Beyond Title IX: Toward an Agenda for Women and Sports in the 1990's

Wendy Olson

Follow this and additional works at: https://digitalcommons.law.yale.edu/yjlf
Part of the Law Commons

Recommended Citation
Available at: https://digitalcommons.law.yale.edu/yjlf/vol3/iss1/7
Beyond Title IX: Toward an Agenda for Women and Sports in the 1990's

Wendy Olson†

INTRODUCTION

When I was eight years old, I tucked my braided pigtails under a blue and red baseball cap, reasoning with all of my third-grade wisdom that the disguise would hide my gender, grabbed my Tony Oliva autographed glove and jumped in the family Wagoneer to go to the baseball park. The early April temperatures were climbing into the 50's in Pocatello, Idaho, and snow had been absent for at least a couple of weeks. Undoubtedly, the season was little league.

After idyllic summers of neighborhood pick-up games, where I became convinced that, despite being the only girl, equality reigned, the forces of Bannock Boys Baseball were Phyllis Schlafly incarnate in my own hometown. The coaches and league officials—one of whom was my elementary school vice principal—took one look at me and didn't even give me a chance to let a grounder roll through my legs at tryouts. It was the first time I was the odd "man" out in athletics; it would not be the last.

I was eight years old in the spring of 1973, just one year after the passage of Title IX of the Education Amendments of 1972. Title IX, as it was affectionately known by any woman who had ever laced on a pair of sneakers, prohibited sex discrimination in any program or activity receiving federal funds.1 While I was out trying to break the gender barrier in Bannock Boys Baseball, thousands of women athletes, coaches and administrators were basking in the glory of the legislation that they were convinced would be the first mighty step toward making them the oncourt, onfield, in-locker room equals of their male counterparts. After all, colleges, universities and high schools, the loci of female athletes' most visible exclusion and inferiority, were

† J.D. Stanford, 1990; B.A. in News Editorial Journalism, Drake University, 1986. The author is currently a law clerk to Judge Barbara J. Rothstein, U.S. District Court, Seattle, Washington and was a member of the women's varsity tennis team at Drake University.

often recipients of federal funds, and, thus, would have to comply with Title IX's prohibition of sex discrimination. Educators envisioned equal expenditures that would produce equal facilities, equal training, and perhaps even equal salaries for coaches.

However, nearly two decades later—and despite some hard-fought gains—little of that enormous promise has been realized. Title IX, a symbol of hope for women in sports throughout the United States, brought some unanticipated setbacks. Although the number of women and girls participating in athletics increased, the number of women in coaching and athletic administration declined.\(^2\) Title IX enforcement regulations by the Health, Education and Welfare Department, and its successor the Education Department,\(^3\) have never been very tight. In the 1980's, it took congressional passage of a second statute to restore some of the luster to Title IX in the wake of a nearly fatal Supreme Court decision.\(^4\) In the large shadow cast by the massive


\(^3\) 45 C.F.R. § 86.1.71 (1989); see also Geadelmann, What Does the Law Say?, in EQUALITY IN SPORT FOR WOMEN 33, 38-43 (P. Geadelmann, C. Grant, Y. Slatton & N. P. Burke eds. 1977).

\(^4\) Civil Rights Restoration Act of 1987 §3, 20 U.S.C. §§ 1687-1688 (1990 Supp.). The Civil Rights Restoration Act, which affected more than women's athletics, was passed in response to the Supreme Court's decision in Grove City College v. Bell, 465 U.S. 555 (1984). Grove City held that the receipt of federal funds by one school program "does not trigger institution wide coverage under Title IX." Id. at 573. Section 1687 of the Civil Rights Restoration Act reads,

> For the purposes of this chapter, the terms "program or activity" and "program" mean all the operations of
> (1)(A) a department, agency, special purpose district, or other instrumentality of a state or of a local government; or
> (B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;
> (2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or
> (B) a local educational agency[ ], system of vocational education, or other school system;
> (3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship
> (i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or
> (ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or
> (B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or
effort put into the initial passage and 1988 restoration of Title IX, the women's sports movement has not embraced issues such as racism and drugs that plague all of sport. It has not resolved internal debates about how best to further the goals of women in sports, including whether scholastic teams should be single sex or coed and whether the women's sports movement should embrace the men's model of athletics. Furthermore, it has not been able to gain the support of the broader women's movement.

Title IX also provides a very narrow view of women's sports and the discrimination that women athletes face. The statute bars discrimination on the basis of sex only in educational programs or activities receiving federal funding. The focus of Title IX is on discrimination against athletes and not on discrimination against coaches, administrators and other supporting staff. Courts in Title IX cases rarely look beyond such tangible measures of equality

(4) any other entity which is established by two or more of the entities described in paragraph (1), (2) or (3); any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by a religious organization if the application of section 1681 of this title to such operation would not be consistent with the religious tenets of such organization.

5. Women's sports movement is somewhat of a misnomer. Just as there are a diversity of interests, needs and problems among women in general, there are a diversity of interests, needs and problems among women involved in sports. See infra notes 108-31 and accompanying text and notes 194-95 and accompanying text.

6. For a view opposing single sex athletic teams, see generally Tokarz, Separate But Unequal Educational Sports Programs, 1 BERKELEY WOMEN'S L.J. 201 (1986) (arguing that separate athletic teams for men's and women's sports are inherently unequal). For views supporting single sex athletic teams, see Note, Where the Boys Are: Can Separate Be Equal in School Sports?, 58 SO. CAL. L. REV. 1425, 1448-50 (1985) (authored by Virginia P. Croudace and Steven A. Desmarais) (arguing that separate but equal athletic teams are the best alternative for furthering participation of women in sport).

One of the tensions in the separate but equal approach is that it insists that women athletes often make the choice between individual advancement, as when a female athlete with collegiate or world class abilities tries to gain access to a male team, and advancement of women's sports in general, as when the same female athlete remains with or helps start a women's or girls' team in order to improve the skills and interest of her sister female athletes.


8. See infra notes 98-107 and accompanying text.


This focus dictates a course of separate but equal athletic teams for women college athletes modeled after men's competitive athletics. The separate but equal approach ignores that men and women are not similarly situated in their relationship to athletics as a social institution. The definition of women's sports produced by Title IX leaves out women who are not collegians; women who play purely for fun rather than to win; women who want to be involved with sport.

While acknowledging the role Title IX played in placing women's sports on the federal agenda, an agenda for women and sports in the 1990's must look beyond Title IX and women's college athletics modeled on men's college athletics. An agenda for women and sports in the 1990's must: (1) eradicate the persistent stereotype that, although society accepts superwomen such as tennis players Chris Evert and Martina Navratilova and sprinter Florence Griffith Joyner, the only roles for ordinary women in the world of sport are as cheerleaders, baseball Annies and football widows; (2) secure a place for itself in the broader women's movement; (3) recognize the diversity of women in and out of the women's sports movement; and (4) address the needs of all women in sports, particularly in areas where women can make an impact on the current male model of sport.

The four strains of this agenda are intertwined. By securing a place for itself in the broader women's movement, the women's sports movement will be able to enlist the aid of women in academics and business who may be most capable and qualified to obtain positions as administrators and executives throughout all levels of athletics. The introduction of women who have not yet been involved in the women's sports movement will help eradicate the myth that sports is only for the Chris Everts, Martina Navratilovas and Florence Griffith Joyners. In the world of sport, women need not accept the role of sideline appendage. Moreover, a broader linkage between the general women's movement and the women's sports movement will allow both groups to address the questions of how to meet the needs of diverse groups of women and how

11. See, e.g., O'Connor v. Board of Educ. of School Dist. No. 23, 645 F.2d 578, 581 (7th Cir. 1981) (court considered equality of separate teams in terms of funding, facilities, and other "objective" criteria only). These are among the measures outlined in the 1975 HEW regulations. 45 C.F.R. § 86.41(c)(1989).


13. A baseball Annie is a woman who is a professional baseball groupie, who hangs around where players are likely to congregate, including the field and popular night spots.

14. A football widow is a woman who does not enjoy football and whose husband or boyfriend spends much of the fall watching college and professional football games.

15. See infra notes 154-59 and accompanying text.
to jointly further women's involvement in sport in the 1990's.\textsuperscript{16}

Part I of this paper outlines the history of the women's athletics movement in the United States that produced Title IX. Part II analyzes the areas in which Title IX and the equality model have been inadequate. Part III discusses the importance of the women's sports movement to sports and women. Part IV presents a theory of sport toward which the women's sports movement should direct its agenda. Finally, Part V briefly outlines some initial suggestions and recommendations for a women's sports agenda in the 1990's.

I. FROM RESISTANCE TO A SHATTERED IDEAL

In the twentieth century, the women's sports movement in the United States has been centered in colleges and universities.\textsuperscript{17} At least until the passage of Title IX provided the impetus for a more competitive model of women's athletics, colleges and universities emphasized a model of women's sports that was much different from men's sports.

In the early part of the 20th century, women athletes were to engage only in physical activity that allowed them to walk a fine line—exercise was to make them better women without imbalancing their delicate physiques.\textsuperscript{18} The myth governing women athletes for most of the twentieth century was that women were simply too fragile to engage in strenuous physical contests. Plenty of groups—of both women and men—were ready to make the myth reality. In 1922, the United States' Committee on Women's Athletics vigorously opposed the entry of American women in the 1922 Paris "Women's Olympics."\textsuperscript{19} In the 1928 Olympics, all eleven women who were entered in the 800 meters either withdrew or failed to finish the race. In response, the Women's Division of the National Amateur Athletic Federation petitioned the International Olympic Committee (IOC) to ban all races for women of 800 meters or longer.\textsuperscript{20} The IOC, whose president, Baron Pierre DeCoubertin, had himself
been opposed to women's participation in the 1920's, complied.\textsuperscript{21}

Most women collegiate physical educators began the twentieth century horrified by the commercial spectacle that men's collegiate athletics had become.\textsuperscript{22} These defenders of women's traditional roles as wives and mothers were determined not to let women's college athletics develop along the same lines.\textsuperscript{23} Unfortunately, many of these early physical educators' concerns originated more from their perception of the limits of women's physical capabilities than from their disdain of men's collegiate athletics. The focus for women's college athletics was to be the pure pleasure of participation; women athletes were not to be "merely a means to a commercial end."\textsuperscript{24}

As women physical educators began to change their views about the ability of women to safely survive strenuous sports,\textsuperscript{25} they embraced the noncommercial, process-oriented view of athletics. This was the foundation upon which the Association for Intercollegiate Athletics for Women was built in the early 1970's. The organization, an outgrowth of the Commission on Intercollegiate Athletics for Women,\textsuperscript{26} sought to provide female college athletes with a high level of training and competition without the material rewards and excesses available to male college athletes. Restrictions were placed on member universities' recruiting and traveling expenses. Athletes were seen first as

\begin{itemize}
  \item the 5,000 and 10,000 meter races for women in their 1984 Olympic trials on the grounds that both the USOC and International Olympic Committee (IOC) were international actors and were not arbitrarily discriminating. Martin v. International Olympic Comm., 740 F.2d 670, 677 (1984). The first women's Olympic marathon, however, was run in 1984 in Los Angeles.
  \item 21. Chandler, supra note 19, at 12.
  \item 22. Id. at 8-9.
  \item 23. There were, of course, some exceptions. Women's basketball, particularly in Canada, thrived for a time in the early 20th century. \textit{See} W. MOKRAY, \textsc{The Ronald Encyclopedia of Basketball} 1-17 (1963).
  \item 24. Chandler, supra note 19, at 8. For many commentators on contemporary women's athletics, the goal is the same. \textit{See, e.g.}, Beck, supra note 7. Participation for participation's sake has not been exclusively the province of the women's sports movement. \textit{See, e.g.}, Gilbert, \textit{Competition: Is it What Life's All About?}, \textsc{Sports Illus.}, May 16, 1988, at 86.
  \item The pleasurable and instructive aspects of sport should derive from the competition itself, not from the final score. Traditionally, and perhaps by ancient design, the tangible awards for victory are of little material worth—symbolic trophies of one sort or another—because the only real and lasting value of a game is what's felt and learned during the contest. \textit{Id.} at 95. For a discussion of a goal of pleasure of participation in contemporary sports, see infra Part IV, notes 143-78 and accompanying text.
  \item 25. Women outside the college system were responsible for demonstrating the fallacy of the "fragile female" myth. Chandler points out that in 1932, the IOC added the 80-meter hurdles and the javelin as events for women athletes, both of which were won by Babe Didrickson. Didrickson later was to become one of the premier women golfers in the world. Didrickson, like the African-American women track stars of the 1960's, was not a product of the collegiate system. Chandler, supra note 19, at 12.
  \item 26. AIAW v. NCAA, 735 F.2d 577, 579-80 (D.C. Cir. 1984).
\end{itemize}
students. They were not to be viewed as commodities. "College sport was to be an avocation, not a profession; participation, not victory, was the goal." 27

The lifespan of the AIAW paralleled the first incarnation of Title IX, which prohibited sex discrimination in any program or activity receiving federal funds. For underfunded, underequipped, underestimated women's athletic departments, Title IX appeared as a savior.

