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Nevertheless, She Persisted:

Title IX and the Fight for Gender Equity in Athletics in the Twentieth Century

By

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Abstract

During the first half of the twentieth century, the field of athletics in the United States was dominated by a culture of masculinity. Due to this inherent link with masculinity, American women were kept from participating in sports to protect their feminine nature. As the years passed of continuous oppression, only a small handful of women were able to fight back and make a name for themselves as prominent and successful athletes. To combat the larger issue of gender discrimination in America, a women's movement was launched in the 1960s and 1970s. This movement would in turn spur the creation of Title IX of the Education Amendments of 1972. Title IX was not originally created to address gender inequalities in athletics, but it is clearly what has been most impacted by the law.

Since its creation in 1972, Title IX the law has faced near constant backlash out of the fear it would negatively influence men's sports. Despite this backlash, the law has persisted to create more opportunities for women to become involved in sports. The law has led to a distinct increase in female participation rates at the high school and collegiate level, while also leading to health and social benefits for female athletes. Popularity in women's professional sports have also increased significantly since the law's implementation. Title IX has revolutionized women's athletics in the United States, but its road to doing so has not been easy.

In the Literature: Title IX and its Relationship with Women's Athletic

On January 28, 2017, Serena Williams easily defeated her older sister, Venus, 6-4, 6-4 in the finals of the Australian Open making history by winning her 23rd Grand Slam singles title—the most of any woman in the Open Era—and only one title short of tying Margaret Court's all-time record. Her victory definitively solidified her status as the “greatest female athlete of all time” in terms of both athletic ability and accomplishments. When shortly after her win Williams announced she was 20 weeks pregnant, people quickly came to the astounding realization that Williams won her 23rd career Grand Slam eight weeks into her pregnancy. Upon hearing this, many asserted that Williams was not only the greatest female athlete of all time, but simply the greatest athlete of all time, regardless of gender.¹ Those commenting on her victory in the Australian Open argued that Williams achieved athletic greatness even while carrying a child—something a man cannot accomplish—thus reinforcing her superiority over her male counterparts. This victory, as well as Williams many other accomplishments on the tennis court which range from 72 career singles titles, four Olympic gold medals, and more than \$84 million in career prize money, only adds to the argument in favor of her superior athletic status.²

Williams embodies a shifting sentiment and greater acceptance held by many Americans towards female athletics in the United States that has occurred in the latter decades of the twentieth

¹ Erica Gonzales, “Serena Williams Won the Australian Open While Pregnant and Fans are Freaking Out.” April 19, 2017. <http://www.harpersbazaar.com/celebrity/latest/news/a22142/serena-williams-pregnant-tweets/>.

² “Serena Williams Fast Facts.” *CNN*. September 17, 2017. <http://www.cnn.com/2013/09/13/us/serena-williams-fast-facts/index.html>.

century through the twenty-first century—something which could have never occurred without the creation and implementation of Title IX.

The congressional passing of Title IX of the Education Amendments Act of 1972 helped spark a revolution in the realm of women's sports, despite never mentioning the term "athletics" in its thirty-seven word long text. Regardless of the fact that it did not specifically apply to athletics at the time of its passing, Title IX has since become synonymous with the fight female athletes have faced in their attempts to be taken just as seriously as their male counterparts. The relationship between Title IX and its fundamental association with women's athletics is not typically examined through a historical lens; rather, it tends to be examined in the other scholarly fields such as sociology and psychology. A limited number of sources have investigated the history of women in sports in the United States and examined the role Title IX has played in female athletics. As time has progressed since the passing of Title IX, however, the topic has become much more relevant. What follows is a review of the existing literature on the subtopics and themes surrounding Title IX, specifically in regards to its relationship with athletics.

Several scholars have investigated the history of women who participated in athletics prior to the passing of Title IX in 1972. Mary Jo Festle and Jaime Schultz both offer chronological examinations and timelines of the history of women's sports in the United States, specifically focusing on the decades prior to the passing of Title IX in their books *Playing Nice: Politics and Apologies in Women's Sports* and *Qualifying Times: Points of Change in U.S. Women's Sport*, respectively. Both Festle and Schultz explore the struggles women faced as athletes during a time in which athleticism was linked with manliness, specifically discussing how these women were often looked down upon by society because they exuded traits not

typically linked to femininity. These female athletes faced constant backlash from men and other women who did not believe athletic fields or courts were places where women belonged. During these years, women who participated in sports were either characterized as “mannish” or believed to be lesbians. Despite the clear potential for discrimination, Michael A. Messner offers an interesting take on what he believed to be a sweeping increase of female participation in sports years prior to the passing of Title IX in his article “Sports and Male Domination: The Female Athlete as Contested Ideological Terrain.” Messner argues that feminism played an integral role in the higher rates of women’s participation in sports as the twentieth century passed, specifically, exploring how post-World War II, it became more acceptable for women to be active members of public life by working jobs rather than remaining in the domestic sphere. Messner argues that there was a growing concept of feminism following the war, which preceded a further swell of female participation in sports prior to the passing of Title IX. Despite an absence of much literature surrounding the history of women in sports in United States prior to the 1970s, this specific topic affects how the Title IX legislation came to be.

Some historians have examined the impactful role members of the United States Congress had in the creation of the legislation. Those people responsible for the creation of Title IX are explored in the film *Sporting Chance: The Lasting Legacy of Title IX*. This documentary offers an in depth analyses of how Senator Birch Bayh and Congresswomen Edith Green and Patsy T. Mink were instrumental in making sure the legislation passed, while also discussing women’s rights activist Bernice Sandler who played a vital role in lobbying for support behind the scenes. *Sporting Chance* specifically examines how the legislators made no mention of athletics in the original wording of Title IX in fear of backlash from men’s athletics coaches as

well as organizations such as the National Collegiate Athletic Association (NCAA), which will be explored later on. Senator Birch Bayh from Indiana is often referred to as “The Father of Title IX” for several reasons including the fact that he authored the law; Birch is interviewed in *Sporting Chance* in which he discusses his idea that Title IX would eventually apply to women in sports despite the law never explicitly mentioning the word “athletics.” *Sporting Chance* also features interviews with Bernice Sandler, who discusses her close friendship with Congresswoman Green and how they both tried to keep the idea that Title IX could affect athletics away from the floor of Congress in fear of people questioning a law that had relatively few opponents. *Sporting Chance*, through various interviews, argues that individuals behind the scenes of Title IX knew that the law would eventually pertain to women’s athletics and the term “athletics” was more than likely left out of the wording deliberately.

Another documentary *Title IX: Implications for Women in Sports and Education* similarly examines the impactful role these individuals played in ensuring the passing and implementation of Title IX. The documentary argues that Congresswomen Patsy T. Mink and Edith Green, Senator Birch Bayh, and lobbyist Bernice Sandler were all extremely passionate about women’s rights, which in turn spurred the birth Title IX. These individuals dedicated their lives towards advancing women’s rights, and while it is more than likely that they each knew their work could possibly have some sort of an effect on female athletics, the massive implications the law has had on leveling the playing field for men and women athletes were not conceivable in the early 1970s.

Historians often explore individuals other than politicians who worked to ensure the success of Title IX, such as Billie Jean King, a professional tennis player, who championed the

legislation and helped to nationalize Title IX's efforts in regards to female athletics. Jean Zimmerman and Gil Reville explore King in their book *Raising Our Athletic Daughters: How Sports Can Build Self-Esteem and Save Girls' Lives* arguing that through her willingness to defy gender norms, she served as a role model for young girls and helped to benefit these girls' mental health. Zimmerman and Reville write that Title IX sparked a cultural change in America, linking the law to increases in girls participation in athletics since 1972, and examining how in her defeat of Bobby Riggs, Billie Jean King helped gender disparities in sports become a "feminist issue." The documentary *Sporting Chance: The Lasting Legacy of Title IX* also specifically examines King and her instrumental role in nationalizing the struggles of female athletes, arguing that no one was actually paying any attention to Title IX because no one actually understood its meaning. However, the film then argues that because of King's tennis match with Bobby Riggs in September 1973, people started to realize the implications Title IX would have on women's athletics. In the documentary, King states that this "Battle of the Sexes" was about beginning a social change in America in which she wanted to change people's "hearts and minds" to line up with that of which Title IX was aiming to implement for women's rights. *Sporting Chance* maintains the position that without King and the Battle of the Sexes, Title IX may not be the same law it is today.

Some historians discuss how Title IX was not universally supported and would go on to face strong resistance. David F. Salter examines the backlash Title IX faced shortly after its 1972 passing from football coaches and athletic directors of colleges and universities with football programs in his book *Crashing The Old Boys' Network: The Tragedies and Triumphs of Girls and Women in Sports*. Salter argues that it is important for men to act as champions of Title IX

because with the genders united, the antiquated beliefs that have often hindered the application of Title IX can become less pertinent. He explores this concept by focusing on how men involved with sports—most specifically football—were some of the main opponents of Title IX. He argues that men's sports' coaches often feel threatened by the concept of gender equity because they believe football is a sport that generates enough revenue to account for their costs; coaches fought hard to make sure that football would be given special consideration and excluded from the power of Title IX. In her book *Female Gladiators: Gender, Law, and Contact Sport in America*, Sarah K. Fields explores the response towards Title IX and the 1975 Title IX Regulations from football coaches and supporters of these programs who were up in arms with the idea that Title IX would be taking away from their sport. The Tower Amendment was proposed to Congress in 1974 stating that Title IX could not apply to any revenue-producing sport—specifically football: a sheer sign of the backlash. Fields links this proposed amendments to the fear many American males held of their collegiate football programs having a “female invasion.”

Some scholars have also examined how backlash against Title IX was not limited to football coaches. The National Collegiate Athletic Association (NCAA) also strongly disagreed with the legislation. In her book *Playing Nice and Losing: The Struggle for Control of Women's Intercollegiate Sports*, Ying Wushanley dedicates much of her text to exploring the temperamental relationship over Title IX between the NCAA and the Association for Intercollegiate Athletics for Women (AIAW). Wushanley argues that once it became clear to the NCAA that Title IX would affect intercollegiate athletics, the association aggressively campaigned to fight the implementation of the law out of fear of much of the allotted financial

resources being taken away from men's programs to help fund women's programs. Eventually the NCAA realized that the best way to help protect the interests of the men's intercollegiate athletic programs would mean gaining control over the women's programs, beginning a long battle between the NCAA and the AIAW, the chief organization dealing with women's intercollegiate athletics at the time, over who would hold singular control. Wushanley, as well as Mary A. Boutilier and Lucinda F. SanGiovanni in their article entitled "Politics, Public Policy, and Title IX: Some Limitations of Liberal Feminism," offer interesting insight into how the NCAA gaining control over female intercollegiate athletics has impacted the number of leadership positions women hold comparatively to men in the female athletics arena. Boutilier and SanGiovanni discuss the argument that due to an "explosion of female collegiate sports" in the 1970s alongside the passing of Title IX, as well as the growing influence of the NCAA, has in turn created more job opportunities and careers for "white males."

Historians often explore how men have responded to what they perceive to be a challenge female athletes have had on their masculinity. Both Mariah Burton Nelson and Susan K. Cahn explore this topic in their books *The Stronger Women Get, The More Men Love Football: Sexism and American Culture of Sport* and *Coming on Strong: Gender and Sexuality in Twentieth-Century Women's Sport*, respectively. Nelson argues that as women have gotten "stronger" in their athletic capability and as their love for sports and competition has become more apparent, men often being to feel threatened by women entering what they believe is an arena that belongs to their sex. She further states that as these men feel that women are threatening their believed athletic superiority, they turn towards "manly" sports in which they believe men are superior to women such as football, hockey, and wrestling. Cahn argues that historically, female athletes

have been hindered by the ideology that sports are inherently tied to masculinity. She establishes the idea that since many Americans thought of athleticism as a “manly trait,” female athletes were often pressured to prove their femininity through their appearance or through weakening their competitive drive. Despite how deeply embedded the concept of masculinity was in sports, Cahn argues that female athletes have persisted to eliminate this stigma, and that Title IX stood as legislation to challenge the belief of men’s dominance in athletics.

Scholars have also examined how the link between masculinity and athletics garnered practical responses from men who felt threatened by female athletes encroaching on their territory. Nelson explores this in her book *Are We Winning Yet? How Women Are Changing Sports and Sports Are Changing Women* by arguing that with the implementation of Title IX a shift occurred within female athletics; this shift was that before Title IX, women’s sports were solely about females and their achievements in athletics, but that once Title IX was passed, the role of men in women’s sports grew tremendously. Men have become dominant in the administrative and coaching levels in women’s athletics post-Title IX, thus bringing a “manly” element to sports in which men could not compete. Despite this, Burton claims that through the legislation and through a shifting outlook on the gender divide, women have tirelessly worked towards making themselves an integral part of the sports world, and have helped influence the business into one less about manliness.

Several historians have examined how the difference between gender equality and gender equity played an integral role into how Title IX was implemented. Gender equality commands that both genders are treated exactly the same—no matter the circumstances; on the other hand, gender equity requires that both men and women are treated fairly, and that to be treated fairly

certain social, historical, and biological gender differences must be taken into account. In *Invisible Seasons: Title IX and the Fight for Equity in College Sports*, Kelly Belanger argues that female athletes who fought to implement Title IX originally believed total gender equality was the only viable option, but came to realize that the law served better as establishing a means of gender equity. Belanger believes that by promoting Title IX as a law of gender equity, the women's sports movement was able to make more progress as the concept offers more ambiguity and does not feel as concrete as equality. She notes that by establishing gender equity in women's sports through Title IX, the movement will eventually accelerate towards equality, but she does not offer any insight into how she believes women can achieve this.

Another scholar Cynthia Lee Pemberton similarly explores the role of gender equity in regards to the women's sports movement and Title IX in her book *More Than a Game: One Woman's Fight for Gender Equality in Sport*. Pemberton explores how many college administrators fought against the concept of gender equity in Title IX, who believed that because of it, the resources given to men's intercollegiate sports would be greatly limited in order to be more "fair." She touches upon how the football coaches at the college she worked at were angered by gender equity in fear of a redistribution of athletic resources. Pemberton highlights the struggles she faced with football coaches in response to Title IX, and how they struggled to comprehend the true concept of gender equity.

Some historians, agreeing with football coaches, have argued that the legislation has not benefited either women's or men's sports. In *Tilting the Playing Field: Schools, Sports, Sex and Title IX*, Jessica Gavora argues that Title IX is not the triumphal piece of legislation that it is often perceived to be, but rather has failed to follow through on its promotion of gender equity.

