

20. Pressing Our Case

Disobedience is the true foundation of liberty.

H.D. Thoreau

With the women's marathon now joining the Olympics in 1984, the 5000- and 10,000-meter races remained left off that program. The International Runners Committee's focus turned to these events, but without the support of the IAAF there appeared to be no chance of adding them. In brief, the president and secretary of the federation told me personally that, despite having satisfied all the prerequisites for inclusion, this wouldn't happen for these "boring" events that would not "sell tickets at the gate."

The American Civil Liberties Union (ACLU) completed a study it commissioned to assess women's participation in the Olympic Games, reporting that women had access to only one-third the number of events the men had available to them. The ACLU director in Los Angeles, Ramona Ripston, then threatened legal action against the IOC.

I heard her discuss this in a 1980 radio interview, and I contacted her to offer my support. Although it appeared that the IOC was mending its ways by adding the women's marathon, I informed the ACLU of the blatant discrimination and omission of the 5000 and 10,000. We met, and I was sent on a mission to see if I could prove that women runners satisfied the rules for adding new events.

I did not know if the ACLU expected never to hear from me again or if it was testing my resolve, but I took up the challenge. With Nike's assistance and resources, we, the IRC, were able to obtain signatures on right-to-sue letters from nearly 80 women in almost 30 countries, representing the top world-ranked women in the 5000 and 10,000. The letters had gone out in 10 different languages to these women on every continent.

Attorney Susan McGrievy offered to take on our case. A former long-distance swimmer, she was compassionate to our cause. On August 10, 1983, the lawsuit was filed in Los Angeles. The announcement was made with ACLU lawyers on August 11, on NBC television's "Today Show" in Los Angeles and simultaneously at a press conference hosted by Nike at the first World Track and Field Championships in Helsinki. There I was with fellow IRC member Eleonora Mendonca, joined by Mary Decker, fresh off the medal stand for her 1500 and 3000 wins, and Grete Waitz, the marathon winner. They served as spokespersons at our press conference before worldwide media.

Defendants included the International Olympic Committee, United States Olympic Committee, International Amateur Athletic Committee, The Athletics Congress, Los Angeles Olympic Organizing Committee and Los Angeles Memorial Coliseum Commission. This unprecedented suit alleged that the defendants violated the Unruh Civil Rights Act, the federal Public Accommodation Act, the equal protection clauses under the U.S. Constitution and California Constitution, the Amateur Sports Act and international law prohibiting sex discrimination such as in the United Nations Charter.

Granted, it was difficult to name some of the defendants who included committee members sympathetic to our cause. For example, The Athletics Congress consisted of the Women's Long Distance Running Committee, which was certainly part of this fight. However, the lawyers explained that all parties involved had to be included in order to close all loopholes and any possibility of getting a run-around while seeking administrative remedies.

Additionally the international bodies, the IOC and IAAF, were adamant about protecting the integrity of the process, which angered me to no end since their almighty process was placed above the needs and desires of its constituents, the athletes. Besides, the "process" was whatever suited the IOC and IAAF, and was not enforced consistently, never mind fairly.

Consider IOC Charter Rules 32 and 33, regarding the process for adding new events. There were examples of new additions that did not meet these requirements. Furthermore, they were new *sports*, and we were only asking for new *events* within an already existing sport.

At least the age-old argument that women were not suited to run the 5000 and 10,000 was no longer an issue, since the marathon had been added. The most likely reason for not adding these two events was that they were not cost-effective. This is exactly what was told to me personally by Primo Nebiolo, the president, and Luciano Barra, the executive secretary, of the IAAF when they called the distance races "boring," and unattractive to ticket buyers. So the 5000 and 10,000 were never going to be included, as far as they were concerned.

This issue was perhaps the most outrageous of all. So that's why the marathon was added alone, because it

represented television and ticket revenue? This statement alone sent me running to the ACLU, thinking lawsuit. As I saw it, we had exhausted all alternate options.

On March 6, 1984, the ACLU attorneys who represented 82 women long-distance runners, from 26 different countries on five continents, filed a motion for a default judgment in the lawsuit before Judge David Kenyon in Federal District Court in Los Angeles. They also asked for a preliminary injunction against all the defendants, including the LAOOC. In other words, it would compel the Los Angeles organizers to immediately add the 5000- and 10,000-meter events to the 1984 Olympic Games.