Title IX was passed in 1972, the year after the CIAW became the AIAW, and together, the two grew and prospered. 28 In 1971-72, the AIAW sponsored seven national championships for its 278 members. Ten years later, the AIAW had 961 members. 29 A National Association for Girls and Women in Sports survey showed that the number of female athletic participants in 1972 was 300,000 but more than 1.8 million in 1986. 30

Despite the increased participation and interest in women's sports, the view that women could not be athletes, and female athletes could not really be women, persisted throughout the AIAW-early Title IX era. But as women's collegiate athletic programs blossomed in the 1970's, the women's sports movement began to battle that myth. 31 To assertions that women were likely to be injured engaging in athletics, particularly contact sports, they responded with batteries of studies that indicated that female athletes were no more susceptible to injury than male athletes. 32 To assertions that athletics would

---

27. Chandler, supra note 19, at 13 (footnote omitted). Chandler is critical of the AIAW approach for the paternalistic restrictions it placed on women athletes.

College women were originally kept from competing strenuously because it was believed to endanger their health and their roles as women; now, they were not to be recruited strenuously because that was believed to endanger their mental health and their roles as students. College women's sport had previously been kept free from the taint of commercialism because that was believed to undermine the intrinsic values of sport engaged in for its own sake.

_id. at 15.

28. R. Acosta & L. Carpenter, supra note 2. A flurry of equal protection litigation followed quickly on the heels of Title IX's enactment, suggesting that the political act of Title IX's passage was a signal to females everywhere that "ladies' day" at the club was to be every day.

29. AIAW v. NCAA, 735 F.2d at 580.

30. Olson, A Title IX Paradox: More Female Athletes but Fewer Coaches, L.A. Times, July 8, 1987, at C3, col. 1. The number of females participating in athletics specifically at the high school level increased 500 percent after the passage of Title IX. In 1972, only 7% of high school females were athletes, but a decade later 35% were athletes. Miller Lite Report on Women in Sports 7 (1985) [hereinafter Miller Lite Report].

31. See, e.g., Drinkwater, Myths and Realities of Women's Performance in Sport, in REPORT ON THE CONFERENCE ON WOMEN IN SPORT 1 (1980).

32. See, e.g., id. at 2-10; Tokarz, supra note 6, at 222-23; LeMaire, supra note 7, at 137-38. Preventing injury to women was among the most common state justifications for prohibiting girls from joining boys' teams when the school did not sponsor a girls' team in the same sport. See Note, supra
harm women's reproductive functions, they had babies. To assertions that athletics would harm women's ability to be "women," they outlined the psychological benefits of sports for women.

Although the AIAW and Title IX grew together, the AIAW died alone. The AIAW's vision of women's college sports, a vision Chandler argues had been essentially the same paternalistic one espoused by the Women's Division of the National Amateur Athletic Foundation, was a victim of the very success and interest it had inspired. In 1981-82, the National Collegiate Athletic Association (NCAA) began sponsoring championships for women, immediately wooing eighteen of the top twenty women's college basketball teams in the country to play in its championships rather than in those sponsored by the AIAW. The NCAA's entry into the governance of women's sports was opportunistic both for the NCAA and for the women's athletic programs at major universities with successful men's programs. The NCAA had feared Title IX from the beginning, spending "as much money lobbying against Title IX as the [AIAW] spent on seventeen national championship tournaments for women." But when women's collegiate athletic programs took off under Title IX, the NCAA decided that it could better serve its membership by

---

33. See, e.g., Brownlee, Moms in the Fast Lane, SPORTS ILLUSTR., May 30, 1988, at 57. Although she writes that scientific tests are thus far inconclusive about whether pregnancy actually physically benefits women athletes, Brownlee documents the post-partum athletic success of runners Valerie Brisco, Evelyn Ashford and Ingrid Kristiansen, golfer Nancy Lopez and diver Pat McCormick. In addition, Brownlee outlines the stereotypes women athletes face. Id. at 60. Brownlee speculates that these women athletes may well experience psychological benefits from motherhood: women athletes who give birth are reassured that they are, indeed, women. Id.

34. Nielsen, Putting Away the Pom-Poms: An Educational Psychologist's View of Females and Sports, in WOMEN, PHILOSOPHY, AND SPORT: A COLLECTION OF NEW ESSAYS 287, 289-92 (B. Postow ed. 1983) (participation in sports allows girls to enjoy benefits of self-confidence, control over their lives and enhanced academic achievement through better health) [hereinafter WOMEN, PHILOSOPHY, AND SPORT].

35. See supra note 20 and accompanying text.


37. Nielsen, supra note 34, at 294. The NCAA continued its fight against Title IX on through the 1970's as the then-Department of Health, Education and Welfare promulgated enforcement regulations for Title IX. In NCAA v. Califano, 444 F. Supp. 425 (D. Kan. 1978), rev'd. 662 F.2d 1382 (10th Cir. 1980), the NCAA argued that the HEW regulations were not meant to apply to athletic programs that did not receive federal aid. See Skilton, The Emergent Law of Women and Amateur Sports: Recent Developments, 28 WAYNE L. REV. 1701, 1723-24 (1982). The NCAA argued that equality in women's sports was not at issue since most of its members were state institutions and therefore subject to the equal protection clause. It stressed that many private institutions were subject to nondiscrimination provisions in their state. Id. at 1724.
brining the fledgling women's programs under its wing.38

The NCAA's decision to begin sponsoring championships for women made the AIAW's demise inevitable. In the same year that the NCAA entered women's athletics, the AIAW saw its membership revenues drop twenty-two percent and broadcasting and sponsorship revenues nearly evaporate.39 In 1982, on the brink of bankruptcy, the AIAW folded.40 The NCAA was simply too big and too powerful. It lured universities to its championships with promises of television coverage and travel funds to the championship events.41 The AIAW alleged that the NCAA forced the AIAW out of existence by using its monopoly power in men's sports.42 The D.C. Circuit Court of Appeals rejected the AIAW's arguments that the NCAA's actions violated the Sherman Antitrust Act, sealing the AIAW's fate.

Title IX received its own major blow two years later when the Supreme Court's decision in Grove City College v. Bell43 restricted the application of Title IX to the individual program receiving federal funding. For the growth and success of collegiate women's athletic programs, an expansive reading of "program" and "activity" had been all but a necessity since few college athletic programs directly received federal funding.44 In a Title IX suit brought by

38. For a view more congenial to the NCAA's motives, see Skilton, supra note 37, at 1748-49.
40. Id. at 580-81.
41. Id.
42. Id. at 580. AIAW v. NCAA was an antitrust lawsuit in which the AIAW claimed that the NCAA used its "monopoly power in men's college sports to facilitate its entry into women's sports and to force the AIAW out of existence. Specifically, the AIAW asserted that the NCAA's unlawful conduct consisted of predatory pricing, the use of financial incentives to 'link' the sale of competitive services with the sale of monopoly services, and an illegal tying arrangement." Id. The D.C. Circuit rejected all of the AIAW's claims.
43. 465 U.S. 555 (1984). In Grove City, the college, a private school in Pennsylvania, did not itself receive federal funds, but a number of its students received federal Basic Educational Opportunity Grants. The Third Circuit held that indirect aid, such as that to students, as well as direct aid triggered the application of § 901 of Title IX and made institutions whose students financed their education with BEOG's recipients of federal financial assistance. 687 F.2d 684, 700 (3d Cir. 1982). The Supreme Court rejected the Third Circuit's reasoning and stated that there was no evidence that the federal aid received by Grove City students resulted in the diversion of funds from the College's own financial aid program to other areas within the institution. The Supreme Court also emphasized the program-specific nature of Title IX. Grove City, 465 U.S. at 571-72. "In purpose and effect, BEOG's represent federal financial assistance to the College's own financial aid program, and it is that program that may properly be regulated under Title IX." Id. at 573-74.
44. The fact that Grove City so took the women's athletic movement and the sports media by surprise is itself somewhat of a surprise. For almost a decade—since HEW passed the initial Title IX enforcement regulations—courts, school districts and the NCAA battled over whether Congress intended for Title IX's regulatory and punitive provisions to apply to an entire institution if the institution in any way received federal funds, or to apply only to the specific program that was receiving federal funds. Ironically, the NCAA brought suit against the Department of Health, Education and Welfare, claiming
women athletes at Temple University in Philadelphia, for example, the Third Circuit, relying in part on its own intermediate decision in Grove City, ruled that the federal funds received by other parts of the university brought its athletic program under the aegis of Title IX's prohibition of sex discrimination.45

Leaders of the women's sports movement blamed the Supreme Court's Grove City decision when some colleges and universities began to scale back on women's sports programs while leaving intact or expanding men's programs.46 They felt that some universities interpreted Grove City as license to ignore the letter and spirit of Title IX. For example, in 1986 Southwest Texas State University dropped a successful women's gymnastics program shortly after the football team moved to Division I-AA, a costly shift that produced an 18-26 football record over the next four seasons.47

In what the women's sports movement has considered a major victory after a long legislative battle,48 the Grove City decision was overwhelmingly reversed by the Civil Rights Restoration Act.49 Title IX once again became

---

45. Haffer v. Temple University, 688 F.2d 14, 17 (3d Cir. 1982) (when non-earmarked money is received, the institution itself must be the "program"). Haffer has enjoyed a long litigation history. In 1980, when the suit was filed, 42% of the athletes at Temple were women, but women's athletic programs were allocated only 13% of the athletic budget. Id. at 15 n.1. In 1987, a federal district court in Pennsylvania initially granted summary judgment on three aspects of the Title IX suit—the number of competitors, dining facilities and academic tutoring classes. On motion for reconsideration, however, the court held that final judgment as to those three issues should not have been made because they did not constitute separate claims for purposes of entering final judgment. Haffer v. Temple University, 678 F. Supp. 517, 540-42 (E.D. Pa. 1987). In June of 1988, Temple settled the Title IX suit, promising to allocate a percentage of its athletic budget to women's athletics equal to the percentage of women athletes at the university. Sports People: Temple Settlement, N.Y. Times, June 14, 1988, at B14, col. 2. For a discussion of Haffer and its importance to Title IX, see Springer, After 16 Years, Title IX's Goals Remain Unfulfilled, L.A. Times, Oct. 30, 1988, at C12, col. 1.


47. Neff, Equality at Last, Part II, SPORTS ILLUS., Mar. 21, 1988, at 70, 71.

48. At certain points, the Civil Rights Restoration Act was hung up in Congress because many feared that it would force universities that accepted federal funding to fund abortion services. U.S. Senate Votes to Remove "Abortion Rights" from Civil Rights Bill, Business Wire, Jan. 28, 1988. Section 1688 of the Civil Rights Rights Act states that Title IX is neutral with respect to abortion. 20 U.S.C. § 1688 (1989 Supp.). The vote to override the President's veto of the Civil Rights Restoration Act passed the House 292-133 and the Senate 73-24. Newswire, L.A. Times, Mar. 23, 1988, at C2, col. 4.

applicable to athletic programs at educational institutions receiving any federal funding, regardless of whether that funding reached the athletic program.

Title IX was not the only legal route the women's sports movement pursued in the 1970's. Fourteenth Amendment equal protection litigation aimed at furthering the participation of women and girls in sports secured female athletes spots on men's and boys' interscholastic sports teams at public schools where no comparable teams were offered for female athletes. These suits were useful where public educational institutions did not receive federal funds, but, as state actors, were barred from discriminatory behavior by the Fourteenth Amendment. In addition, in 1978, Melissa Ludtke, a Sports Illustrated reporter, won a lawsuit against then-Major League Baseball Commissioner Bowie Kuhn and the New York Yankees for access to Yankee Stadium locker rooms on a level equal to access given male reporters. Ludtke was successful bringing suit against the Yankees because the stadium was, in part, publicly funded, making activities there state action.

Thus, while Title IX provided female college athletes with a legal hook on which to hang allegations of sex discrimination in athletics, equal protection was the primary legal hook for high school athletes and women seeking access to governmentally owned or controlled facilities. No one expected Title IX to immediately eradicate all barriers for women in sport, but Title IX and equal protection litigation together did work a revolution of sorts in women's sports in the 1970's. Title IX meant unprecedented access, but it did not exactly kick

50. See, e.g., Brenden v. Independent School Dist., 477 F.2d 1292 (8th Cir. 1973) (holding that school district rules prohibiting girls from participating with boys in cross-country skiing, running and tennis when no teams existed for girls violate the equal protection clause); Bednar v. Nebraska School Activities Ass'n, 531 F.2d 922 (8th Cir. 1976) (upholding preliminary injunction allowing girls to participate on boys' cross-country team when no separate girls' team existed); Gilpin v. Kansas State High School Activities Ass'n, 377 F. Supp. 1233, 1243 (D. Kan. 1974) (invalidating girls' exclusion from cross-country team); Reed v. Nebraska School Activities Ass'n, 341 F. Supp. 258, 262 (D. Neb. 1972) (golf team).

