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## ***Kellmeyer: The Lawsuit that Ruined Women's Control of Intercollegiate Athletics for Women?***

The philosophical acceptance of high level competition for women by the Division for Girls and Women's Sports (DGWS) in the early 1960s and the growth of sports for women during the decade paved the way for the formation of the Association for Intercollegiate Athletics for Women (AIAW) in 1971. As the first institutional membership organization for women's intercollegiate athletics at the national level, the AIAW adopted the philosophy of the DGWS and put the "educational model" (as opposed to the "commercial model" championed by the NCAA) of college athletics into practice. The formation of the AIAW brought great optimism to women's sport. After Congress passed

Title IX in 1972, the time seemed ripe for the rapid growth of women's athletics, and the fledgling AIAW was about to take off with the "educational model."

The AIAW's pursuit of this model, however, was soon shattered by a legal challenge to the organization's policy on athletic scholarships. In January 1973, a group of female student-athletes and coaches from two Florida colleges filed a lawsuit (*Kellmeyer, et al. v. NEA, et al.*) against the DGWS/AIAW scholarship policy. Citing federal statutes including the Fourteenth Amendment and Title IX, the plaintiffs claimed that the implementation of the AIAW scholarship rule denied to them equal protection of the law. They sought to invalidate the DGWS' rules, which prevented female recipients of athletic scholarship from participating in AIAW-sponsored intercollegiate competition. Foreseeing the unfavorable legal climate and, more importantly, the inevitable loss of membership should the AIAW accept the court challenge, the association avoided litigation by changing its scholarship rules to allow the award of athletic scholarships to female students. As sport historian Joan Hult has insisted, athletic scholarships for women immediately jeopardized AIAW's commitment to an educational model of collegiate sport; thus, the Kellmeyer case was a landmark event.

The impact of the Kellmeyer lawsuit on women's athletics and the AIAW was immeasurable. For the former, the suit symbolized a major step in the direction of equal opportunity for women student-athletes. The victory of the untested litigation signaled that courts would not tolerate any form of discrimination against women, either by women or men. For the latter, the lawsuit rocked the sex-separate foundation of women's sports in the United States, especially in colleges and universities where female physical educators reigned supreme.

The most significant aspect of the lawsuit was that women brought it against women. For the first time in the history of women's intercollegiate athletics, highly skilled female athletes challenged the female physical education profession through legal recourse. Moreover, by exposing the traditional sex-separate philosophy of women's sport to the law of equal protection, the Kellmeyer litigation paved the way for the NCAA's initiative in women's sports. It thus symbolized the beginning of AIAW's loss of power and control over women's intercollegiate athletics to men under the impact of Title IX.

Subsequently the AIAW saw itself, step by step, becoming more commercialized and moving further away from its educational philosophy. But this transformation did not bring the security of power and control as AIAW leaders had hoped. Rather, it put the women's organization in a vulnerable position without the protection of a unique, guiding ideology.

The major primary source material for this research come from the archival collection on women's intercollegiate athletics, the *AIAW Papers*, housed at the University of Maryland, College Park, Maryland.