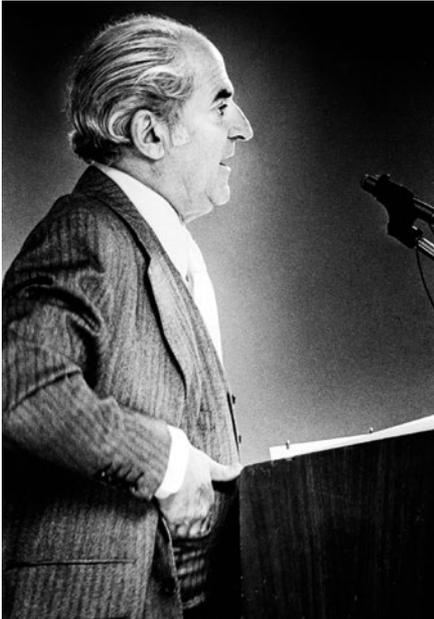


# The Merhige Collection: Highlighting Diversity

by Molly Lentz-Meyer



Judge Robert R. Merhige addresses the Virginia State Bar Criminal Law Section in 1977.

IF YOU WANT TO KNOW about diversity in the law in Virginia, you need look no further than the career and legacy of Judge Robert R. Merhige Jr. Housed behind a room bearing his name at the William Taylor Muse Law Library at the University of Richmond School of Law, the honorable judge's papers showcase a commitment to continual learning in the pursuit of equitable and just decision making. Filled with research files, correspondence, travel documents, and more, the collection highlights the diversity of cases that crossed the judge's bench.

Below is a peek inside the collection as it relates to some of the most celebrated and controversial cases heard by the noted jurist.

## School Desegregation

From 1970–1972, Judge Merhige wrote a series of decisions in the litigation over whether and how to desegregate Richmond area schools. In his most contentious decision, Judge Merhige

ordered desegregation in Richmond schools to be executed via bussing.<sup>1</sup> The decision spurred innumerable people to write to the judge. While some letters ramble and others are incoherent, a few, such as that from Mr. Cunningham, get right to the point. After the decision in *Bradley*, Mr. Cunningham sent a letter to Judge Merhige that was cutting in its simplicity, asking only, “have you ever considered going into another line of work?”<sup>2</sup> Also included in the collection are photos of the U.S. Marshals assigned to guard Judge Merhige and his family in the wake of threats to their safety.

## Women's Rights

In his years on the bench, Judge Merhige presided over a number of cases that expanded the rights and protections afforded to women in the Commonwealth of Virginia. Perhaps the most far-reaching case in this realm was *In re. A.H. Robins Co.* — better known as the Dalkon Shield case. Included in the collection are the entirety of the proceedings, docket books, and the judge's notes on the case. Merhige's habit of keeping his notes with opinions that he wrote makes for an interesting study of how thorough he was in understanding the entirety of each case he was responsible for adjudicating.

For example, in *Ponton v. Newport News School Board*, during testimony the judge took nineteen pages of handwritten notes in his distinctive scrawl. Interesting to note is a memo the judge wrote concluding, “they have really given it to this girl, but I don't know if she has really made out her case.”<sup>3</sup> Despite his doubt, he decided that Ms. Ponton's constitutional and Title VII rights had been violated when she, as a single pregnant woman, was not given the same opportunity to retain her teaching job as a married pregnant woman would have

been.<sup>4</sup>

## Civil Rights

Just two weeks after his appointment to the bench, Judge Merhige was assigned a case involving civil rights activist H. Rap Brown. Brown, then a leader of the Student Nonviolence Coordinating Committee, was charged with inciting a riot after giving a speech in Maryland. Letters to Judge Merhige after his extradition order and restriction of Brown's movement highlight the feelings of some Virginians from the time. In an illustrative example, Mr. Albert Pond wrote, “I am appaled [sic] by your releasing of H. Rap Brown on September 18, 1967.”<sup>5</sup>

With over 100 banker's boxes of material, the Robert R. Merhige Jr. Papers collection offers a unique insight into the long career of Judge Merhige. With dozens of boxes of correspondence, one can get a sense of the world that Judge Merhige was living in as he made decisions in controversial cases about civil rights, women's rights, and much more.

## Endnotes:

- <sup>1</sup> *Bradley v. School Bd. of City of Richmond*, 325 F. Supp. 828 (E.D. Va. 1971); *Bradley v. School Bd. of City of Richmond*, 338 F. Supp. 67 (E.D. Va. 1972).
- <sup>2</sup> Letter from Geo. C. Cunningham to Judge Merhige, January 12, 1972, Robert R. Merhige Jr. Papers, 1940–2005, William

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**Merhige** *continued from page 55*

Taylor Muse Law Library Archives and Special Collections, University of Richmond Law School.

- 3 Notes on *Ponton v. Newport News School Board* testimony, undated, Robert R. Merhige Jr. Papers, 1940–2005, William

Taylor Muse Law Library Archives and Special Collections, University of Richmond Law School.

- 4 *Ponton v. Newport News School Board*, 632 F. Supp. 1056, 1069 (E.D. Va. 1986).  
5 Letter from Albert R. Pond to Judge

Merhige, September 22, 1967, Robert R. Merhige Jr. Papers, 1940–2005, William Taylor Muse Law Library Archives and Special Collections, University of Richmond Law School.