Gavora states that Title IX has actually taken away from many men's sports in effort to give more to the women. She argues that athletic administrators have had to make severe cuts from men's programs—even having to sometimes eliminate less popular men's sports teams—in order to help fund women's programs that needed to be established. She believes that Title IX has enforced quotas among men and women's sports, while also diminishing female athletic accomplishments in that the triumphs of female athletes are often recognized as stemming from the passing of Title IX, rather than being seen as actual accomplishments of the athletes themselves.

Similarly to Gavora, Welch Suggs examines what he calls the “tragedies” of Title IX in his book *A Place on the Team: The Triumph and Tragedies of Title IX*, spending a good portion of his work investigating how the scope of the law sometimes falls short of its original goals. He argues that in adopting Title IX, women's sports have become too consumed with fitting into what he perceives is a “male structured” realm of sports. Title IX has established a mandate that female athletes be treated the exact same as male athletes, which Suggs argues hurts the women's sports movement. A major downside of Title IX, several historians such as Mariah Burton Nelson and Susan K. Cahn argue, is that since its implementation, there has been a distinct decline in females holding leadership roles in the athletic field as the legislation has opened the door for more men to take over control of these positions. Title IX has made a business out of female athletics and as a result, more men have sought opportunities to include themselves.

Nevertheless, most historians argue that, while not the magic solutions, the legislation has been extremely beneficial for women's athletics. In their book *Raising our Athletic Daughters: How Sports Can build Self-Esteem and Save Girls' Lives*, Jean Zimmerman and Gil Reavill

explore the successes that Title IX has had through their argument that it helped spark a cultural change in how people in America viewed female athletes. Zimmerman and Reavill use data to show how the passing and implementation of Title IX has since affected participation of young girls in athletic programs. The legislation accounted for the deep gender disparities in programs, so it in turn called for and provided more opportunities for girls and women in athletics. As the title of the book references, with more opportunities in sports, many young girls grew more self-esteem, especially because they were able to look up to a growing number of female athletes as role models.

Historian Deborah L. Brake also examines the many victories of Title IX since its passing in 1972 in her book *Getting in the Game: Title IX and the Women's Sports Revolution*, arguing that the "iconic law" has been extremely effective in creating a cultural revolution in the United States in which more people have come to accept the athletic capabilities of young girls and women. Brake argues that Title IX promotes many feminist ideologies and continues to empower women years after its passing. The benefits of Title IX are also examined in the documentary *Sporting Chance: The Lasting Legacy of Title IX*, which gives a retrospective on the legislation 40 years after its passing. The film highlights Title IX as one of the most important pieces of legislation for women, and that it has opened up so many doors for young girls and women to experience the joys of athletics that they were rarely afforded before 1972. Title IX dramatically shifted the landscape of athletics in America, and many believe that it did so in an extremely positive and beneficial manner.

Title IX of the Education Amendments of 1972 drastically altered the state of women's athletics in the United States. The various scholarly works that have been discussed help to

investigate areas in which the law has affected American athletics. In order to explore how Title IX has played an integral role in shifting women's sports it is first important to discuss the state of female athletics in America prior to the law's creation. Women who played sports in the first half of the twentieth century often struggled to be accepted by a society that tied athletics to masculinity. After this, it is important to explore second-wave feminism and how the women's movement of the 1960s and 1970s led to the creation of Title IX. The law and its various regulations faced immediate backlash, but persisted to make an impact on athletic participation rates for young girls and women all over the country. It is finally important to examine the opportunities created by the law and how they have impacted factors beyond gender inequalities. Title IX has definitively revolutionized women's sports, successfully establishing more opportunities for young girls to reap the benefits associated with athletic involvement.

Chapter One: Female Athletics Pre-Title IX

For a woman to be considered one of the greatest athletes of all time is an accomplishment of the changing culture and ideology surrounding female athletics in the United States which truly began with the passing of Title IX in on June 23, 1972. Since then, more people have started to come to terms with the fact that women are just as capable as men in the field of athletics. Despite this realization, female athletes have not always fared well in American society, rather many of the impressive female athletes of the twentieth century, pre-Title IX, have largely been forgotten and ignored by history. This ignorance may be examined in terms of the controversial landscape of athletics in the United States in the decades prior to Title IX's passing; a serious divide existed in how male athletes and female athletes were viewed and treated. Male athletes were respected for conforming to society's beliefs about masculinity and adhering to the typical gender stereotypes of the early twentieth century, while female athletes were often looked down upon because they were thought to be challenging certain gender norms. The women who participated in sports were actively going against gender stereotypes by acting in ways that were deemed less feminine and more masculine.

During the first half of the twentieth century, there were not many organized opportunities for young girls or women to become involved with sports. Girls usually participated in sports in their neighborhoods, playing with other children who lived near them. In 1888, the Amateur Athletic Union (AAU) was established to create standards and uniformity in amateur sport for both men and women; through the AAU, more women would be able to

participate in organized sports that were thought to be more masculine such as basketball.³ It was more acceptable for women to participate in less masculine appearing sports such as golf and tennis, but the AAU allowed women to expand their horizons and try other sports that were once not readily available. Most athletic opportunities for women at the high school and collegiate levels were presented as part of physical education. In this way, women were prevented from competing in sports because of a wide society belief that tied competition to masculinity. It would not be until later in the 1900s that organized competition at these levels would be established. Because there were not many opportunities to participate in organized sports other than with the AAU, many women were not afforded the chance to participate in athletics.

While almost everyone in modern times in the United States knows of Serena Williams' athletic achievements, fewer people know any information about some of the greatest female athletes who lived and performed during the time period before Title IX. This could be the case because the women who participated in sports pre-Title IX tended to be either shamed or ignored by many everyday Americans. Women were not meant to embrace their athletic and competitive nature, which in turn affected how they were perceived and are now remembered. However, some women were able to fight back against the gender stereotypes that ran rampant during this time period, including Babe Didrikson Zaharias, Dorothy "Dottie" Schroeder, and Billie Jean King.

³ Susan K. Cahn and Jean O'Reilly, "Timeline: 125 Years of U.S. Women in Sports," in *Women and Sports in the United States: A Documentary Reader*, eds. Jean O'Reilly and Susan K. Cahn, (Boston: Northeastern University Press, 2007), xxiii.

Most sports historians acknowledge Babe Didrikson Zaharias as one of the greatest athletes of all time, but that acknowledgement has not translated into Didrikson being discussed as an integral and impactful figure in sports history in the United States. Babe Didrikson was born Mildred Ella Didrikson on June 26, 1911—despite claims in her autobiography that she was born in 1914 to appear more youthful—and would actively participate in various sports ranging from football to basketball to track and field at a young age.⁴ She was fearless when it came to acting upon her naturally gifted athletic ability, constantly pushing herself to excel in every sport she attempted stating, “My goal was to be the greatest athlete that ever lived.”⁵ Didrikson did not fit the mold of the typical twentieth century woman; rather she challenged gendered stereotypes by not only participating in sports which were designated for men, but also excelling at each of the sports she attempted.

Much of the information available about the life of Babe Didrikson Zaharias comes from her autobiography published in 1955 entitled *This Life I've Led: My Autobiography*. *This Life I've Led* is the story of Didrikson's life as she told it to sportswriter Harry Paxton. In a preface written by Paxton, he notes that the words written in the book came directly from Didrikson during the spring of 1955 when the two of them met; as she was nearing the end of her life she decided to share her story as Paxton recorded it with a tape recorder. Other information comes from Susan Cayleff, a professor in the Department of Women's Studies at San Diego State University. Her books entitled *Babe: The Life and Legend of Babe Didrikson Zaharias* and *Babe*

⁴ Susan Cayleff, *Babe: The Life and Legend of Babe Didrikson Zaharias* (Chicago: University of Illinois Press, 1996), 27.

⁵ Babe Didrikson Zaharias, *This Life I've Led: My Autobiography as told to Harry Paxton* (New York: A.S. Barnes and Company, 1955), 27.

Didrikson: The Greatest All-Sport Athlete of All Time, give an in depth look into the areas of life which Didrikson was often unwilling to discuss, including her sexuality and her femininity. Cayleff's works also are important in discussing the true history of Didrikson, as she notes that Babe was somewhat of a self-promoter who would exaggerate certain aspects of her life to benefit her media image. These three works offer the most information on Didrikson, and are important in creating a timeline of the lifetime of one of the greatest athletes in American history.

Babe Didrikson's childhood largely influenced the impressive sports career she would go on to have, as well as her personal life. Born to Norwegian immigrants Ole and Hannah Didriksen—she changed her name to Didrikson because she did not want people thinking she was a “Swede”—Didrikson grew up in the southern town of Port Arthur, Texas. Ole Didriksen worked on an oil tanker in Norway until he could save up enough money to move the family to Texas, a place he had once voyaged to on the tanker. Once in Port Arthur, Ole worked in furniture refinishing and built a house for the family to live in; it was in Port Arthur when Babe first became infatuated with all things sports related.⁶ This infatuation was largely in part due to her upbringing as one of seven Didrikson boys and girls, each of whom were athletically inclined. Didrikson was the second-youngest child in the family, with three older sisters and three brothers, two older and one younger. In her autobiography, Didrikson continually alludes to her family of athletes contributing to her naturally competitive spirit, most specifically her older sister Lillie whom she would race against outdoors.⁷ Didrikson also discusses how she inherited her athletic genes from her mother Hannah who she claims was a champion skier and

⁶ Cayleff, *Babe*, 27.

⁷ Didrikson Zaharias, *This Life I've Led*, 29-30.

ice skater back in Norway. These athletic genes clearly were not wasted, as Didrikson began to play various sports with the neighborhood children at a young age.

Babe spent her time as a young girl playing games with the local “Doucette Street” boys; along with her sister Lillie and friend Christine McCandless, she would play in many football and baseball games. It was during these baseball games, Didrikson claims, she would receive her nickname. “The ‘Babe’ came later, when I began hitting home runs in ball games. Babe Ruth was the big hero then, and the kids said, ‘She’s a regular Babe Ruth. We’ll call her Babe.’”⁸ Susan Cayleff disputes these claims stating that her nickname naturally evolved from the nickname her mother gave her, Baby. Apparently, Didrikson had a habit of exaggerating her past to benefit her image in the media.⁹ Her family life in Port Arthur truly impacted Didrikson’s participation in athletics, as they all embraced the benefits that came with involvement in sports. Family was extremely important for Didrikson as they served as a “pillar of certainty in a world where she was not always accepted or understood.”¹⁰

While Hannah and Ole Didrikson pushed their daughter to excel in and embrace her athletic side, they also ensured that she did not ignore the feminine aspects of life. During the first half of the twentieth century, many immigrant families held strict sex-stereotyped expectations for girls and women, with athleticism usually being seen as a masculine trait.¹¹ Because of this, she was always made to help with domestic chores around the house and take an

⁸ Didrikson Zaharias, *This Life I've Led*, 11.

⁹ Cayleff, *Babe*, 31.

¹⁰ Cayleff, *Babe*, 30.

¹¹ Cayleff, *Babe*, 34.

interest in her home economic classes. Didrikson discusses her interest in womanly activities in her autobiography stating, "I was always interested in the women's things around the house, like cooking and sewing and decorating. I loved all the pretty things, and I still love all the pretty things".¹² Didrikson always felt insecure about her perceived lack of femininity, whether due to her somewhat masculine features or athletic ability. Throughout her life, Didrikson constantly felt the need to defend her femininity, which will be discussed later on; her childhood most definitely influenced this in some way. Her upbringing in Port Arthur, Texas earned Babe Didrikson her nickname as the "Texas Tomboy" and largely influenced the life she would go on to live.

The first sport Babe Didrikson truly took an interest in playing was basketball. Basketball had been a staple of American sports since its creation in 1891 by Dr. James Naismith, and women at Smith College first played the game in 1892. By 1898, basketball had reached a new height of popularity in the United States, with many women actively enjoying the sport. Despite this, a belief that the game as it was played with boys was too strenuous for girls led to a modified game being created to better suit the female players. The new rules for women were: that the ball could not be stolen from the player with possession, a player could not hold the ball for more than three seconds, the floor was divided into sections which could not be crossed by opposing players, and a defender could not put their hands above the player holding the ball.¹³ These modifications served as an early indicator that many people feared basketball was too rough for women to play and that the sport would be largely debated during the

¹² Didrikson, *This Life I've Led*, 104.

¹³ James Naismith, *Basketball: Its Origin and Development*, (Lincoln: University of Nebraska Press, 1941), 166.

twentieth century. Basketball was typically seen as physical education program for women during the early years of its inception, but gradually evolved into a team sport which was played at the collegiate level, local YMCAs, and semi-professional leagues. Women's basketball was even denied entry into the Olympics by the International Olympic Committee until 1976 because as a team sport, it was deemed too inappropriate and unfeminine.¹⁴ For many reasons, basketball was a controversial sport for women to participate in, but Didrikson was still determined to play.

Babe Didrikson was an exceptional basketball player, and her participation in the sport is what would eventually launch her career in athletics. Didrikson did not make the Beaumont High basketball team at first because she was deemed to be too small to play. This only pushed her to work harder, as she began to watch the boys' team practice and seek pointers from their coach. Eventually her work paid off when she made the girls team as a junior and served as the "high scorer from the start."¹⁵ Local newspapers immediately took an interest in Didrikson, constantly writing about her basketball accolades. In 1930 after reading these newspaper articles Melvin James McCombs, coach of the Employers Casualty Insurance Company (ECC) women's semiprofessional team, came to watch Didrikson play in hopes of her joining his squad. The ECC's team was apart of the Amateur Athletic Union (AAU) where amateur athletic teams competed against one another. After graduating high school in June of the same year, Didrikson worked permanently with the Employers Casualty Company while also playing on McCombs' basketball team. She was the star player of the program and would eventually go on to be named

¹⁴ Cayleff, *Babe*, 13.

¹⁵ Didrikson Zaharias, *This Life I've Led*, 34.

an All-American in the league three years in a row.¹⁶ Through her close relationship with McCombs, Didrikson was able to convince him to start an ECC women's track and field team, which would be the next sport she would tackle.

Track and field has been a staple of athletics since ancient times, but it was not a sport always available for women to try. Men had been participating in track and field in the United States since the 1860s, while women were largely excluded. Women's track and field in the United States effectively began when Vassar College held the first track meet for women on November 9, 1895.¹⁷ In 1928, women's track and field was introduced as an event in the Summer Olympics, as women throughout the United States realized that they could too be in the Olympics. It was through this milestone for women's athletics in the United States that Babe Didrikson first became infatuated with the sport.¹⁸

During the summer of 1928, Ole Didriksen would read to his children newspaper articles about the Olympic Games that were being held in Amsterdam. Hearing the articles, Babe Didrikson decided that one day she would participate in the Olympics and immediately began training with her sister Lillie. When Melvin James McCombs instituted an ECC women's track and field team, Didrikson decided that she would compete in every event possible. With the Summer Olympics coming up in 1932, she put all of her effort into ensuring that she would fulfill her dream from 1928 to be in the games. Didrikson single-handedly won the national championships for the ECC in 1932 by placing in the seven out of eight events she entered

¹⁶ Didrikson, *This Life I've Led*, 38.

