



Court Historical Society NEWSLETTER *Eastern District of Tennessee*



JULY 2016

The Young Coach Testifies

By Don K. Ferguson

Q. "Would you state your full name, please."

A. "Patricia Sue Ann."

Q. "What is your last name?"

A "Head."

This is the way **Patricia Sue Ann Head**, later to become **Patricia Sue Ann Head Summit**, began her testimony as a witness in a 1976 federal court hearing about the rules under which high school girls' basketball games were played.

Q. "What is your present employment position with the University of Tennessee?"

A. "I am an instructor in the Physical Education Department, and I coach the women's basketball team at the university."

At the time of the hearing, which was before **U.S. District Judge Robert L. Taylor** in Knoxville, Pat was 24 and in her second year as head coach of the women's basketball team.

She was called as a witness for the plaintiff, **Victoria Cape**, then a member of the Oak Ridge High School girls' basketball team, who, through her father, **James Cape**, had filed a lawsuit against the Tennessee Secondary Schools Athletic Association, the Oak Ridge Board of Education, and school officials, challenging the rules for girls' high school basketball.

Under the girls' rules in Tennessee at that time, there were six players--three who played forward (offense) and three who played guard (defense). Neither forwards or guards could cross or touch the half-court line and had to remain on their side of the court. Only the forwards shot the basketball.

The Capes claimed that the rules requiring Victoria to play this split-court basketball challenged her "constitutional rights" to become a comprehensive basketball player and lessened her chances of obtaining a college scholarship because all colleges and universities had adopted the five-player rule for women's basketball.

Judge Taylor directed the TSSAA to change the girls' rules



Pat Summit, 1976
Photo courtesy of Tennessee Athletics/UTsports.com

to the same rules that boys played by but did not issue an injunction, believing that the TSSAA would comply. But it didn't, and instead, appealed. The Sixth Circuit Court of Appeals reversed Judge Taylor's ruling, saying there was no evidence of intent to discriminate.

The Capes planned to appeal to the U.S. Supreme Court. But the TSSAA voted to change the rules, effective in March 1978, and in November 1979, the first official five-on-five girls' high school basketball game in Tennessee was played. The Capes ultimately dropped their appeal.

Transcript Excerpts

The Court Historical Society's archives contain a transcript of the 1976 case. Because of the recent death of the legendary **Patricia Sue Ann Head Summit** and the high interest in her career, we are presenting here some excerpts from that 40-year-old document that involve Pat. [In some instances, we use paraphrasing.]

Scholarships and Recruiting

Q. "What position did you play in high school?"

A. "I played a forward position under the divided court rules."

Q. "And you went on and got a scholarship after that?"

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A. “No. At the time, scholarships were not available.” [Pat played at Cheatham County High School in Ashland City, Tennessee, and then at UT Martin.]

Q. “Does UT have scholarship money for women in basketball?”

A. “Yes, four full scholarships that can be divided up.”

Q. “Is the amount of money available for women in athletics increasing or decreasing?”

A. “It is increasing from a couple of years ago, when there was no support at all.”

Q. “Do you do some recruiting?”

A. “Yes, but we are under the A.I.A.W. [Association for Intercollegiate Athletics for Women], and paid recruiting is not allowed at this time. So what you do, a coach has to do on her own, and I do see paid recruiting in the future.”

Pat explained that, because of this money rule, she had to recruit from nearby schools. She said Tennessee girls had to be trained from split-court plays to full-court plays.

Q. “How many of the girls on your team came from Tennessee high schools?”

A. “Eleven of the 12. Out of the 11 from Tennessee, 10 are offensive players [they had been ball shooters in high school]. I think their fundamentals are pretty well rounded off. All of my players have come to me, all but two, as walk-ons, who have just walked on and made the team.”

Q. “In your experience personally and as a physical education person, do you know of any reason why high school girls would be physically less equipped to play full-court basketball than college-age girls?”

A. “No, not at all.”

The Judge’s Question

It was obvious that Judge Taylor, who played semi-pro baseball while in college and was still a big sports enthusiast, was enjoying the hearing, listening to the coaches testify. [Another witness was **Stu Aberdeen**, assistant coach of the UT men’s basketball team at the time.]

At the end of the lawyers’ questioning, the judge asked Pat, “Do you have an opinion as to how long it will take the girls to catch up with the boys in basketball?”

A. “Well, I think it’s two different games. It is something that ... catch up from what standpoint?”

Q. “Be as good. Five girls out there against five boys.”

A. “I hope that we cannot have that happen. I had rather not see them play each other. I had rather the girls play the girls and boys play against boys. I think the skill levels of development, even at the fullest for the girl, is not going to be up to what the male might develop. Just the body structure is going to limit it.”

Judge Taylor said, “I see, all right.”

When all of the questioning was finished, Pat turned to the judge and asked: “I have an appointment at 4, and I would like to know, Your Honor, if I may be dismissed?” He said yes, and she left the courtroom.

EDITOR’S NOTES:

The Capes’ attorney in the case was **Ann Mostoller** of Oak Ridge, an early and longtime member of the Court Historical Society, formed in 1993.

The Cape case is one of those profiled in the Society’s book *Justice in the Valley*, written in 1998 by **Dr. Patricia Brake Rutenberg**, a senior lecturer in the UT History Department and a longtime friend of the Society. Copies of the book, which covers the first 200 years of the court, are available from the Society for \$25.

Your Newsletter editor was Chief Deputy Clerk of the court at the time of the basketball case and was present in the courtroom during the hearing.

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