



1-1-2000

Women, Race, and Sports: Life Before Title IX

Patricia A. Cain

Santa Clara University School of Law, pcain@scu.edu

Follow this and additional works at: <http://digitalcommons.law.scu.edu/facpubs>

Recommended Citation

4 J. Gender Race & Just. 337

This Article is brought to you for free and open access by the Faculty Scholarship at Santa Clara Law Digital Commons. It has been accepted for inclusion in Faculty Publications by an authorized administrator of Santa Clara Law Digital Commons. For more information, please contact sculawlibrarian@gmail.com.

Women, Race, and Sports: Life Before Title IX

*Patricia A. Cain**

- I. INTRODUCTION
 - II. A HISTORY OF WOMEN'S BASKETBALL
 - III. THE WOMEN'S DIVISION, THE AAU AND THE RACIAL DIVIDE
 - A. *Competition for Women is Bad*
 - B. *Competition is Good*
 - C. *The Racial Divide*
 - IV. CONCLUSION
- POSTSCRIPT: IOWA

I. INTRODUCTION

In 1972, Congress passed Title IX.¹ On its face, Title IX prohibits sex discrimination in educational institutions that receive federal funds. Shortly after its enactment, the Department of Health, Education and Welfare (HEW), the agency responsible for enforcement of Title IX, began work on regulations to implement sex equality in education and announced that its regulations would cover athletics.² The concept of sex equality in college athletics was surprising to many people in the early 1970s.³ Senator John Tower of Texas quickly introduced a bill to exempt all athletics programs from Title IX, and when that failed, proposed to exempt all revenue-producing sports from Title IX's equality mandate.⁴ The Tower proposal was defeated.⁵ Instead Senator Javitz's compromise proposal was adopted, authorizing HEW to regulate athletics so long as the regulations included "reasonable provisions considering the nature of the particular sports."⁶

* Professor of Law, University of Iowa College of Law.

1. Title IX (Prohibition of Sex Discrimination), Pub. L. No. 92-318, 86 Stat. 278 (1972) (codified at 20 U.S.C. § 1681 (1994)).

2. See generally Ross A. Jurewitz, 8 AM. U. J. GENDER SOC. POL'Y & L. 283 (2000).

3. *Id.* at 292.

4. See Suzanne Sangree, *Title IX and the Contact Sports Exemption: Gender Stereotypes in a Civil Rights Statute*, 32 CONN. L. REV. 381, 414-15 (2000).

5. *Id.* at 415.

6. See Education Amendments of 1974, Pub. L. No. 93-380, § 884, 1974 U.S.C.A.N.

The National Collegiate Athletic Association (NCAA) supported the Tower amendment and fought sex equality in college athletics from the beginning.⁷ When HEW finally issued regulations to implement gender equity under Title IX, the NCAA filed suit challenging the regulations.⁸ At the same time that the NCAA was challenging gender equity, it was also plotting the takeover of women's collegiate sports.⁹ In the 1970s, during the early days of Title IX, women's collegiate sports and the national championships were administered by a national organization formed and run by women, the Association for Intercollegiate Athletics for Women (AIAW).¹⁰ As national interest in women's sports increased, the NCAA, having initially taken the position that its "'jurisdiction and authority' . . . were 'limit[ed] to male student-athletes' [and] that women were prohibited from participating in NCAA events,"¹¹ changed its stance by 1978 when it began courting women's collegiate teams to participate in NCAA-sponsored national championships.¹² In 1981, the AIAW filed suit against the NCAA, claiming a violation of the antitrust laws.¹³ The AIAW lost the suit.¹⁴ Women's collegiate athletics and national championships have now been under the control of the NCAA since the early 1980s.¹⁵ The growth of women's athletics in the 1970s also caused some changes in how colleges administer women's athletics.¹⁶ For example, at most institutions, women's sports moved from a separately administered program into an "integrated, unitary administration of men's and women's athletics." "In 1972, only six per cent of the collegiate athletic programs were administered by merged departments. [By 1983], approximately 80% [were] . . ."¹⁷

In 1979, in the wake of the NCAA takeover, a group of concerned

695.

7. See Sangree, *supra* note 4, at 413-14.

8. See *Nat'l Collegiate Athletic Ass'n. v. Califano*, 444 F. Supp. 425 (D. Kan. 1978) (holding that the NCAA lacked standing), *rev'd* on the standing issue, 622 F.2d 1382 (10th Cir. 1980).