¹⁷ Louise Mead Tricard, *American Women's Track and Field: A History, 1895 Through 1980*, (North Carolina: McFarland & Company, Inc., Publishers, 1996), 21.

¹⁸ Didrikson, *This Life I've Led*, 28.

noting that “winning that 1932 national-championship track meet was the thing that first made my name big.”¹⁹ In the 1932 Summer Olympics held in Los Angeles, California Didrikson set Olympic records in all three of the events she participated in, winning two gold medals for hurdles and the javelin throw while also winning a silver medal in the high jump. At the time, women were only allowed to participate in five events, but had Didrikson been able to participate in other events she excelled in such as the discus throw, the relay, and the long jump, she more than likely would have won more than three medals.²⁰ Babe Didrikson’s performance in the 1932 Olympic Games established her as a world-renowned athletic superstar and helped to pave the way for her participation in the sport which she is most remembered for—golf.

The sport of golf originated in Scotland during the Middle Ages, but would not become popular in the United States until the turn of the twentieth century. Golf clubs became extremely popular throughout the country during the last decade of the nineteenth century, while affluent Americans frequented numerous golf courses during the summer months.²¹ Compared to many other sports of the time, golf was not considered to be a “manly” sport as discussed by George B. Kirsch in his history on golf in America, who stated that “golf was a pastime that could be enjoyed by people of all ages and both sexes, even though it faced considerable resistance among many boys and young men who viewed it as a sissy sport for dudes and the effete.”²² Golf appeared to be too easy for many boys and men—if women could participate then it must too

¹⁹ Didrikson, *This Life I've Led*, 51.

²⁰ “Mildred Didrikson,” *Olympics*, Accessed January 26, 2018, <https://www.olympic.org/mildred-didrikson>.

²¹ George B. Kirsch, *Golf in America*, (Chicago: University of Illinois Press, 2009), 6.

²² Kirsch, *Golf in America*, 12.

easy for men. The sport did not require as much physical exertion which appealed to women and men of all ages, but American women especially embraced the sport for its “health and social attributes.”²³ The United States Golf Association (USGA) served as the national governing body of golf for the country. Founded in 1894, it organized the various competitions for both professional and amateur male golfers, most notably the United States Open Championship. However, women would not have an organization for their own professional players until the formation of the Ladies Professional Golf Association (LPGA) in 1950. A group of 13 professional female golfers, one of them being Babe Didrikson, founded the LPGA.

Throughout the 1932 Summer Olympic Games, sportswriter Grantland Rice focused much of his attention on Babe Didrikson and her impressive performance, and he played a large role in establishing her as a well-known athlete. However, he played an even bigger role in her career when he invited her to play a round of golf with him and some of his sportswriter friends at the Brentwood Country Club.²⁴ After that, Didrikson quickly became obsessed with golf, seeing it as an opportunity for her to establish herself as a champion once more. She practiced endless hours each day, hitting up to 1,500 golf balls a day to the point her hands would become bloody at the wear and tear.²⁵ She had an extreme work ethic and was willing to do anything to be successful. After embarking on a golf tour with Gene Sarazen and signing a sponsorship contract with the P. Goldsmith Sons sporting goods company, she was banned from amateur

²³ Kirsch, *Golf in America*, 15.

²⁴ Didrikson Zaharias, *This Life I've Led*, 56-7.

²⁵ Susan Cayleff, *Babe Didrikson: The Greatest All-Sport Athlete of All Time*, (California: Conari Press, 1995), 97.

tournaments by the United States Golf Association for three years.²⁶ Didrikson would not reemerge at the amateur scene until 1945 with her sight set on winning several tournaments, but one of her biggest impacts on the sport would come with her help in founding the LPGA.

Didrikson, along with several other influential female golfers such as Patty Berg and Louise Suggs, helped to establish the association in 1950, which would serve as the organizational body for female professional golfers.

Babe Didrikson's golf career elevated her legendary status as an elite female athlete, but it also served as a turning point in her personal life. Throughout her illustrious athletic career, Didrikson often faced backlash over a seeming disregard for her gender; many Americans believed that athleticism was inherently linked with manliness, which kept many women from receiving the proper exposure for their athletic abilities. Joe Williams, a sportswriter for the *New York World-Telegram*, negatively commented on Didrikson and other females participating in athletics writing, "It would be much better if she and her ilk stayed at home, got themselves prettied up and waited for the phone to ring."²⁷ This commentary was commonplace in the United States during the years leading up to Title IX, and even remains in some aspects in the modern world. Comments such as the one by Joe Williams reinforced the idea for many Americans that Didrikson was unusual in that her affinity for athletics was both biologically and socially wrong. Many questioned if Didrikson was even a female at all because of her extreme athletic ability and competitive nature. After her impressive performance at the 1932 Olympics, the press often and openly questioned if Didrikson was truly a woman, or rather if she was a

²⁶ Kirsch, *Golf in America*, 167-8.

²⁷ Larry Schwartz, "Didrikson was a woman ahead of her time," *ESPN*, <https://www.espn.com/sportscentury/features/00014147.html>.

“third sex” which was neither male nor female.²⁸ She did not fit the mold of a typical female, nor a typical male, which created a certain gender limbo in which Didrikson existed.

Babe Didrikson was quite aware of the fact that she was often regarded as a “tomboy” by the press, and that her femininity was often questioned. She believed that the press associated her participation in golf as a way of her embracing her true feminine nature writing:

Some writers have said that around this time a big change took place in me. Their idea is that I used to be all tomboy, with none of the usual girls' interests, and then all of the sudden I switched over to being feminine. Well, with any almost any woman athlete, you seem to get that tomboy talk. It happens especially with girls who play things that generally aren't considered women's sports, like basketball and baseball, the way I did.²⁹

After discussing how she believed that she had always been feminine, Didrikson writes at large in her autobiography about the womanly aspects of her such as her marriage to professional wrestler George Zaharias, while seemingly defending her femininity.³⁰ This could have been Didrikson's attempt at conforming to society's beliefs on how women were supposed to act, and the fact that she felt the need to defend herself in this way speaks at large to the issues surrounding the link between athletics and masculinity. Golf served as an opportunity for Didrikson to reshape her identity; as golf was seen as a less manly sport, it could serve as a sport in which she could undergo a certain “feminization” by dressing in a more womanly manner, styling her hair more often, and discussing previous relationships with boys to prove her sexual

²⁸ “The First Fabulous Sports Babe” *ESPN*. <https://www.espn.com/sportscentury/features/00014149.html>.

²⁹ Didrikson Zaharias, *This Life I've Led*, 103.

³⁰ Didrikson Zaharias, *This Life I've Led*, 104-5.

identity.³¹ While Babe Didrikson flourished as a golfer, she also faced a deep internal struggle to conform to societal beliefs about gender and sexuality.

Babe Didrikson's golf career was curtailed when she was diagnosed with colon cancer in 1953. However, the diagnosis would not stop Didrikson, as she would go on to win her tenth major LPGA championship, culminating her career total at 41 LPGA tour victories. Despite a valiant fight against the disease, Babe Didrikson passed away on September 27, 1956 at 45 years old. All across America people mourned the loss of Didrikson, with President Eisenhower commenting, "I think that every one of us feels sad that finally she had to lose this last one of all her battles."³² She was an extraordinary athlete who excelled in almost every sport she attempted whether it be basketball, baseball, track and field, tennis, and golf, and yet history has largely ignored the integral aspect she played in shifting how female athletes were viewed and treated in American society. Despite Didrikson's athletic ability often being overlooked, she drastically influenced the landscape of female athletics in the United States in proving that women could be just as capable as men in sports. Babe Didrikson Zaharias may have predated the creation and implementation of Title IX, but she inspired women and girls all over the country to fight against gender norms and not give into societal beliefs in terms of athletic ability.

While Babe Didrikson Zaharias certainly affected the athletic landscape of America during the first half of the twentieth century, she was not the only woman to do so. Countless female athletes of this time period ranging from Althea Gibson, the first person of color to win a

³¹ Cayleff, *Babe*, 132.

³² "Babe Zaharias Dies; Athlete Had Cancer," *The New York Times*, September 28, 1956, <http://www.nytimes.com/learning/general/onthisday/bday/0626.html>.

Grand Slam title in tennis, to Toni Storm, the first of only three women to ever play baseball in the Negro League inspired other women and girls all over the country to participate in sports and embrace their athletic abilities. Alongside these impressive female athletes was Dottie Schroeder, a player in the All-American Girls Professional Baseball League (AAGPBL). Schroeder was one of the best shortstops in the league and was embraced by many fans and other players for her kind demeanor and feminine looks. In many ways, she was everything that Didrikson was not. Despite being a near polar opposite of Didrikson, Schroeder became a cultural phenomenon in her own right by playing like a boy, while looking like a girl. Schroeder and the other players of the AAGPBL were important in proving to America that women could play sports like men could.

Throughout the first half of the twentieth century, softball arose as a popular sport for both women and men to participate in, and by 1942, there was approximately 200,000 softball teams that existed in the United States.³³ Softball came into existence as an American sport as an evolved form of indoor baseball during the latter decades of the nineteenth century. It was a game modified from baseball which appealed to women because it was not necessarily a too masculine sport which would conflict with established gender norms. When the Great Depression hit the United States during the 1930s, people were encouraged to play softball as the government became more invested in social reforms; these years helped to ensure that softball would exist as a popular sport in the country for many years to come.³⁴ The game was dramatically impacted when the United States entered World War II after the Japanese bombings

³³ Merrie A. Fidler, *The Origins and History of the All-American Girls Professional Baseball League*, (North Carolina: McFarland & Company, Inc., Publishers, 2006), 15.

³⁴ Fidler, *The Origins and History*, 25.

on Pearl Harbor on December 7, 1941. By 1943, as more American men were called to defend their country, a fear arose that Major League Baseball would be suspended for the duration of the war. In response to this, Philip K. Wrigley—corporate executive and owner of the Chicago Cubs baseball team—organized the All-American Girls' Softball League, which would eventually evolve into the All-American Girls Professional Baseball League.³⁵

While the All-American Girls' Softball League founded by Wrigley in 1943 was created as an organization of four softball teams, it was in the interest of those financing the league to move the game towards one that more closely mimicked baseball.³⁶ While the United States was becoming more accepting of female athletes during this time period—thanks to the popularity of female athletes such as Babe Didrikson Zaharias—beliefs of masculine superiority still existed, and fans were not quite as willing to pay to watch women play a type of modified baseball during the first year of the league. While attendance ultimately skyrocketed with the victory of the Allied Powers in WWII, many of the women who played in the AAGPBL felt conflicted over their “divided lives” in which they needed to appear more feminine by wearing makeup and skirted uniforms, in order to play baseball like their male counterparts.³⁷ While the AAGPBL's attendance levels peaked in 1948, by 1954 the league folded due to financial instability from a lacking interest by many Americans in baseball leagues outside of Major League Baseball.³⁸ Despite the league's conclusion in 1954, its legacy on the landscape of women's sports in

³⁵ Fidler, *The Origins and History*, 33.

³⁶ Jim Sargent, *We Were the All-American Girls: Interviews with Players of the AAGPBL, 1943-1954*, (North Carolina: McFarland & Company, Inc., Publishers, 2013), 8.

³⁷ Sargent, *We Were the All-American Girls*, 10-13.

³⁸ Sargent, *We Were the All-American Girls*, 21.

America has been cemented specifically with the 1992 film on the AAGPBL entitled *A League of Their Own*.

It is impossible to discuss the impact of the AAGPBL on female athletics in the United States without mentioning the only woman to play in each of the league's 12 seasons, Dorothy "Dottie" Schroeder. As a founding member of the league, Schroeder began her career at just 15 years old, playing shortstop for the South Bend Blue Socks. She was one of the most well-known and well-respected players in the AAGPBL. She captivated the attention of not only fans, but also other players as former player Wilma Briggs noted in an interview stating, "Dottie Schroeder was probably one of the most respected ballplayers in the whole league. She was very graceful and very good at shortstop."³⁹ Dottie Schroeder fit in with what was expected of a female athlete during this time period; she was feminine in appearance and character, but played baseball like how men were expected to play.⁴⁰ For this, Schroeder was generally accepted as a professional female athlete and throughout her illustrious career as an AAGPBL All-Star, she was able to prove that women could play a sport typically played by men.

Throughout her 12-year playing career, Schroeder was one of the league's greatest stars. She holds the record for most games played by a single player in the league as she appeared in 1,249 total games. She also holds records for most at-bats (4,129), most runs batted in (431), and walks (696). She is ranked second in most hits with 870 total and third in home runs with 42 total. She was an esteemed defensive player as well, "Her smoothness and grace in fielding

³⁹ Wilma Briggs, "Wilma Briggs," interviewed by Jim Sargent. *We Were the All-American Girls: Interviews with Players of the AAGPBL, 1943-1954*. 2013, 142.

⁴⁰ Jim Sargent, "Schroeder, Dorothy "Dottie:" All-American Shortstop," *AAGPBL*. June 21, 1997, <http://www.aagpbl.org/index.cfm/articles/schroeder-dorothy-dottie--all-american-shortstop/26>.

ground balls was overshadowed only by her powerful throwing arm.”⁴¹ Her esteemed skills and personality led to Schroder being one of the few individuals pictured in an exhibit on the AAGPBL in the National Baseball Hall of Fame and Museum. She unfortunately passed away in 1996 when she was 68 years old due to a brain aneurysm. Dottie Schroeder, as well as each of the other female players in the All-American Girls Professional Baseball League, drastically changed the landscape of female athletics in the United States prior to the passing of Title IX by fighting against gender norms and expectations to excel at the sport they loved.

As mentioned earlier, some female athletes who predated the passing of Title IX in 1972 have become cultural phenomenon, widely remembered for their athletic careers. One such athlete who has remained in the spotlight, even reaching celebrity status, is American tennis player Billie Jean King. King is not only a champion in tennis, but she is also a champion of feminism and a firm believer of breaking down the gender divide in America. As a young girl living in California during the 1950s, she was encouraged to participate in sports by her athletic father, while also encouraged by her mother to experience other areas of life such as playing the piano.⁴² In her autobiography, King discusses at length about the impact her family had on her growing up, and how her parents helped shape her into the professional athlete she would later become.