51. For a discussion of the application of equal protection analysis to interscholastic athletics, see Tokarz, supra note 6, at 217; Note, supra note 6, at 1440-45; Wong & Ensor, Sex Discrimination in Athletics: A Review of Two Decades of Accomplishments and Defeats, 21 GONZAGO A. Rev. 345, 373-84 (1985). As these three articles point out, courts have analyzed equal protection sex discrimination cases differently depending on a number of factors, including the relationship between the sex of the plaintiff and the sex of the team the plaintiff seeks to join, whether or not the sport is considered a contact sport, and whether the rules for the team of one sex differ from the rules for the team of the other sex. See generally Tokarz, supra note 6, at 212, 215.

52. Ludtke v. Kuhn, 461 F. Supp. 86 (S.D.N.Y. 1978). However, this strategy has been successful only where the sporting facility was state-owned or publicly funded or activities in the facility could be tied in some other way to state action.

53. Id. For a discussion of the impact of Ludtke's lawsuit on the 1990 controversy over women reporters in male athletes' locker rooms, see infra notes 93-97 and accompanying text.
in the door for women in sport. In fact, Title IX and equal protection litigation managed barely a toehold—they primarily affected only athletes at public high schools and at colleges and universities receiving federal funds. The participation by women in scholastic sports fostered by Title IX was supposed to produce a trickle-down effect, increasing the participation of women in all aspects of sport. Or so the theory went. The trickle has been a drip. And while the drip may become a flood of women in athletics, the flood will come too late for generations of young women unless the women’s sports movement looks beyond Title IX and the equality model.

II. THE WHOLE NINE YARDS

Certainly, Title IX was not meant to be a panacea for the discrimination—both subtle and overt—that had been ossifying for three-quarters of a century in women’s athletics. But the women’s sports movement’s focus on Title IX—implementing it for a decade and then working to restore it for half a decade more—contributed to two unwelcome results. First of all, this focus proved to be too narrow: by centering primarily on colleges and universities as the institutions that received federal funds, Title IX did little to further, and in fact inhibited, the interests of women beyond participating at the college level. Second, Title IX perpetuated an “equality model” of athletics that set as

54. Karen Tokarz points out that there are:

virtually no professional opportunities for women in team sports, even on a sex-segregated basis . . . [T]here are no women athletes or coaches and almost no officials participating in America’s professional sports leagues: Major League Baseball, the National Basketball Association, the National Hockey League, the National Football League, the United States Football League, the Major Indoor Soccer League, or the North American Soccer League . . . .

. . . .

The sports-minded male drafters of Title VII even envisioned a possible bona fide occupational qualification for professional ball players to be male.

Tokarz, supra note 6, at 234-35.


In 1988, the only woman to umpire in the minor leagues, Pam Postema, almost reached the majors. Garrity, Waiting for the call, SPORTS ILLUS., Mar. 14, 1988, at 26. In 1989, however, Postema was released from her duties as a Triple-A minor league umpire. Most umpires have three years to make the jump from Triple-A to the Major Leagues. Postema, who umpired Triple-A games for seven years, was bitter about her lost opportunity: “[I]f I didn’t make it, I don’t see how any woman can.” Goodbye to a Pioneer, SPORTS ILLUS., Dec. 25, 1989, at 24.

In 1989, however, Betty Speziale, a payroll clerk from New York, was selected to be the first woman to umpire in the Little League World Series. Umpspeak, TIME, July 17, 1989, at 79.
Because implementation of Title IX’s prohibition against sex discrimination focused on facilities and funds available to women athletes, universities complied by trying to make their women’s programs equal to their men’s programs. Men’s collegiate athletic programs set the standards; women’s athletic programs sought to emulate them. Little time was spent deciding whether the men’s programs should set the standard.

While benefitting women college athletes, Title IX actually contributed to a reduction in the number of women in collegiate coaching and athletic administration. Although women’s participation in athletics had risen steadily since 1972, a 1986 study by Brooklyn College professors Vivian Acosta and Linda Carpenter found that the number of women coaches at the college level had dropped nearly forty percent. In 1972, ninety percent of coaches in women’s intercollegiate athletics were women; by 1986, that number had dropped to fifty percent. In addition, positions coaching men’s athletic teams were almost never available to women. Bernadette Locke, a former University of Georgia all-American, became the first woman coach in men’s Division I college basketball in the summer of 1990 when Rick Pitino, head coach at the University of Kentucky, named her to his staff. The drop in the number of women’s college administrators of athletic programs has been even more dramatic than the drop in the number of women coaches: from more than

55. Catharine MacKinnon describes three separate equality models. C. MACKINNON, FEMINISM UNMODIFIED (1987). The first, the sameness approach, defines equality for women as being the same as men. The sameness approach is meant to be gender-neutral and provide a single standard, the male standard. Id. at 33-37. The second, the difference approach, defines equality as legal recognition of differences between men and women. The aim of the difference approach is to compensate and value women for what they possess that men do not possess. Id. at 33. The third approach, preferred by MacKinnon, is the dominance approach. The dominance approach portrays equality as a fiction created by the sameness/difference approaches. Instead, the dominance approach posits that the relationship between men and women is one of the power exercised by men on the basis of sexual inequality. According to this approach, the sameness approach merely allows some women to exploit other women based on their ability to exercise the kind of power that men as a class have exercised. Id. at 14-15, 40-43.

In this article, I use the sameness approach to the equality model to describe the way that Title IX and equal protection litigation have functioned in the women’s sports movement. Title IX and equal protection recognize one standard of excellence in athletics—what men are or have been doing. See id. at 35. For additional discussion about the various uses of the term “equality model” in feminist jurisprudence, see Littleton, supra note 12.

56. R. Acosta & L. Carpenter, supra note 2.

57. Id. This drop occurred even though the average number of women’s sports offered at four-year colleges and universities increased from 5.61 per school in 1977 to 6.48 in 1980 and 7.15 in 1986 at NCAA member schools. Id.

58. See, e.g., Potera & Kort, Are Women Coaches an Endangered Species?, WOMEN’S SPORTS & FITNESS, Sept. 1986, at 34, 35.

59. Reed, Here’s How It’s Done Guys, SPORTS ILLUS., June 25, 1990, at 12.
90 percent in 1972 to 20 percent in 1980 and 15.21 percent in 1986.60

Most Title IX supporters anticipated that the increase in women athletes would produce a long-term increase in women coaches and administrators. Title IX, however, made coaching and administering women's athletics more attractive to men, whose traditional advantage in participating in sports translated into a hiring advantage for coaching positions.61 In addition, when the NCAA took over the governance of women's collegiate athletics, most of the theretofore separately administered women's collegiate athletic programs were merged with the men's,62 and the female athletic director became the male athletic director's assistant.63 Moreover, Title IX did little to help women advance in the officiation and administration of men's professional athletics.64

Title IX's narrow focus also created a two-tier structure among women athletes. The real women athletes, those good enough to participate at the college level, gained at least a measure of legitimacy. Recreational athletes, women who participated outside the sphere of competitive college play, gained almost nothing.65 Title IX focused only on the competitive athlete. It made funding and facilities available for colleges and universities, not for playgrounds and community centers.

In addition to focusing on increased opportunities in athletics by only the elite women athletes, Title IX and the equality model of sport have abandoned the definition of sport to men's athletics. Equality in the Title IX context means equality with men's athletics. Those women who could begin to be compared

60. Acosta & Carpenter, supra note 2.
61. See Olson, supra note 30 ("It's very easy in looking for qualifications to stack the deck so you hire men even when they aren't the best people," said Margaret Dunkle, director of the Equality Center in Washington. "[Employers] ask, 'Did you play high school and college sports, did you participate on the Olympic team?' Those programs are available to more boys and young men than to girls and young women. If you make that a credential, you're going to exclude a lot of women who could do the job very well.").
63. Olson, supra note 30.
64. Tokarz reports that in 1986, there were no women executives or officials in any of the four major professional sports associations in the United States. Tokarz, supra note 6, at 234-35.
65. See Addelson, Equality and Competition: Can Sports Make a Woman of a Girl?, in WOMEN, PHILOSOPHY AND SPORT, supra note 34, at 133, 134. Addelson writes:

The focus is on "career athletes"—people of considerable ability who are interested in making a major commitment to sport. Through competition, they receive a lion's share of the athletic resources.

Id. at 134.
to their male peers were athletes, all the rest were pretenders.\textsuperscript{66} Moreover, as Littleton argues, equality limited by this male standard "has operated to keep most women 'out and down' even as it allows some women a few steps beyond the gate."\textsuperscript{67}

Beyond its narrow focus and adoption of the equality model of sport, Title IX—and the women's sports movement's twenty year struggle with it—simply could not begin to reach other obstacles facing women in athletics. Primarily, Title IX did not and could not address three major problems confronting the women's sports movement: (1) the persistent stereotype that women athletes are not normal; (2) the gap between the women's sports movement and the general women's movement; and (3) the diverse needs and problems confronting different portions of the women's sports movement.

A. Women Aren't Athletes—Women Athletes Aren't Women

Of all of these problems, that of overcoming negative stereotypes is perhaps the most intractable because of the strong influence sport has as a socializing agent in American society\textsuperscript{68} and the alarming ease with which deprecating views of women athletes are enunciated and widely broadcast.\textsuperscript{69} Women athletes face old-fashioned, offensive—yet remarkably durable—stereotypes about their gender and their place—or lack thereof—in the world of sport. Many of these stereotypes of women and athletics are based upon "expert" opinions by psychologists, sociologists, philosophers and physical educators purporting to show the proper sex roles for males and females: "We must clearly identify the characteristics of childhood and adulthood which the

\textsuperscript{66} For a similar analysis, see Littleton, supra note 12, at 1058 ("Similarly, in the field of athletics, the usual form of analysis under equal protection or Title IX guarantees is to determine whether the female applicant to the male team is like the guys. If so, then of course, it would be irrational to exclude her.").

\textsuperscript{67} Id. at 1051.

\textsuperscript{68} George Sage writes in the foreword for an anthology on sports in American society:

\begin{quote}
Sport is such a pervasive activity in contemporary America that to ignore it is to overlook one of the most significant aspects of this society. It is a social phenomenon which extends into education, politics, economics, art, the mass media, and even international diplomatic relations. Involvement in sport, either as a participant or in more indirect ways, is almost considered a public duty by many Americans.
\end{quote}


\textsuperscript{69} Shortly before the 1989 Wimbledon tennis championships began, defending men's champion Stefan Edberg told a British women's magazine that women's tennis is a boring game and that women players do not have to work very hard and do not deserve the money they make—all in comparison with men's tennis. See Navratilova Deflects Potshots by Edberg, Wash. Post, June 19, 1989, at C2, col. 1.
American society values as being masculine or feminine... We must teach our children... through successful participation in games and activities appropriate for proper sex-role identification.\(^70\)

Other stereotypes come from educational materials designed to teach children to read. A well-known 1972 study of the content of the "Dick and Jane" reader series showed that

in the text illustrations, boys were almost without exception taller, participated in athletics while girls watched, and acted independently while girls did not.

In content analysis it was found that girls were allowed to compete only half as much as boys, but that boys nearly always won... If a girl did win, it was by accident or fluke or because a boy taught her originally. Boys were in positions of power, and to get praise a girl had to play better than a boy. In one instance a girl got on a baseball team, only to be ridiculed by the other team with jests at the team's assumed inferiority since they had a girl as pitcher.\(^71\)

Still other stereotypes are simply manifestations of everyday male and female attitudes about who is knowledgeable about and able to participate in sports. In Texas recently, ten-year-old goalie Natasha Dennis was playing so well in her twelve-and-under girls' soccer league that two fathers of players on an opposing team asked that she go into the ladies' restroom so that an impartial observer could check her sex.\(^72\)

The stereotypes that limit women's roles in sport and that define "woman" out of "woman athlete" often have pressed women to choose between being women and being athletes.\(^73\) In the 1950's and early 1960's, women interested in athletics solved this conflict by competing for a short period of time in a

\(^{70}\) Werner, The Role of Physical Education in Gender Identification, PHYSICAL EDUCATOR, Mar. 1972, at 28. Seven months later, the same professional journal ran an article which stated: "It is imperative that the masculine concepts of certain sports be retained... Male children, both present and future, cannot afford to be deprived of yet another factor which influences masculine orientation." Fisher, Sports as an Agent of Masculine Orientation, PHYSICAL EDUCATOR, Oct. 1972, at 120, 122.

\(^{71}\) Geadelmann, Sex Role Stereotyping, in EQUALITY FOR WOMEN IN SPORT, supra note 3, at 89, citing Women on Words and Images, Dick and Jane as Victims: Sex Stereotypes in Children's Readers (1972).

