

11 - Going to Bat for Girls

By Lisa Bennett

Two hundred years ago, it was widely believed women had a smaller capacity to learn than men. As a result, the educational system was geared primarily toward males. Over time, women fought against — and toppled — many of the barriers that prevented them from getting an equal education. But as recently as 30 years ago, they still faced daunting hurdles.

Studies showed female students were being shortchanged from grade school through graduate school. In fact, many colleges and professional schools set limits on the number of young women they would admit. Others refused to admit women at all. In 1972, Congress acted to eliminate gender discrimination in schools by passing what is referred to as "Title IX" of the Education Amendment Act. It requires federally funded schools to give females the same opportunities as males in all education programs, including athletics.

In principle, the law was simple. But getting schools to comply with Title IX has been another story. One family in Nebraska seeking equal resources for girls at their community high school found out just how resistant to change some people can be. The events that changed Naomi Fritson's life — and the lives of high school students across Nebraska — began on a cold March night in 1992.

Fritson, a part-time school bus driver, went to watch a girls' basketball game in the small farming town of Minden where she lives. But when she arrived at the school's main gym, Fritson was told that the game had been moved to a lesser facility known as the "girls' gym."

The reason for the change: A boys' game had been rescheduled and the boys always played in the main gym. The explanation unsettled her. The main gym, after all, could seat about 500 spectators; the girls' gym only about 50. The main gym had a new sound system, a concession stand and a public restroom; the girls' gym had none of these features. Moreover, the main gym housed all the locker rooms, which meant the girls had to change into their shirts and shorts and run outdoors — often in frigid temperatures — to the girls' gym.

These inequities troubled Fritson. Her own daughter, Sarah Casper, was about to begin high school. Fritson worried that the preferential treatment boys received at school would make Sarah feel she was somehow less important than her male peers or her two younger brothers.

Fritson raised the topic with other parents and learned that many of them had also noticed the difference in how young male and female athletes were treated at the high school. But no one, she found, was willing to speak up about it. Several mothers said simply: "It's only four years. You'll get used to it."

But Fritson wasn't about to "get used to" a situation that could harm her daughter. She was prepared to fight for what was fair, even if it meant challenging authority and going against public opinion.

A community of about 2,700 people, Minden is dominated by cornfields as far as the eye can see. In late summer, the stalks tower head-high. In the evening, the dust from

the fields rises up and meets the last rays of sun, creating dramatic red sunsets in the vast sky.

Minden is a community that takes great pride in its pioneer past. A sprawling museum in the center of town and billboards for miles around constantly remind residents that frontierspeople passed this way in the mid-1800s as they headed west in search of gold, religious freedom and adventure.

Fritson was born and raised here. In Fritson's family, her father made all the decisions, and her mother -- like many women of her generation -- quietly followed along. But somehow Fritson developed an irrepressible drive to think for herself. So, on a winter day in 1992, Fritson went home to the 1,000-acre corn and cattle farm where her family lives and fired off a letter to the school superintendent.

"Whether outright or subconsciously, these girls are going through the Minden system treated, and feeling, like second-class citizens," Fritson wrote. As evidence, she pointed out three examples of unequal treatment. First, the pep band routinely played at boys' games and rarely at girls' games. Second, girls were required to play in the inferior gym. And, third, football games were scheduled for the most popular times -- Friday and Saturday nights -- while girls' volleyball games were held during the week when the crowds were smaller and the athletes would have to squeeze in homework after the game.

When Fritson met with the superintendent, he agreed that gender equity was important. But he argued that football had to be played on the weekend and girls' games during the week because fans were more interested in boys' sports than girls'.

The superintendent's response only fueled Fritson's anger. She pounded out another letter. People weren't naturally more interested in boys' sports than girls', she wrote. The school encouraged that attitude by treating female athletes as second-rate; they offered girls fewer teams to play on, inferior athletic equipment, poorly maintained fields, older buses, fewer and less experienced coaches, and less publicity.

It was true, the superintendent agreed, that girls were sometimes shortchanged when it came to resources. That was unfair and should be corrected. But one thing would not change, he insisted, and that was Friday night football. The school depended on income from its fans, and they were most likely to attend weekend games.