Billie Jean King's professional tennis career began when she was just 15 years old with her debut at the 1959 U.S. Championships; despite losing in the first round, King showed much potential and was labelled as “definitely one of the most promising youngsters on the West

⁴¹ “Dorothy Schroeder,” *AAGPBL*, <http://www.aagpbl.org/index.cfm/profiles/schroeder-dorothy/559>.

⁴² Billie Jean King, *Pressure is a Privilege*, (New York: LifeTime Media, Inc., 2008), 49-50.

Coast”.⁴³ King lived up to the media’s beliefs, as she quickly asserted herself as one of the most successful female tennis players in the world. Throughout her professional playing career, which lasted from 1959 to 1983, King won 39 total Grand Slam titles—the Grand Slam tournaments are the four most important tennis events that occur annually: Wimbledon, the Australian Open, the French Open, and the U.S. Open. Out of her 39 total titles, 12 of King’s major victories were in women’s singles, 16 were in women’s doubles, and 11 were in mixed doubles. She was the world’s number one ranked female tennis player six times throughout her career, during the years 1966 to 1968, 1971, 1972, and 1974. In 1972, King became only the fifth woman in the history of tennis to win the singles title at all four of the Grand Slam tournaments, giving her a “career Grand Slam.” King’s overall career record in tennis was 782 wins to 192 losses; her singles record stands at 695-155, while her doubles record is 87-37. Her phenomenal record ensured King’s spot in the International Tennis Hall of Fame, which she was inducted to in 1987.⁴⁴

Billie Jean King was a woman of many firsts in terms of her tennis career. In 1971, she was the first female athlete in the history of sports to earn over \$100,000 in a single year in prize money when she earned a total of \$117,000. The following year King was the first female athlete to be honored as the *Sports Illustrated* “Sportsperson of the Year.” In 1974, she was the first female tennis player to win a single’s title on all four types of surfaces that the game is played—grass, carpet, clay, and hard court. The same year King became the first woman to coach a co-ed team in professional sports, the Philadelphia Freedoms. Throughout all of these

⁴³ William F. Talbert, “New Hopes are Abounding on the Courts,” *Sports Illustrated*, February 16, 1959, <https://www.si.com/vault/1959/02/16/604435/new-hopes-are-abounding-on-the-courts>.

⁴⁴ “Billie Jean King,” *International Tennis Hall of Fame*, <https://www.tennisfame.com/hall-of-famers/inductees/billie-jean-king/>.

firsts, King also established herself as a champion of gender equality, which will be discussed at length later on.

Beyond her championships on the tennis court, Billie Jean King has been a major champion of LGBTQ (lesbian, gay, bisexual, transgender, and queer) rights. She was married to lawyer Larry King in 1965, but several years later, King came to terms with the fact that she was attracted to women. It was during these years which she had an affair with her assistant, Marilyn Barnett, who would go on to file a palimony suit against King in 1981, outing her to the rest of the world. This was very difficult for King “It was very hard on me because I was outed and I think you have to do it in your own time. Fifty percent of gay people know who they are by the age of 13, I was in the other 50 percent.”⁴⁵ This shocked the world and resulted in King losing all of her endorsement deals. Despite this, her fight for women’s rights never wavered, and King has since become an advocate for LGBTQ rights. King eventually divorced her husband in 1987, after falling in love with her doubles partner Ilana Kloss. Her lifelong advocacy for women and the LGBTQ community resulted in her being awarded the Presidential Medal of Freedom, the United States’ highest civilian honor, by President Barack Obama on August 12, 2009.⁴⁶ Billie Jean King’s illustrious career both on and off the tennis court has distinctly impacted the state of women’s sports in the United States.

The landscape of female athletics in the United States predating the passing of Title IX was drastically impacted by the willingness of many female athletes to fight back against gender stereotypes and expectations. These women during the first half of the twentieth century—Babe

⁴⁵ David Walsh, “The Big Interview: Billie Jean King,” *The Sunday Times*, December 9, 2007, <https://www.thetimes.co.uk/article/the-big-interview-billie-jean-king-m5x95sx6qlr>.

⁴⁶ “Billie Jean King Biography,” *Billie Jean King*, <https://www.billiejeanking.com/biography/>.

Didrikson Zaharias, Dottie Schroeder, Billie Jean King, and countless others—paved the way for future generations of girls and women to embrace their athletic abilities and competitive nature without fear of judgement. Without these fearless women, it is hard to tell whether Title IX would have succeeded in its quest to ensure more opportunities in athletics for girls and women all across the United States. Babe Didrikson Zaharias proved that women can do it all with some hard work and determination. Dottie Schroeder and the women of the All-American Girls Professional Baseball League proved that women have the capabilities to play sports and still embrace aspects of femininity. Billie Jean King proved that men are not inherently superior in athletics due to their gender. Each of these women, as well as countless others, helped to begin a movement in America that would inspire a piece of legislation that would impact athletics in America for years to come—Title IX.

Chapter Two: Second-Wave Feminism and Title IX

During the 1960s and 1970s, a movement known as second-wave feminism occurred in the United States—a pivotal moment in American history as it helped to transform the way women were viewed and treated. The women involved in this movement were largely concerned with social issues that had yet to be addressed by this time period. Second-wave feminism helped pave the way for legislation to be enacted addressing gender inequalities in higher education and athletics, which will be discussed later on. If not for the strides made by the women involved in the second-wave feminist movement, it is plausible to think that Title IX could have never been passed and thus female athletics in the United States could not have evolved in the positive manner that it has. Before discussing second-wave feminism and its relationship with female athletics in the United States, it is first important to explore certain events and movements that predated it including first-wave feminism, women undertaking more masculine roles at the home front during World War II, and the Civil Rights Movement.

The women's movement of the 1960s and 1970s was preceded but what is now commonly referred to as first-wave feminism in America, which took place in the late nineteenth and early twentieth centuries. Typically seen as taking place between the Seneca Falls Women's Rights Convention in 1848 and the ratification of the Nineteenth Amendment in 1920, first-wave feminism was led by typically white, middle-class women who were mainly concerned with securing the right to vote for women across the United States. First-wave feminism was largely preceded by the American abolitionist movement, "The Civil War in the United States in 1861-65 had given a great boost to women's activism by encouraging the formation of thousands of aid societies, a massive petition drive to abolish slavery, and postwar Reconstruction work in

teaching and community welfare. Women's groups flourished after the war."⁴⁷ Frederick Douglass, a former slave and staunch abolitionist, was present at the Seneca Falls Convention in support of women's suffrage. Douglass gave a speech of his support of women's participation in American politics at the convention in which he stated, "In this denial of the right to participate in government, not merely the degradation of woman and the perpetuation of a great injustice happens, but the maiming and repudiation of one-half of the moral and intellectual power of the government of the world."⁴⁸ The anti-slavery movement in America largely influenced first-wave feminism, just as the Civil Rights Movement would go on to impact second-wave feminism.

First-wave feminism was successful in reaching its main goal, as women in America legally gained the right to vote in 1920 with the ratification of the Nineteenth Amendment. It is important to note that not all women were included in the first-wave feminist movement, specifically women of color and women of lower social statuses were excluded. Because of this exclusion, the movement is sometimes criticized for its "narrow" goals and "racist and elitist" vision.⁴⁹ However, the women who were involved in first-wave feminist movement were an invaluable aspect of American history as they helped set the stage for feminist activity to take place in the future.

⁴⁷ Marlene LeGates, *In Their Time: A History of Feminism in Western Society*, (New York: Routledge, 2001), 200.

⁴⁸ Sally McMillen, *Seneca Falls and the Origins of the Women's Rights Movement*, (Oxford: Oxford University Press, 2008), 93-4.

⁴⁹ Nancy A. Hewitt, "Introduction," in *No Permanent Waves: Recasting Histories of U.S. Feminism* ed. by Nancy A. Hewitt (New Brunswick: Rutgers University Press, 2010), 2.

Second-wave feminism was also predated by an upswing of feminist thought and activity during the years of and directly following the Second World War. As more and more men were called to arms with the reestablishment of conscription following America's entrance into World War II, a distinct shortage of able-bodied civilian workers occurred. Women—who could not be drafted to fight for their country in the European or Asian theaters—thus had to become even more active in the American work force. These women at the home front were forced to undertake roles in society which had been typically deemed masculine or which men were viewed as more suitable for.

As the war continued through the early 1940s, it became more readily acceptable for women to not always conform to the societal gender norms that had long been established. American citizens came closer to realizing that a person's sex did not often hinder their working capabilities, as women proved to be suitable substitutes in positions vacated by men fighting in the war. This was specifically highlighted by the "Rosie the Riveter" campaign. Rosie the Riveter represented the number of women who joined the workforce during the War. She was strong and willing to do whatever it took to defend the home front, "she was young and old; Afro-American, Anglo, and Latina; single and married; worker, student, and full-time housewife."⁵⁰ It was often through propaganda such as in "Rosie the Riveter" that more women were convinced to fight back against gendered norms and branch out into areas deemed to be for men. The efforts of these women during World War II to fight back against gendered norms and stereotypes would prove to be invaluable as they served as important examples for second-wave feminists to follow.

⁵⁰ Sherna Berger Gluck, *Rosie the Riveter Revisited: Women, the War, and Social Change*, (Boston: Twayne Publishers, 1987), x.

A third aspect of American history that helped set the stage for second-wave feminism to take place was the Civil Rights Movement, which occurred during the 1950s and 1960s. The movement was organized to abolish both official and unofficial racist practices and inequalities, and it was spearheaded by prominent historical figures such as Dr. Martin Luther King Jr., Malcolm X, and Rosa Parks. While tackling different issues, the Civil Rights Movement inspired and influenced women to fight back against gender inequalities and created a “climate of protest” in the United States for feminists to take advantage of in the future.⁵¹ Second-wave feminism also took inspiration from the legislation that arose out of the Civil Rights Movement including the Civil Rights Act of 1964, specifically through Title VII, which would become an integral aspect in the creation of Title IX.

As mentioned previously, the first-wave feminist movement was extremely important in helping secure women’s suffrage in the United States during the early twentieth century, but the movement left behind some “unfinished” business for future generations of American women to tackle.⁵² A plan regarding the unfinished business would come to fruition with women in the 1960s and 1970s who sought to address feminist issues that had not been acknowledged in the previous feminist movements. These gender equality issues undertaken by the second-wave feminists included things such as sexuality, family, the workplace, and reproductive rights. These issues were extremely important during the latter half of the twentieth century as America

⁵¹ “Second-Wave Feminism,” *Khan Academy*, accessed Feb. 18, 2018. <https://www.khanacademy.org/humanities/ap-us-history/period-8/apush-1960s-america/a/second-wave-feminism>.

⁵² Ruth Rosen, *The World Split Open: How the Modern Women’s Movement Changed America*, (New York: Penguin Books, 2006), 344.

was undergoing a cultural transformation dedicated to female liberation that stemmed from all types of social movements.

The various protest movements of the late nineteenth and early twentieth centuries in America inspired women to become more involved and actively fight back against the patriarchal structure of American society.⁵³ The Civil Rights Movement had been largely successful in attacking racial discrimination through protest and legislation, so feminists believed that they could act in a similar manner to fight against gender discrimination. Second-wave feminism dates back to the publication of Betty Friedan's *The Feminine Mystique* in 1963.⁵⁴ Friedan, an American activist, writer, and feminist, contested the belief that women were most suitable serving as homemakers. She questioned if women were truly reaching their full potential in the 1940s and 1950s writing about a certain "mystique" which surrounded American women:

The suburban housewife—she was the dream image of the young American woman and the envy, it was said, of women all over the world. The American housewife—freed by science and labor-saving appliances from the drudgery, the dangers of childbirth and the illnesses of her grandmother. She was healthy, beautiful, educated, concerned only about her husband, her children, her home. She has found true feminine fulfillment...she had everything that women ever dreamed of.⁵⁵

This life that women were living in during the decades leading up to her publication appeared to outsiders as fulfilling, but as time went on more women realized that they were not content with

⁵³ "Second-Wave Feminism," *Khan Academy*.

⁵⁴ Becky Thompson, "Multiracial Feminism: Recasting the Chronology of Second Wave Feminism," in *No Permanent Waves: Recasting Histories of U.S. Feminism* ed. by Nancy A. Hewitt (New Brunswick: Rutgers University Press, 2010), 40.

⁵⁵ Betty Friedan, *The Feminine Mystique*, (New York: W. W. Norton & Company, 2013), 2-3.

their position in society. As this realization came to fruition in the late 1950s and early 1960s, the second-wave feminist movement officially had its beginning.

Just as Betty Friedan was making strides with her commentary of the non-fulfilling lives of American women during the mid-twentieth century, legislation was also being created to combat gender inequalities in the United States. The Equal Rights Amendment (ERA) was originally proposed to Congress in 1923, but after many decades of unsuccessful attempts to be passed, was rewritten by Senator Birch Bayh in 1970.⁵⁶ The ERA, Senator Bayh proposed, would “secure equal rights under law for man and women.”⁵⁷ The proposed amendment would extend the rights from the Fourteenth Amendment to include gender. Women involved in the second-wave feminist movement were typically extreme supporters of the ERA and what it stood for; various organizations including the National Organization for Women (NOW) protested what they perceived to be a lack of urgency from Congress to begin hearings on the ERA.⁵⁸ The protests staged by NOW and other feminist organizations gave Congress the push to finally address the amendment, and hearings officially began. The attempt to ratify the ERA was a pivotal moment during the second-wave feminist movement, proving that women were very serious about addressing American gender discrimination and inequalities through legislation.

Ultimately, the Equal Rights Amendment failed to be ratified, but second-wave feminism persisted in the United States. A major victory stemming from the movement came with the

⁵⁶ Ryan Bergeron, “‘The Seventies’: Feminism Makes Waves,” *CNN*, Aug. 17, 2015, <https://www.cnn.com/2015/07/22/living/the-seventies-feminism-womens-lib/index.html>.

⁵⁷ Birch Bayh, “The Need for the Equal Rights Amendment,” *Notre Dame Law Review* Vol. 48 (80), 1972, 80.

⁵⁸ “Second-Wave Feminism,” *Khan Academy*.

Supreme Court's decision in the 1973 landmark case *Roe v. Wade*. In a 7-2 decision, the Court held that a woman's right to abortion was within the scope of the right to privacy as protected by the Fourteenth Amendment.⁵⁹ The case was a major victory for second-wave feminists who saw reproductive rights as one of the main issues they sought to tackle. The movement had finally realized its full mission as stated in an anonymously written *Time Magazine* article:

They want equal pay for equal work, and a chance at jobs traditionally reserved for men only. They seek nationwide abortion reform—ideally, free abortions on demand. They desire round-the-clock, state-supported child-care centers in order to cut the apron strings that confine mothers to unpaid domestic servitude at home. The most radical feminists want far more. Their eschatological aim is to topple the patriarchal system in which men by birthright control all of society's levers of power—in government, industry, education, science, the arts.⁶⁰

Many women all around the country had come to terms with the oppressive treatment they were facing. These women began to fight back against the various accounts of gender discrimination they faced, and sought to change American society to become more in-line with the ideals of second-wave feminism. As the feminist movement saw it was making real change on the American political and social scene, some women found that second-wave feminism could also apply to women's athletics. Billie Jean King, who has been previously discussed in terms of her sheer athletic prowess, was particularly struck by the rampant gender discrimination in athletics. King then made it her mission to fight back against the patriarchal structure of sports in the United States.