9. *Ass'n for Intercollegiate Athletics for Women v. Nat'l Collegiate Athletic Ass'n*, 558 F. Supp. 487, 492 (1983) [hereinafter AIAW].

10. *Id.* at 490.

11. *Id.*

12. *Id.* at 492 (directing the specially appointed Committee on NCAA Governance, Organization, and Services to make recommendations regarding the "accommodation" of women's interests within the NCAA).

13. *Id.* at 506-07 (holding that the AIAW offered insufficient and contradictory evidence and thus failed to prove its claim of antitrust violations against the NCAA).

14. *Id.* at 506, 507; SUSAN K. CAHN, *COMING ON STRONG: GENDER AND SEXUALITY IN TWENTIETH CENTURY WOMEN'S SPORT* 257 (1994).

15. *AIAW*, 558 F. Supp. at 493.

16. *Id.* at 491.

17. *Id.*

women collegiate athletic administrators founded the National Association of Collegiate Women Athletic Administrators (NACWAA).¹⁸ The purpose of the organization was “to preserve and enhance opportunities for leadership and career development of women athletic administrators and to strengthen collegiate athletic programs, particularly as they relate to women.”¹⁹ The NACWAA remains active today.

Christine Grant’s presentation at the Journal symposium shows us the gains women athletes have made under Title IX and NCAA governance, as well as showing us the great distance left to travel before we attain true gender equity.²⁰ Grant’s presentation of the history of Title IX and women’s collegiate sports is particularly important because Grant herself lived through this history and was an active national player in the resistance of the AIAW to the NCAA takeover. Dr. Grant began serving as the director of women’s athletics at the University of Iowa in 1973, and is a past president of both the AIAW and the NACWAA.

Frank Rudy Cooper tells us that his contribution to this symposium began with a Title IX question about race equality in women’s sports.²¹ He asks whether Title IX had helped or hindered the participation of women of color in sports and concludes that Title IX has provided greater benefits to white women than to women of color.²² Cooper also makes a case for applying intersectionality theory to sex equality issues such as Title IX in order to protect the most disadvantaged women athletes.²³ He argues that before we adopt a remedy such as Title IX to reduce sex inequality in sports, we ought to look to the particularized situation of women, especially women of color, rather than viewing the problem from the more general perspective of women as a group.²⁴

These presentations were very different from each other, yet they both

18. The original name of the organization was the Council of Collegiate Women Athletic Administrators. The name was changed in 1992. See National Association of Collegiate Women Athletic Administrators, *Where Did We Come From*, at <http://www.nacwaa.org> (last visited Apr. 4, 2001).

19. *Id.*

20. Christine Grant, Title IX: the Story of a Revolution, Speech at *The Journal of Gender, Race & Justice Symposium, A Critical Legal Perspective on Entertainment: Sports, Sex, and Identity* (Oct. 15-16, 1999) (videotape on file with *The Journal of Gender, Race & Justice*).

21. Frank Rudy Cooper, “Affirmative Intersectionality” and the Future of Title IX: Moving Women’s Sports from the Cultural Realm to the Political Realm, Speech at *The Journal of Gender, Race & Justice Symposium, A Critical Legal Perspective on Entertainment: Sports, Sex, and Identity* (Oct. 15-16, 1999) (videotape on file with *The Journal of Gender, Race & Justice*).

22. *Id.* See also Tony M. Evans, Comment, *In the Title IX Race Toward Gender Equity, the Black Female Athlete is Left to Finish Last: The Lack of Access for the “Invisible Woman,”* 42 HOW. L. J. 105 (1998); Alfred Dennis Mathewson, *Black Women, Gender Equity and the Function at the Junction*, 6 MARQ. SPORTS L.J. 239 (1996); Wendy Olson, *Beyond Title IX: Toward An Agenda for Women and Sports in the 1990s*, 3 YALE J.L. & FEMINISM 105 (1990).

23. Cooper, *supra* note 21.

24. *Id.*

challenged the progress that has been made under Title IX.²⁵ Instead of offering specific comments about each of these presentations, my addition to this symposium topic will be to go back in time. My focus is on the years before Title IX was enacted and the early years of its existence before it was fully enforceable.²⁶ By offering historical context to the current struggle, I hope to add greater understanding to why we face the current resistance to full implementation of gender equity in sports. I will also highlight some specific issues that affect women of color in this history.

