty men had left VMI.<sup>109</sup> This dropout rate, however, was not unusual. As Brodie pointed out, "each year, the initial shock of the ratline hits some people especially hard."<sup>110</sup>

"Hell Night" followed Hell Week, during which rats are awoken at midnight and participate in a strenuous workout, called a "sweat party," and a lesson in "straining," which is an awkward pose a rat must strike when spoken to by an upperclassman. Hell Night is also the first time the rats encounter the rest of the Cadre.<sup>111</sup> The sweat party lasted less than thirty minutes, which some upperclassmen

---

98. *Id.* at 200.

99. *Id.*

100. *Id.* at 202.

101. *Id.* at 212.

102. *Id.*

103. *Id.* at 217.

104. *Id.*

105. *Id.* at 226.

106. *Id.*

107. *Id.*

108. *Id.* at 235.

109. *Id.* at 241.

110. *Id.*

111. *Id.* at 243.

found insufficient and possibly made easier for the women.<sup>112</sup> Brodie contradicts their allegation by pointing out that “the first class gave the rats the same Hell Night they had experienced three years before.”<sup>113</sup>

During the first year of assimilation, problems materialized despite VMI’s hope to maintain a low profile.<sup>114</sup> Antagonism towards the women surfaced. However, these negative attitudes, according to Brodie, usually came from the second and third classes, as they deeply involved themselves in the planning for women, and therefore did not feel the need to make this a successful year.<sup>115</sup> Brodie also points out that black female cadets found the year twice as difficult, due to VMI’s historical ties to the Confederacy.<sup>116</sup> However, even with internal dissension, “open attacks were more likely to come from people outside the Corps,” in the form of hate mail.<sup>117</sup>

Another problem within the Corps stemmed from the Administration’s tight reign, which created routine power struggles between the cadets and the Administrators.<sup>118</sup> This struggle intensified with the arrival of women, in part due to the Administrators’ concern about possible scandals or unsanctioned activities by upperclassmen.<sup>119</sup> One reason for this concern was that “[m]any upperclassmen had never bothered to read what was and was not allowed in the ratline,” which lead to many infractions.<sup>120</sup> To the Administration’s credit, when the situation became heated and complaints mounted, the Administration set up a meeting during which cadets could discuss their opinions and concerns.<sup>121</sup>

During VMI’s first coed semester, several incidents occurred. VMI suspended cadets for having sex,<sup>122</sup> a rat for striking an upperclassman,<sup>123</sup> and upperclassmen for striking younger cadets.<sup>124</sup> Dealing with sexual encounters was new for VMI cadet leaders, and according to Brodie, would be an ongoing concern due to the arrival of women.<sup>125</sup> When it came to reports of physical abuse, the

---

112. *Id.* at 246.

113. *Id.*

114. *Id.* at 249.

115. *Id.* at 253.

116. *Id.* at 254.

117. *Id.* at 254-55.

118. *Id.* at 256-57.

119. *Id.* at 257, 262.

120. *Id.* at 265.

121. *Id.*

122. *Id.* at 270.

123. *Id.* at 271.

124. *Id.* at 276.

125. *Id.* at 269.

Administration took them seriously, investigating the accusations and punishing those who were found guilty accordingly.<sup>126</sup> Several legal challenges resulted from these infractions; however, the “irony in these legal challenges” was that the “system was under attack, but not from women.”<sup>127</sup>

Several problems also arose due to the female rats’ identity as women. Their close-cropped hair caused them to be mistaken for men in public restrooms, and some alumni complained about their appearance, questioning the effect VMI’s regulation might have on the women’s femininity.<sup>128</sup> Meanwhile, upperclassmen enforced their own standards for haircuts, and tried to keep the rats’ hair as short as possible.<sup>129</sup> The Administration responded by throwing out all the complaints about women’s hair.<sup>130</sup>

#### IV. LOOKING BACK

After breakout, some of the women cadets became aware that some upperclassmen had negative feelings towards them.<sup>131</sup> Some of this negativity, Brodie points out, resulted from an increased media presence on campus.<sup>132</sup> Despite the expression of such feelings by some cadets, most cadet leaders felt that no distinction based on sex had occurred during the coed ratline.<sup>133</sup> Regardless of the sentiments and individual perceptions, Brodie emphasizes the fact that because VMI does not have absolute standards for the ratline, the ratline varies in different aspects each year.<sup>134</sup> Therefore, the only obvious conclusion about that year’s ratline was its difference from all the others.<sup>135</sup>

Academically, the fourth class cadets did not do significantly better or worse than previous years.<sup>136</sup> However, some professors felt the presence of women changed the classroom atmosphere by changing the attitudes of the male cadets and adding different

---

126. *Id.* at 275-76.