Between the years of 1968 to 1970, female tennis players were often being forced out of tournaments, while also receiving much less money than their male counterparts were when the

⁵⁹ "Roe v. Wade," *Oyez*, www.oyez.org/cases/1971/70-18.

⁶⁰ "Who's Come a Long Way, Baby?" *Time Magazine*, Aug. 31, 1970. <http://content.time.com/time/subscriber/article/0,33009,876783-4,00.html>.

women were allowed to play. In response to this clear example of gender discrimination, Billie Jean King and eight other women banded together to form a coalition of what is now referred to as the “Original Nine.” The group of nine women which included seven Americans—Rosie Casals, Nancy Richey, Valerie Ziegenfuss, Julie Heldman, Peaches Barkowitz, Kristy Pigeon, and King—and two Australians—Kerry Melville Reid and Judy Tegart Dalton; the women symbolically signed a one dollar contract to play in the Virginia Slims Circuit. This proved that if the United States Lawn Tennis Association (USLTA) was unwilling to pay their players equally regardless of gender, the women would pursue other options. King wrote about the protest, “With one unified voice, each of us signed a ceremonial \$1 contract with Gladys to play in the inaugural Virginia Slims of Houston. We drew a line in the sand and we put everything we had on that line. It was now up to us to create our own tour, to find a place to make a living and to breathe life into women’s professional tennis.”⁶¹ The USLTA, realizing the power their female tennis players had amassed and that people truly enjoyed watching women’s tennis, conceded and began to pay the women competitors the same as the men.⁶² This was only the first major victory for King in terms of social justice, but it would not be her last. The pay increase Billie Jean King and the rest of the Original Nine received was extremely important, but did not garner as much national attention as her victory over Bobby Riggs in the 1973 “Battle of the Sexes” did. Her defeat of Riggs truly cemented King’s legacy as both one of the greatest tennis players of all-time, and as a formidable pioneer for gender equality.

⁶¹ Billie Jean King, “The Legacy of the Original 9,” *The Players’ Tribune*, Aug. 26, 2015. <https://www.theplayerstribune.com/billie-jean-king-women-tennis-history-original-9/>.

⁶² Billie Jean King, *Pressure is a Privilege*, 148.

During the fall of 1973, the question over whether women could actually compete with men in the field of athletics was put to the test; 29-year-old Billie Jean King would face off against 55-year-old tennis great Bobby Riggs. Their battle came after Riggs handily defeated Margaret Court, the top-rated female tennis player, in May of 1973 at what is sometimes referred to as the “Mother’s Day Massacre.” When Court lost, King felt that she had to play Riggs writing, “Though I had resisted playing before, playing Bobby in the wake of Margaret’s televised defeat now became a critical move to regain footing and take the lead for women’s equality, on and off the tennis court.”⁶³ The “Battle of the Sexes” would take place on September 20, 1973 at the Houston Astrodome in Texas, and would be nationally televised in a prime time slot on ABC; not only would the victor receive bragging rights, but would also receive \$100,000 in winnings. The match came with a vast amount of fanfare as Riggs came in carried on a rickshaw pulled by “bosom buddies” and offering up a Sugar Daddy lollipop for King to “suck”.⁶⁴ King also was treated with fanfare, but in a more womanly manner as she was carried in by a horde of topless men in the style of Cleopatra—ABC announcer Howard Cosell stated on the entrance, ““Here comes Billie Jean King—a very attractive young lady; if she ever let her hair down to her shoulders and took her glasses off, you’d have someone vying for a Hollywood screen test.””⁶⁵ Against all odds, Billie Jean King easily took down her opponent in straight sets 6-4, 6-3, 6-3 while also proving to the world that she could keep up with men.

⁶³ King, *Pressure is a Privilege*, 25.

⁶⁴ King, *Pressure is a Privilege*, 29.

⁶⁵ King, *Pressure is a Privilege*, 28.

With her victory over Bobby Riggs, Billie Jean King became a cultural phenomenon. The match served as inspiration for Americans to readily accept the changes that Title IX would bring in the realm of athletics. King discussed how she hoped her match with Riggs would affect Title IX in her autobiography writing, "If I won, I might get the minds and hearts of Americans to begin to match up on issues of equality, and, I hoped, create real support for Title IX. People had heard about these issues, and now, if I took on Bobby, they would see them play out on the court."⁶⁶ In defeating Riggs, she was able to highlight the issues revolving athletics and gender, as well as create a public discourse on what Title IX truly entailed. Without Billie Jean King and her victories both in the "Battle of the Sexes" and with the rest of the Original Nine, gender relations in athletics in America could potentially look quite different.

The landscape of female athletics in the United States prior to the 1970s was one marked by both setbacks and triumphs. As discussed in the previous chapter, some women of the first half of the twentieth century were able to break down the gendered stereotypes surrounding athletics including Babe Didrikson Zaharias, Dottie Schroeder, and Billie Jean King. These three women were able to go against societal norms and prove that women were just as capable as men in the realm of athletics. Nevertheless, not all women were afforded the same opportunities as these individuals were given to succeed in athletics. Rather, there were very few opportunities for women to even participate in sports, and even when some opportunities were available, women were still typically seen as not as capable as male athletes. In most cases, women were judged for wanting to participate in sports, especially in sports that were perceived by society to be less feminine. In order to combat the distinct gender gap in American athletics, it appeared a

⁶⁶ King, *Pressure is a Privilege*, 65.

more drastic step needed to be taken, which would eventually come to be known as Title IX of the Education Amendments of 1972. Title IX would seriously influence the landscape of athletics in America, but it would do so only after another issue of sex discrimination was addressed.

In the decades since the passing of Title IX of the Education Amendments of 1972, many Americans have come to most commonly associate the law with its impact on athletics. While its influence on sports—most specifically those in which women are involved—cannot be understated, the law was originally passed in order to limit sex discrimination in higher education. Title VII of the Civil Rights Act of 1964 sought to ban discrimination based on race, sex, national origin, and religion in employment, but the issue of higher education institutions discriminating against women was not at all addressed in the legislation, which would in turn become the impetus for the creation of Title IX.⁶⁷ Title IX states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."⁶⁸ These thirty-seven words would eventually largely shape and influence the field of athletics in the United States.

Bernice R. Sandler and Congresswoman Edith Green were two of the first people to seek to address sex discrimination in higher education in the United States through the creation of a new law. Sandler, a part-time professor at the University of Maryland, had just finished her doctoral degree in 1969 and had hoped to be considered for any one of the seven recently opened

⁶⁷ Susan Ware, *Title IX: A Brief History with Documents*, 3.

⁶⁸ "Title IX, Education Amendments of 1972," in *Women and Sports in the United States*, eds. Jean O'Reilly and Susan K. Cahn, (Boston: Northeastern University Press, 2007), 321.

faculty positions. When she was not considered for any of the positions and inquired as to why that was, a friend told her that while her qualifications were excellent, she was not deliberated on because she came on as “too strong for a woman.” This greatly upset Sandler, who could not understand why she would ever be excluded from a position she was truly qualified for because she was “too strong” for a woman. After two similar rejections based on her sex, Sandler decided that rather than wallowing in her sadness, she would seek to make a change to the inherently discriminatory system of American higher education. It was in this pursuit that she was first introduced to Congresswoman Edith Green from Oregon who Sandler noted had “long been aware of sex discrimination in higher education, and the lack of coverage by civil rights laws.”⁶⁹ Together, Sandler and Representative Green under the patronage of the Women’s Equity Action League (WEAL) would pave the road for Title IX, thus also paving the road for greater gender equity in athletics.

While researching sex discrimination in higher education in the United States, Bernice Sandler was able to put together numerous accounts of such discrimination, and compiled a list of people willing to testify and provide information about their own experiences that could justify legislation to combat the gender bias. Sandler gave this information to Congresswoman Green who agreed to draft the legislation and hold hearings; these first Congressional hearings took place in June and July of 1970 and was the “official beginning of the bill that eventually became Title IX.”⁷⁰ This original bill proposed to amend Title VII of the Civil Rights Act to cover employees in education, while also amending Title VI of the same act to cover sex

⁶⁹ Bernice R. Sandler, “‘Too Strong for a Woman’—The Five Words That Created Title IX,” in *Title IX: A Brief History with Documents* by Susan Ware (Boston: Bedford/St. Martin’s, 2007), 36.

⁷⁰ Sandler, “‘Too Strong for a Woman,’” 40.

discrimination in programs assisted financially by the federal government. It would be managed by Senator Birch Bayh, a member of WEAL's national advisory board.⁷¹ The trio of Sandler, Green, and Bayh have long been acknowledged as the architects of Title IX.

Senator Birch Bayh of Indiana, since being elected to the United States Senate in the 1962 midterm election, had been a major supporter of the women's rights agenda who sought to "secure equal rights under law for men and women."⁷² Senator Bayh continued his support for women's rights in the United States when he was approached to join forces with Bernice Sandler and Representative Green at the early stages of Title IX. Senator Bayh was specifically interested in fighting sex discrimination in higher education after his wife Marvella encountered such discrimination when she was denied application to law school at the University of Virginia because, "women need not apply."⁷³ Under Senator Bayh's management, a portion of Congresswoman Green's original bill became law when Title VII of the Civil Rights Act was amended by Congress to cover all employees in higher education. She also sought to amend Title VI of the same act to prohibit discrimination on the basis of race, color and national origin in all federally funded activities to also include sex discrimination; in order to not weaken coverage of Title VI, she then proposed this amendment under a distinctly separate and new title—Title IX.⁷⁴

⁷¹ Sandler, "Too Strong for a Woman," 41.

⁷² Birch Bayh, "The Need for the Equal Rights Amendment," Volume 48, *Notre Dame Law Review* 80 (1972), 80.

⁷³ Nicole Mitchell and Lisa A. Ennis, *Encyclopedia of Title IX and Sports*, (Connecticut: Greenwood Press, 2007), xx.

⁷⁴ Sandler, "Too Strong for a Woman," 42.

While Bernice Sandler, Senator Birch Bayh, and Congresswoman Edith Green are the three people most often associated with the creation of Title IX, Congresswoman Patsy T. Mink was also an invaluable asset to the legislation. Congresswoman Mink was elected in 1965 to represent Hawaii in the United States Congress, where she fought to ensure gender equity, especially in the workforce. She often commented on the status of women in America, and sought to use her position in the House of Representatives to ensure that sex discrimination would not inhibit American women stating, "I am convinced that women do not really understand the extent and nature of the discrimination still practiced against them. Most women accept their roles and seldom are willing to insist upon equality for fear of being ostracized or because they realize that even support by other women may be difficult to secure."⁷⁵ She herself faced sex discrimination when she was denied admittance to every medical school she applied to because she was a woman, which in turn led her to law school and dedicating much of her political career to women facing sex discrimination in education.⁷⁶ Congresswoman Mink directly impacted Title IX when she helped Congresswoman Green write an early draft of the bill, which would then be turned over to Senator Bayh to introduce to the Senate floor. After her death at the age of 74 in 2002, Title IX was officially renamed the "Patsy Takemoto Mink Equal Opportunity in Education Act" to honor her invaluable role in ensuring the success of the legislation.⁷⁷

⁷⁵ Patsy T. Mink, "The Status of Women," *Educational Horizons*, Vol. 49, No. 2, 1970, 54.

⁷⁶ Ware, *Title IX*, 3.

⁷⁷ Mazie Hirono, "A Pioneer for Women's Equality," *POLITICO*, November 19, 2013, <https://www.politico.com/story/2013/11/a-pioneer-for-womens-equality-100009>.

After countless hours of hard work from Bernice Sandler, Senator Birch Bayh, Congresswoman Edith Green, and Congresswoman Patsy T. Mink, President Richard Nixon signed Title IX of the Education Amendments of 1972 into law on June 23, 1972 to little fanfare, “The historic passage of Title IX was hardly noticed. I remember one or two sentences in the Washington papers.”⁷⁸ The law did not have much meaning for many, as it did not apply to many Americans, only those who were applying for higher education. Title IX essentially flew under the radar in its earliest stage, which is a good thing because it became a law with little to no backlash. However, this would quickly change once the law began to evolve into what it is most known for today.

At this point in time, most could not imagine the impact that Title IX would have on athletics in the United States, as the law itself was only thirty-seven words, and not one word mentioned anything about sports. Congresswoman Green herself wrote about the law years after it was passed, “Title IX was not designed to do away with intercollegiate sports. Title IX was not designed to force the integration by sex, of every physical education class.”⁷⁹ Congresswoman Mink did not realize the implications that Title IX would have on athletics either, as she stated in 2002, “When it was proposed, we had no idea that its most visible impact would be in athletics. I had been paying attention to the academic issue.”⁸⁰ Bernice Sandler stated that very few people noticed that athletics could potentially be impacted by the bill that led to a “discussion on the floor of the Senate about whether the bill required educational institutions to allow women to

⁷⁸ Sandler, “Too Strong for a Woman,” 42.

⁷⁹ Edith Green, “The Road is Paved with Good Intentions: Title IX and What it is Not,” *Vital Speeches of the Day* March 1, 1977 Vol. 43 Issue 10, 302.

⁸⁰ Ware, *Title IX*, 3.

play on football teams.”⁸¹ These quotes show that even the architects of the law had very little idea about how the law would extend beyond its original scope and interact with American athletics. It would take some time and occur in a somewhat unexpected manner, but Title IX would, as Congresswoman Green predicted, “be the most revolutionary thing in higher education in the 1970s.”⁸²

After the law was passed in June of 1972, Title IX was slow to be implemented. Administrators at federally funded educational institutions were not sure how to go about addressing the law in their programs, and were largely confused by what the law truly entailed. A major confusion existed in how an institution’s athletic programs would be affected by the law. Athletic programs in the United States did not directly receive federal funding, which is why it did not appear in the first place that Title IX would impact sports. However, Title IX did apply to the entirety of all institutions which received federal funding; thus, athletic programs, as a major aspect of many federally funded institutions such as American colleges and universities, could and did feel the implications of the law. In response to the confusion and lack of implementation from federally funded institutions, the United States Department of Health, Education and Welfare (HEW) drafted the “Regulations on Nondiscrimination on the Bias of Sex” on June 4, 1975. It was these regulations which made clear Title IX’s impact in athletics.⁸³

The 1975 Title IX regulations ensured that sex discrimination in athletics at federally funded educational institutions would not be allowed, stating:

⁸¹ Sandler, “Too Strong for a Woman,” 41.

