



National Collegiate Wrestling Association

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November 6, 2017

Re: ACLU Press-Release (Letter) Dated October 25, 2017

Dear ACLU, et al.,

The National Collegiate Wrestling Association has received your letter alleging discrimination. Our officials would caution your continued position based upon what can only be described as your complicated relationship with facts and law.

It is worth noting that in a reversal of normal standards of practice in the legal community, you resorted to a media attack instead of picking up the phone to have a conversation. This entire issue could have been handled in an informal setting with a bit of education about the intricacies of both the NCWA and wrestling. Instead, you launched a defamatory media onslaught of false and misleading information. Despite the inaccuracies that make up your allegations, we remain committed to educating your organizations and the public about the NCWA and its role in promoting men's and women's

collegiate wrestling. In truth, we are not opponents; we are on the same team.

What follows is a breakdown of the mistakes and mischaracterizations from your letter. We have been and continue to be open to meeting with you to resolve these issues, and we hope that any resulting dialogue furthers the causes of equality and opportunity for which we all stand.

The actions and tactics of the ACLU, National Women's Law Center, Women's Sports Foundation, ACLU Michigan, and Ms. Goocher are quite serious.¹ Let us be clear: your letter and its simultaneous delivery to us and to news and social media outlets were entirely disappointing. The ACLU is part of the fabric of American society and a force for good in an ever-changing legal landscape. Your mission and your fight for people who cannot do so themselves are admirable. However, it is this type of case and action that hurts both your organization and ours. Let's not lose sight of what we both have set out to do: give people the opportunity to be their best selves, develop a strong moral and ethical compass, and receive fair treatment from others. The lack of due diligence exhibited in your letter harms our organization and sets the wrestling community back after decades of work attempting to expand the sport.

The conclusory allegations you make are ill-informed and borderline defamatory. The NCWA has not benched Ms. Goocher, we have not precluded her from competing throughout the season, and we certainly have not denied her the ability to be active in wrestling in college. In fact, as discussed below, there are numerous collegiate-level open tournaments that Ms. Goocher could have attended, and roughly 260 throughout the year. If she wants to wrestle men, she can do so nearly every weekend throughout the season.

After turning down opportunities to compete in the Women's Collegiate Wrestling Association (WCWA), without the NCWA, it is unlikely Ms. Goocher would have the access to this type of program in which she has earned titles of National Champion and All-American. In fact, at every opportunity to grow her program and expand her own opportunities within the NCWA's structure, it seems as though Ms. Goocher has been content to do nothing, instead expecting the competition to come to her, and demanding other individuals do the hard work it takes to build a competitive club team program.

Like the organizations Wrestle Like a Girl, the Women's Collegiate Wrestling Association (WCWA), and the National Wrestling Coaches Association, the National Collegiate Wrestling Association's mission is to extend opportunities for student athletes to pursue their passion of wrestling in a collegiate setting, both women and men alike. Through undeniably efficacious and empirically proven methods—i.e. separated women's divisions—we are doing just that.

Let me summarize our response to your assertions:

¹ The remainder of this letter will be directed at the ACLU, as it is clear that the organization is responsible for the content of the letter, the media blitz, social media campaign, and use of these circumstances for fundraising purposes.

“1. The NCWA’s own rules require it to follow the NCAA rules of competition, and the NCAA, like high schools across the country, permits women to wrestle against men.”

Your assertion is patently misleading and clearly attempts to create a false narrative. You allege that the NCWA rules state “NCWA will comply with the published rules of competition as distributed by the NCAA.” And, while that sentence is in our rules, *it is followed by another of equal importance*. The *full* rule states: “NCWA will comply with the published rules of competition as distributed by the NCAA. The current edition of the NCAA Wrestling Rules and Interpretations will be observed unless otherwise revised by the NCWA Executive Board, Legislative Committee, and / or the Judicial Council.” [Emphasis added.] Your intentional failure to quote the entire rule reflects your acknowledgment that your argument is disingenuous. The NCWA can amend any rule it wishes.