Fritson attended more meetings and wrote more letters, but still nothing happened. Then she remembered a poster she had seen hanging in a school hallway. It said if students felt they had been discriminated against, they could file a Title IX complaint with the Office of Civil Rights.

Fritson had never heard of Title IX, but she soon learned it was a federal law that required all public schools to offer equal opportunities to boys and girls or lose funding. Many Title IX battles focused on the funding of girls' sports programs. Since its introduction in 1972, Title IX had been quietly opening doors for female athletes, and they were bounding through.

In fact, when Naomi attended high school in the 1960s there were no girls' athletic teams in Minden at all. Administrators had decided years before that sports made girls "unladylike." Minden had indeed come a long way since Fritson's school days. But as far as she was concerned, it still had a long way to go in creating a level playing field for girls.

However, Fritson didn't want to file a formal complaint. Her kids attended the schools, and she loved her job working as a bus driver. She suggested that the

administration ask a Title IX representative to discuss the issue with them. The school superintendent agreed, and at the end of the meeting, Fritson left with a copy of the law in her hands.

That night, she and her husband sat at the kitchen table and looked the law over. It said that boys and girls should have equal opportunities in the exercise of their athletic interests, the use of equipment, travel arrangements, coaching opportunities, locker room and competitive facilities, publicity and scheduling of games.

On almost every point she had raised, Fritson realized there was a federal law backing her up. Now that administrators were better informed about the law as well, she was optimistic that things would change. But months went by and still nothing happened. Fritson filed a complaint.

The Office of Civil Rights had assured her that the complaint would be confidential. But her name soon showed up in the newspaper. When Fritson contacted the Office of Civil Rights to ask what happened, she recalls, they said her name had slipped out. In a big city, it might have been a minor problem. In this small town, it was a big one.

People in Minden, surrounding communities and across the state erupted in fury -- not at the school's alleged discrimination against girls but at Fritson. As one television reporter put it, she had challenged "a nearly sacred ritual" -- Friday night football -- and had "the gall" to ask: Why can't boys and girls share the weekend spot? Meanwhile, rumors spread that her demands for equality could lead to cuts in football, a sport one local minister is said to have described as "Nebraska's state God."

Newspapers published demeaning cartoons, caricaturing Fritson as a crank, and people posted them in stores. Unknown voices woke her with obscene calls in the middle of the night. When she attended sports events, other parents avoided sitting near her. Boys shouted obscenities at her as she walked across the school grounds. Even her father told people he was ashamed of her, adding: "I don't know how I failed in bringing her up."

Fritson wasn't the only family member who felt the sting of the attacks. Sarah didn't talk much about her feelings, but her mother knew the controversy was hard on her. Since Fritson had begun this battle, Sarah had grown increasingly isolated.

"I thought I had all these friends," Sarah later told a newspaper reporter, "and all of a sudden, they wouldn't look at me."

Worried that she was ruining her daughter's high school years, Fritson broke down in tears. Yet she couldn't imagine sitting quietly by while the school system treated Sarah and other girls unfairly. For a mother, it was an impossible dilemma: She could fight for her daughter's rights and subject her to the community's wrath or give up the battle and let her daughter submit to gender discrimination. Either way, Sarah would suffer.

Sarah secretly wished her mother would postpone her fight until she was out of high school. Then, one day, something happened to change her mind. Sarah had worn a T-shirt to gym class that said, "Title IX Now." Some classmates, who equated Title IX with an attack on football, stole the T-shirt from her locker. When Sarah learned that it was a former close friend of hers who had arranged the scheme, she was shocked and hurt.

Sarah came home in tears. That's it, Fritson decided. It's over. But the T-shirt incident had stoked Sarah's own determination to change the system. She asked her mother to keep fighting.

Soon after, Naomi and Sarah discovered they were not alone in their battle. In Omaha, Nebraska's largest city, two men also had been fighting for female athletes by supporting girls' softball.

Ron Osborn was a successful men's softball player who had begun coaching women's softball at local universities to earn extra money and gain access to a gym. He repeatedly heard parents ask: Why isn't softball offered in high schools, where the girls might have a chance to win a scholarship? To his mind, the young women of Nebraska were being prevented from fulfilling their athletic potential. And he wasn't going to sit back and watch that happen to his daughter.