⁸² Ware, *Title IX*, 4.

⁸³ Ware, *Title IX*, 50.

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by recipient, and no recipient shall provide any such athletics separately on such basis.⁸⁴

The regulations also addressed the impact that Title IX would have on athletic programs by making sure that schools could not satisfy the law by simply allowing women to try out for men's teams.⁸⁵ This would have only allowed the most superior female athletes to participate in sports at these institutions, and even then could have prevented any women from making the team. Rather, new athletic opportunities had to be created for women, and women could not be discriminated against in sports because of their sex. Another way in which the regulations impacted athletic programs at schools was that it made sure that athletic programs would "effectively accommodate the interests and abilities of members of both sexes" by providing equipment and supplies, proper coaching and academic tutoring, medical and training facilities and services, and other similar amenities for men and women athletes. The regulations also established an "adjustment period" in which the educational institution impacted by Title IX had to comply with the law and its regulations; elementary schools had one year from the effective date of the regulations to comply fully, while high schools and colleges were granted three years.⁸⁶ The 1975 regulations set the stage for Title IX to directly influence athletic programs across the United States, which would in turn lead to both negative and positive responses from Americans.

⁸⁴ "Regulations on Nondiscrimination on the Basis of Sex," in *Title IX: A Brief History with Documents* by Susan Ware (Boston: Bedford/St. Martin's, 2007), 50.

⁸⁵ "Regulations on Nondiscrimination on the Basis of Sex," *Title IX*, 51.

⁸⁶ "Regulations on Nondiscrimination on the Basis of Sex," *Title IX*, 51.

When it became apparent that Title IX would, in fact, impact American athletics at federally funded institutions despite the law's failure to mention either sports or athletics, many feared that the law would ruin sports for men and boys. Athletic programs across the country were worried about how the law would hurt the already established male teams to further female teams. People were unsure if quotas would be established, forcing cuts of some teams that maybe did not have as many people involved in the first place. One of the greatest things that some individuals feared was how Title IX would negatively impact "revenue-producing sports" such as football and basketball. Sports such as basketball and football which were thought to be revenue-producing were those in which it appeared that the revenue generated by these teams more than covered the cost of them. Many male individuals, ranging from college football coaches to United States Senators, were the biggest proponents in preventing the full implementation of Title IX, especially because of the money they believed that these male sports were generating. One such individual who fought to make sure that football would be given special consideration in terms of the law was Senator John Tower of Texas, who proposed the Tower Amendment (S. 2106), a bill aimed at exempting the so-called "revenue-producing sports" of basketball and football from Title IX's coverage.⁸⁷

Senator John Tower had proposed the Amendment in 1974, after the regulations were drafted but before they were put into place. The Tower Amendment was fiercely supported by many members of Congress including Senator Roman L. Hruska of Nebraska, who feared what Title IX would do to the University of Nebraska if allowed to impact its football program. While speaking at the hearings before the Subcommittee on Education of the Committee on

⁸⁷ Ware, *Title IX*, 52.

Labor and Public Welfare, Senator Hruska stated, “Will compliance with Title IX require the University of Nebraska football program to expand beyond its surpluses and channel sustaining funds into other sports? If so, where will the line be drawn? Indeed, how can a line be drawn?... To the ordinary citizens of Nebraska, the apparent threat to the Cornhuskers posed by Title IX makes no sense at all.”⁸⁸ While Senator Hruska clearly opposed Title IX because of fears of how the law would economically impact his state, it also speaks to how many male athletes felt threatened by the law and how it would in turn impact men’s sports.

Many everyday Americans, similarly to Senator Hruska, feared the implementation of the law because they were unaware of the actual technicalities of Title IX, and believed that the law would effectively destroy football at the collegiate level. One such individual who was adamantly against the implementation of the law was Ralph J. Sabock, an associate professor of physical education at Pennsylvania State University. In an article written for the *New York Times*, Sabock wrote how some football coaches contended that Title IX would “cause the death of college football because of all the financial ramifications.”⁸⁹ The belief that Title IX would effectively destroy college football because of the belief that the law would force programs to invest more money into female sports teams was clearly unfounded. Data has since proven that out of the 522 colleges and universities that offered football, only 58, or roughly, 11 percent, of the teams actually produced enough revenue to cover their costs, meaning that in most situations

⁸⁸ “Hearings before the Subcommittee on Education of the Committee on Labor and Public Welfare: September 16 and 18, 1975,” in *Title IX: A Brief History with Documents* by Susan Ware (Boston: Bedford/St. Martin’s, 2007), 54.

⁸⁹ Ralph J. Sabock, “Football: It Pays the Bills, Son,” in *Title IX: A Brief History with Documents* by Susan Ware (Boston: Bedford/St. Martin’s, 2007), 61.

the fear of Title IX negatively affecting these sports was not actually based in fact.⁹⁰ These fears stemmed from an unwillingness from many to actually examine or accept the truth of the law; Title IX was not created to limit the spending of male sports teams, but rather create more opportunities for female athletes. The unwillingness of certain people to truly examine how the law would actually impact collegiate athletics alludes to a widespread fear held by mostly men that the implementation of Title IX would only amount to a “female invasion” occurring in the field of athletics.⁹¹

Since football and basketball were wildly popular during this time period, many individuals were afraid that the law would negatively impact their popularity. Coaches feared that if funding was taken away from football and basketball to provide for female athletes, then their popularity, and thus their economic benefits, would decrease. This fear was especially pertinent in the fights of Senators Tower and Hruska to keep revenue-producing sports from being affected by the law. Eventually, the Tower Amendment was not passed and was unsuccessful in exempting revenue-producing sports from the legislation. Rather, an amendment proposed by Senator Jacob Javits of New York was submitted and accepted to appease to both sides. The Javits Amendment of 1974 clarified that “certain sports such as football had higher equipment costs than others and that the resulting disparities were not necessarily the result of

⁹⁰ David Salter, *Crashing the Old Boys' Network: The Tragedies and Triumphs of Girls and Women in Sports*, (Connecticut: Praeger, 1996), 52.

⁹¹ Sarah K. Fields, *Female Gladiators: Gender, Law, and Contact Sports in America*, (Chicago: University of Illinois Press, 2005), 11.

discrimination.”⁹² This amendment gave athletic departments some leeway into how funds were allocated to sports such as football and basketball.

Despite the Tower Amendment and all other attempts to exempt revenue-producing sports from the legislation being struck down, Title IX was still not being fully implemented in terms of how women's sports teams were treated by collegiate administrative offices compared to their male counterparts. Though the law and its regulations existed, it was not being enforced by any governmental body. Because of this lack of enforcement, colleges and universities across America were aware of the disparities between how their male and female athletes were being treated, but did not have to act immediately to fix anything to comply with Title IX. A specific case in which an athletic program lacked urgency in responding to claims of ill-treatment from female athletes occurred in March 1976 when members of the Yale University women's crew team protested the lack of equal facilities for both male and female athletes—a direct violation of the Title IX 1975 regulations.

The Yale women's team were not afforded access to proper shower facilities after their off-campus winter workouts; the women's team was forced to wait on a bus for half an hour after practice while the men's team was showering in the boathouse's only locker room.⁹³ On March 3, 1976, to protest the slow response to make a locker room for the women by the University, nineteen members of the women's crew team marched into the office of the director of female athletics' office and stripped off their clothes to reveal that they had written “Title IX” on their backs and chests in blue marker. The team captain, Christine Ernst, also read to the director of

⁹² Ware, *Title IX*, 5.

⁹³ Ware, *Title IX*, 69.

female athletics, Joni Barnett, a written statement that said, “These are the bodies Yale is exploiting. We have come here today to make clear how unprotected we are, to show graphically what we are being exposed to... We’re human and being treated as less than such.”⁹⁴ The protest was picked up by the New York Times and garnered national attention; people all over the country were shocked by how poorly the women’s crew team was being treated compared to the men’s team. In the end, the protest was successful, and the women’s crew team were given their own showers the following athletic season.

The so-called “Yale Nineteen” who stormed into the office of Joni Barnett to fight for their rights as female athletes is reminiscent of the protest staged by Billie Jean King and the rest of the “Original Nine” female professional tennis players who have been discussed in the previous chapter. Both of these protests were staged by female athletes who realized that they were being treated unfairly compared to the male athletes playing in the same sport. While the Original Nine protested the lesser pay they were receiving for playing compared to the male tennis players at the same tournaments, the Yale Nineteen protested the fact that the men’s crew team were given proper locker room facilities for them to use after practice while their team was not. Both of these protests resulted in victories for the female athletes, a sign that women were being taken more seriously for their athletic capabilities. The Yale Nineteen had the law on their side, which is what truly helped them receive their demands for more equitable treatment.

The protest of the Yale University women’s crew team marked a turning point in how Title IX impacted athletics across the country. Many women were finally realizing the scope of the law, and how they could use it to benefit their status as female athletes. Female athletes

⁹⁴ “Yale Women’s Crew Strips in Title IX Protest: March 1976,” in *Title IX: A Brief History with Documents* by Susan Ware (Boston: Bedford/St. Martin’s, 2007), 70-1.

during this time period saw that they could reap the benefits of Title IX and its regulations to ensure more equitable treatment in comparison to their male counterparts, but it would take some effort to get the federally funded educational institutions which were affected by the law to comply with their demands. Many colleges and universities across the country were able to sidestep the 1975 Title IX regulations by taking advantage of the three-year grace period, as seen in the case of the Yale Nineteen when the University ignored the regulation which required both male and female athletes to be provided locker rooms, practice and competitive facilities.⁹⁵ Unlike elementary schools which were forced to adapt within one year, colleges and universities had up to three years, so they could ignore the regulations for a while. In response to this, the Department of Health, Education, and Welfare once again decided to release a final guideline at how the institutions across the country needed to go about implementing Title IX.

On December 11, 1979, the latest Title IX compliance regulations were released by the Department of Health, Education, and Welfare, which were specifically designed for intercollegiate athletics, but could also be applied to club, intramural, and interscholastic programs. The regulations were released as a policy interpretation of Title IX and how it would go on to impact intercollegiate athletic programs. The most significant aspect of this policy interpretation was the inclusion of a “three-prong test” which listed three ways in which an institution could comply with Title IX.⁹⁶ This three-prong test officially laid the groundwork for which institutions needed to comply with and the policy states:

In effectively accommodating the interests and abilities of male and female athletes, institutions must provide both the opportunity for individuals of each sex to participate in

⁹⁵ “Regulations on Nondiscrimination on the Basis of Sex,” *Title IX*, 51.

⁹⁶ Ware, *Title IX*, 75.

intercollegiate competition, and for athletes of each sex to have competitive team schedules which equally reflects their abilities.

a. Compliance will be assessed in any one of the following ways:

(1) Whether intercollegiate level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollment; or

(2) Where the members of one sex have been and are underrepresented among intercollegiate athletes, whether the institution can show a history and continuing practice of program expansion which is demonstrably responsive to the developing interest and abilities of the members of that sex; or

(3) Where the members of one sex are underrepresented among intercollegiate athletes, and the institution cannot show a continuing practice of program expansion such as that cited above, whether it can be demonstrated that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program.⁹⁷

While there were three factors with which an institution could be in compliance, institutions only needed to prove that they were in compliance with one out of the three options; if an institution could prove that their athletic program aligned with at least one of the three factors, than they would legally be clear of any fault.⁹⁸

In response to the policy interpretation of Title IX released in 1979, there were both positive and negative reactions. On one hand, many praised the tree-prong test and the HEW's commitment to seeing the law be fully implemented. On the other hand, others argued that the test established strict quotas which athletic programs needed to follow, and would in turn create problems for male teams that may not have been as popular as other teams. However, this was all speculation, as no one could be exactly sure about how the intercollegiate athletic programs in America would be affected by the three-prong test until it was fully implemented. However, it did once again become clear to many that Title IX's influence over male and female athletics would persist. In response to this, colleges and universities across the United States came to the

⁹⁷ "Policy Interpretation: Title IX and Intercollegiate Athletics," in *Title IX: A Brief History with Documents* by Susan Ware (Boston: Bedford/St. Martin's, 2007), 75-6.

⁹⁸ Ware, *Title IX*, 6.

conclusion that women's intercollegiate athletics could potentially become profitable. Realizing that with this there was now an opportunity to get involved with women's athletics, the National Collegiate Athletic Association (NCAA), the organizing body of men's intercollegiate athletic programs, shifted their earlier position of attempting to prevent the implementation of Title IX at the collegiate level, and offered to begin to run women's athletic championships.

The NCAA's interest in running championships for women's intercollegiate athletics would ultimately lead to a confrontation with the Association for Intercollegiate Athletics for Women (AIAW), the governing body of women's intercollegiate athletics since 1971. As stated, the NCAA had sided with those who had hoped to exempt "revenue-producing" sports from Title IX, but changed their position once the organization realized the economic benefits of offering championships for women's athletics. As many women began to reap the benefits of Title IX as more opportunities arose for them to participate in sports, it became clear that female athletics was on an upswing in America. The NCAA hoped to gain control over what they perceived to be a growing market, and in order to do so they needed to sidestep the AIAW. The NCAA's growing interest in women's athletics was similar to that of the response of the USLTA to the Virginia Slims Circuit, when they saw the economic benefits of running tournaments for female tennis players. In response to the NCAA's interest in running women's championships, a legal battle ensued between both organizations which would create financial ruin for the AIAW and allow the NCAA to take over, as the 1980 NCAA convention created five Division I and III women's championships to begin the following year.⁹⁹ The NCAA taking over women's intercollegiate athletics championships proved that female athletics in the United States had

⁹⁹ Ying Wushanley, *Playing Nice and Losing: The Struggle for Control of Women's Intercollegiate, 1960-2000*, (Syracuse: Syracuse University Press, 2004), 134.

reached new heights. Women still sometimes faced judgement for participating in sports, but it was becoming a more accepted fact that women were embracing athletics.

With the help of second-wave feminists and the passing of Title IX of the Education Amendments of 1972 and its following regulations and policy interpretations, the landscape of female athletics in the United States was drastically altered. Despite originating as a law to combat sex discrimination in higher education, the law evolved throughout the decade to become most synonymous with the female athletics movement. It helped to create new opportunities for women by preventing sex discrimination from a legal standpoint. As it has been discussed previously, the law originally faced much backlash for various reasons including fears of both quotas being enforced and already established teams being disbanded. Individuals were also afraid of how the law would financially affect schools with so-called “revenue-producing” sports teams. However, Title IX was also embraced by others all over the country. The law has significantly and beneficially impacted female participation rates in athletics, while also leading to a vast social change in which women athletes were more readily accepted. Title IX was not the only contributing factor in the upward movement of the female athletics movement in the latter half of the twentieth century, but it certainly made a large and invaluable impact.