However, the NCWA does, in fact, follow the great majority of the NCAA rules of competition. Full-nelson headlocks, locking the hands when the bottom wrestler is down, and body slams are not legal in the NCWA as with the NCAA. However, our modifications to the NCAA rules have furthered the goal of expanding opportunity for all. For example, the NCWA added an extra weight class (235 lbs.) to give more wrestlers more opportunities to win championships and participate in dual meets. Another important NCWA amendment to the NCAA rules adds weight classes for women under 125 lbs, giving lighter women more opportunities to compete as well.

“2. As the courts have found, any notion that it is improper for women to wrestle against men is based on outdated and unfair stereotypes.”

As we discuss below, no one has asserted gender stereotypes. The assertion itself and the method by which you arrived at it are perplexing, given that you did not seek to speak with us regarding any of our positions prior to your letter.

It is worth noting that women and men compete separately at the US Championships, World Championships, and the Olympics. They do not wrestle together at the Junior and Cadet Nationals in Fargo. There are separate divisions at the Super 32s, Beat the Streets, US Team Trials, Adidas National Championships, and the US Open.

“3. Women athletes are entitled to equivalent opportunities as men and therefore Ms. Goocher cannot be denied the opportunity to compete against men during the regular season where there are no opportunities to compete against women in the Midwest.”

We agree that women should be given equivalent opportunities as men. Full stop.

Women should be able to practice, women should be able to compete, and women should be able to have the title of All-American and National Champion. We give women—Ms. Goocher included—the opportunity to do all of that.

The overwhelming majority of NCWA teams are chartered through club sports programs with a student's college or university club sports or student club association. These teams are started and run by students. Many of these clubs are lucky to have a volunteer coach to help them navigate the process of recruiting from within the university, fundraising, scheduling, and travel (not to mention technique on the mat). Ms. Goocher's school and team are no different. University of Michigan, Dearborn has more than 9,000 students² from which Ms. Goocher can recruit teammates. Of those 9,000 students, 96% are Michigan natives, which opens the wrestling club to the possibility of recruiting seniors at high school tournaments throughout Michigan.

Your statement that there are no opportunities to compete is false. Ms. Goocher has had the chance to travel to NCWA tournaments around the country to wrestle women (most at zero entry fee, some with free lodging). She chooses not to attend. You may also be surprised to learn that *there are dozens of open collegiate tournaments every wrestling season where Ms. Goocher can wrestle men*; these tournaments occur nearly every single week this season.³ She chooses not to attend.

The NCWA helps young men and women become leaders. Wrestling is tough. So is building a wrestling program and leading it.

“4. Contrary to your representations, the NCWA liability insurance does not preclude women from wrestling against men.”

Even if this were true, it has zero bearing on any issues raised here, and is merely a red herring. It is spurious for Ms. Goocher to claim that because she has one sheet of paper (known as a “certificate of insurance”) she has knowledge of the entirety of the NCWA's insurance policy, its riders, terms, and representations given to the underwriter (such as the fact that the NCWA has two separate and distinct divisions:⁴ one for men, and one for women). A certificate of insurance acts like an automobile insurance card. It merely states that you have coverage, not what the terms of that coverage are.

² <https://umdearborn.edu/about/facts-figures>

³ The NCWA Wrestling Plan and Rules allows NCWA participants to enter into open tournaments hosted by the NAIA, NCAA, or NJCAA. See Article 4.1: “NCWA Teams may participate in non-NCWA-hosted open tournaments. However, said tournaments must be hosted by a currently collegiately eligible member of a nationally recognized collegiate wrestling associations. (e.g.: NCWA, NCAA, NAIA, NJCAA) and properly insured by the host entity.”

⁴ The NCWA actually has three divisions: Men's Division I, Men's Division II, and Women's Division. However, for purposes of this response, and because Men's Division 1 and 2 compete with each other throughout the regular and post-season, we will discuss the Men's and Women's Divisions only.

“5. Precluding women from competing against men during the regular season is unconstitutional when there is no equivalent opportunity to compete against women and opens up the NCWA and its member universities to liability.”

Not only is the legal foundation of your statement flawed, your facts are likewise incorrect. As explained below (and above), there is equivalent opportunity for Ms. Goocher to compete. Whether she chooses to avail herself of those opportunities is of her own election. We cannot force Ms. Goocher to recruit teammates, seek fundraising opportunities, or grow the sport in her area. We can only provide her the same support we offer every other NCWA team, men’s and women’s, in the nation.