127. *Id.* at 277.

128. *Id.* at 281.

129. *Id.* at 282.

130. *Id.*

131. *Id.* at 320.

132. *Id.*

133. *Id.* at 321.

134. *Id.* at 322.

135. *Id.* at 323.

136. *Id.* at 325.

viewpoints to the class.<sup>137</sup> The professors felt that “the male cadets seemed to be more prepared, more serious [and] less willing to appear foolish.”<sup>138</sup>

## V. ANALYSIS

As the summary of *Breaking Out* illustrates, Brodie highlights several aspects of the women’s arrival at VMI. First, she points out that most of those close to VMI, such as its Administrators, students, and alumni, reacted negatively to the Supreme Court’s decision because they felt that the admission of women would destroy the very essence of VMI.<sup>139</sup> Second, Brodie asserts that this sentiment that VMI would no longer exist in its true form, should women arrive, led some alumni and the Administration to discuss privatizing VMI. Third, Brodie states that the Administration and its committees made many preparations for women. Fourth, Brodie discusses several internal and external problems occurred during the first year women attended VMI, but the Administration handled these problems with care and concern for all those involved. Finally, Brodie asserts that the first year of integration went well, citing changes in attitudes and discussions in the classroom, improvement by the women in their performance on the VFT, and the success of the newly formed athletic teams.

### A. *The Essence of VMI*

Brodie’s first assertion, that those close to VMI did not want women attending their school because they believed VMI’s essence would be destroyed, makes logical sense, considering the sentiment that Brodie describes in the early chapters of her book. She demonstrates that VMI has a strong Confederate background and retained customs that celebrate the Confederacy.<sup>140</sup> These historical ties can account for the unwillingness of VMI to admit women.<sup>141</sup> For example, the Confederacy fought in the Civil War to retain the right to hold blacks as slaves, and from this belief in slavery, grew the idea of

---

137. *Id.* at 326.

138. *Id.*

139. *Id.* at 13.

140. *Id.* at 7-8.

141. *Id.* at 14-15. Brodie herself pointed out that VMI’s heritage played a key role in the opposition to coeducation. *Id.*

racial segregation.<sup>142</sup> Racial segregation brought to light the struggle for equality, and the recognition of a constitutional premise of equality in education, stemmed from this struggle.<sup>143</sup> Blacks were the first group to successfully challenge equality in state-funded education under the equal protection clause of the Fourteenth Amendment.<sup>144</sup> In 1971, the Supreme Court recognized that women were in a social position “comparable to that of blacks under the pre-Civil War slave codes,”<sup>145</sup> and therefore, under the Fourteenth Amendment, they were also afforded equal protection rights.<sup>146</sup> The Court cited facts indicating similarities between historical discrimination perpetuated against blacks and against women, such as the inability of either group to hold office, to participate in legal proceedings as jurors, to file lawsuits, or to vote.<sup>147</sup>

Due to the constant resurfacing of equal protection rights in education discrimination cases, Brodie should have included a discussion about the connection between previous cases abolishing racial segregation and more recent cases seeking gender equality in education.<sup>148</sup> The connection between racial and sexual discrimination is clear in the standards used in determining *United States v. Virginia*. For example, the Court struck down VMI’s establishment of the VWIL as a purported separate but equal facility, finding VWIL unequal and insufficient.<sup>149</sup> The Court based this finding on its decision in *Sweatt v. Painter*, where it held that intangible factors, such as the reputation of faculty, the position and influence of the alumni, the standing in the community, traditions, and prestige made the separate black facility unequal.<sup>150</sup> The Supreme Court cited many of the same factors in the VMI case,<sup>151</sup> and stated that “[w]omen seeking and fit for a VMI-quality education cannot be offered anything less,

142. Julie Amstien, *Article: United States v. Virginia: The Case of Coeducation at Virginia Military Institute*, 3 AM. U. J. GENDER & LAW 69, 74 (1994) (discussing *Plessy v. Ferguson*, in which the Court cited ‘usages, customs, and traditions of the people,’ as reasons for its justification that accommodations based on race were reasonable).