Because commentators are expected to keep comments to a minimum, my focus will be limited to historical observations about two particular women's sports, basketball and track and field. These two sports happen to be the two sports that symposium presenter Christine Grant previously coached. I choose these two sports both because they are interesting and because they allow me to mention some specific Iowa contributions to this history of women in sports, pre-Title IX.

II. A HISTORY OF WOMEN'S BASKETBALL

Basketball was created in 1891 by YMCA worker James Naismith, and the rules were first published in 1892.²⁷ It was designed as an indoor game to be played during the winter months and quickly caught on among women and girls.²⁸ Playing indoors not only shielded them from the elements, but also from public scrutiny. The game as originally created was for a five-person team, all of whom traveled the full length of the court, much as we are accustomed to seeing today.²⁹ Almost immediately, however, some

25. See *id.*; Grant, *supra* note 20.

26. Although enacted in 1972, the implementing regulations for Title IX were not enacted until 1975. See Janet Junttila Johnson, Comment, *Half-Court Girls' Basketball Rules: An Application of the Equal Protection Clause and Title IX*, 65 IOWA L. REV. 766, 782 n.115 (1980) (discussing the controversy surrounding the enactment of these regulations). Title IX gave HEW the power to enforce gender equity by cutting off federal funds to an institution that was not in compliance. *Id.* at 782-784. The law did not grant a private cause of action to an aggrieved female plaintiff. Finally, in *Cannon v. Univ. of Chicago*, 441 U.S. 677 (1979), the U.S. Supreme Court recognized a private cause of action under Title IX. Then, in 1984, the Court announced in *Grove City Coll. v. Bell*, 465 U.S. 555, 574-575 (1984), that only the program that received federal funding was subject to the gender equity rules. Thus, unless the athletic program was itself the recipient of federal funds, the program was not subject to Title IX. *Id.* The *Grove City* opinion virtually stripped Title IX of its force as applied to women's athletics since few programs were the direct recipients of federal funds. See CAHN, *supra* note 14, at 257. In 1988, *Grove City* was reversed by Congress. See Civil Rights Restoration Act, Pub. L. No. 100-259, § 6, 102 Stat. 29 (1988). Thus, full and continuous implementation of Title IX was not accomplished for women's athletics until 1988. *Id.*

27. CAHN, *supra* note 14, at 85. See also Shelley Smith, *Not Quite the Game Intended, in NIKE IS A GODDESS* 293, 295 (Lissa Smith ed., 1998) [hereinafter NIKE].

28. CAHN, *supra* note 14, at 85; see also NIKE, *supra* note 27, at 295.

29. CAHN, *supra* note 14, at 85; see also NIKE, *supra* note 27, at 295.

educators began changing the rules of basketball for women.³⁰

In 1899, Smith College Athletic Director Senda Berenson, who had modified the rules for her students, organized a National Women's Basketball Committee of the American Physical Education Association.³¹ With the cooperation of the Spalding sporting goods company, the Committee promulgated the first women's rules in 1901.³² The women's game consisted of six players and three court divisions.³³ Two players were assigned to each of the three court divisions.³⁴ The players could not leave their division of the court, could dribble only once, and physical contact and guarding of shooters was prohibited.³⁵ In 1938, the court was changed from three to two divisions.³⁶ The six-player teams consisted of three forwards and three guards.³⁷ No player could cross the center line, and only forwards could shoot the ball.³⁸ If a guard was fouled, the free throw was assigned to a forward at the other end of the court.³⁹ As a result, the forward learned to shoot and the guards learned to guard, but no player learned how to do both.⁴⁰

The justifications for using special rules for girls and women who played basketball have varied over the years. In the early days, rules that imposed limited motion by confining players to less than the full court were thought necessary for females who played in attire that was not well-suited for ease of movement.⁴¹ In addition, allowing six rather than five players was preferred because more girls were given the opportunity to participate in the game.⁴²

While girls' basketball was a popular sport, very few high schools or colleges had school teams competing in interscholastic or intercollegiate

30. CAHN, *supra* note 14, at 85; *see also* NIKE, *supra* note 27, at 295.

31. CAHN, *supra* note 14, at 85; *see also* NIKE, *supra* note 27, at 295.

32. CAHN, *supra* note 14, at 86.

33. *Id.*

34. *Id.*

35. *Id.*

36. *Id.* at 88.