\(^{72}\) Associated Press, Girl Goalie's Gender Called into Question, Seattle Post-Intelligence, Oct. 20, 1990, at D1, col. 3. The league suspended four parents following the incident, including the two fathers, Natasha's mother and the mother of one of Natasha's teammates. Natasha told the Associated Press reporter that she permed her hair so she would look more like a girl. Id.

\(^{73}\) See Miller Lite Report, supra note 30, at ii.
Title IX

respective sport for women, such as ice-skating, tennis or golf, and then putting sport aside to get married and have families.  

In the 1970's and 1980's, women who participated in high-level competitive athletics often went to extremes to prove that they were indeed feminine—wearing frilly costumes and noticeable amounts of make-up and flaunting their heterosexual relationships.  

Sportswriter Janice Kaplan reports, for example, that the first time she met Chris Evert, Evert asked her what she thought of Evert's nail polish.  When umpire Pam Postema, who in 1988 was considered for a position in the Major Leagues, was released as a Triple-A minor league umpire a year later, sportswriter George Vecsey of the New York Times wrote that women who want to be umpires are "trapped in a Catch-22 situation: almost by definition, umpires must be forceful . . . . Most men at least give an appearance of swagger, lest the world walk all over them. Many women have traditionally appeared more considerate than men ("nurturing" is the word often used)."

The struggle to maintain standards of femininity is exacerbated for women who participate in sports such as basketball, where the uniforms display none of the frill of a tennis skirt and in which the style of play involves body contact with other players. Kaplan states that Americans insist that their female sports heroines be dainty and graceful as well as athletic:

at the 1976 Winter Olympics many people thought that speed skater Sheila Young would emerge as the full-blown media star. She won more medals than Dorothy Hamill, but ultimately, Sheila was like the winning car at the Indy 500—a vehicle to be admired, not loved. Wearing a dark blue uniform which covered every inch of flesh, Sheila depended solely on strength and skill for her victories, not sensuality. Americans have trouble with female athletes who are invulnerable, too competent, too unneeding of affection.

It is little wonder, then, that among the best-known women's basketball players are Cheryl Miller and Jennifer Azzi, both of whom are considered very

---

74. Hall, Women, Sport, and Feminism: Some Canadian and Australian Comparisons, in REPORT ON THE CONFERENCE ON WOMEN IN SPORT, supra note 31, at 14. The Edmonton Grads, a Canadian team that dominated women's basketball, such as it was, from 1915-1940, required a player to resign as soon as she married. W. MOKRAY, supra note 23, at 1-17.
75. H. LENSKYI, supra note 17, at 103.
76. J. KAPLAN, WOMEN AND SPORTS ix (1979).
78. J. KAPLAN, supra note 76, at 55.
attractive women. Miller parlayed her success on the basketball court into a sports commentating job with ABC, and one New York-based agent estimates that Azzi’s looks, talent and skills in dealing with the media may make her the first woman basketball player to land major endorsement deals both overseas and in the United States. In addition, the Ladies Professional Golf Association employs an image and fashion consultant who travels on the tour for five months a year to make sure the players look good for the television camera. The emphasis on physical beauty over athletic talent makes perhaps the biggest difference in the endorsement department where sports figures add extra cash to their earnings.

As the 1990’s begin, society continues to demand that women athletes prove their femininity. In April, Steffi Graf, the world’s top-ranked woman tennis player, posed for Vogue magazine wearing a short black dress and heels and leaning toward the camera to reveal what Sports Illustrated delicately termed as her decolletage. Graf told the reporter that she had received more congratulations for the photo than she—the first person to do so in two decades—had for winning the tennis Grand Slam in 1988.

The emphasis in sport on women’s traditional feminine characteristics—such as beauty—rather than their athletic skills is perpetuated by the media. A 1988 Sports Illustrated article about Gabriela Sabatini emphasized

Skill has its place in skating, but ultimately image is everything. Possibly the first American skating star with a non-WASP name, Linda Fratianne captured her first national championship in 1977 with a performance so exciting that when the lights dimmed because of a power shortage, the word went around that this bright young skater had blown the fuses. Four weeks later she captured the world figure-skating title. Her coach, Frank Carroll, told me shortly afterward that Linda was an all-around superb skater with technical expertise, incredible tricks (including triple jumps), and balletic fluidity. But he was worried. “She needs to improve the performance value of her program,” he said. “I want her to give more to the audience.” During the next year, Linda worked with a drama coach on how to love an audience and offer kisses, gestures, and smiles. Carroll began picking Linda’s clothes and teaching her how to talk to reporters and fans. But although Carroll helped Linda become a champion, she couldn’t quite make her a star, and the next year she finished second in the world championships. Athletic excellence wasn’t enough.
her continued improvement as a tennis player only as an aid to her vast marketing potential based on her dark, Latin good looks.85 Sports Illustrated, generally considered to be the nation’s premier sports magazine, also publishes an annual swimsuit issue, featuring several models in revealing bathing suits. Unsurprisingly, none of the models is a competitive swimmer. The swimsuit issue is Sports Illustrated’s biggest seller,86 and has spawned imitations by two of its chief rivals, Inside Sports and Sport magazine. Home Box Office also produced a documentary in 1989 for the swimsuit issue’s twenty-fifth anniversary.

On the other hand, in order for women athletes to make the cover of Sports Illustrated, they have to perform extraordinary athletic feats. In 1988, for example, only four women sports figures were featured on five Sports Illustrated covers. Among the four, they had won five Olympic gold medals and tennis’ Grand Slam.87

At other times, the sports media simply leave women out altogether, reinforcing the notion that the sports world is a men’s world. Lyn LeMaire introduced her 1978 article on women and athletics with a random sample of the Boston Globe sports section. It contained one small item on women’s sports, buried on the back page.88 In a 1989 editorial-style piece for Sports Illustrated, senior writer Frank DeFord decried the absence of sports references from the Dictionary of Cultural Literacy, a 1988, self-proclaimed volume about what Americans ought to know.89 In his own listing of 121 sports items of

---

85. Newman, Talk About Net Gains, SPORTS ILLUSTRATED, May 2, 1988, at 52, 60 (“When a West German company releases her signature scent next year, Sabatini will become, as far as anyone can determine, the first female athlete in history to have a line of perfume named after her. ‘If she should win a Grand Slam event in the next two years, I don’t know how high is up,’ says [agent Donald] Dell. ‘She’s one of those rare athletes who have the potential to transcend her sport.’”).

86. Margolis, SI’s Swimsuit Issue Exposes Motives, Too, Chicago Tribune, Feb. 15, 1989, at C1, col. 3 (“At the Sports Illustrated offices in New York, a spokesperson who identified herself only as Margo said that the special swimsuit issue was expected to sell 5 million copies, about 2 million more than a standard weekly edition.”).


88. LeMaire, supra note 7, at 121-22.

89. DeFord, Of Billie Jean and 73-0, SPORTS ILLUSTRATED, Feb. 6, 1989, at 70.
“lasting significance,” only three women are listed—track and field star/golfer Babe Didrickson Zaharias, figure skater Sonja Henie and tennis great Billie Jean King.\textsuperscript{90} Eighty-seven terms in DeFord’s list referred either to male athletes, exclusively male sports or events from men’s athletics.\textsuperscript{91} The rest, including terms such as “the 1936 Olympics” and “student-athlete” could not be specifically linked with either men’s or women’s sports.\textsuperscript{92}

The stereotypes about the relationship between women and athletics pervade not only the substance of media coverage of women’s athletics but also the process of women reporters covering athletics. Sportswriters assumed women had gained equal footing with male writers in 1977 when Melissa Ludtke prevailed in the lawsuit that allowed her to step into Yankee Stadium’s locker rooms.\textsuperscript{93} Women reporters quickly learned, however, that access and acceptance are two different things. The harassment of Boston Herald reporter Lisa Olson in the New England Patriots’ locker room,\textsuperscript{94} and Cincinnati Bengals coach Sam Wyche’s refusal to permit a female USA Today reporter into his team’s locker room following his team’s loss in Seattle\textsuperscript{95} within a

\textsuperscript{90.} Id.

\textsuperscript{91.} Id. Male athletics-identified terms in DeFord’s list include “home plate,” “Say it Ain’t So, Joe” (a reference to Chicago White Sox outfielder Shoeless Joe Jackson), “the Long Count” (referring to the heavyweight title bout between Jack Dempsey and Gene Tunney) and Knute Rockne.

\textsuperscript{92.} Id. Of course, not all members of the sports media or representations of women athletes in the media conform to stereotypes. Mike Downey, columnist for the Los Angeles Times, has been a notable proponent of women’s athletics. See, e.g., Downey, \textit{Now, About That Women’s Movement…}, L.A. Times, Nov. 5, 1989, at C4, col. 1.

\textsuperscript{93.} See supra notes 52-53 and accompanying text.

\textsuperscript{94.} See, e.g., Dvorchak, \textit{Women Scribes Still Fighting for Access 12 Years After Winning It}, Seattle Post-Intelligence, Oct. 3, 1990, at D1, col. 2. Olson, who was in the locker room interviewing a defensive player following a practice, was surrounded by five naked New England players who exposed their genitals only inches from her face. The five taunted her and dared her to touch their genitals, stating that that’s what she’d come in the locker room to do. Patriots owner Victor Kiam initially attempted to dismiss the incident, stating that newspapers that send women reporters into locker rooms ought to expect trouble. Kiam also reportedly called Olson a “classic bitch.” See Lupica, \textit{Pats’ Kiam Embarrasses Himself as an Owner, a Man, and a Father}, The National, Sept. 27, 1990, at 2. Scott Ostler, columnist for the National, a daily sports journal, pointed out that had the players objected to the reporter because the reporter was African-American or Jewish, the players and owner Victor Kiam would have been treated like former Los Angeles Dodgers executive Al Campanis or CBS commentator Andy Rooney. Ostler, \textit{Patriots Should Be a Rank No. 1 in Locker Room Harass Poll}, The National, Sept. 26, 1990, at 2.

\textsuperscript{95.} Wyche Pays for Ban on Female Reporter, Seattle Post-Intelligence, Oct. 6, 1990, at A1, col. 2. National Football League Commissioner Paul Tagliabue fined Wyche $30,000 for violating the league’s policy of permitting equal access to women reporters. Id. However, the most upsetting aspect of the Wyche incident was the trivialization of the incident by team owner Paul Brown and his son, team assistant general manager Mike Brown. The younger Brown said that “other coaches break a heck of a lot more important rules than that one.” Farrey, \textit{Wyche’s Act No Big Deal to Bengals}, Seattle Post-Intelligence, Oct. 7, 1990, at C12, col. 3.
two-week period in the fall of 1990 are the latest and most visible reminders that women sportswriters still face discrimination. Perhaps the best lesson women reporters can learn from the fall of 1990 is that their acceptance in the locker room is closely related to women's acceptance in all athletic arenas. Furthermore, these women should utilize their positions as members of the media to paint positive pictures of women athletes.

B. One Women's Movement—Realigning the Women's Sports Movement and the Women's Movement

Although old-fashioned, debilitating stereotypes also plague women in arenas other than athletics, the women's movement and the women's sports movement often have operated as if the other doesn't exist. Title IX's passage and the ensuing litigation it produced naturally captured the attention of women lawyers, but few others have felt that burning bras and sports bras or power lunches and power lifting have anything in common. Quite simply, Title IX, with its energies focused on violations at individual institutions, has been unable to forge a coalition between the women's sports movement and the general women's movement. Women outside sport have been slow to recognize that there are women inside sport. For example Bill Byrne, a sports entrepreneur who has made several attempts to start a U.S. professional women's basketball league over the last decade, said that one of the major problems he has incurred in enlisting financial support is the reluctance of women corporate executives to support women's athletics.


97. Some women's groups outside of the women's sports movement responded positively to the Olson incident. When Kiam, also head of Remington products, backed his players, the National Organization of Women called for a nationwide boycott of Remington. Dvorchak, supra note 94.

98. The National Women's Law Center in Washington, D.C., handled a significant amount of the litigation for the plaintiffs in Haffer v. Temple University, 688 F.2d 14 (3d Cir. 1982). See Springer, supra note 45, at C12, col. 1. For a discussion of Haffer, see supra note 45.

99. See, e.g., Waters & Huck, Networking Women, NEWSWEEK, Mar. 13, 1989, at 48. Waters and Huck were addressing the rise of women to executive positions with network television programs and reported the following:

"Heartbeat" creator Sara Davidson, an acclaimed novelist ("Loose Change") contends that disproportionate male power behind the cameras distorts TV's portrayals of her gender. "You still get men's fantasies of the way women talk and relate," she complains. "The only place I see women playing poker or talking in sports analogies is on television. It just isn't realistic."

Id. at 54.

100. Telephone interview with Bill Byrne (Apr. 17, 1990) (transcript on file with the Journal of
According to Canadian women's sports activist Ann Hall,

Often I ask myself why it is that when reading about women's experience, one never learns anything about sport and when reading about sport, one rarely learns anything about women.