143. Bennett L. Safenstein, *Note: Revisiting Plessy at the Virginia Military Institute: Reconciling Single-Sex Education with Equal Protection*, 54 U. PITT. L. REV. 637, 641 (1993).

144. *Brown v. Board of Educ.* II, 349 U.S. 294 (1955) (hereinafter “Brown II”).

145. *Reed v. Reed*, 404 U.S. 71, 76 (1971).

146. *United States v. Virginia*, 518 U.S. 515, 531 (1996) (citing *Reed*, 404 U.S. at 73).

147. *Id.*

148. See Tracy Eubanks-Dawe, *Casenote: Equal Opportunity at VMI: United States v. Virginia*, 116 S.Ct. 2264 (1996), 22 S. ILL. U. L. J. 443, 460 (1998).

149. *United States v. Virginia*, 518 U.S. 515 (1996).

150. *Sweatt v. Painter*, 339 U.S. 529, 633-34 (1950).

151. *United States v. Virginia*, 518 U.S. at 551-52.



under the Commonwealth's obligation to afford them genuinely equal protection."<sup>152</sup>

Because the Supreme Court has since found that racial segregation in state-funded schools is unconstitutional because it violates equal protection, it should follow that sex-segregation in state-funded schools also violates equal protection.<sup>153</sup> Despite the Supreme Court's acknowledgement that sex-segregation mirrors racial segregation in many ways, and thus cannot be tolerated in our society, Virginia responded sluggishly in eliminating sex-based preferences. For example, Virginia lagged behind other states in establishing women's schools. The University of Virginia did not begin to admit women on an equal basis as men until 1972.<sup>154</sup> Apparently, the struggle to transform Virginia schools to coeducational facilities sparked bitterness.<sup>155</sup> Therefore, not surprisingly, VMI also felt especially embittered toward the Supreme Court for requiring it to admit women.

Similarly, Brodie also should have further discussed the circumstances underlying the Supreme Court's decision. First, not only did the Supreme Court make a landmark decision in the VMI case with regard to VMI's future as an institution, but it also took a step forward in making the legal standard for sex discrimination closer to that for racial discrimination.<sup>156</sup> The Court raised the sex discrimination standard from requiring the state's justification to be "substantially related" to an "important government objective" to the more burdensome requirement of an "exceedingly persuasive justification."<sup>157</sup> Although this test does not equate to the strict scrutiny standard governing racial discrimination cases, the "exceedingly persuasive justification" standard is nevertheless "a tougher weapon to use in exposing benign justifications and in combating the use of generalizations about women."<sup>158</sup>

---

152. *Id.* at 557.

153. Saferstein, *supra* note 137, at 646.

154. *United States v. Virginia*, 518 U.S. at 537-38. Brodie does not mention that like the schools in the school racial desegregation cases, VMI also ignored women who wished to attend VMI, as evinced by the fact that VMI ignored inquiries from 347 women in the two years before the lawsuit began. *Id.* at 523.

155. *Id.* The Supreme Court quoted one historian as stating that "[n]o struggle for the admission of women to a state university . . . was longer drawn out, or developed more bitterness, than that at the University of Virginia." *Id.*

156. Amy Walsh, *Comment: Ruth Bader Ginsburg: Extending the Constitution*, 32 J. MARSHALL L. REV. 197, 209 (1998) (citing *United States v. Virginia*, 518 U.S. at 566 (Scalia, J., dissenting)).

157. *Id.* at 214-15.

158. *Id.* at 216.

A second important circumstance underlying the Supreme Court's decision is that the majority opinion is authored by Justice Ruth Bader Ginsburg, who has been described as "the nation's most influential litigator on gender equality."<sup>159</sup> Prior to her appointment to the Supreme Court, Justice Ginsburg argued several gender equality cases, successfully causing the Court to incrementally increase the sex discrimination standard.<sup>160</sup> Justice Ginsburg was instrumental in the Court's decision to adopt the intermediate scrutiny standard for sex discrimination.<sup>161</sup> Her background in promoting equal rights for women makes the VMI case more significant, as its author, a champion of women's rights, used the case to further the struggle of women to achieve equal protection.