Further, as a staff attorney at the ACLU, you surely understand the difference between a government actor and a private organization. You seek to invoke the Fourteenth Amendment to buttress your position, preying on the lack of understanding of the general public about how the Fourteenth Amendment is actually applied. Every single case cited deals with a governmental, publicly funded entity. The NCWA is a privately held, privately funded organization. The Fourteenth Amendment, therefore, does not apply to the NCWA, as the Fourteenth Amendment only controls governmental action, not private entities.

The law is clear: “the Fourteenth Amendment, which prohibits the states from denying federal constitutional rights and which guarantees due process, applies to acts of the states, not to acts of private persons or entities.” *Rendell-Baker v. Kohn*, 457 U.S. 830, 837–38, 102 S. Ct. 2764, 2769, 73 L. Ed. 2d 418 (1982) *citing*: *Civil Rights Cases*, 109 U.S. 3, 11, 3 S.Ct. 18, 21, 27 L.Ed. 835 (1883); *Shelley v. Kraemer*, 334 U.S. 1, 13, 68 S.Ct. 836, 842, 92 L.Ed. 1161 (1948). The Supreme Court affirmed the *Rendell-Baker* opinion in 1987, restating that “the fact ‘[t]hat a private entity performs a function which serves the public does not make its acts [governmental] action.’ *San Francisco Arts & Athletics, Inc. v. U.S. Olympic Comm.*, 483 U.S. 522, 544, 107 S. Ct. 2971, 2985, 97 L. Ed. 2d 427 (1987) *citing*: *Rendell Baker v. Kohn*, 457 U.S. at 842.

Personal Attacks on NCWA Leadership

Your personal attacks of both NCWA Executive Director Jim Giunta and NCWA Quality Enhancement Director Bryan Knepper are unnecessary, hurtful, and misplaced. The same goes for the blatant falsifications of the statements offered by Ms. Goocher to buttress her position. Both of these NCWA executives are volunteers and give their time to support both men’s and women’s wrestling.

For example, the ACLU cites to a court holding in Texas about fees and costs from a previous lawsuit. The fact that the ACLU doesn’t want to talk about what happened in that case should raise suspicion. The truth is the ACLU and Mr. Giunta (as a representative of his organization, the TIWA) entered into a settlement agreement and are bound by a confidentiality provision. You have cited this case because it’s the only case you *could* cite, but you’ve left out an important fact about how Texas operates to this day. Let me fill in those gaps: before the lawsuit there was a separate women’s

division in Texas; after the lawsuit, the women's division remained. While even I do not know the terms of the agreement, the general public and I can both guess what happened there—and it's especially informative to note that since that case, the Texas high school women's wrestling division (which *remained*) has grown exponentially in size (7,263%). Cherry-picking facts you choose to present helps neither your own cause nor the cause of expanding women's collegiate wrestling.

As for Mr. Knepper, the facts as stated in the letter are uninformed. Ms. Goocher's own coach, Grant MacKenzie, was the tournament host during the incident described in your press release. He alone as the tournament director had the authority to stop her from wrestling; this is exactly what he did. The fact is Ms. Goocher knew the rules and tried to represent herself as a male to be granted entry. She was caught. Ms. Goocher's attempt to knowingly circumvent the NCWA's rules should have been met with immediate suspension; this is the same punishment handed down for similar premeditated violations (and attempted violations) of the NCWA policies. In reality, by not sitting back and watching Ms. Goocher knowingly and callously violate the NCWA rules, and allowing her coach to make an informed decision, Mr. Knepper likely saved Ms. Goocher from immediate suspension for the remainder of the season where she would later win a national title.