37. *See id.*; *Dodson v. Ark. Activities Ass'n.*, 468 F. Supp. 394, 396 (1979).

38. *Dodson*, 468 F. Supp. at 396.

39. *Id.*

40. Under the rules, a forward could be taken out at forward and substituted in as a guard. Thus, it was possible for a single player to play both offense and defense. However, such substitutions were rare. *Id.* at 398.

41. *Id.*

42. *Id.* at 397.

competitions.⁴³ Female Physical Education (PE) teachers at the high school level were opposed to such competitions because they believed the competitions created too much stress and strain for female athletes and risked creating a spectacle of women vying in public.⁴⁴ By 1920, most schools had adopted the non-competition philosophy set forth by the PE teachers and restricted girls' basketball play to intramural competitions, which they considered less stressful and less public.⁴⁵

The state of Iowa apparently rejected the non-competition philosophy.⁴⁶ Beginning in 1920, a statewide tournament of girls' high school basketball teams was held in Des Moines each year.⁴⁷ In the early days, the tournament included 250 teams.⁴⁸ By the 1950s, the tournament had gained such popularity that it attracted over 87,000 spectators.⁴⁹ The tournament was big business and the revenues supported a broad range of girls' interscholastic sports activities.⁵⁰ All teams played under the girls' half-court rules.⁵¹

By the 1970s, college women's basketball, no doubt with the help of Title IX, was on the rise. College teams played under the five-on-five full court rules, but a number of states nonetheless maintained half-court rules for high school girls teams.⁵² By 1976, however, only six states, including Iowa, continued to support half-court basketball for girls.⁵³

In 1976, Victoria Cape, then a high school junior, challenged the use of half-court rules by the Tennessee Secondary School Athletic Association in federal court.⁵⁴ The district court dismissed her Title IX cause of action,⁵⁵ citing a recent Seventh Circuit opinion that had held no private cause of

43. CAHN, *supra* note 14, at 89-90.

44. CAHN, *supra* note 14, at 26.

45. *Id.* But note that competition between colleges did occur in the early days of women's basketball. Stanford defeated U.C. Berkeley in the first official intercollegiate game between women's teams. NIKE, *supra* note 27, at 295.

46. CAHN, *supra* note 14, at 83.

47. *Id.*

48. *Id.*

49. *Id.*

50. *Id.*

51. Cape v. Tenn. Secondary School Athletic Ass'n., 424 F. Supp. 732, 735 n.1 (E.D. Tenn. 1976).

52. *Id.*

53. These states were Texas, Oklahoma, Arkansas, Tennessee, and New York. *See id.* at 735.

54. *Id.*

55. *Id.* (The court also declined to recognize the plaintiff's Title IX claim because she had failed to exhaust administrative remedies.).

action existed to enforce Title IX.⁵⁶ The court, however, ruled in her favor on her constitutional claim, finding that the half-court rules, applied only to females, violated the Equal Protection Clause of the Fourteenth Amendment.⁵⁷

In a *per curiam* opinion, the Court of Appeals for the Sixth Circuit reversed, finding that since high schools could segregate teams by sex, they also had the right to apply different rules to girls' teams than they applied to boys' teams.⁵⁸ Victoria Cape's claim was more than a claim to play according to the boys' rules; her core claim was that all colleges and the U.S. Olympic team played the five-on-five full court game.⁵⁹ The state of Tennessee's insistence on using half-court rules for girls in high school deprived girls of the opportunity to compete for slots on college or Olympic teams.⁶⁰ With the increased availability of college athletic scholarships for women, undoubtedly prompted in part by the gender equity rules of Title IX, female high school athletes had begun playing sports for purposes beyond the immediate fun of the game.⁶¹ Male high school athletes in Tennessee got a more valuable training experience than their female counterparts because they played the same basketball game in high school that was played in college.⁶² The Sixth Circuit ignored this very powerful equal protection argument on behalf of female basketball players in Tennessee high schools and instead characterized the plaintiff's claim as a peculiarly unique view of how girls' basketball should be played:

Plaintiff did not sue as representative of a class and there is no indication that the other members of her sex who play girls' basketball under present rules share in any way plaintiff's views. Nevertheless, she has succeeded in procuring the order of a federal court which imposes her own personal notions as to how the game of basketball should be played upon not only the high school which plaintiff attends, but upon the approximately 526 junior and senior high schools, both public and private, in the State of Tennessee which are members of the Tennessee Secondary School Athletic Association.⁶³

56. Cannon v. Univ. of Chicago, 559 F.2d 1063 (7th Cir. 1976), *rev'd*, 441 U.S. 677 (1979) (recognizing a private cause of action for violation of Title IX).