### *B. Privatization*

Brodie also points out that the initial response of the alumni and Administrators was to address the possibility of making VMI a private school, because they felt it provided the only way to keep VMI's intrinsic nature intact.<sup>162</sup> In this section, Brodie discusses the pros and cons of privatization. First, she focuses on the money factor and how VMI would need to raise hundreds of millions of dollars in order to maintain the same amount of money it currently received as a state institution.<sup>163</sup> Second, Brodie points out that VMI initially believed that its wealthy alumni could substitute for the loss of funds, only to later discover that in the end, the alumni could not raise such a large amount.<sup>164</sup> Third, Brodie indicates that the ROTC Program plays a significant role at VMI, and VMI's move into the private sector could have caused the Department of Defense to eliminate that program from the school.<sup>165</sup> Brodie highlights that during this

---

159. Karen L. Kupetz, *Note: Equal Benefits, Equal Burdens: 'Skeptical Scrutiny' for Gender Classifications After United States v. Virginia*, 30 LOY. L.A. L. REV. 1333, 1360 (1997).

160. *Id.*

161. *See* *Frontiero v. Richardson*, 411 U.S. 677 (1973); *Craig v. Boren*, 429 U.S. 190 (1976).

162. BRODIE, *supra* note 1, at 53. In fact, Brodie asserts that "to many VMI graduates, privatization was no more improbable, and no more potentially destructive to their alma matter, than the idea of female cadets living in VMI's barracks. *Id.*

163. *Id.* at 57.

164. *Id.*

165. *Id.* at 56.

discussion, some felt the result of losing the ROTC program would be analogous to taking the 'M' out of 'VMI.'<sup>166</sup>

In addition to describing the arguments propelled by those favoring privatization, Brodie should have discussed how other key aspects of VMI would change during privatization. Brodie does mention that VMI would have significantly less money, considering the alumni would not be able to match VMI's current endowment.<sup>167</sup> She indicates that the decrease in funds would affect the cost of tuition,<sup>168</sup> but should have also mentioned that this decrease could in turn alter the pool of students able to attend VMI. There could be a possible change in the socio-economic backgrounds of the students who could afford to enroll. A decrease in available funds could also affect the number of staff VMI could retain, and possibly impact negatively on the institution's reputation and standing in the community. Also, the diminished funds would impinge upon the school's ability to offer scholarships to attract academically gifted students.

Nevertheless, Brodie does discuss how the privatization of VMI would mean the Institute would lose its status as a state institution and therefore would not function as a state school.<sup>169</sup> Thus, the 'V' of VMI would be removed as well,<sup>170</sup> leaving only the institution itself - just another private school. Brodie also indicates that VMI, as a purported 'military institute,' needed the ROTC program,<sup>171</sup> which directly relates to that function of the school. Had VMI privatized rather than comply with the Supreme Court's order, the government would likely have removed the ROTC program, a vital aspect of the VMI system, which aims "to produce 'citizen soldiers,' men prepared for leadership in civilian and military service."<sup>172</sup> Moreover, VMI's adversative method is based on military style training.<sup>173</sup>

Brodie effectively details the reasons why VMI alumni wanted to privatize, and how the debate between privatization and "accommodative" coeducation.<sup>174</sup> By focusing on the privatization

---

166. *Id.*

167. *Id.* at 31.

168. *Id.* at 57.

169. *Id.*

170. *Id.*

171. *Id.* at 56.

172. *United States v. Virginia*, 518 U.S. 515, 519 (1996).

173. *Id.* at 520.