Statistical Information

- 15,000+ girls wrestle in high school.⁵
- 70% of the girls' high school wrestling population are served by the 6 states with sanctioned girls high school wrestling divisions.⁶
- The State of California has experienced a 424.8% growth in high school women's wrestling participation since the creation of a separate women's division in 2010.
- The NCWA hosts ~30 women's teams with 113 competitors. These numbers represent 491.3% growth in less than a decade, with more women joining every season.
- Three women's division teams are dually registered with both the NCWA and the WCWA: Ottawa University (KS), Midland University (NE), and Southwest Oregon Community College (OR). Opportunities to compete in both organizations concurrently are obviously available.
- The NCWA has seen consistent growth of its women's division every year and in August 2017 voted to expand the number of All-American award recipients in every weight class from three to four, commensurate with that growth.

⁵ www.wrestlelikeagirl.org Used with permission.

⁶ www.wrestlelikeagirl.org Used with permission. These six states are the only in the nation to offer a separate girls division. All others are co-ed.

- No fewer than three separate coaches and wrestling programs with active, competitive women's teams have approached Ms. Goocher with wrestling opportunities: Adrian College (MI), Ottawa University (KS), and King University (TN). Goocher unambiguously and fervently made it clear to each she wasn't interested in those educational and competitive opportunities.

GENERAL RESPONSE

Background

As of the date of your press release/letter, Ms. Goocher was not even a registered and cleared athlete with the NCWA and lacked standing on all matters.⁷ That glaring and foundational issue aside, we will still endeavor to respond fully.

The NCWA is a privately held association that promotes the sport of amateur wrestling at all levels. The NCWA receives no state or federal money and is composed of volunteers, mostly wrestling enthusiasts, coaches, and former wrestlers. For this reason alone, Title IX does not apply. To add an extra layer to any implied violation of the federal law, we note as you and Ms. Goocher both have separately and together, that combat sports are exempt from Title IX.⁸

To reiterate: we are a privately held organization that receives zero public funding. Our membership standards and practices are, therefore, separate and apart from any case you mentioned. Your attempt to double-down and make vague threats to our member institutions by implying legal trouble for them is even more disheartening as a result. If you were unaware of the status of our organization or the funding of it, all you had to do was pick up the phone. Ignorance is not a defense under the law.

We also want to point out that we do understand that Ms. Goocher chose to attend University of Michigan at Dearborn for a number of reasons. For any given choice we make, we must also deal with the consequences of that choice. As we discussed throughout this letter, UM-D was not Ms. Goocher's only choice for school; she weighed

⁷ While Ms. Goocher has been preliminarily cleared as a result of her compliance with the registration process, her eligibility may be questionable at present. In an effort to refrain from any surprises, we note that under Article 14.3 of the NCWA Wrestling Plan:

All teams, coaches, wrestlers and member institutions shall be afforded the right to obtain and employ legal counsel to represent them in any proceedings herein. Should legal counsel be employed to represent an offender, all proceedings shall cease immediately and the matter forwarded to the NCWA General Counsel or any other legal representative engaged by the NCWA.

All matters recommended to the NCWA General Counsel or legal representative shall be heard within 90 days of the close of the current wrestling season. The team, coach, wrestler or member institution shall forfeit their right to compete for the remainder of the season, or until the matter is resolved to ensure no further liability arises for either the NCWA or the offender.

At present, depending on the NCWA Judicial Council's understanding of the wording and intent of Article 14.3, Ms. Goocher may not be eligible for competition. The NCWA's Judicial Council will need to review this rule and its applicability to the present situation. I have referred this particular portion of the matter to them for review. Until such time as Ms. Goocher is informed of their decision, she is cleared for competition with the NCWA in accordance with all rules, policies, and procedures.

⁸ See ACLU Press Release (October 25, 2017); See <http://michiganjournal.org/2017/03/28/goocher-wrestles-with-ncwa-for-equal-rights/>

all the possible outcomes for herself and chose a school without a pre-existing women's program. Had she elected to take any of the multiple opportunities she had to wrestle (some on scholarship), this is not a conversation we would be having. Sometimes in life, we must either choose the opportunities that are available or put in the work to create those opportunities ourselves. Litigation should not be a substitute for making good choices.

It is also worth noting that Ms. Goocher signed an agreement last year *and this year* that enabled her to compete.⁹ In these agreements, she acknowledged and affirmed that she would follow all rules and regulations of the NCWA. To claim now that those rules are unfair after deriving a great benefit from her participation is a direct violation of that express agreement, and questionable on its face.