With the former, women's experience is often quite different from men's experience and for many women there is no experience of sport. On the other hand, most girls and women do experience sport in some form or other but [it] is as if the commentators on women's experience have forgotten that entirely. 101

Unfortunately, most women experience sport from the sidelines either as cheerleaders or as silent spectators rather than as participants. It is this common bond of omission, this common assumption of nonparticipation that allows many in the general women's movement, in defining women's experience, to forget that some women have participated.

Nonalignment between the general women's movement and the women's sports movement may be particularly problematic in the 1990's as both groups face gender gaps between women who fought for access to traditionally male pursuits and younger women who have reaped the benefits of the older women's fight and feel that whatever battle existed has been won. 102 In a Time magazine report on the generation of Americans now in their late teens and early twenties, a nineteen-year-old Denver woman studying music and business said of women her age: "It's not that we don't consider feminism important; it's just that we don't see the inequality as much right now." 103

A 1985 Report on Women in Sport, sponsored by Miller Lite, found that women age twenty-five and under tend to be much more likely to have

1 Law and Feminism).

101. Hall, supra note 74, at 1. Adds Nancy Theberge,

Among feminist activists there has been a similar tendency to downplay the relevance of sport to the women's movement. The clearest evidence of this is that the political agenda of women's organizations rarely are concerned with sport and physical activity . . .

Because of the history of sexism in sport, many women have had little opportunity to experience the pleasure and benefits of physical activity . . . The fact that sport has not been personally rewarding for many women no doubt contributes to their lack of interest in sport as a feminist issue.

Theberge, Sport and Feminism in North America, in WOMEN IN SPORT, supra note 19, at 46-47.


participated in organized sport than older women. Unfortunately, however, it is the older women who are also much more likely to identify themselves as feminists. Younger women often fail to realize that those who succeed in formerly all-male bastions such as sports or law firms are still the exception rather than the rule. It may be that younger women have embraced the dominant individualist ideology and do not identify as part of a network of women, where the success of one depends upon the success of others. Rather, they see their own success as an indication that anyone who works hard enough can succeed. They may view themselves as the rule rather than the exception. However, recent studies indicate that in the world of women's athletics, not only do very few succeed, very few even continue to try. A USA Today/NBC poll found that fifty-two percent of girls ten to thirteen play unorganized sports at least twice a week, but only twenty-seven percent of girls fourteen to seventeen do.

C. Time for the Needs of Women of Color and Lesbians

Perhaps most importantly, Title IX has done little to address the diverse needs and problems of groups within the women's sports movement, including those of women of color and lesbians. If it does not address the needs of all its members, the women's sports movement is a movement without a sense of itself. Despite the visibility of such athletes as heptathlete Jackie Joyner-Kersee, sprinter Florence Griffith Joyner, figure skater Debi Thomas, basketball player Cheryl Miller and tennis player Zina Garrison, the African-American woman has been largely absent from sport in two ways. First, African-American women are an overwhelmingly small proportion of those participating in collegiate sports. Second, when they do participate, African-American women are usually typecast into only a handful of sports.

In 1985, Margaret Dunkle of the Equality Center in Washington, D.C., pointed out that women of color are less likely to participate in intercollegiate or high school athletics than either men of color or white women. A 1982 study by a Johns Hopkins University researcher showed that "athlete" was the last choice as a childhood role model among African-American women but one

105. Id. at 19. The study also noted that very strong feminism identification increases incrementally with increase in the education level of the individual woman. Id.
106. Littleton, supra note 12, at 1051.
107. Becker, supra note 81 at C1, col.3.
of the top two choices among African-American men.\textsuperscript{109} At a 1990 Congressional Black Caucus conference on African Americans in sports, Jackie Joyner-Kersee and ESPN sportscaster Robin Roberts also attributed the paucity of African-American women in sports to an absence of role models. “We need more women who can set the path,” said Joyner-Kersee.\textsuperscript{110}

The absence of African-American women at the high school and college level can be attributed to the lack of opportunities for African-American women at the professional level.\textsuperscript{111} Other researchers have attributed this near absence of African-American women athletes, particularly at the high school and college level, to the “burden of the black woman’s work both inside and outside the home. . . . [H]ouse chores, family caretaking, and family income supplementing jobs keep many black girls from honing play skills as do black boys.”\textsuperscript{112}

In addition, a 1989 Women’s Sports Foundation (WSF) report on people of color in sport found that, alone among gender and ethnic/racial subgroups, urban African-American female athletes found problems entering the work force after high school.\textsuperscript{113} The WSF concluded that young African-American women who add athletics to the demands made on them in school and at home—demands that are not made as strongly on those in other gender and racial/ethnic subgroups—simply do not have enough time to develop skills and strategies that make it easier for them to obtain employment after finishing high

\footnotesize{109. Id.}

\footnotesize{110. Pitfalls of Pro Sports Block Black Athletes, USA Today, Sept. 28, 1990, at C2, col. 3.}

\footnotesize{111. Harry Edwards, a sociologist at the University of California-Berkeley, has for several years been at the forefront of addressing racism within American sport. He points out that the African-American male’s view of sport as a get-rich-quick scheme has not been productive for African Americans. He says that too many young African Americans have devoted their energies to athletics exclusively and have not developed other skills that will help them either when they fail to attain professional careers, as the overwhelming majority of them will, or when they finish their professional careers.}

\footnotesize{What has not been thoroughly understood in Black America is that for all these reasons the overwhelming majority of Black youths seeking sports stardom are foredoomed to be shuttled back into the Black community as noncontributors, undercontributors, and all too often as “mal-contributors” lacking access to any legitimate means of sustaining themselves or their self-respect.}

\footnotesize{Edwards, Race in Contemporary American Sports, in S. EITZEN, supra note 7, at 307, 313.}

\footnotesize{112. BLACK WOMEN IN SPORT 4 (T. Green, C. Ogleby, A. Alexander & N. Franke eds. 1981) (citing Hughley, The Effects of Society on the Black Female’s Participation in Sport (1976) (unpublished paper, Black Women in Sport Conference, Temple University)). In addition to the paucity of African-American women in all levels of athletics, in the last decade, there has been a paucity of research on the subject. Dunkle said that she had seen no new data in the last half decade. Interview with Margaret Dunkle (Aug. 1, 1989) (transcript on file with The Journal of Law and Feminism).}

\footnotesize{113. THE WOMEN’S SPORTS FOUNDATION, THE WSF REPORT: MINORITIES IN SPORTS 15 (1989) [hereinafter WSF MINORITIES REPORT].}
Moreover, the members of the African-American community who have called attention to racism in sports have not focused on gender. Harry Edwards, a sociologist at the University of California-Berkeley who has been very active in calling for the integration of African Americans at the administrative and coaching level of professional athletics, generally fails to address the possibility of African-American women in those positions. In the WSF report, the frustration experienced by African-American female athletes was in stark contrast to Hispanic female athletes' success. Of all racial and gender subgroups, young Hispanic women benefitted most from participation in athletics. The differences between the experiences of young African-American and Hispanic female athletes suggest, unsurprisingly, that women from different racial and ethnic groups also have different needs. The women's sports movement must become as diverse as the society in which it exists and attempt to meet the needs of all its participants.

Among women athletes of color, African-American women who have overcome the barriers to entering athletics next face the barrier of being typecast into only a handful of sports. African-American women have been typecast into sports in which the myth that African-Americans have naturally superior speed and jumping skills stands to become self-fulfilling—track and basketball. As the editors of Black Women in Sport point out,

---

114. Id. The Women's Sports Foundation study concluded that, in general, high school sports exerted a positive influence on athletes while they were in high school. Specifically, the study found that "sport involvement can be more accurately understood as a means to social and academic ends during high school rather than a guarantee for upward mobility after high school." Id.

115. Edwards, supra note 111.

Ocania Chalk chose not to discuss the African-American female athlete, stating that "[a]ny effort possibly would have been presumptuous, and certainly would have been inadequate. . . . The writer awaits a definitive treatment on the accomplishments of black women in sports." O. CHALK, BLACK COLLEGE SPORT, foreword (1976). Arthur Ashe, however, did address the significant "firsts" of African-American women such as Debi Thomas, who was the first African-American figure skater to win a senior division singles world championship and the first to win an Olympic medal. 3 A. ASHE, A HARD ROAD TO GLORY: A HISTORY OF THE AFRICAN-AMERICAN ATHLETE 224 (1988). The WSF Report: Minorities in Sports also recommended that:

[1] The current debate and research focus on the black male athlete should be expanded to include women and other racial and ethnic groups [2] the relationship between athletic participation and the career patterns of urban black females should be investigated [3] Researchers should gather more data regarding . . . minority athletes' attitudes and perceptions of themselves, their high school experience, and the world in which they live, and how those perceptions mold their future plans.

WSF MINORITIES REPORT, supra note 113, at 21.

Black women, whether students, teachers, coaches or administrators, have consistently reported... that they feel stereotyped and perceived as either runners or basketball players. The effects of such perceptions may reduce the probability that coaches in other sports look to the black community for new recruits; ... they may reduce the probability that a successful black tennis coach will be noticed in her high school position and hired by the local college.117

The real reasons behind the concentration of African-American women athletes in track and basketball, suggest these editors, are the inexpensiveness of acquiring skills in these sports and the public access to facilities where these sports can be played.118 Zina Garrison, one of the top-ranked players in women's professional tennis, is as much of an oddity in her sport for having honed her strokes on public courts rather than at expensive private tennis clubs or instructional camps as she is for being an African-American woman.

Within professional tennis ranks, stereotypes about who watches tennis and about contemporary standards of beauty have limited Garrison's off-court earning potential from endorsements. In 1987, while firmly entrenched in the world's top ten women tennis players, Garrison did not have a major shoe or clothing endorsement contract.119 Thus, the poor treatment of women of color in sports other than track and basketball may provide additional deterrents to young women athletes of color. Off the track and away from the basketball court, these athletes lack the support—both financial and emotional—that makes the track and the basketball court safe havens.120

Women of color are not the only portion of the women's sports movement whose particular problems and needs the Title IX era has not addressed. A further step in these stereotypes that say women cannot be athletes, athletes cannot be women, is that women athletes must be lesbians.121 In fact, it is

117. BLACK WOMEN IN SPORT, supra note 112, at 9.
118. Id. See also Arthur Ashe's discussion of the difficulties encountered by African-American women athletes in fencing, figure skating and other Olympic sports. A. ASHE, supra note 115, at 210-46.
120. There is some indication that African-American women's presence is being felt in greater numbers at the lower levels of competitive tennis. See Williams, Is Tennis Doing the Right Thing for Blacks?, TENNIS, Nov. 1990, at 46.
121. See, e.g., H. LENSKYI, supra note 17, at 95.
this homophobia that goes hand-in-hand with much of the sexism that has barred women from athletics. Stereotypes of lesbians and stereotypes of women athletes are practically identical. Both groups of women are described as masculine, or at least as rejecting traditional standards of femininity.

The problem that the women's sports movement faces in addressing the needs of its lesbian members is twofold. First, the women's sports movement must fight the pejorative use of the lesbian label to denigrate women's athletics and to denigrate lesbians. Second, the women's sports movement must celebrate the contributions, presence and abilities of lesbian athletes as the initial step in that fight.

The pejorative use of the lesbian label has been used to silence lesbian athletes. In an anonymously authored article in a collection of essays about the lives of older lesbians, one former athlete who rose to prominence in the 1940's wrote that she was to learn, through a brutal series of lessons, what our society deemed was wrong with being a lesbian, or more accurately, how society exploited the label "lesbian" to brand any woman who engaged in activities threatening to men.122

Heterosexual women athletes often have failed to understand the homophobia and the pejorative use of the lesbian stereotype. At times, they have even fueled the homophobia by attempting to distance themselves from the stereotype and to embrace traditional feminine standards. The Ladies Professional Golf Association (LPGA) has been among the most defensive in women's athletics about the lesbian stereotype, mostly for what its executives identify as marketing reasons.123 Promoters of women's professional golf often have tried to put the sport's most physically attractive players at the forefront of the game. In 1989, the tour's official magazine, Fairways, featured a picture of some of the game's top players in bikinis on a golf course in Hawaii.124 Nancy Lopez' marriages, first to sportscaster Tim Melton and then to baseball player Ray Knight, have been widely reported and followed in the

123. Diaz, Find the golf here?: After 39 years, the women's golf tour is still struggling to find an image that will sell, SPORTS ILLUS., Feb. 13, 1989, at 58.
124. Id. at 58-59. Ray Volpe, LPGA commissioner in the late 1970's and early 1980's, was most adept at promoting physically attractive women players, including Laura Baugh and Jan Stephenson. Id. at 63.
media. A recent *Sports Illustrated* article on the LPGA focused on the baby boom among players who increasingly are taking their young children with them to tour events.

In more physically demanding sports such as basketball, women are also pressed to adopt the trappings of a heterosexual lifestyle. Those who are able to do so are role models. Whispers about the lesbian lifestyle follow those who are not feminine, or who are not married or involved with a man. Chris Gobrecht, women's basketball coach at the University of Washington, is touted as a role model because she has been able to combine her career in athletics with a successful marriage and motherhood.