At the same time, a press conference was held in Eugene, Oregon, with spokespersons Mary Decker, Leann Warren, Cathie Twomey, Sissel Grottenberg (Norway) and myself. We maintained that the exclusion of the two events in question disenfranchised women distance runners worldwide, including those appearing with me in Eugene. I said, “Without the inclusion of these races in the 1984 Olympics, a whole generation of women runners will be denied the right to run for Olympic gold. All we want to do is to achieve parity with the men.”

As one lawyer stated, “Up until 1983, Jacqueline Hansen and the IRC kept pushing within the system to get the middle-distance races, but no one within the system would take responsibility for what was requested. The bringing of the lawsuit was not done as a political statement, but was brought as a last resort because the plaintiffs felt there was no other solution for them.”

In a 38-page decision, Judge Kenyon rejected the lawsuit on Monday, April 16, 1984 – news that I

learned in a phone call in Boston, from *Los Angeles Times* reporter Julie Cart.

On June 8, ACLU lawyers argued their case in the Federal Court of Appeals in Los Angeles, after winning a motion to expedite an appeal before Judges J. Clifford Wallace, Harry Pregerson and Arthur L. Alarcon. The judges promised their ruling within a week.

Los Angeles Times Special Events Director Will Kern directed the U.S. Track and Field Olympic Trials in June 1984. He brought a sponsor, Etonic shoes, to the IRC to stage exhibition races in both the women's 5000 and 10,000. Although it was sad that these events were still controversial, I was very pleased Etonic stepped forward to make the races possible, and I agreed heartily to be the race director.

Ordinarily I would never pack the field with so many runners in any race on the track, but I was overwhelmed at the response from women runners and could not turn anyone away. Even assigning high standards to ensure quality races, there were nearly 30 runners in each race!

When the announcement was made in the stadium that these events would not be seen in the upcoming Olympic Games, you could hear the crowd booing the IOC and IAAF emphatically. Spontaneous cheering followed when the announcer offered that the women were running to make a statement.

Both races brought exciting performances. On June 17, Joan Benoit (Samuelson) was the decisive winner in the 10,000, finishing in the nation's fastest time to date (32:07) in front of 20,500 fans. The 5000 on June 24 was decided at the tape between Julie Brown (15:39.5) and Betty Jo Springs (15:39.7) before a crowd of 31,500, the largest audience of the entire trials.

It was ironic that reporter Marlene Cimon seated herself behind IAAF officials Nebiolo and Barra in the stands. Since she knew the whole backstory to the lawsuit, she leaned over to ask if they still thought the races were boring. (They pretended not to understand English.)

In between these two events, on June 22, the Federal Appeals Court judges ruled against the women runners, basically two to one. Judge Wallace stated that the Unruh Civil Rights Act, upon which our case was based, did not require “separate but equal events for women.” This made no sense to me whatsoever, because it was not the women runners but the governing bodies that established gender-separated events throughout the Olympic Games events.

Judge Pregerson, who voted for us, countered, “If that were true, then there would be no requirement to have separate bathrooms in public libraries [for example].” If there was anything to be salvaged from the proceedings, it was the eloquent dissent written by Judge Pregerson. He began by quoting the founder of the modern Olympics, Pierre de Coubertin, who said the Games were meant to be an “exaltation of male athleticism” with “female applause as its reward.” Pregerson concluded:

“The IOC made concessions to the widespread popularity of women’s track and field by adding two distance races this year [3000 meters and marathon]. The IOC refused, however, to grant women athletics equal status by including all events in which women compete internationally. In so doing, the IOC postpones indefinitely the equality of athletic opportunity that it could easily achieve this year in Los Angeles.

“When the Olympics move to other countries, some without America’s commitment to human rights, the

opportunity to tip the scales of justice in favor of equality may slip away. Meanwhile, the Olympic flame – which should be a symbol of harmony, equality and justice – will burn less brightly over the Los Angeles Olympic Games.”

For the record, the 10,000-meter race for women was added to the World Track and Field Championships in Rome, 1987, and to the Olympic Games in Seoul, 1988. The 5000 replaced the 3000 at the 1995 World Championships, and the following year at the Olympic Games in Atlanta. The women’s 3,000-meter steeplechase went on the program at the 2005 World Championships in Rome, and then into the Beijing Olympic Games of 2008. With these additions, the women’s slate of distance events finally gained parity with the men’s.



With Susan McGrievy at ACLU Annual Leadership Awards program in Los Angeles, 1984.