Case Law

Your first citation, *Beattie v. Line Mountain Sch. Dist.*, 992 F. Supp. 2d 384, 391 (M.D. Pa. 2014), is used by you to try to support your flawed propositions that the NCWA is in violation of the Fourteenth Amendment's requirement of equal protection under the law and that the NCWA is discriminating against women. Even assuming, *arguendo*, that the law in the case is applicable—it is not—the case is merely persuasive authority and never reached any Circuit Court of Appeal. You make a sweeping generalization about this case but fail to recognize or state with any candor two facts dispositive of your position. First, the *Beattie* citation was to a hearing on a preliminary injunction. As you know from your first year of law school, a preliminary injunction and a permanent injunction are reviewed on different standards. The granting of the injunction does not mean there was any wrongdoing or misconduct. Second, this case deals directly with a publicly funded governmental entity. As you also know and fail to state in your assertion, we are neither a governmental entity nor publicly funded (though, we would certainly be open to such an opportunity). In short, *Beattie* has zero applicability to this issue from both a legal and procedural standpoint.

Next, you cite another piece of less-than-persuasive authority from another trial level court, *Adams v. Baker*, 919 F. Supp. 1496 (D. Kan. 1996). Like the *Beattie* case, the *Adams* opinion is merely about a preliminary injunction, deals with a publicly funded, governmental entity, which has zero implications for the NCWA and Ms. Goocher's allegations. Moreover, the *Adams* case also addresses Title IX, which, as we have already discussed, applies in no way to the NCWA. More intriguing, and completely left out of your letter, is the Court's reference in footnote 3. Namely, the Court said, in reference to options, the school district had included three *options*: "(1) allow the plaintiff to try out for and/or participate in wrestling or (2) discontinue the wrestling program" or "A third option would be to form a girls [*sic*] wrestling team...." In fact, the NCWA provides that third option to any female competitor in the United States.¹⁰

⁹ This agreement is executed by every active and cleared wrestler in the NCWA, both men and women.

¹⁰ The Court's second option—to shut down all programs at the school—could feasibly dissolve hundreds of wrestling programs across the country as a result of Ms. Goocher's self-appointed "pioneering" crusade.

Third, you cite *Yellow Springs Exempted Vill. Sch. Dist. Bd. of Ed. v. Ohio High Sch. Athletic Ass'n*, 647 F.2d 651, 657 (6th Cir. 1981) to urge the proposition that while Title IX does not apply to contact sports, the Equal Protection Clause does. Even if the facts of this case were at all applicable (they are not), it still fails for the same reasons as stated above. The NCWA is not a governmental entity.

You continue with the fourth case, the first (of only two) with mandatory authority over this issue, *U.S. v. Virginia*, 518 U.S. 515, 533, 116 S.Ct. 2264 (1996). Yet again, this case deals with a governmental entity (the Commonwealth of Virginia). In fact, one must read no further than the very first nine words of the holding: “Parties who seek to defend gender-based government action...” Ms. Goocher may seek governmental action, but we are not a government, and this case actually proves our point.

Saint v. Nebraska Sch. Activities Ass'n, 684 F.Supp. 626, 628–29 (D.Neb.1988) furthers this trend of citing inapplicable, non-controlling law. Carrying on this pattern is *Fortin v. Darlington Little League, Inc.*, 514 F.2d 344 (1st Cir. 1975). The *Lantz v. Ambach*, 620 F.Supp. 663 (S.D.N.Y.1985) continues to argue non-binding, non-applicable law. The same goes for both *Force v. Pierce City, R–VI School District*, 570 F.Supp. 1020 (W.D.Mo.1983), *Hoover v. Meiklejohn*, 430 F.Supp. 164 (D.Colo.1977), and *Gilpin v. Kansas State High Sch. Activities Ass'n*, 377 F.Supp. 1233, 1243 (D.Kan.1973). I could continue with *Communities for Equity v. Michigan High Sch. Athletic Ass'n*, 459 F.3d 676, 692 (6th Cir. 2006) (where you admit that the case is based on a state actor), *Brentwood Academy v. Tennessee Secondary School Athletic Association*, 531 U.S. 288 (2001), *Barnett v. Texas Wrestling Ass'n*, 16 F.Supp.2d 690, 697 (N.D. Tex. 1998), *Mansourian v. UC Davis*, 602 F.3d 957 (9th Cir. 2016), *Jennings v. Univ. of North Carolina*, 482 F.3d 686, 700 (4th Cir. 2007), and *Hayden v. Greensburg Cmty. School Corp*, 743 F.3d 569, 582 (7th Cir. 2014). All of these cases have one thing in common: both public funding and a governmental entity. Again, we have no public funding and are not a governmental entity.