174. BRODIE, *supra* note 1, at 62.

issue, Brodie highlights how much those at VMI wanted to preserve its essence. This dedication represented a driving force in VMI's opposition. Ironically, one could say this same force also drove those opposed to desegregation, as both opposition groups wanted to maintain their status quo, and thereby exclude the minority groups from the same educational opportunities, furthering my initial assertion that the book should account for the similarities between race and gender at VMI.<sup>175</sup>

### *C. Intense Preparation for Women*

Brodie also highlights VMI's intensive preparation and deliberation in its planning for the assimilation of women, indicating VMI's intent to do its best to comply with the Supreme Court's decision, despite the prevailing attitudinal barriers at VMI against the ruling.<sup>176</sup> She describes how the Administration formed committees to contemplate every aspect of the future education of female cadets at VMI. These committees discussed everything from appearance, to dress, to living accommodations. This attention to detail is especially apparent in the committee debates over the aspects of female-cadet life discussed, and the issues raised by such discussions. For example, the fact that the Administration carefully selected its terms, and deliberated over the future impact of words, exemplified their commitment to ensuring a smooth transition to coeducation.<sup>177</sup>

Brodie also discusses how the Administration deliberated over the haircuts it would give to its female rats, how to address dating and any potential sexual encounters, as well as the physical fitness test, the VFT. She focused significant attention on the VFT in particular. Brodie specified the VFT as one of the aspects that VMI wanted to keep unchanged because it addressed the issue of the physical abilities of women and VMI standards. In other words, because the VFT embodied VMI's physical standards, the VFT would serve as a gauge for how much VMI would change its standards to accommodate women. If VMI wanted to keep its standards, it would have to narrow the pool of female cadets it accepted to only those who could pass the VFT. To support her point, Brodie cited the Supreme Court's referral to the lower court's statement that some women could meet the

---

175. See, e.g., *Sweatt v. Painter*, 339 U.S. 629 (1950) (involving racial discrimination in education); *Reed v. Reed*, 404 U.S. 71 (1971) (involving sex discrimination in education).

176. BRODIE, *supra* note 1, at 49.

177. *Id.* at 74-75, 77, 83.

standards that VMI imposed on men, and that these women were the intended beneficiaries of its decision to require VMI to become a coed institution.<sup>178</sup>

The planning that Brodie details shows that VMI took its new mission seriously and considered many factors when forming decisions on the treatment and assimilation of women into its Corps. However, when discussing the changes made, she fails to include the standards that VMI had to meet in making those changes. For example, the legal standards set forth by the Supreme Court in the VMI case as well as in other segregation cases. In the first chapter of her book, Brodie, address some of the language used by the courts, but prefaces this brief discussion with “I leave the legal nuances of the case to writers more qualified to analyze them . . . only a few points require emphasis.”<sup>179</sup> This disclaimer neglects to explain why she does not at least lay out the framework the case presented. VMI would not have made these changes had the Court not decreed them. The Institution must have used the Court’s opinion as the basis for its plans and the legal standards as a template for the issues VMI needed to address. Consequently, Brodie should have highlighted the legal standards and main points articulated by the courts.

For example, Brodie should have discussed the different legal standards used to address discrimination cases: strict scrutiny,<sup>180</sup> intermediate scrutiny,<sup>181</sup> and rational basis.<sup>182</sup> These standards are key, because they help gauge the improvements made upon the examination of sex discrimination, and highlight the significance in the change of that standard in the VMI case. As previously stated, Brodie should have discussed the use of “intangible factors” as a tool to determine whether both racial and sexual discrimination has occurred in the educational context, especially because the Supreme Court addressed these factors in making its decision with regard to VMI.<sup>183</sup>

---

178. *United States v. Virginia*, 518 U.S. 515, 523 (1996).

179. BRODIE, *supra* note 1, at 19.

180. Shanon M. Gregor, *Case Comment: Constitutional Law – Equal Protection – Gender Discrimination: The Virginia Military Institute is Given the Opportunity to Create “Citizen Soldiers” Out of Qualified Women: United States v. Virginia*, 116 S. Ct. 2264 (1996), 73 N.D. L. REV. 323, 328 (1997) (strict scrutiny is used to examine racial classifications).

181. *Id.* at 329 (intermediate scrutiny is used to examine gender-based classifications).

182. *Id.* (rational basis is primarily used to review cases involving social or economic classifications).

183. *United States v. Virginia*, 518 U.S. at 551-52.