57. Cape, 424 F. Supp at 739.

58. Cape v. Tenn. Secondary School Athletic Ass'n., 563 F.2d 793 (6th Cir. 1997).

59. Cape, 424 F. Supp at 737.

60. *Id.*

61. *See id.*

62. *See id.* at 737.

63. Cape, 563 F.2d at 795.

One year after Cape filed suit in Tennessee, Cheryl Lynn Jones filed a similar challenge to the Oklahoma half-court rules for female high school basketball teams.⁶⁴ The district court dismissed her Title IX claim relying on the same grounds as the *Cape* court.⁶⁵ The Oklahoma court also refused to find a violation of equal protection.⁶⁶ The court likely considered Ms. Jones's claim similarly unique, since 1209 female high school basketball players from the state of Oklahoma intervened in her case arguing in favor of half-court rules.⁶⁷

A third challenge to the half-court rules, this time in the state of Arkansas, was successful. In *Dodson v. Arkansas Activities Association*,⁶⁸ the district court held that half-court rules restricted a girl's ability to obtain a college athletic scholarship, thereby denying her equal protection.⁶⁹

By 1980, only Iowa and Oklahoma used half-court rules for high school girls.⁷⁰ Denise Long, the first woman ever drafted by the National Basketball Association during an attempt to create professional women's basketball in the early 1970s, is one of the best Iowa high school half-court players of all time.⁷¹ During her four-year career at Union-Whitten High School, she scored a total of 6,250 points, and in 1982, the Des Moines Register included Long in its Iowa Sports Hall of Fame.⁷² She was the 100th Iowan chosen for this honor, the fifth female, and the first female basketball player.⁷³ In 1982, Iowa high school girls were still playing half-court basketball.⁷⁴ Denise Long commented in favor of retaining half-court rules, saying:

The five-on-five game is OK, but it's not as interesting as the

64. Jones v. Okla. Secondary Sch. Activities Ass'n, 435 F. Supp. 150 (W.D. Okla. 1977).

65. See *id.*

66. *Id.* at 154-55.

67. *Id.* at 153.

68. Dodson v. Ark. Activities Ass'n, 468 F. Supp. 394 (E.D. Ark. 1979).

69. *Id.* at 396-97.

70. Johnson, *supra* note 26.

71. See Chuck Burdick, *Denise Long, Girls' Basketball Legend, Named 100th Member in Hall of Fame*, DES MOINES REG., Apr. 18, 1982, <http://www.desmoinesregister.com/sports/extras/hall/long.html>.

72. *Id.* Long's record stood for almost twenty years until 1987 when Lynne Lorenzen of Ventura, Iowa, set a new record of 6266 points. See *Ventura's Lynne Lorenzen Sets U.S. Prep Girls Scoring Record*, OMAHA WORLD-HERALD, Feb. 17, 1987, 1987 WL 4513670 [hereinafter *Lorenzen*]. Lorenzen ended her high school career with 6,736 points. *Stribe's Scoring Mark Falls to Kennedy Star*, OMAHA WORLD-HERALD, Jan. 23, 2000, 2000 WL 4351588.

73. Burdick, *supra* note 71.

74. See John Naughton, *Girls Game Survives Downsizing*, DES MOINES REG., Mar. 8, 1994, at 1A (explaining that in 1993 the Iowa Girls' High School Athletic Union decided that all the state's teams would play five-on-five basketball).