Chapter Three: Post-Title IX

Title IX has become an exceedingly important piece of legislation affecting several aspects of American life, especially during a time in which more people were coming to realize the gender inequalities which run rampant in the country. Since it was signed into law by President Richard Nixon on June 23, 1972, Title IX has drastically altered the state of higher education in the United States, while also playing an integral role in shaping the landscape of female athletics. Its impact on sports has been so profound that it is what the law has come to be most synonymous with. In particular, Title IX has led to a large growth in opportunities for women and girls of all ages to embrace their athletic spirit and abilities. As more athletic opportunities for females have arisen since the 1970s, participation rate among girls and women have skyrocketed, giving credence to the quotation “if you build it, they will come.”¹⁰⁰ While it is clear that participation rates have increased for female athletes, a fear still exists amongst many Americans that Title IX has negatively impacted male athletics. Despite the odds often stacked against it, Title IX has persevered and has gone on to drastically shape the field of athletics in the United States.

The clearest impact of Title IX has been its major role in establishing more options for girls and women to participate in athletics. As previously discussed, there were not many readily available sports that women could take part in, rather only those such as golf and tennis were deemed to be acceptable because they were thought to be not too masculine. It was often difficult for girls to become involved in other organized sports because there were not many

¹⁰⁰ “Title IX 40 Years and Counting: The Next Generation of Title IX: Athletics,” *National Women’s Law Center*, June 2012, https://www.nwlc.org/wp-content/uploads/2015/08/nwlcathletics_titleixfactsheet.pdf, 1.

teams beyond those of which were at the highest level such as semi-professional leagues. As seen, some individuals such as Babe Didrikson, Dottie Schroeder, and Billie Jean King were able to defy the odds and become sports stars, but not all women were afforded the same chances to play. To combat the lack of opportunity, Title IX mandated that no women at could be discriminated against because of their sex in federally-funded educational institutions. The legislation was an integral aspect in transforming American society to line up with the beliefs many women held about the ill treatment they often faced, as noted by Billie Jean King, "Title IX is one of the most important pieces of legislation of the 20th century, and the 37 words which comprise the language of the amendment have proven powerful enough to change our society and provide opportunities in the classroom and on the athletic stage for countless young men and women."¹⁰¹

During the immediate years before Title IX was passed, it was clear that a distinct gender gap was prevalent in athletics, notably at the level of high school sports. During the 1971 to 1972 high school academic year, the number of boys participating in sports was significantly larger than girls. According to data released by the National Collegiate Athletic Association (NCAA), boys comprised a staggering 93 percent of all high school athletes with a total number of those playing at 3,666,917; at a stark contrast, girls made up the remaining seven percent with a total number of individuals involved with sports at just 294,015.¹⁰² The vast gap between athletes based on gender, which occurred in the academic year directly preceding the passing of

¹⁰¹ "Forty Years and Counting: The Triumphs of Title IX," *Hearing of the Committee on Health, Education, Labor, and Pensions*, June 19, 2012, <https://www.gpo.gov/fdsys/pkg/CHRG-112shrg92384/pdf/CHRG-112shrg92384.pdf>, 6.

¹⁰² "45 Years of Title IX: The Status of Women in Intercollegiate Athletics," *NCAA*, 2017, http://www.ncaa.org/sites/default/files/TitleIX45-295-FINAL_WEB.pdf, 16.

Title IX, was an obvious indication that something needed to change. While the country officially took notice of gender discrimination in June 1972, it was not until the Department of Health, Education and Welfare (HEW) released the Title IX compliance regulations of both 1975 and 1979 that the discrimination in athletics would be addressed.

When the HEW's Title IX regulations established compliance directives that all federally-funded educational institutions were required to follow, an upswing in participation for females involved in high school athletics began to occur. More athletic teams needed to be created to counterbalance the unfair ways in which women were discriminated against in athletics, which would go on to create more chances for women to become involved with sports teams. Data shows that in 1979, the number of girls playing high school sports jumped from what it was in 1972 before Title IX was in effect; in the 1979 educational year, girls comprised 33 percent of all high school athletes with numbers totaling 1,854,400 participants. However, boys still made up the vast majority of high school athletes with participants totaling 3,709,512 or 67 percent.¹⁰³ Despite boys still accounting for the greater part of all high school athletes during 1979, the large increase in girls active in sports proves that a change was happening—one which would continue to happen for years to come as the legislation continued to progress.

The next educational year in which data based on high school athletes divided by gender was accumulated came in 2011, nearly 30 years after Title IX was first passed. During the 2011 educational year, the number of high school aged girls participating in athletics was 3,173,549 or 41 percent of all athletes. Their male counterparts made up the remaining 59 percent with

¹⁰³ "45 Years of Title IX," *NCAA*, 16.

4,494,406 total athletes.¹⁰⁴ The margin between female and male students participating in high school athletics had become significantly smaller than what it had been in the 1970s, totaling at an overall eight percent total increase for girls participating in athletics. The most recent data released by the NCAA also shows increases for high school aged girls as in the 2016 educational year, they accounted for 42 percent of all high school athletes with total number of participants at 3,324,326. On the other hand, boys made up the remaining 58 percent with 4,544,574 student athletes.¹⁰⁵ Increases in both male and female high school athletes continued throughout the decades after the 1979 data was compiled, but those occurring in the most recent years have come at a lesser degree. Title IX has obviously led to major successes in terms of greater participation rates of high school girls in athletics. However, there is still room for even more improvement as the number of girls currently participating in high school sports has yet to even reach the amount of boys who participated in athletics in the 1972 educational year before Title IX was passed.

Increases of females involved in athletics at federally-funded educational institutions is not only seen at the high school level. There has also been a definitive growth in female participation across all three divisions of NCAA intercollegiate sports since the implementation of Title IX. As becoming involved in collegiate level athletics is increasingly more difficult and selective, the total number of both men and women active in collegiate programs is much smaller than that of those involved at the high school level. Data accumulated by the NCAA about overall participation in intercollegiate championship sports began in the 1981 to 1982 academic

¹⁰⁴ "45 Years of Title IX," *NCAA*, 16.

¹⁰⁵ "45 Years of Title IX," *NCAA*, 16.

year—the year in which the association began to sponsor women’s championship sports. In 1982, a decade after Title IX was passed, women participating in NCAA championship sports at all divisions accounted for 30.5 percent of all athletes with a number of 73,351 total participants. The same year, college-aged males made up the remaining 69.5 percent with 167,055 total athletes.¹⁰⁶ The margin between male and female collegiate athletes in 1982 was larger than that of participation rate among male and female high school athletes in 1979, proving that intercollegiate sports had much to catch up to.

Participation rates of women in championship collegiate sports saw a nearly four percent increase over the next decade with a number of total participants at 96,469 accounting for 34.4 percent of all athletes in the 1991 to 1992 educational year. Male collegiate athletes totaled 183,675 athletes making up the leftover 65.8 percent.¹⁰⁷ The overall increases for both men and women line up with the increases at the high school level during these years. As the years progressed with the implementation of Title IX and the takeover of the NCAA, increases would continue to occur as seen in data from 2002, 2012, and most recently 2016. During the 2002 educational year, women’s participation at all divisions saw nearly an eight percent increase from the past decade with a total number of female athletes at 153,601 or 42.3 percent of all athletes. Male athletes also saw an increase, though not quite as large, with 209,890 athletes making up the remaining 57.7 percent. Title IX was clearly making its mark on collegiate athletics, calling for more opportunities for women to become involved with athletics.

¹⁰⁶ “45 Years of Title IX,” *NCAA*, 18.

¹⁰⁷ “45 Years of Title IX,” *NCAA*, 18.

The following decade saw similar increases with just over 40,000 new female participants in collegiate athletics during the 2012 school year, amounting to 43.2 percent of all athletes totaling at 195,861 athletes. Male collegiate athlete participation also increased to a total number of 257,690 athletes making up the remaining 56.8 percent.¹⁰⁸ The rates of participation of male and female athletes at both the high school and collegiate levels in 2012 were quite similar with female participation percentage in the low 40 percent range compared to male participation at the upper 50 percent range. The most recent data released by the NCAA in 2017 focuses on the 2015 to 2016 educational year, which saw increases in women's intercollegiate athletic participation from 2012 at just 0.3 percent. During this year, women totaled 43.5 percent of all collegiate athletes with a total of 211,886 athletes. Their male counterparts made up the remaining 56.5 percent comprised by 274,973 total athletes. Title IX definitively played a role in the increasing participation rates of women by establishing compliance regulations for federally-funded educational institutions to follow. As previously noted, the regulations required that these institutions provide equal athletic opportunities for male and female students, thus resulting in more women participating.

To respond to an increase in women wanting to participate, colleges and universities have been providing on average one more women's team than men's in their athletics programs since the early 2000s. Despite this fact, men's championship participation opportunities have since increased at a slightly quicker rate than that of women.¹⁰⁹ This is something that is often ignored by critics of Title IX who believe that the law has actually hurt men's athletics in the United

¹⁰⁸ "45 Years of Title IX," *NCAA*, 18.

¹⁰⁹ "45 Years of Title IX," *NCAA*, 18.

States because they believe that it takes away their opportunities to in turn give them to women. This has led to an association held by many Americans that the legislation puts women in a better position to succeed in athletics than it does for men. However, this belief stems from a “misinterpretations of the law” and helps to create a myth of negative consequences that has become associated with Title IX in recent years.¹¹⁰

Title IX was created in the early 1970s to ensure that women were afforded the same rights to participate in educational functions that men were, one of which was athletics. It was not, and never has been, intended to hurt men’s athletic programs. Despite this, the “myth” which surrounds Title IX has arisen in response to the issue of dropped men’s athletic teams at institutions across America. Since the 1988 educational year, there has been a net loss of 330 men’s teams at Division I, something that many individuals believe is associated with the implementation of the law, “Title IX is often part of the discussion when athletic departments decide to drop men’s sports, which is not the intent of the law, nor should it be the effect.”¹¹¹ Many critics of Title IX point to the law as the reasoning behind the net loss for men’s teams at Division I without taking into account the gains of programs at all other levels. At both Divisions II and III there have been net gains for both male and female programs, while massive gains for women’s teams have occurred at Division I.

To combat this myth the Office of Civil Rights released a “Dear Colleague” letter in 2003 which stated, “nothing in Title IX requires the cutting or reduction of teams to demonstrate

¹¹⁰ “Title IX and Athletics: Proven Benefits, Unfounded Objections,” *The National Coalition for Women and Girls in Education*, <https://www.ncwge.org/TitleIX40/Athletics.pdf>, 11.

¹¹¹ “45 Years of Title IX,” *NCAA*, 25.

compliance with Title IX' and that that the elimination of teams is a 'disfavored practice.'"¹¹²

Data has also been released to prove that the dropped teams have nothing to do with Title IX, but that the practice actually largely occurs due to budgeting issues within institutional athletic programs. It is important to examine the net loss of men's teams at the Division I level in terms of how athletic departments choose to allocate their funds because it is apparent that "some athletics departments dedicate much of their resources to few sports."¹¹³ In financial figures released by the NCAA from 2015 to 2016, it indicates that most Division I athletic programs have allocated the vast majority of their funds to football and basketball teams.

At the NCAA Division I Football Bowl Subdivision (FBS)—the top level for college football in America—spend an average of 80 percent of their overall men's athletic budget on only two teams, with football receiving 60 percent of all funds and basketball receiving 20 percent. This leaves the remaining 20 percent of the budget to account for the rest of the men's sports the institution provides. At the Division I level overall, 74 percent of the men's athletic department budget was allocated to football and basketball, resulting in on average football teams receiving 51 percent and basketball receiving 23 percent of the whole budget. This leaves the remaining 26 percent of the budget for all other men's teams. This is also an issue in Division II athletic programs where schools with football spent an average of 65 percent of the men's budget on football and basketball. Division II schools without football typically allocated 30 percent of their budget just to men's basketball¹¹⁴ These figures are specifically important in

¹¹² "45 Years of Title IX," *NCAA*, 25.

¹¹³ "45 Years of Title IX," *NCAA*, 26.

¹¹⁴ "45 Years of Title IX," *NCAA*, 26.

regards to Title IX because they prove that across Divisions I and II (Division III schools are currently not required to submit this information to the NCAA) athletic departments are adding to the issue of dropped men's teams.

When people argue that Title IX has led to cuts of men's teams, most notably wrestling programs, at colleges across the country, they tend to ignore the fact that it most likely happens because programs are allocating the vast majority of their budgets to football and basketball teams. Certain non-revenue producing men's sports, which typically include wrestling, swimming, and tennis, are cut not so funds can be put into women's programs. Rather, they are usually cut so that they can put more money into their revenue-producing sports. In one specific case in 2006, Rutgers University cut their men's tennis program, which held a budget of approximately \$175,000. That same year, the University spent approximately \$175,000 for hotel rooms for the football team to use during home games.¹¹⁵ Many cases of cut men's programs can be linked to increased spending on other men's teams, not women's programs. It is this ignorance and misinterpretation of the law the sometimes gives Title IX a bad reputation.

In response to the backlash over men's dropped teams, it is important to note that in the 45 years since the passage of Title IX, participation rates—specifically in athletics—have soared for both women and men, as proved by data collected by the NCAA. The number of athletic opportunities for men have increased dramatically since 1972, affirming that if anything, the law has not hindered the growth of men's athletics as many feared that it would. During the 2012

¹¹⁵ "Debunking the Myths About Title IX and Athletics," *National Women's Law Center*, June 2017, <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2015/08/Title-IX-Athletics-Myths.pdf>, 1.

Senate hearings of the Committee on Health, Education, Labor, and Pensions on the triumphs of Title IX, the chairman of the committee, Senator Tom Harkin of Iowa, concluded:

And let me underscore two things. Title IX is gender neutral. It ensures equality under the law for men and women. And, second, title IX applies to any education program or activity receiving Federal assistance. This means that everybody gets a chance to take the course of study they wish, to participate in athletics, and to attend school or go to work in an environment free from harassment and discrimination.¹¹⁶

The law is an integral aspect in creating more opportunities for women without obstructing the growth of men's programs, and as long as it is continued to be enforced, the increase in participation will continue for years to come.