While it is undoubtedly difficult to raise a family on the LPGA tour or to be a mother and a head coach of a major women's college basketball team, lesbian athletes have an even more difficult time combining their personal lives with their athletic careers. The exclusive focus on women athletes' and coaches' family lives reinforces the pejorative lesbian label. The situation involves something of a catch-22. The women's sports movement should develop supportive atmospheres both for women athletes with families and for lesbians; moreover, the two need not be mutually exclusive. But the singular focus on women athletes with families says, in effect, women athletes or coaches who aren't married and don't have children are abnormal. The abnormality in this context is lesbianism. The women's sports movement should not condone such a message.

With the exception of Martina Navratilova, there are few openly "out" lesbians in professional sports. Navratilova's security is in part a product of her status at the top of women's tennis for more than a decade. But even Navratilova is not free from attacks on her sexual orientation. Shortly after Navratilova won her record ninth Wimbledon singles title in July 1990, former Grand Slam winner Margaret Court said that Navratilova is a bad role model because she is a lesbian, claiming that some players do not even go to tournament locker rooms because older players may try to recruit younger players to the lesbian lifestyle.

Court's comments did not go unchallenged. *Sports Illustrated* reported that many fans at the U.S. Open in September of 1990 wore pins that said, "Martina is my role model." Also,
some women tennis players and tennis reporters came to Navratilova's defense. It was, however, defense of Navratilova as a hard-working tennis player, not defense of Navratilova as a lesbian. In *Tennis* magazine, assistant editor Cindy Hahn pointed out that the pejorative lesbian stereo-type was used by people who could not accept women as athletes, but she also wrote:

Navratilova's lifestyle may not be all right with you. But you'd be hard-pressed to find a woman who is a better model of determination, strength of character and success. That's what Navratilova's all about. And when the match points have all been played, that's what women's tennis is all about, too.\(^\text{130}\)

Hahn, and others associated with women's tennis, passed up an opportunity to say that Navratilova as a lesbian has made positive contributions. Instead, they separated her identity as a sexual being from her identity as a player. As heterosexual women athletes who sometimes have attributed their success partially to supportive intimate relationships must understand, no such separation is possible.

Writes one lesbian athlete:

I concluded there has been only one major change in the lives of lesbian athletes: They have come out to each other en masse . . . . Today lesbian athletes enjoy strong and empathetic support groups. I do not know how we survived without them, almost half a century ago. I do not understand how we coped with the trauma of the rumors, the pursuits of married groupies, the male inquisitions, our crippling existences in our labyrinthian closets, and the trauma of competing against our lovers—without support groups. Indeed, it was remarkable we could exist as lovers at all in the explosive environment.

Tragically, except for the heightened willingness to come out to one's peers, the environment for the lesbian today is very little changed.\(^\text{131}\)

To the extent "lesbian" is a term attached to women athletes to denigrate

---

\(^{130}\) Hahn, *Court and the Enquirer: Much Ado About Nothing*, *Tennis*, Oct. 1990, at 16. The headline itself, although probably not written by Ms. Hahn, is indicative of the reluctance to acknowledge the positive contributions of women athletes.

\(^{131}\) Anonymous, *supra* note 122, at 67-68.
their abilities and to allow male athletes to assert women’s athletic inferiority, it must be challenged—but it must be challenged while embracing the expertise and the excellence of lesbian athletes, coaches, officials and administrators and allowing them to participate in sports without making sacrifices in their personal lives. Moreover, heterosexual women athletes must engage in a dialogue with lesbian athletes and understand that eradicating homophobia both within and outside of athletics is crucial to overcoming sexism. Only when the women’s sports movement supports its lesbian members will it be able to confront the sexism in society’s sports institutions.

Eradicating stereotypes and building coalitions need not be beyond the reach of legislation. The language of the law can change attitudes and opportunities. Title IX’s crafters hoped that it would provide opportunities for all women, yet the task was simply too large for Title IX alone. Its supporters may not have understood in the early 1970’s how the intersection of race, gender and sexual orientation combined continue the oppression that has limited women’s opportunities in sports.

The time has not come to abandon Title IX. Title IX and the Civil Rights Restoration Act have been a symbolic, substantive and necessary first step toward making room for all women in a more cooperative vision of sport. On the heels of two decades of mixed results under the Title IX and equal protection regimes, however, the time has come for the women’s sports movement to reassess where it wants to go and how it plans to get there.

III. SPORT, SOCIETY AND THE OPPRESSION OF WOMEN

“The first step along the road to achieving power and personhood in sport is to recognize that the change cannot come from within sport itself. Those interested in changing the sports world for the betterment of women must themselves become part of the more global feminist movement.”

Events in sports in the last two years of the 1980’s provide a good backdrop against which to reassess the role of Title IX in the women’s sports movement and for progress towards implementation of a broader agenda that more closely aligns the women’s sports movement with the women’s movement generally. When Congress passed the Civil Rights Restoration Act in the spring of 1988, it removed restoration of Title IX as the leading issue for the women’s
sports movement.133 In addition, major drug,134 crime135 and college corruption136 scandals have erupted in sports in the last four years, providing the women's sports movement not only with an opportunity to seize the initiative on how to solve these seemingly intractable problems,137 but also with an opportunity to redefine competitive athletics.

To date, increased participation in athletics in general and a redefinition of competitive athletics have not been much of a priority for women outside of sport. To women understandably concerned with issues such as daycare,
pornography, abortion, sexual harassment and the career-family struggle, taking time to shoot baskets, call strikes and hit passing shots may seem frivolous. Before dismissing the importance of sport, however, the general women’s movement should at least acknowledge that women’s relative absence from sport has been a role imposed on women, not one that they have chosen. Moreover, there are three major reasons why improving opportunities for women in sport and redefining sport should be a concern for the general women’s movement. First, sports as an institution plays an important role in contemporary society. Sociologist Harry Edwards argues that sport has replaced formal religion as a dominant force in the lives of many Americans, undoubtedly mostly male. The women’s movement cannot afford to ignore such a pervasive societal institution, even if the institution seems to want to ignore the women’s movement.

Second, many of the struggles women face in general are the same struggles the women’s sports movement faces: struggles over how to eradicate outdated stereotypes; struggles over how to gain access to positions of power and economic rewards to which women traditionally have been denied; struggles over how best to advance the position of women; and struggles over how to create a movement that promotes the interests of all women, or at least recognizes the diversity that exists within the women’s movement. Hall said at a 1980 conference on women and sport in Australia and Canada,

But wait! It is no different in society at large. . . Women do possess a lower social standing than do men, and their roles, primarily as wife, mother, and often worker, are less highly valued. Women have far fewer status alternatives available to them and considerably less access to prestige and power. . . . Sport is no different to the world at large. In fact, it reflects and reinforces that world. Thus to question the sex structure of sport is to challenge the very nature of the sex structure of our society. It is vitally important to ask “why”.

Women in and out of sport have much to gain from working together to resolve

138. Edwards, Desegregating Sexist Sport, in OUT OF THE BLEACHERS, supra note 119, at 188.
139. Hall, supra note 74, at 3. Nancy Theberge also cautions against assigning priorities within the women’s movement, something she thinks is a clear divide and conquer theory. Writes Theberge, “There is, however, a danger in separating and assigning a priority to ‘kinds’ of feminist issues. That danger lies in failing to recognize the connections among different forms of oppression of women in the manner in which the condition of women in one social sphere, such as sport, has an impact on other spheres.” Theberge, supra note 101, at 48.
the problems they face. The benefits of a partnership between women in sport and women outside of sport are discussed in part V.

The third reason the women's movement should embrace a partnership with the women's sports movement in the 1990's is simple and functional: athletic activity has a number of positive physical and emotional health effects. As educational psychologist Linda Nielsen points out, exercise reduces depression, produces self-confidence and, perhaps most importantly, makes women feel that they—not men—have personal power and control over their own lives. Lyn LeMaire, a former member of the U.S. National Cycling Team, points out that Index Medicus prescribes exercise as the medical profession's remedy for a variety of illnesses and that physical activity increases coordination and body awareness, which can translate into confidence and ease of movement in other spheres of life.

Finally, the women's movement must acknowledge that athletics cannot be defined as an activity outside the feminist perspective. A decade ago, Ann Hall defined feminism as "a perspective, a particular stance one takes if you become angry about the oppression of women. . . . Feminists ask how do we, as women, gain access to the power to accomplish that which is important to us, both individually and collectively?" Feminists should ask these questions in all realms of oppression, including sport.

IV. THE ROAD LESS TRAVELLED

Merely to establish sport—and the benefit it can bring to women—as a part of the women's agenda for the 1990's is not to define a direction for the women's sports movement. The goal of the women's sports movement in the 1990's must be to avoid the mistakes of the past. First, the women's sports movement would be ill-advised to select a path for women's athletics that is

140. Nielsen, supra note 34, at 290-91. According to Nielsen,

In general, girls have less confidence in their own mental and physical abilities, lower expectations for success, and more inclination to blame failure on their own lack of abilities than boys. . . . Through physical exercise and team sports, players learn that many outcomes are controllable, but that other outcomes are unavoidable.

Id. at 291-92 (footnotes omitted).

141. LeMaire, supra note 7, at 134-35 (citing Froelicher, Battler & McKirnan, Physical Activity and Coronary Heart Disease, 65 CARDIOLOGY 153 (1980)). See also Young, The Effect of Regular Exercise on Cognitive Functioning and Personality, BRIT. J. SPORTS MED. (Sept. 1979), at 110; Mathes, Body Image and Sex Stereotyping, in WOMEN AND SPORT: FROM MYTH TO REALITY 59 (C. Oglesby ed. 1978).

completely separate from men's athletics. Even a separate path based on a process-oriented, cooperative model, like that espoused by the AIAW in the 1970's, is doomed to fail.

Several commentators over the past two decades have advocated complete separation from men's sports. LeMaire writes that,

[0]n the one hand, the major contact sports (particularly football), which have traditionally been associated closely with combat, victory, and male glory, should be distinguished from normal athletics. Realistically, the contact sports cannot be eliminated, but they could cease to epitomize our conception of athletics.

One plausible solution to the contact sports problem surfaces if we label these activities what they are: revenue-producing entertainment. LeMaire is correct when she states that it is realistically impossible to eradicate contact sports. However, her attempt to define them out of the sphere of what women athletes should be concerned about introduces several problems. First, the commercialism that she labels as “revenue-producing entertainment” is the same fault that the AAW and its predecessors found with men’s athletics and tried to avoid for the first three-quarters of the 20th century. The AIAW learned at the expense of its existence as an organization that it could not defeat commercialism in sport simply by ignoring it. Second, abandoning contact sports to men limits the choices of and opportunities for women in sport. These contact sports, hockey, baseball, basketball, and football, produce the highest economic rewards in organized sports. In cities where franchises in these sports exist, participation in the management or administration of the team also opens other economic opportunities. Moreover, in these cities, the franchises themselves have important effects on the economy. For example, most franchises play in publicly supported

143. See supra notes 26-42 and accompanying text. Chandler writes that there are three main reasons behind the failure of the AIAW’s approach in the 1970’s: (1) the AIAW had no powerful and logical group of alumni to support it; (2) the AIAW had no prestigious link to professional sports for female physical educators to develop credibility; and (3) the AIAW largely lost control of women’s sports to men after the passage of Title IX. Chandler, supra note 19, at 14.
144. LeMaire, supra note 7, at 140-41.
145. See supra notes 18-42 and accompanying text.
146. The major professional leagues in hockey, baseball, basketball and football reap combined gross revenues of more than $1 billion a year. The National Football League in the mid-1980's grossed approximately $600 million a year. 1 R. BERRY & G. WONG, LAW AND BUSINESS OF THE SPORTS INDUSTRIES 40 (1986).
stadiums—at a hefty cost to taxpayers. If such entities are to be publicly supported or are to generate revenue throughout a metropolitan area, women should participate as decision makers in the directions these entities will take. Third, since basketball is among the major contact sports and, at the collegiate level, employs more women coaches than any other sport, abandoning these sports would also abandon a significant segment of the women’s sports movement. Finally, LeMaire’s approach, like the approach of Title IX and of the equality model, focuses primarily on interscholastic sports and ignores the involvement of women in other areas of sport.

Forging a path for the women’s sports movement that is completely separate from the men’s sports movement is also unworkable because of the emerging generation gap in women’s sport. Younger women, particularly those who have grown up during the Title IX era and consequently have an image of sports as an equal arena for men and women, are less likely than those who fought the battle for Title IX to identify themselves as feminists. The same study shows that young girls whose playmate groups included both boys and girls are much more likely to participate in and watch sports as adults. Based on these findings, the demographic group that is most likely to be active in sport in the next decade may be the least likely to espouse a model of sport that excludes men.