*D. Internal and External Problems*

Brodie's description of the power struggle between the Administration and the Corps effectively demonstrates VMI's efforts to comply with the Supreme Court's decision without compromising the Institution's traditions or integrity of the male cadets' experience. Brodie illustrates the care and concern with which the Administration handled the internal and external problems that occurred during the first year women attended VMI. One problem involved internal dissension manifested especially in the attitudes of the second and third classes towards women.<sup>184</sup> Brodie states that the constant power struggle between cadets and the administration, fueled by the cadets' resentment of the administration's tight reigns, caused the dissension to intensify.<sup>185</sup> The administration exercised tighter control over the cadets due to the administration's concern about possible scandals or unsanctioned activities by upperclassmen.<sup>186</sup> To respond to these internal issues, the administration set up a time when the cadets could voice their opinions and concerns.<sup>187</sup> Other internal problems included sexual encounters, and overzealous cadets striking each other. These reported abuses largely resulted in investigations and subsequent suspensions, as the administration wanted to make clear its position that VMI, unlike civilian colleges, consisted of "[c]adets who choose to attend VMI understand[ing] that they must submit to a 'minute regulation of behavior.'"<sup>188</sup>

Another problem, both internal and external in nature, involved the female rats' identity as women. Internally, the upperclassmen were enforcing their own standards as to the shortness of the women's hair, trying to keep their hair as short as possible.<sup>189</sup> Externally, a problem arose when some female rats were mistaken for men in public restrooms because of their close-cropped hair.<sup>190</sup> Alumni also wrote complaints about the appearance of the female cadets.<sup>191</sup> However, the administration never responded to these complaints.<sup>192</sup> Although Brodie does not give exact reasons for the administration's response,

---

184. BRODIE, *supra* note 1, at 253.

185. *Id.* at 256-57.

186. *Id.* at 257, 262.

187. *Id.* at 265.

188. *Id.* at 270.

189. *Id.* at 282.

190. *Id.* at 281.

191. *Id.*

192. *Id.* at 282.

the following discussion indicates that one reason could stem from the fact that the upperclassmen did not bother to read the new rules for hair length, the complaints therefore not meriting the administration's attention.<sup>193</sup> The fact that a power struggle existed between the administration and the corps over the enforcement of standards within the barracks indicates that VMI tried to do everything possible to keep order and maintain peace.

### *E. The Success of Assimilation*

Lastly, Brodie asserts that the first year went well, citing changes in attitudes and discussions in the classroom, improvement by the women in their performance on the VFT, and the success of the newly formed athletic teams. According to Brodie, the professors noticed a change in the attitudes of the male cadets. For example, they came to class more prepared and more attentive, seemingly because they were "less willing to appear foolish" in front of the female cadets.<sup>194</sup> Some professors also mentioned that class discussions integrated more viewpoints.<sup>195</sup> In addition, the women improved their performance in the VFT, and even though they did not pass, it did not bother most of them.<sup>196</sup> Also, the women's track and field teams competed and beat other teams at Southern Conference competitions.<sup>197</sup>

Indeed, the fact that VMI maintained its program after the assimilation of women, including its ratline, hair cuts, and physical fitness tests, shows that VMI has put forth substantial efforts to give women an equal educational experience. One could argue that maintaining the status quo in these areas does not constitute equality for women, as women have different physical and emotional needs than men. Thus, women could have inherently different experiences than the men, despite having endured the same difficult program. In fact, some have argued that maintaining the same physical requirements for women places a greater burden on them.<sup>198</sup> However, this argument does not consider that women who wish to attend VMI do not necessarily represent the average woman. In fact, in the VMI

---

193. *Id.*

194. *Id.* at 326.

195. *Id.*

196. *Id.* at 335.

197. *Id.* at 337.

198. See Gregory Thatcher Densen, *Note: Assessing the Constitutionality of VMI's Physical Requirements Policy*, 83 IOWA L. REV. 255, 259 (1997).

case, the Court pointed out that admitting women to VMI would not mean that any woman could attend, but rather those women who could meet VMI's physical standards would constitute the beneficiaries of the Court's decision.<sup>199</sup> Additionally, despite the fact that the VFT imposes physical requirements, failure to meet these requirements will not result in denial of admission to prospective students or in a cadet's inability to graduate.<sup>200</sup> Moreover, even though the VFT is graded, the score counts only for four credits out of a total of 130 to 150 needed for graduation, therefore the effect on a cadet's GPA is minimal.<sup>201</sup> VMI even decided that after women arrived, the prior practice of not considering those who failed the VFT for rank would no longer be implemented.<sup>202</sup> Therefore, any disparate impact on female cadets that may exist from the maintenance of the VFT is slight.