The increase in participation rates for women and girls in athletics at all levels due to Title IX is not only important in promoting gender equity and combatting gender discrimination, but it is also beneficial in many other aspects of female life. One particular aspect of life that has benefited from an increase in female participation in sports is in terms of physical health. This is true for both short-term and long-term health in women. A major way in which increased participation has helped female health is in terms of obesity, "research shows that girls who had opportunities to play sports because of Title IX had a 7 percent lower risk of obesity 20 to 25 years later when they were in their late 30s and early 40s." While a 7 percent decline may be considered modest, the study goes on to state that "no other public health program can claim similar success" in terms of combating obesity in America.¹¹⁷ As obesity is one of America's

¹¹⁶ "Forty Years and Counting," *Hearing of the Committee on Health, Education, Labor, and Pension*, 1.

¹¹⁷ "Title IX: 40 Years and Counting," *National Women's Law Center*, 3.

leading epidemics, by creating equal access for school-sponsored physical activity programs, Title IX is ensuring a greater chance of healthy lifestyles for young girls.¹¹⁸

Another major way which participation in sports has affected female health in the United States is in terms of smoking; female student-athletes are far less likely than their non-athlete peers to smoke cigarettes or use recreational drugs. One study in particular examined this phenomenon and concluded that female athletes are 29 percent less likely to smoke than non-athletes are. This clear health benefit can be associated with increased female participation in sports as smoking is directly related with many of the nation's leading illnesses. Participation in sports also appears to be linked with pregnancy, as female athletes "are less than half as likely" as adolescents compared to their peers who are not involved in athletics. Beyond smoking and preventing pregnancies, participation in sports for girls and women is also linked with decreased risk of developing illnesses such as heart disease, osteoporosis, and breast cancer.¹¹⁹ The health benefits linked with female participation in athletics are clear and prove that the increases of opportunities due to the implementation of Title IX have been advantageous in multiple aspects of everyday life.

Female participation in sports also dramatically influences academics in the United States. Young women who are actively involved in athletics are more likely than non-athletes to graduate from high school. Female athletes also tend to have higher grades and perform better on standardized tests than those who do not participate in sports.¹²⁰ One study completed by the

¹¹⁸ "Title IX and Athletics," *The National Coalition for Women and Girls in Education*, 10.

¹¹⁹ "Title IX and Athletics," *The National Coalition for Women and Girls in Education*, 10.

¹²⁰ "Title IX: 40 Years and Counting," *National Women's Law Center*, 3.

North Carolina High School Athletic Association over a three-year period concluded “athletes achieved grade point averages that were nearly a full point higher than those of their non-athlete peers.”¹²¹ By providing more athletic opportunities for young girls, Title IX has in turn led to more success in the classroom. The law has also led to increased pursuit of higher education as it has created a greater availability of athletic scholarships for women to take advantage of. The successes of female athletes in academics also tend to lead to greater economic success down the road, “A study using state-level data concluded that an increase in female sports participation leads to an increase in women’s labor force participation down the road and greater female participation in previously male-dominated occupations, particularly high-skill, high-wage ones.”¹²² Studies have also concluded that 82 percent of female business executives played sports at some point in their lives, with the majority of these women holding the opinion that the lessons learned from athletics definitively contributed to their success.¹²³ When examining the health, academic, and economic benefits associated with female participation in athletics, it is hard to argue against the advantages posed by the implementation of Title IX.

While female participation rates in athletics in the United States have definitely increased since the implementation of Title IX, there is still some room for improvement. This can be most notably seen in terms of the leadership positions in the realm of athletics held by women. In the years leading up to Title IX, women almost exclusively coached women’s athletic teams; in 1972, 90 plus percent of all women’s teams’ coaches were female. R. Vivian Acosta, Ph.D., and

¹²¹ “Title IX and Athletics,” *The National Coalition for Women and Girls in Education*, 11.

¹²² “Title IX: 40 Years and Counting,” *National Women’s Law Center*, 3.

¹²³ “Title IX and Athletics,” *The National Coalition for Women and Girls in Education*, 11.

Linda Jean Carpenter, Ph.D., professors at Brooklyn College conducted a longitudinal, national study focused on women involved in intercollegiate athletics ranging from the years 1977 to 2014. Their study, which was updated every two years, concluded, “by the late 1980s, there were more male head coaches of women’s teams than female head coaches,” a trend which has remained consistent over the past several decades. The final year of the study found that in 2014 women coached only 43 percent of all women’s athletic teams.¹²⁴ More recent data provided by the NCAA show that in 2016, 60 percent of all women’s teams and 95.4 percent of all men’s teams were coached by men.¹²⁵ This alludes to the fact that Title IX has made women’s athletics more economically appealing as participation rates have increased. The law has established various financial incentives and opportunities that have enticed men to become more active in leadership positions.

According to the Acosta and Carpenter study, women’s positions as athletic directors has also declined since Title IX was passed. In 1972, more than 90 percent of all athletic directors for women’s programs were females. When the AIAW was in charge of the athletic championships for women’s team, there were often athletic directors specifically dedicated to the institution’s women’s programs. When the NCAA took over from the AIAW, many athletic programs across America were unified under one athletic director. In the decades since Title IX’s implementation, the percentage has dramatically declined as the study found in 2014 that just below 20 percent of athletic directors for both women’s and men’s programs are headed by

¹²⁴ “45 Years of Title IX,” *NCAA*, 40.

¹²⁵ “45 Years of Title IX,” *NCAA*, 41.

women.¹²⁶ This downward trend in terms of leadership positions for women in athletics seems to coincide with the passage of Title IX, which would line up with the theory that as women's sports became more economical, more men sought to reap its benefits. Despite this, the legislation has been exceedingly beneficial in other aspects of life; if anything, this data can help to establish a campaign for the creation of more leadership roles for women in athletics.

When President Richard Nixon signed Title IX of the Education Amendments of 1972 on June 23, 1972, it was incomprehensible to even imagine the impact the law would have on the United States. While the legislation was intended to combat gender discrimination in higher education, it has become most synonymous with the gains it has produced in the realm of athletics. Over the past 45 years since its implementation, the law has helped to transform American society into one that is more accepting of the athletic ability of women. In the decades preceding its passage, women's athletics were essentially non-existent; beyond a few exceptions, girls were not afforded the same opportunities to succeed in sports. Rather, society held deeply embedded gendered norms and stereotypes that made it nearly impossible for a woman to be accepted as an athlete. It was not until the American Civil Rights Movement and second-wave feminism that women could even think about establishing a female athletic movement through the scope of legislation.

Once Title IX was enacted, it had to persevere against seemingly endless backlash stemming from fears the law would ruin men's athletics. As it has withstood the test of time, female participation rates at all levels have increased, while the law has not hindered increasing rates of male participation. The law has led to numerous health benefits for women, while also

¹²⁶ "45 Years of Title IX," *NCAA*, 43.

setting female athletes up for success in academics and beyond. While there are still areas in which female athletics in the United States can grow, such as in the availability of leadership positions for women, the law's successes exceedingly outweigh any so-called failures. An American women's sports revolution was triggered by Title IX and it has transformed society forever, as put into words by Princeton's first female athletic director Merrily Dean Baker, "I was called a tomboy, my daughters are called athletes."¹²⁷ This transformation could not have happened to the extent that it did without Title IX and the women who persisted in their fight against gender discrimination in sports in the United States.

¹²⁷ *Title IX*, Ware, 27.

Conclusion

On July 10, 1999, people all over the world tuned into their televisions to watch the championship match of the Women's World Cup which pitted the United States Women's National Soccer Team against China's team. After 90 minutes of regulation play and 30 minutes of extra time, neither team had scored; going into the shootout, the score was tied at 0-0. China's players had made four out of their five penalty kicks, while the Americans had made all four of their attempts—the deciding shot was up to defender Brandi Chastain. With her shot lined up, Chastain kicked the ball into the net through the hands of China's goalkeeper, giving the American team a victory of 5-4. Overcome with emotion, Chastain immediately took her shirt off and knelt to the ground screaming in victory with her sports bra on display for the world to see, "It was just a 'Yes!...Twenty-something years of playing the game and this is the most perfect moment. Sitting in the stands, it was that emotion times 100."¹²⁸ The celebration was never planned—it was a real and emotional response to something Chastain had worked for her entire life. This moment has been forever etched in the history of women's sports in the United States. Chastain represented a new era of female athletes—those who were unashamed about their bodies, their competitive spirit, and their career as professional athletes. People around the world had been sent a message with the celebratory image—female athletes are here, and they are here to stay.

Soccer and basketball are two of the most popular professional sports for women in the United States—a truth that would not have been possible without the inception and implementation of Title IX of the Education Amendments of 1972. As discussed, the law has not

¹²⁸ Jere Longman, "Soccer, The Sports Bra Seen Round the World," *The New York Times*, July 5, 2003, <http://www.nytimes.com/2003/07/05/sports/soccer-the-sports-bra-seen-round-the-world.html>.

only established more opportunities for young girls and women to participate in sports, but it has also influenced America's societal beliefs about female athletics in America. During the first half of the twentieth century, a general gender stereotype was held in America that sports were both too competitive and physically exerting for women to participate in. In response, many young girls were never allowed to participate in sports deemed to be too competitive because of the fear that it would make them less feminine. As young girls were kept out of the "athletic sphere" of American culture during this time period, there was a distinct lack of want or need for women's professional sports teams.

As time progressed and America's sentiments toward female athletes began to shift, more and more girls became involved in sports at young ages. Title IX made sure that athletic participation opportunities were equally allocated between both genders, thus establishing more programs for girls to participate in. It became more acceptable for girls and women to enjoy athletics and embrace their competitive spirit, as sports were decreasingly linked with masculinity. As female participation rates soared during the decades following the creation of the law, the popularity of women's professional sports similarly increased. The law established more opportunities for women to continue their athletic careers through high school and college; as more women played sports at these higher levels, the more prepared they were to embark on a professional career in athletics. The growing popularity of women's professional sports in America is most notably seen in women's soccer and basketball.

During the 1970s, soccer was not a particularly popular sport for women to play. In the latter half of the decade, the number of high school women playing soccer was in the low ten thousands. Since Title IX was fully implemented with the 1975 and 1979 regulations, the

number of high school women who play soccer has definitively increased; data provided as recently as 2015 has shown that there are currently 375,000 plus high school female athletes who play soccer. With these rates, women's soccer has surpassed softball as the third-most-played team sport behind volleyball and basketball.¹²⁹ Increases have also occurred at the collegiate level, which is the step before professional leagues. Title IX has also created more athletic scholarships, which has led to more women choosing to continue their sports careers through college. With more women playing soccer at the high school and collegiate levels, participation rates in and general popularity surrounding women's professional soccer has increased.

In the summer of 1985, the United States Women's National Soccer Team played its first match in an international tournament. The team continued to play throughout the following decade but its intense popularity would not be realized until the United States hosted the Women's World Cup in 1999. The Cup saw record-breaking crowds for a women's sports event; the United States team's opening match against Denmark's team drew a record-breaking crowd of 78,972 fans. 90,185 spectators attended the finals between the United States and China at the Rose Bowl, the largest crowd to ever witness a women's athletic event.¹³⁰ When the U.S. team beat China's team people all over the country rejoiced—women's soccer's popularity had soared to heights people could not have ever imagined.

It is impossible to discuss the increased popularity of women's soccer without mentioning Mia Hamm, who is widely regarded one of the greatest soccer players of all time. Hamm was a

¹²⁹ Benjamin Morris, "Why Is The U.S. So Good At Women's Soccer?" *FiveThirtyEight*, Jun. 30, 2015, <https://fivethirtyeight.com/features/why-is-the-u-s-so-good-at-womens-soccer/>.

¹³⁰ "The Battle for Gender Equity In Athletics in Colleges and Universities," *Women's National Law Center*, August 2011, https://www.nwlc.org/wp-content/uploads/2015/08/2011_8_battle_in_college_athletics_final.pdf, 3.

player on the 1999 squad who captured the attention of young girls all around the world for her goal-scoring records and the intense passion she played with. She was directly impacted by the implementation of Title IX, as she was able to reap the benefits of the newly established participation opportunities. She played throughout her high school years showing much promise and eventually continued her soccer career playing at the University of North Carolina Chapel Hill. Had Hamm been born before Title IX's creation then it is more than likely that she would have never had the chance to play soccer professionally. Mia Hamm became the face of women's soccer in the United States through the 2000s, and her skill and passion for soccer definitely helped the sport reach new heights of popularity. The most recent World Cup was held in Canada in 2015 and saw many records broken. The final match between the U.S. and Japan was the most-watched soccer match in U.S. history, with just under 23 million viewers tuning in to watch.¹³¹ Clearly, the popularity of women's professional soccer has drastically increased with the implementation of Title IX, and it does not appear to be slowing down anytime soon.

Just as Title IX created more opportunities for women to pursue careers in soccer, it did the same for basketball, as women's professional basketball has become increasingly popular in the United States. This can be seen with the founding of the Women's National Basketball Association (WNBA) on April 24, 1996 as the counterpart to the National Basketball League (NBA). Play officially began in June 1997, with eight teams comprising the league. While the league has not necessarily reached the same popularity of men's sports leagues, the WNBA has still been revolutionary in proving to young girls that women can be professional athletes just like men can. The league has created more role models for young girls playing sports to look up

¹³¹ "Women's World Cup Final is the Most-Watched Soccer Match in U.S. History," *U.S. Soccer*, Jul. 8, 2015, <https://www.ussoccer.com/stories/2015/07/08/16/59/150708-wnt-victory-breaks-tv-records>.

to such as Lisa Leslie and Rebecca Lobo, who also benefited from the athletic opportunities that stemmed from Title IX. While the WNBA's popularity is still struggling, women's basketball has flourished at the Olympics. The United States Women's National Basketball Team has been extremely successful at the Olympics, medaling at all ten of the games the team has played in. The U.S. team has won one Bronze medal, one Silver medal, and eight Gold medals, with the most recent coming in the 2016 Summer Olympics. The female basketball players who represent the United States in the Olympics are truly the best of the best, and continually prove to the country the benefits associated with Title IX.

Title IX of the Education Amendments of 1972 marked the starting point of a growing popularity of women's professional sports in general. This can be seen in both women's soccer and basketball—two sports which were thought to be too physical and competitive for girls to play in the years before the law was created. More athletic opportunities have arisen from the law's implementation which has led to increased participation in soccer and basketball as well as an increase in people who watch professionals play these sports. As the years have passed since the 1970s, the professional female athletes who have directly benefited from the law have gone on to capture the minds and hearts of young girls and women around the world. These professional athletes have become role models and serve as inspiration for girls to continue their athletic pursuits. With female professional athletes inspiring more and more young girls all over the country to play sports, participation rates will only continue to soar. Title IX has successfully revolutionized women's sports since it was passed in 1972, forever changing the landscape of athletics in the United States.

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