

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, by :  
ISRAEL PACKEL :  
Attorney General :

Plaintiff, :

v. :

C.D. 1973

PENNSYLVANIA INTERSCHOLASTIC :  
ATHLETIC ASSOCIATION, :  
An Unincorporated Association, :

Defendant, :

COMPLAINT IN EQUITY

1.—Plaintiff, Commonwealth of Pennsylvania, by its Attorney General, Israel Packel, brings this action as Chief law enforcement officer of the Commonwealth and as parens patriae of the public interest in seeing that public high school students of this Commonwealth are not directly or indirectly harmed by the unconstitutional discriminatory conduct of the defendant hereinafter alleged.

2. Defendant, Pennsylvania Interscholastic Athletic Association (PIAA), is a voluntary unincorporated association of public high schools in this Commonwealth with offices located at 1613 North Front Street, Harrisburg, Pennsylvania.

3. During each school year, PIAA sponsors interscholastic competition in a number of sports including but not limited to Football, Cross-Country, Basketball, Wrestling, Soccer, Baseball, Hockey, Lacrosse, Gymnastics, Swimming, Riflery, Volleyball, Golf, Tennis and Track.

4. PIAA is administered by a Board of Control, the majority of members of which are paid employees of the respective school districts they represent.

5. Coaches for participating PIAA teams are required to be full time professional employees of their school and certified by the Pennsylvania Department of Education.

6. Each member school pays annual dues to the PIAA based upon their total enrollment. Dues range from \$10.00 to \$40.00 per year. There are approximately one thousand and seventy-three public high schools in this Commonwealth. All of these schools, except those in Philadelphia, are members of PIAA.

7. The principal of each member school is responsible to PIAA for all aspects of the interscholastic athletic relations of his school.

8. PIAA receives a portion of the net proceeds of gate receipts from certain interscholastic competitions between member schools.

9. PIAA requires that each member school adopt a resolution stating that in "... all matters pertaining to interscholastic athletic activities [the member school] shall be governed by the Constitution and By-Laws of the PIAA." Article III, Section 2 of PIAA Constitution.

10. Membership in PIAA precludes any member school from engaging in interscholastic activity with any non-member school, unless the non-member school meets the requirements of the Association. Article XI, Section I of PIAA Constitution.

11. Virtually all interscholastic athletic competitions among public schools in this Commonwealth are conducted under the auspices of PIAA.

12. Participation in PIAA sponsored activities has a positive educational value for students in that it fosters the development of individual qualities such as confidence, competitiveness and co-operation.

13. PIAA is the vehicle through which many individual students qualify for athletic recognition and monetary rewards in the form of awards and college athletic scholarships.

14. In 1970, PIAA adopted Article XIX, Section 3D of the PIAA By-Laws, which states: "Girls shall not practice or compete against boys in any interscholastic athletic contest, riflery excepted." Prior to 1970, PIAA did not require that teams be segregated on the basis of sex, and there was minimal sponsorship of sports activities for female teams.

15. At some uncertain date in 1972 or 1973, PIAA dropped riflery as a PIAA sponsored sport even though PIAA had sponsored coed riflery teams for approximately thirty years. The elimination of riflery was primarily motivated by PIAA's intention to maintain sex segregated teams in all sports.

16. At present, all teams which participate in PIAA sponsored sports are segregated on the basis of sex.

17. The issue of sex discrimination in team membership raised by this lawsuit specifically exempts from its purview the sports of football and wrestling, which sports necessitate forceful physical contact with the person of one's opponent for the purpose of physically overpowering the opponent. At issue is the validity of the regulations of the Pennsylvania

Interscholastic Athletic Association which mandate sex segregated teams for all sports other than football and wrestling.

18. PIAA fails to sponsor interscholastic competition for female athletes in each of those sports for which it provides interscholastic competition for male athletes.

19. In those sports encompassed by this lawsuit in which interscholastic competition is available to both male and female teams, PIAA does not provide to the female teams the same opportunity for district, regional and statewide interscholastic athletic competition which it sponsors for the male team.

20. The maintenance of separate male and female teams in those sports which are the subject of this lawsuit violates the Fourteenth Amendment, Section I of the United States Constitution and Article I, Section 28 of the Pennsylvania Constitution in that it classifies students by their sex rather than by their individual athletic ability.