While a completely separate path is unworkable, it would also be a mistake to select the Title IX and equality model course of the 1970’s and 1980’s. Such a course would not broaden the opportunities open to women in sports but would focus again on those at the college and high school level. Moreover,

149. LeMaire’s focus on interscholastic sports may result from her article’s publication in a legal periodical. The legal hooks traditionally used by the women’s sports movement are centered on educational institutions. See supra notes 50-52 and accompanying text.
150. See supra notes 102-07 and accompanying text.
152. Id. at 28.
153. Recent decisions by the Supreme Court with respect to major athletic governing bodies would seem to support the view that existing legal hooks are of limited use beyond the high school and college level (where it is easiest to meet the state action requirement). In two recent cases, the USOC and the NCAA were held not to be state actors, thus insulating them from constitutional equal protection claims. In San Francisco Arts & Athletics Inc. v. United States Olympic Committee, 483 U.S. 522, 543 (1987), the Supreme Court held that the USOC was not a state actor, so constitutional provisions of equal protection and free speech did not apply. Id. at 543. Although courts in the past had held that the NCAA was in fact a state actor, see, e.g., Howard University v. NCAA, 510 F.2d 213 (D.C. Cir. 1975), in late 1988 the Supreme Court held that the disciplinary actions of the NCAA were not imbued with state action. NCAA v. Tarkanian, 109 S.Ct. 454 (1988). In Tarkanian, the court held that the NCAA’s participation in the events that led to University of Nevada-Las Vegas basketball coach Jerry Tarkanian’s
such a course would continue to let men's sports define what is and is not sport, and, by extension, would continue to let men's sports define who is and who is not to participate.

Sport today—defined by the men who dominate it—focuses on the material rewards participants get from winning, not from playing. In sport today, it is whether you win or lose, not how you play the game. End results determine, at the high school level, whether you win a college scholarship; at the college level, whether you become a professional; and at the professional level, how much money you make. End results determine steps up the athletic hierarchy for coaches and executives as well as for players. Honesty and integrity are valued commodities only in winners.

The current incarnation of commercialism in athletics has been accompanied by drug use and gambling at all levels and, at the college level, where the NCAA and the fiction of amateurism at major universities provide an active regulatory scheme, by illegal recruiting and academic failures.

suspension in 1977 did not constitute "state action" and was not performed "under color of" state law. Id. at 463-64.

154. LeMaire states that the differentiation between men and women with respect to athletics is valued either positively or negatively. LeMaire, supra note 7, at 127. LeMaire writes:

Once the idea of fundamental difference between women and men with respect to athletics is accepted, the third step of the differentiation process occurs: the application of normative definitions and values to the perceived difference. That boys are strong and girls are weak is a disputable assertion, but is not in itself value-laden. However, at the third step, this facially neutral proposition is transformed: athlete is now defined as strong and valued as good. Boys are supposed to be vigorous and athletic; girls are not.

Id. 155. Hall points out that in languages where gender is assigned to nouns, sport is always masculine. Hall, supra note 74, at 1-2.

156. In 1989, after his team won the Super Bowl, San Francisco 49ers wide receiver and Super Bowl Most Valuable Player Jerry Rice felt that his performance entitled him to more endorsement money than he had made during the first few days after his team's win. He charged racism, an allegation that likely has some merit. Nonetheless, his complaints illustrate that the big moment in athletics comes not when you haul in the pass but when you haul in the endorsement contracts. See, e.g., Fimrite, The Hero as Huckster, SPORTS ILLU., Feb. 13, 1989, at 92.

157. See supra note 135. The 1988 NCAA basketball tournament produced $68.2 million in gross receipts. Gup, supra note 136, at 55; see also Gilbert, supra note 24, at 97. Gilbert writes:

Nowadays, the rewards for winning and the costs of losing are becoming more substantial. This is self-evident at the big-money, big-scholarship, big-celebrity level. But even for young children, succeeding at athletics is more and more often a quick, effective means of gaining status, perks and privileges. As the importance of winning is increasingly emphasized, the competitive process—how one plays the game—becomes further de-emphasized. The worth of the inner rewards declines in comparison with the magnificence of the prizes distributed. Raising the material stakes in contests tends to move competition out of the traditional realm of sport—safe excitement and imaginary risk—and into the real world, a world that
The current model of sport espouses a model of competition that is ugly and undesirable.\textsuperscript{158}

According to traditional usage, \textit{competition} identifies a situation in which two or more people vie for a prize, honor or advantage. However, since it has become a 36-foot-tall pissant of a word, various authorities are suggesting that competition is importantly connected with what should or should not be done about the balance of trade, oil, taxes, dependent mothers, Nicaragua, public schools and the Democratic National Convention. John Thompson, the highly successful Geretstown basketball coach, summed up a lot of fashionable thinking when he remarked, "Life is about competition."\textsuperscript{159}

If Title IX and the equality model lead naturally to this model of sports, as it is emphasized at the highest levels of competition and on television,\textsuperscript{160} Title IX and the equality model are the wrong leaders. The emphasis on competition in this model is an emphasis on end results. The term \textit{"competition"} becomes defined as a race to succeed by winning. When winning is the only focus, the competition itself becomes secondary.

This male model of sport and competition that focuses on results brands all those who participate in sports as winners or losers. It is this model that discourages the losers from even participating in sports. For men, to whom society often attributes machismo based on sporting prowess or knowledge, this model labels them as abnormal. Nonetheless, for men, those who are the

\textsuperscript{158}A major textbook on sports and sports industries defines sports as inherently competitive and competition as focusing on successes and failures. R. BERRY & G. WONg, supra note 146, at 1.

\textsuperscript{159}Gilbert, supra note 24, at 88.

\textsuperscript{160}Jeffrey Goldstein and Brenda Bredemeier blame the media for sport's current focus on winning and for all the evils associated with the movement away from a process-oriented vision of sport. Goldstein & Bredemeier, supra note 84, at 291. Briefly, Goldstein and Bredemeier assert that: (1) sports broadcasts are zero-sum games that focus on the outcome rather than the process; (2) individual team's broadcast rights increase when the team wins, which focuses teams on winning and has increased the value of professional sports enterprises (as well as the profitability of big-time college athletics); and (3) the values stressed by coaches, players and athletes are "business values of competition, personal success, and corporate obedience to managerial hierarchy." Id. at 292-94.
"losers" on the playing field are often able to find an outlet in recreational athletics, where winning is less important, or as sportswriters, executives and officials, where their knowledge of sports allows them to "win" in a different athletic arena.

For women, the competitive model's emphasis on winning is even more destructive. This model of competition prohibits the development of athletics for women at the less competitive playground level that so many men have enjoyed. So few women are involved in sports initially that even fewer are left behind to form recreational leagues. Moreover, those who have sufficient knowledge of sports to serve as coaches, officials, sportswriters and executives don't come in with the experience and playing credentials, even at lower levels, that men have. Perhaps most importantly, women should not aspire to reproduce problems such as drug abuse and corruption that plague men's sports.

While trying to navigate a course between the shortcomings of the separatist and sports-as-men's-sports models, a model for the women's sports movement in the 1990's should be based on the justifications for incorporating the plight of women athletes into the plight of women. It must also recognize that women who participate in sports have diverse interests; they participate for health, competitive and recreational reasons. The process for building a model of sport along these guidelines involves two steps: (1) an orientation toward process not product, even in competitive athletics; and (2) an immediate integration of process-oriented women into influential positions in sport—not just women's sports but sport.

The first step implicitly recognizes women who participate for diverse reasons. Women who participate in sports for health and recreation reasons are generally most intent on the process of participating. Winning does not a fortiori produce good physical health. However, for women who participate in athletics because they enjoy testing their skills against other athletes, it is this actual test, the game itself, that is the reason for participation. Thus, the first step in the process for building a new model of sport must incorporate a process-oriented model of competition. Competition need not equal the Social Darwinism that Gilbert described. Some commentators, such as Gilbert himself

161. See Becker, supra note 81.
162. See Olson, supra note 30.
163. Ann Hall recognized the diversity of women's interests in sports while addressing a 1980 conference on women and sport in Australia. Hall, supra note 74, at 5-6 ("Sport, in this sense, means a spectrum of physical activities which range from the more recreational, unorganized pursuits of uncommitted individuals through to competition at the highest level, requiring a high degree of intense commitment and arduous training.").
and Alfie Kohn, simply reject the validity of John Thompson's combative competition model:

Indeed, it all sounds as if it has a lot to do with the realities of evolution and zoology, but it does not. The trouble with the theory of direct, unrelenting competition as a long-range force in nature is that such a scheme always has fewer winners than losers. Thus the win-or-drop-dead, tennis-tournament model of evolution is at odds with the fact that, through the aeons, life-forms on Earth have become increasingly numerous and various. The multitude of species reflects the evolutionary drive to find a small edge—a niche, zoologists call it—that enables creatures to go about their business without always fighting with others with the same appetites.

Humans have long had a high regard for niches, which allow us to occupy positions in which competition is completely eliminated or greatly reduced.\footnote{164}

Kohn argues that competition and success are not the same thing. He defines competition as a method of working toward a goal that prevents others from reaching their goals.\footnote{165} Kohn says that "[t]he simplest way to understand why competition generally does not promote excellence is to realize that trying to do well and trying to beat others are two different things."\footnote{166}

As other commentators have noted, cooperation—not combat—is the root of competition in athletics. First, for most athletic events even to occur, the participants must cooperate.\footnote{167} Tennis rallies are one-shot affairs without cooperation between at least two individuals. Baseball and softball require eighteen to twenty people to be more than games of catch. Pick-up basketball games, even games of h-o-r-s-e, need at least two (one-on-one is fun; one-on-none is just shooting around). Kathryn Pyne Addelson describes this kind of "competiton" as a "cooperative challenge" for each participant.\footnote{168} Moreover,
in pick-up basketball games in playgrounds and recreational gymnasiums across the country, the common law of "cooperative competition" prevails. The mere act of participating in the game creates a bond. These pick-up games rarely employ referees or officials; instead, a social self-enforcement mechanism structures the game. Those who don't know the common law of a particular forum don't get to play.169

While it doesn't eliminate winning and losing, the cooperative competition model at least focuses on the process before it focuses on the result. Under the cooperative challenge model of competition, sport is a social phenomenon that produces social rather than merely contractual relationships among participants. Each player realizes that without the participation of the other, she would not be able to hone her skills, or even to play.170

Lyn LeMaire emphasizes that athletic competition hones skills only if women value athletics as a process, not as purely an end: "An opponent may provide this [external] resistance. Yet we should value the athletic engagement over the final result. Victory over the opponent becomes an incident of, rather than the motivation for, athletic activity."171

Sport as cooperative competition is sport at its inception—a joyous diversion from the risks of life and a recognition of the pleasure and beauty that can come from physical exertion.172 This aspect of sport is symbolized by many of the rituals that take place at the beginning and end of contests: shaking hands at the net in tennis and volleyball; tapping sticks at the end of hockey games. There is a cult of respect among competitors for mere engagement in the game. The rituals symbolize respect for an opponent and for her part in making the sporting contest possible. The challenge for sport in the 1990's is to fill the rituals with meaning, where they largely have become empty.173

169. Lewis Hyde discusses a similar phenomenon for socially-created bonds in other contexts. Hyde writes that such bonds create community while formal rules and rule systems—such as law—create boundaries. L. HYDE, THE GIFT: IMAGINATION AND THE EROTIC LIFE OF PROPERTY 52-61, 84-88 (3d ed. 1983). The logical extension of the application of Hyde's theory to sport would argue against the use of any formal adjudicators such as referees or umpires.

170. LeMaire, supra note 7, at 136.

171. Id.

172. This is essentially the definition Kohn gives to play. Kohn would not recognize sport as play because of its high level of structure. See A. KOHN, supra note 165, at 80-84. Nonetheless, Kohn does recognize what he calls "process competition," which he describes as "the in-the-moment experience of struggling for superiority that is sometimes seen as an end in itself rather than simply a step toward the final victory." Id. at 86.

173. After expressing disdain for the crass commercialism that had crept into college athletics, Sports Illustrated senior writer Frank DeFord received a letter from—and later visited—then-University of Utah president Chase Peterson. The letter stated:
Chris Evert's retirement from professional tennis in September 1989 was a celebration of a remarkable athlete. Each opponent feared being the one to dispatch her, and when Zina Garrison finally did in the quarterfinals, it was she, not Evert, who was overwhelmed by the enormity of what she had done. The New York Times reported Garrison as saying, "When I went over and sat down, I thought what had just happened, that this is the last time we'll see Chris here. She's been so much to the game, she's such a lady."

In team sports, particularly the most highly competitive team sports at the professional and college level, selflessness among team members is considered one of the attributes of a truly great—and often successful—team. For example, the Stanford University women's basketball team, en route to a 17-0 start and, eventually, an NCAA championship, was given high marks by analysts for selfless play, a trait on the basketball court that was defined primarily by players placing team goals ahead of the accumulation of individual rewards.