So Osborn and Sherm Posca, a child psychiatrist, put together a plan: With the help of supporters, they would raise money, buy uniforms for players and encourage parents to run their own teams to show schools that girls were interested in softball. Then they would ask the schools to sponsor the teams.

Almost immediately, 40 private teams had sprung up, including one that came together around Naomi Fritson's kitchen table. She and Sarah brainstormed a list of possible players and invited them to try out.

Naomi and her husband, Dean Casper, plunked down several thousand dollars for bats, balls and mitts. Dean also coached the team, while Fritson shuttled the girls to and from games. Sarah did her part by joining the newly formed team.

Their decision demanded sacrifices. Sometimes, Dean stood behind home plate watching other farmers drive by with their harvested crops and felt he should be home working, too. But he believed that Sarah and other girls should have the same opportunities boys did. The work would have to wait.

All told, 13 Minden girls joined the team. Under the shadow of a giant grain silo looming over center field, the girls cracked balls, pulled down high-flies and learned how to pitch. They ended their first season with a winning record.

Believing they had proven girls' interest in softball, Dean and Naomi asked the school to sponsor the team. They pointed out that this would balance the number of sports teams available to boys and girls, which then stood at four to three. But the board rejected the appeal, saying there were too few area teams for Minden girls to play.

Fritson was nearly at her wits' end. Her campaign had dragged on for three years. The complaint she had filed with the Office of Civil Rights had not produced the changes she wanted, and Sarah was about to enter her senior year. The only thing left to do was file a lawsuit.

The Fritson-Caspers had talked with lawyers before, but no one offered much encouragement. Then Fritson met Kristen Galles. Formerly a softball player for Creighton University in Omaha and now a lawyer, Kristen knew the thrill of being a female athlete. She was also well acquainted with the Title IX law, and she was confident that Naomi and Sarah could win this case.

So, in April 1995, the Fritson-Caspers and Galles made history, filing one of the first Title IX lawsuits against any high school in the country. Supporting them in the case was the National Women's Law Center in Washington, D.C.

The community was outraged. The superintendent denounced the lawsuit's charges. Parents wrote to the local papers, saying that "the girls just want to be left alone." And one Minden resident wrote Fritson, "You've had your day in the sun. Now find a rock and crawl under it."

But no matter what people said, Fritson knew the law was on her side. And justice, she believed, was just a matter of time. A flurry of lawsuits were being filed around the country on behalf of girls in high school and college athletic programs.

About a year later, recognizing a growing movement toward equity in school sports, the Minden school district administrators offered a settlement. They promised to start a girls' softball team, offer equal equipment to girls, provide comparable transportation to and scheduling of games, hire equally experienced coaches, give the same amount of publicity to girls' and boys' teams, and pay Fritson \$75,000 for attorney fees and damages.

"Minden felt that it was in the best interests of all concerned that this matter be settled in order to move the school district forward," Minden school Superintendent Scott Maline told the press.

Fritson was relieved that her long, difficult struggle was over. She still smiles when she remembers attending the first Minden High School's girls' softball game. "They lost, but they didn't care," she recalls. "They played their hearts out."

The family's legal victory didn't end in Minden. Their lawsuit, along with three more their lawyer filed against other Nebraska schools, put administrators throughout the state on notice. Fearing similar legal challenges, several dozen Nebraska schools took it upon themselves to improve their girls' sports programs and add softball.

As it turned out, Sarah Casper never had the opportunity to reap the rewards of their victory; she had graduated by the time Minden High School made any changes. But she is satisfied knowing that other young female athletes are benefiting from them now. She says the experience taught her a lot about what happens when you buck the system.

"I learned how standing up for something you believe in can cause lots of problems, and how things can get a whole lot worse before they get better," Sarah told a newspaper reporter. "You see just how much people hate change."

As for Naomi Fritson, she looked through her photo albums after this battle ended and realized that four years were missing. Since then, she has dedicated herself to catching up on family life. But she never doubts that she did the right thing.

"Everybody wonders what their function in life is," she says. "For me, I think this was it."

*This article is reprinted by from the Teaching Tolerance curriculum kit
A Place at the Table.*