Iowa game. I'm afraid if they ever switch to five-on-five, people would start comparing it to the men and there's no way that a woman could compete against a man. They jump better, they're quicker, etc.⁷⁵

Why the different rules for girls? The justifications pressed successfully by the defendant in the Tennessee challenge were:

1. To protect those student athletes who are weaker and incapable of playing the full-court game from harming themselves.
2. To provide the opportunity for more student athletes to play in basketball games.
3. To provide the opportunity for awkward and clumsy student athletes to play defense only.
4. To provide a "more interesting" and "faster" game for the fans.
5. To ensure continued crowd support and attendance (game receipts) because these fans are accustomed to a split-court game.⁷⁶

In Iowa, there was broad support for retaining half-court rules for girls.⁷⁷ Sometimes fans echoed the sentiment of Denise Long that the game was more interesting because it was a higher scoring game and "showcase[ed] individual talent."⁷⁸ Finally, in 1984, a group of Iowa female high school basketball players filed suit contesting the half-court rules, claiming that the half-court game discriminated against Iowa girls because it did not prepare them for the five-on-five competition played in college.⁷⁹

The suit was dismissed in 1984 when the rules were changed to allow five-on-five full court basketball in Iowa high schools.⁸⁰ Yet complete elimination of half-court play did not occur. Schools were given the option of playing either form of game and the annual tournaments featured both versions of girls' basketball throughout the mid-1980s.⁸¹

75. See Burdick, *supra* note 71.

76. *Cape*, 424 F. Supp. at 740.

77. Interview with Ann Rhodes, then Vice President of University Relations and Symposium Commentator, University of Iowa (Oct. 15, 1999).

78. Connie Yori, *Once More: Don't Mess with 6-Girl Basketball*, OMAHA WORLD-HERALD, June 13, 1985, WL 3807444.

79. 5-on-5 Lawsuit Is Dismissed, OMAHA WORLD-HERALD, Oct. 24, 1984, 1984 WL 2541194.

80. *Id.*

81. See Lorenzen, *supra* note 72 (Lynne Lorenzen broke Denise Long's record in 1987 playing half-court throughout her four years in high school.).

III. THE WOMEN'S DIVISION, THE AAU AND THE RACIAL DIVIDE

A. *Competition for Women is Bad*

At the same time that basketball, in its more feminine form, was becoming popular with girls and young women, there was a national movement afoot to prevent girls from playing competitive sports.⁸² A primary actor in this movement was the National Section on Women's Athletics, which was officially organized at the 1927 annual meeting of the American Physical Education Association.⁸³ The National Section on Women's Athletics and the National Women's Basketball Committee were committed to protecting female athletes from overly strenuous competition, especially in the "wrong" kind of interscholastic competitions and protecting women's sports from commercialization, an evil that had infected male sports.⁸⁴ In the recorded history of the Section on Women's Athletics, published in 1941, the Section boasts that it continued to uphold the same principles, which it viewed as valid in 1941 as they were when it was founded.⁸⁵

In 1923, the Women's Division of the National Amateur Athletic Federation was formed.⁸⁶ The Women's Division was committed to supporting physical exercise for girls and women, but it did not support competitive sports for girls.⁸⁷ The organization pushed for an activity known as "Play Days" for girls at school.⁸⁸ Its motto was "A sport for every girl and every girl in a sport."⁸⁹ The concept was to bring girls from several schools together and then assign every girl randomly to a team.⁹⁰ There was to be no

82. See CAHN, *supra* note 14, at 16.

83. See CAHN, *supra* note 14, at 61, 86-87. See NATIONAL SECTION ON WOMEN'S ATHLETICS, HISTORY AND FUNCTIONS OF THE NATIONAL SECTION ON WOMEN'S ATHLETICS 9-10 (1941) [hereinafter HISTORY AND FUNCTIONS] (describing the history of the National Section on Women's Athletics).

84. CAHN, *supra* note 14, at 63.

85. See HISTORY AND FUNCTIONS, *supra* note 83, at 8.

86. See generally HERBERT HOOVER PRESIDENTIAL LIBRARY AND MUSEUM, LOU HENRY HOOVER: A BIOGRAPHICAL SKETCH, at <http://www.hoover.nara.gov/education/louhenrybio.html> (last visited Apr. 2, 2001). And here is another Iowa connection: The first head of the Women's Division was Lou Henry Hoover, born in Waterloo, Iowa, married to Herbert Hoover, also from Iowa, who would several years later be elected president of the United States. At the time, Mrs. Hoover, was president of the Girl Scouts of America. Her love of the outdoors led her to become one of the first female geology majors at Stanford University. *Id.*

87. CAHN, *supra* note 14, at 61.

88. *Id.* at 66. See also NIKE, *supra* note 27, at 5.