While these aspects mentioned may indicate the first year's success, the success of an integrated program is not necessarily measured only by the women's accomplishments. While reconciling the school racial desegregation cases and the VMI case could prove difficult because the two involve very different circumstances, the Supreme Court addressed the adequacy of segregation remedies in such cases several times.<sup>203</sup> In the racial desegregation cases, the Court examined intangible factors and whether these factors created equal opportunities for minority students.<sup>204</sup> In *McLaurin v. Oklahoma State Regents*, in particular, the Court addressed the circumstances of a young black man admitted to a law school, but forced to sit in segregated sections of the classroom, unable to interact with the rest of the student body.<sup>205</sup> The Court looked at the intangible factors of the situation, such as the ability to converse and exchange ideas with one's peers in an environment created specifically to prepare individuals for a certain profession.<sup>206</sup>

Although the VMI case does not involve race relations, again, racial segregation cases such as *McLaurin*, provide a template by

---

199. *United States v. Virginia*, 518 U.S. 515, 550 (1996).

200. BRODIE, *supra* note 1, at 148.

201. *Id.* at 149.

202. *Id.* at 150.

203. *See Sweatt v. Painter*, 339 U.S. 629 (1950); *McLaurin v. Oklahoma State Regents*, 339 U.S. 637 (1950).

204. *See Sweatt v. Painter*, 339 U.S. 629 (1950); *McLaurin v. Oklahoma State Regents*, 339 U.S. 637 (1950).

205. *See McLaurin*, 339 U.S. at 641 (holding segregation of a black student by requiring him to sit in separate sections of the classroom impaired his 'ability to study, to engage in discussion and exchange views with other students, and in general, to learn his profession').

206. *Id.* at 641-42.



which the courts can determine the success of equal protection remedies such as the efforts put forth by VMI, as similar equal protection issues are raised in both contexts. Therefore, in order to adequately and fully assess the success or failure of a remedial measure (here, the assimilation of women into VMI) one must look at the intangible factors involved (prestige, alumni support, quality of faculty). Because the female cadets have gained admittance to VMI, they arguably have the gained the intangible factors that the other male cadets have while they are at VMI. However, it remains to be seen whether the female cadets, upon graduation, will be viewed in the same light, or receive the same benefits as male alumni. Such intangible factors will not be measurable until some time in the future.

## VI. CONCLUSION

Brodie's book provides great insight into VMI's process to comply with the Supreme Court's decision to require the admission of women. It also reveals many aspects about the Institute that are often not described, such as the words in the VMI lexicon, the ratline, and the whole self-governance system by which VMI operates. In addition to exploring the many views on the issue, the reader gets a sense of the perceptions of those nearest to the heart of the controversy. As a self-proclaimed feminist, Brodie effectively maintains an aura of objectivity.<sup>207</sup> Although it could be argued that she cannot present an objective view as an 'insider,' she would not have had the ability to express as many sentiments and tell as many intimate stories if she had not been a part of VMI's assimilation process. This book presents a unique look into this famous controversy, and offers insight to those with little knowledge about VMI, in order to broaden their perspective on the issues of gender discrimination and desegregation.

Although Brodie omitted much of the necessary legal background and elaborations of sex discrimination's connection to racial discrimination, this book sheds significant light on the internal aspects of the conflict, which are just as important in getting a complete picture of the controversy. Something that seemed at one point so black and white, may not seem so clear-cut after reading this book. This dispute, as Brodie illustrates, involved much more than just women wanting to go to a men's school. It involved women who

---

207. BRODIE, *supra* note 1, at xiii, xiv.

were willing to give up traditional hallmarks of femininity to learn under a method of education that appealed to them. The dispute required a balance between maintaining VMI's essence, while changing some of the old ways and attitudes; the institution's commitment to work out the details of assimilation; and the extensive collaborative efforts to design a plan that would comply with the Supreme Court's ruling. The VMI Administration sought to afford the incoming female cadets the same educational benefits it has bestowed upon its male cadets for many generations. Yet, even with the apparent success of assimilation, it may yet be too soon to tell whether these efforts have resulted in true equal protection.