21. The prohibition which denies to female athletes, solely because of their sex, the right to practice and train with male athletes violates the Fourteenth Amendment, Section I of the United States Constitution and Article I, Section 27 of the Pennsylvania Constitution in that it denies to female athletes equal access to the training facilities and programs, coaching staff and athletic equipment which is available to male athletes.

22. The entire system of sports sponsorship of PIAA violates the Fourteenth Amendment, Section I of the United States Constitution and Article I, Section 28 of the Penn-

sylvania Constitution in that it fails to provide to female athletes the same opportunity for educational experiences, athletic recognition and the same access to monetary rewards in the form of awards and college scholarships which it provides to male athletes.

23. Plaintiff is without an adequate remedy at law unless and until this Court grants the relief requested.

24. The individual students affected by the policies of PIAA have suffered and continue to suffer irreparable harm by the violation of rights secured to them by the Fourteenth Amendment to the United States Constitution and Article I, Section 28 of the Pennsylvania Constitution in that they have been denied an equal opportunity for an equal access to educational experiences guaranteed to all students.

WHEREFORE, plaintiff respectfully requests that this Court:

1. Enjoin preliminarily and permanently thereafter the defendant from engaging in any system of sports sponsorship, football and wrestling excepted, which denies equality of opportunity to any athlete, male or female.

2. Declare unconstitutional Article XIX, Section 3D and any other provision of the By-Laws of PIAA which operate to discriminate against female athletes.

3. Require the defendants to submit to this Court a plan for the integration of all teams, football and wrestling excepted, which plan will also secure to female athletes undiminished representation and opportunity for participation in interscholastic contests.

4. Issue such other orders as are necessary to effectuate the determination of this Court and such other orders as this Court deems necessary, proper or just.

---

Kathleen Herzog Larkin  
Deputy Attorney General

6754

Lawrence Silver  
Deputy Attorney General  
Chief, Litigation Division

Israel Packel  
Attorney General

Patricia Maleski  
218 Spring Street  
Moosic, PA 18507  
11/3/73  
8th grade girls  
Riverside High School

Jan Felshin  
Dept. of Public Education  
East Stroudsburg State College  
East Stroudsburg, PA 18301  
8/14/73

Ms. Jeanne McDonnell  
1910 Colt Road  
Media, PA 19063  
Rose Tree Media School District  
10/26/73

Ms. Mariann Brown  
R.D. #1  
P.O. Box 177  
Oxford, PA 19363  
Oxford High School  
9/15/73  
13 yrs. old - Sports

Ms. Carol Wharton Titus  
531 Decatur Avenue  
Pittsburgh, PA 15221  
6/18/73  
Sports

Mrs. H. K. Cathcart  
Center Street Extension  
Cambridge Springs, PA 16403  
March 1973  
Against PIAA officials

Mrs. Virginia Anderson  
307 Foxcroft Road  
Pittsburgh, PA 15220  
6/1/73 - Sports Summer Activities

Mr. Robert P. Aiken  
Connecticut Mutual Life  
806 Capitol Tower  
Salem, Oregon 97301 Sports

Ms. Karen Ruth Orkin  
1824 Spruce Street  
Phila. PA 19103  
10/7/73

Ms. Patricia Sanders  
Chairperson, Committee on Public Ed.  
Women's Equity Action League  
548 Hillside Avenue  
State College, PA 16801  
Oct. 1973

Ms. Donna Carey  
R.D. #1  
Montoursville, PA 17754  
5/27/73  
PIAA

Dr. Norma Raffel  
State College PA  
(814) 237-3462

Hilda Thompson, President Elect  
Pa. Association for Health, Physical  
Education and Recreation  
York City School District  
York, PA 17405  
(717) 845-3571 (work until 4:30  
X- 304  
(717) 741-0090 (home)

Charles L. Byler  
33 Sweinhart Road  
Apartment B-6  
Boyertown, PA 19512

*Charles McCullough*  
*PIAA - Asst. Exec. Dir.*  
*N. Front St.*

*Kay Larkin*  
*Deputy Atty Gen'l*