Making the lore and legend of sport the real life of sport is not an easy task, but it will be a task that can be facilitated by the integration of women into positions of leadership in all sport. It is not presumptuous to suggest that women's integration into sport will produce a process-oriented, cooperative competition model of sport rather than merely perpetuate the current male model. The 1984 Miller Lite Report showed that women participate in sports for different reasons than men do. Fifty-four percent of the women in the survey cited improved health as their reason for participation in sport; fourteen percent cited stress reduction; eight percent cited friendship and sociability; eight percent cited competition; and only one percent cited winning.

To achieve sport as a cooperative competition, as something other than money and fame, drugs and corruption, a separate activity for men and women, will not be easy. Cooperation is at the center of women's current, albeit

---

*Well, I [Peterson] believe that football—big-time-sport—fits in there somewhere. The sense of ceremony and community that's inherent in sport can be of value. I don't mean mindlessly screaming 'We're Number 1!' I mean something like the fifth quarter at Wisconsin, where they don't have very good teams but where the band stays after the game and so does the crowd, and they all sing along . . . ."*


174. Finn, Evert Bows Out as Garrison Prevails, 7-6, 6-2, N.Y. Times, Sept. 6, 1989, at D21, col. 5 ("Evert calmly packed up her racquets on the Stadium Court for the last time, gave a smile and rotating wave of farewell to her fans and put a steadying arm around the shoulders of Garrison, who couldn't suppress a few confused tears.").

175. Id.


177. Miller Lite Report, supra note 30, at 17.

178. Id.
limited association with sport. Emphasizing cooperation in competitive, elite athletics, as well as at lesser skill levels, will allow the women's sports movement to avoid repeating the mistakes introduced by the separate but equal and equality models, neither of which introduced women into positions of responsibility in traditionally men's athletics or reformed the direction and focus of athletics. To develop a model of sport as something other than money, fame, drugs and corruption, women must expand the public perception of sport and sports figures by encouraging participation by women in sport as administrators, coaches, officials and executives at all levels of sport. The final section of this article addresses some of the initial steps the women's sports movement should take toward developing a cooperative competition model of sport.

CONCLUSION: WOMEN AND THE MODEL OF SPORT AS COOPERATIVE COMPETITION

The women's sports movement of the 1990's must be based upon a partnership with the broader women's movement to jointly address overlapping concerns, and present a cooperative view of sport at all levels. An agenda for women and sports for the 1990's must move in a direction that incorporates broad, diverse groups of people for involvement at all levels and in all positions. If the long-term goal is to infiltrate sports and remake them in an image that men and women alike can enjoy, the short-term strategy is to: (1) expose the falsity of stereotypes about women in sport; (2) identify the places where links between the women's sports movement and women who traditionally have not been involved in sport can make an immediate impact; (3) identify places where women can have an immediate impact on the general direction of sport; and (4) address the needs of women of color and lesbians.

A flood of women into sport at all levels, fueled by a partnership between the women's sports movement and the general women's movement, will do much in the short-term to begin to eradicate false stereotypes, forge links between the two groups and have an immediate impact upon the model of sport in American society.

Persistent stereotypes of women in sport can be eradicated by increasing the number of women who are in sport and expanding the variety of positions in which they are involved. In addition, women in the media can take affirmative steps to provide coverage that extends well beyond the traditional
stereotypes of women in sport. Women as a powerful demographic market also could affect the presentation of women athletic figures in the media, particularly since the sports media attribute much of the inadequate coverage of women's sports to a "lack of viewer/reader interest."180

A partnership between the women's sports movement and the general women's movement could provide broader benefits to both. The women's sports movement can offer the general women's movement some of the most visible women in the world as spokespersons. This may be particularly helpful in convincing younger women, those in their twenties and teens, to abandon individual pursuits long enough to actively engage in some of the most powerful—and even some of the less visible—women's issues of the day. Tennis player Billie Jean King, for example, had an abortion in the early 1970's and is a possible spokeswoman for the pro-choice movement.181 In addition, tennis player Martina Navratilova, responding to the Supreme Court's decision in Webster v. Reproductive Health Serv.,182 has stated her intention to support Planned Parenthood.183

The women's movement can help the women's sports movement by contributing the expertise of those who have organized, networked and lobbied to get women into positions from which they traditionally have been barred. In addition, the women's sports movement could learn a great deal about promoting its top prospects for coaching and administrative positions from such groups as the Coalition for Women's Appointments, which in 1989 was particularly successful in getting women named to cabinet positions in the Bush administration.184 In their study on women and coaching, Vivian Acosta and Linda Carpenter point out that the old boys' network that exists in athletic coaching and administration is among the factors that has reduced the number

179. Jim Spence, a former executive at ABC sports, quotes sportscaster Jim McKay stating that ABC's coverage of figure skating and gymnastics on "Wide World of Sports" made those sports into major spectator sports. J. SPENCE, UP CLOSE AND PERSONAL 77 (1988). If executives like Spence are so certain that their television coverage was responsible for turning these sporting events into hits with spectators, there is no reason why women in the media can't apply their skills to women's athletics.

180. See, e.g., Bellotti, Sports, Sex-Equality, and the Media, in WOMEN, PHILOSOPHY, AND SPORT, supra note 34, at 96, 98.

181. See Bricker, Take One, PEOPLE, July 4, 1983, at 29.


184. The Coalition for Women's Appointments, a group of mostly women's and public interest groups, reported in July of 1989 that nearly 40% of women appointed to posts in the Bush administration were women it had recommended. Schwartz, Coalition's Success, Wash. Post, July 26, 1989, at A23, col. 1.
of women coaches.\textsuperscript{185} Women in coaching and athletic administration need to form their own coalition. They need to have ready a list of top women who can move into positions in coaching and administrations as positions become available. With a ready list of qualified women, a coalition of women coaches and athletic administrators will be able to defeat arguments that the pool of qualified women applicants is inadequate.

While the Women's Sports Foundation has published a guide for women interested in coaching and officiating,\textsuperscript{186} its affirmative reach has to be broader. Current athletic administrators and coaches should keep track of the whereabouts of former athletes, particularly those who do not go into coaching right away. In short, the developing "old girls' network" needs to identify those who have stepped away from women's athletics and help them step back toward the sports world.

Moreover, women who have advanced in the corporate world are also the women most traditionally qualified to break the gender barrier at the executive level in men's professional sports. Or, for that matter, in women's professional sports. For example, the new commissioner of the Ladies Professional Golf Association selected in November 1988 was a male marketing executive.\textsuperscript{187} The position became vacant again in the fall of 1990, but the LPGA has yet to name a new commissioner.\textsuperscript{188} In addition, in late 1989, the Women's International Tennis Association named Gerard Smith, a former \textit{Newsweek} publisher, as its executive director.\textsuperscript{189}

Women should take the lead in the quest to rid sport of performance-enhancing and recreational drug use. One woman already has. Dorianne Lambelet, a world-class distance runner and attorney in a Washington, D.C. law firm, is counsel to the Athlete's Advisory Committee of The Athletic Congress, which has developed a year-round out-of-competition drug-testing protocol.

\begin{itemize}
\item \textsuperscript{185} See R. Acosta \& L. Carpenter, \textit{supra} note 2.
\item \textsuperscript{186} Women's Sports Foundation, \textit{A Woman's Guide to Coaching} (1987). Even if its outreach to women is rather narrow, the Women's Sports Foundation's guide is quite broad in describing women's role in sports. See id. at 4 ("Boys Need Women, Too").
\item \textsuperscript{187} Diaz, \textit{supra} note 123, at 58.
\item \textsuperscript{188} Mauro, \textit{New LPGA Commissioner Must Get Corporate America to Cooperate}, Seattle Post-Intelligence, Sept. 12, 1990, at D2, col. 6.
\item \textsuperscript{189} Bodo, \textit{The Changing Face of Women's Tennis}, \textit{Tennis}, Nov. 1990, at 54, 55. Chris Evert, WITA president, said that several women were considered for the WITA executive directorship, including Phillip Morris vice president Ellen Merlo, but Merlo was out of the WITA's price range. Nonetheless, Women's Sports Foundation president and former professional golfer Carol Mann chastised the WITA, saying that women in athletics "need to examine their own beliefs in women as leaders." \textit{Women's Tennis: 2 Men Left for the Job}, USA Today, Nov. 15, 1989, at C2, col. 1.
\end{itemize}
The women's sports movement also needs to strive to keep its professional and collegiate sports free from the kinds of recruiting, crime and gambling scandals currently facing men's sports. In its February 1989 special report on corruption and crime in college athletics, *Sports Illustrated* laid much of the blame at the feet of coaches and administrators.  

Women coaches and administrators must stand on their records as "clean" coaches, players and administrators in pushing for positions of additional responsibility. For example, women's athletic administrators and coaches at universities such as Oklahoma University and the University of Colorado need to assert the values that their athletic experience would bring to an entire athletic program.

A flood of women into sport at a variety of levels will begin to resolve a number of problems, but it will not automatically meet the needs and resolve the problems in sport of women of color and lesbians unless these two groups are strongly represented in the alignment between the women's sports movement and the general women's movement.

For African-American women, the barriers to actual participation in sport can only be eliminated by addressing the role of the African-American woman in society. In addition, although this paper has been critical of approaches to women's athletics that focus only on the college level, the women's sports movement must recognize that it is at the college level where women of color, because of their greater dependence on financial aid, are most vulnerable. Finally, to eliminate the stereotype that African-American women participants in sport are suited to either track or basketball, the women's sports movement must create opportunities for broader access to other sports and must affirmatively recruit African-American women and girls into sports such as tennis, golf, gymnastics, swimming and figure skating.

Some of the problems lesbian athletes, coaches, administrators and sports executives face will be lessened when "lesbian" is no longer used as a

---

190. Kirshenbaum, supra note 135, at 18.
191. For a discussion of the problems at these universities, see supra note 135-36 and accompanying text.
192. Ruth Heizer also suggests that employers look to see whether candidates, particularly women, have potential that has gone undeveloped because of discrimination and lack of access to arenas in which training and experience are gleaned, i.e., old boys' networks. Heizer, *Employment for Women in Athletics: What is Fair Play?*, in WOMEN, PHILOSOPHY, AND SPORT, supra note 34, at 70, 83-84.
193. For a discussion of the problems facing African-American women in sport, see supra notes 108-20 and accompanying text.
194. In 1979, the NCAA reported that, while black women were only 4.7% of all female college athletes, they were 5.6% of those receiving some financial aid, and 8.2% of female college athletes on full athletic scholarships. See Dunkle, supra note 108.
pejorative label. While it is logical to combat the pejorative use of lesbian in stereotyping women athletes, it is neither logical nor cooperative to ask lesbian athletes to take on a heterosexual identity as part of the battle. The sports arena can be a place for heterosexual women to confront their prejudices about and to begin to understand lesbians. In fact, one of the most sensitive portrayals of lesbians was in the 1982 movie “Personal Best,” about two lesbian hept-athletes. Critics praised the film for “making lesbians in sport visible and deemphasizing the stereotyped associations among tomboyism, masculinity and lesbianism.” In addition, Martina Navratilova and Judy Nelson, described by tennis broadcasters as Navratilova’s “good and great friend,” have one of the longest and publicly stable relationships on the women’s professional tennis tour.

An agenda for the women’s sports movement in the 1990’s is necessarily broad. The pinpoint plans of Title IX and the equality model have benefitted too few women over too long a time period. They have focused on women at the elite level, reinforcing the stereotype that only a few super women such as Chris Evert and Jackie Joyner-Kersee are capable of being great athletes. They have done little to open doors for women in other avenues of sport. They have done little to develop a vision of sport that would encourage more women to participate. They have done equally little to address the needs of various groups of women in sport, particularly women of color and lesbians.

Women in sport must pursue careers beyond the playing field, and they must look to the general women’s movement as an important and increasingly abundant resource for positions of authority within sport. Sport, with seemingly endless infusions of money and power, is increasingly a culture-shaping and reflecting institution. Sport, then, is clearly something women cannot afford to abandon to men. The cooperative-competition model would allow women to point sport in a new direction and to claim sport as their own.

I spent my eighth summer as I had my seventh—as bat “girl” for my older brother’s Little League team. I went to the park again my ninth year. Same cap. Same glove. But the braided pigtails were down. They knew who I was. They knew I could play. And they knew my father was a lawyer. I played little league baseball for three years before abandoning it for a more extensive stint on the Intermountain section junior tennis tour. After four years and paying for four summers of public recreation tennis lessons, my mother was able to convince me that I had more of a future in tennis than in baseball. She was

195. H. Lenskyj, supra note 17, at 104 (footnote omitted).
right; I could not have played baseball in college.¹⁹⁶

¹⁹⁶ In the spring of 1989, Julie Croteau became the first woman to play on a men's college baseball team when she played for St. Mary's College in Maryland. *Who's on First? On Men's Team at St. Mary's College, It's a Woman*, L.A. Times, Feb. 25, 1989, at C8, col. 2.