89. CAHN, *supra* note 14, at 65.

90. *Id.* at 66.

practice in advance.⁹¹ Instead, the girls were to play solely for the sake of play. Winning was not important because competition between schools was bad. There were to be no star athletes. “The purpose . . . [was to] play[] with rather than against each other.”⁹² The Women’s Division included physical education teachers and persons representing such organizations as the YWCA, Girl Scouts, and Camp Fire Girls.⁹³ Their official platform stated that interinstitutional athletics was a bad idea, but might be permitted if:

- The school or institution has provided opportunity for every girl to have a full season’s program of all-around athletic activities.
- Every girl in the school or institution . . . actively . . . takes part in a series of games. . . .
- The activities are conducted under the immediate leadership of properly trained women instructors who . . . [care more about] the educational value of the game . . . than winning.⁹⁴

And, if these conditions are met and an interinstitutional competition is held, then:

- No gate money [can be collected].
- Medical exam[s are required] for all participants.
- Admission [to the event should]only [be] by invitation [(to avoid “exploitation” by outsiders)].
- [There should be n]o publicity [about the individuals of the teams, only that] which stresses . . . the sport. . . .⁹⁵

Thus, on one side, looking out for the best interests of female athletes were groups, controlled by women, mostly educators, who believed that girls could not play the same as boys, should not be exploited or commercialized in their athletic success, and should play for the sake of play rather than competition.

91. *Id.*

92. ETHEL PERRIN & GRACE TURNER, WOMEN’S DIVISION, NATIONAL AMATEUR ATHLETIC ASSOCIATION, PLAY DAY: THE SPIRIT OF SPORT 17 (1929).

93. *Id.* at 15; *see also* CAHN, *supra* note 14, at 61 (noting the membership included PE teachers and recreational groups).

94. PERRIN & TURNER, *supra* note 92, at 15 (bullets added).

95. *Id.* at 16 (bullets added).

B. Competition is Good

On the other side was a group controlled by men, the Amateur Athletic Union (AAU), formed in the early 1900s to foster athletic competitions for men in neighborhood associations, working class organizations, and industrial teams.⁹⁶ This group resisted early pressure to include public competitions for women.⁹⁷ It changed its opinion in the 1920s, as support for including women's track and field events at the Olympics increased.⁹⁸

In 1920, the International Olympic Committee turned down a request to include women's track and field events.⁹⁹ In 1922, a French women's sports group held its own Women's Olympics in Paris.¹⁰⁰ A women's team from the United States attended the event.¹⁰¹ Although the AAU did not offer direct financial support, it did help organize the team, relying on women who participated in working class associations and industrial teams.¹⁰² Finally, in 1928, women's track and field was included as an event at the Amsterdam Olympic Games.¹⁰³

C. The Racial Divide

Unlike the feminized basketball game for girls, track and field was viewed as decidedly non-feminine.¹⁰⁴ Although Vassar College hosted an all-female track meet in 1895, from which men were excluded, opposition to women's participation in such events increased over the next three decades.¹⁰⁵ Track and field events were viewed as particularly brutish and thus likely to be more harmful to women than other sports.¹⁰⁶ At the 1928 Olympics, controversy arose when spectators reported that women who participated in the 800 meter run collapsed at the end of the race.¹⁰⁷ The Women's Division responded by opposing the inclusion of women's track in

96. CAHN, *supra* note 14, at 11.

97. *Id.* at 60. Their image of the public woman was a negative one, linked to prostitution. *Id.*

98. *Id.* (deciding in late 1923 to offer a women's national track and field championship).

99. NIKE, *supra* note 27, at 6.

100. CAHN, *supra* note 14, at 57.

101. *Id.* at 58.

102. NIKE, *supra* note 27, at 6-7.

103. *Id.* at 7; CAHN, *supra* note 14, at 113.

104. CAHN, *supra* note 14, at 111.

105. NIKE, *supra* note 27, at 4-5.

106. *Id.* at 5.

107. *Id.* at 8.

the 1932 Olympics.¹⁰⁸

The Women's Division was dominated by female PE instructors,¹⁰⁹ who in the 1920s and 1930s were primarily white.¹¹⁰ Few African American colleges in the 1920s offered PE degrees.¹¹¹ Thus, black female PE leaders operated in a different community from their white counterparts and, when they spoke out in black newspapers and college publications, they disagreed with their white counterparts, arguing that community well-being was more important than individual health and fitness.¹¹² Black female educators supported highly competitive athletics, including intercollegiate sports for women,¹¹³ thereby aligning themselves with the AAU.

As grassroots support for female participation in sports grew, class and racial divides continued.¹¹⁴ By the late 1940s, African American women dominated American track and field teams that competed internationally.¹¹⁵ Black female athletes who excelled in track and field were viewed as mannish, not out of line with the dominant perception of black females as being generally less feminine than white females.¹¹⁶ These stereotypes not only embraced white femininity, but also the image of black women as field hands and char women.¹¹⁷ Black female athletes continue to be affected by these negative racial and gender stereotypes. They are disadvantaged to the extent that the stereotypes channel them into track and field rather than other sports.¹¹⁸

IV. CONCLUSION

The history of women in sports in the United States is a complicated one. Several themes are common, both in the battles that occurred before Title IX and in the battles that continue under Title IX. One theme involves the question of who should control women's sports. Before Title IX, women's organizations and female PE teachers were in control and resisted

108. *Id.* The opposition led the International Olympics Committee to remove women's track and field from the 1932 Olympics. *Id.*

109. CAHN, *supra* note 14, at 61.

110. *Id.* at 68-69.

111. *Id.*

112. *Id.* at 69.

113. *Id.*

114. CAHN, *supra* note 14, at 119, 127-28.

115. *Id.* at 120.

116. *Id.* at 120-121.

117. *Id.* at 112.

118. *Id.* at 117-18, 120-21, 127-28.

the sort of competition we see in women's sports today.¹¹⁹ Those female educators who resisted competition did so because they embraced a particular philosophy about women athletes in educational programs such as high school and college. That philosophy was a woman-centered one, concerned about the well-being of women athletes. To the extent this philosophy led to policies based on the presumed physical inferiority of women, the policies are subject to attack. Some of the policies, however, were based on concerns that remain issues today. For example, although a rule that allows only intramural competition among girls' and women's teams may seem like a silly way to protect women athletes today, the concern about commercial exploitation continues. Where to draw the line between good and bad competition and where to draw the line between competition and commercial exploitation are important questions for college athletics programs generally. One can only hope that female college athletes will participate in this line-drawing, taking the best interests of all athletes, but particularly the interests of women, to heart. The decline in the number of female collegiate administrators in high-level positions in athletic departments, however, suggests that control over women's collegiate activities is no longer in the hands of women.¹²⁰

The history of women of color in sports in the United States is also complicated.¹²¹ That history is separate from the history of white women in sports, a fact that should not be surprising given our history of racial segregation generally. Because Title IX focuses only on gender equity in sports programs, it may not address the most pressing needs of the black or Latina athlete.¹²² Understanding the different racial histories of women in sports is a first step toward enabling us to look at the problem from an intersectional perspective.

POSTSCRIPT: IOWA

In August of 2000, Christine Grant stepped down from her twenty-seven-year post as Director of Women's Athletics at the University of Iowa. After reviewing the recommendations of a presidentially-appointed Ad Hoc Task Force to review the situation, University President Mary Sue Coleman announced that women's and men's intercollegiate athletic programs at the University of Iowa "will be consolidated into one program supervised by Bob Bowlsby, the current men's athletic director. . . ."¹²³

119. *Id.* at 55-56.

120. CAHN, *supra* note 14, at 259.

121. *Id.* at 269.

122. For example, a focus on gender alone may ignore the racialization of black female athletes who are often stereotyped as natural runners and jumpers.

123. *UI to Consolidate Women's and Men's Athletic Programs*, (Sept. 8, 2000), at <http://>

[//www.uiowa.edu/~ournews/2000/september/0908consolidates_sports.html](http://www.uiowa.edu/~ournews/2000/september/0908consolidates_sports.html) (While some women's sports fans saw this consolidation as a setback, Dr. Grant publicly supported the decision, citing President Coleman's commitment to gender equity in sport: "We could not have a more supportive president at this critical juncture in our history.").