What Other Advocacy Groups Are Saying

Before it is suggested that the NCWA leadership or the sport itself is attempting to keep women from wrestling men, I would suggest the ACLU survey the women’s wrestling community (and review recent news articles and web postings) to discover the effect women’s wrestling divisions have had on women’s opportunities for competition. As the Founder of Wrestle Like a Girl (an organization whose only mission is to expand the opportunity for female wrestlers in the United States), Sally Roberts has made it clear that “[g]irls feel more comfortable in athletics, when they get to wrestle other girls...”¹¹ Ms. Roberts, who recently received United World Wrestling’s coveted Women and Sport Award, has watched women’s wrestling become one of the fastest-growing sports in states that sanction a separate women’s division. In fact, her organization has petitioned

Continued from footnote 10: This is obviously not an option the NCWA advocates, but the case cited does. We sincerely hope this is not the effect of the ACLU’s actions.

¹¹ <http://fox21news.com/2017/02/13/wrestle-like-a-girl-aims-to-create-more-opportunities-for-girls-in-wrestling/>

the NCAA to give women’s wrestling “emerging sport” status to open the door for further development and recognition. Where is the ACLU on the bid for emerging sport status with the NCAA?

Marina Goocher’s Opportunities to Participate & Scholarship Offer Rejections

Ms. Goocher’s wrestling abilities are not contested, but her intentions with the ACLU are disingenuous. She is a superb athlete with the opportunity to use her leadership abilities and pioneering mentality to grow women’s wrestling in Michigan and the Great Lakes Conference. In fact, her athletic prowess is recognized on a national level. At the 2016 National Championships, after dominating all challengers, Ms. Goocher was offered an athletic scholarship to attend Ottawa University (Kansas), which competes in both the NCWA and WCWA. Ottawa University has a stellar women’s program that participates in between 12–15 events every season; women associated with the program compete in anywhere from 20–30+ matches throughout the season, which is far more than the average NCWA male competitor receives. Given the opportunity to wrestle competitively, attend school on a scholarship, and receive a degree in engineering—her major at University of Michigan, Dearborn—she opted to stay where she was.

To further this point, Ms. Goocher was *also* approached with a scholarship opportunity to attend one of the most storied and successful women’s collegiate wrestling programs in the country: King University. Ms. Goocher unequivocally turned down King University, stating that she did not wish to wrestle in college.

There’s more: we understand Adrian College in Michigan also offered Marina Goocher a wrestling opportunity, this time even closer to home. As you may suspect from the other opportunities mentioned, Adrian College was also sent away with a negative response.

No one in any official capacity has ever suggested, stated, or otherwise implied that women shouldn’t wrestle men based on *any* stereotype, outdated, unfair, or otherwise. We hope she is interested, as we are, in promoting and developing a women’s league. We also hope she commences to be proactive in pursuing her dream of wrestling men. As she and her coach know, NCWA athletes may enter into all open tournaments hosted by the NCAA, NJCAA, or NAIA. At last count, there is an estimated excess of 260 open tournaments every year that Ms. Goocher may attend. Below we have listed nine events this fall from which Ms. Goocher could have chosen over the course of just two weeks:

October 29 th	Concordia Open	Montreal
November 4 th	Pointer Open	WI
November 4 th	Ben McMillen Open	MI
November 4 th	Harold Nichols Open	IA
November 4 th	Yellowjacket Open	MN
November 11 th	Dakota Wesleyan Open	SD

November 11 th	Luther Open	IA
November 11 th	Eastern Michigan Open	MI
November 12 th	Ohio Intercollegiate Open	OH

The facts are these: the national arm of the NCWA hosts only three competitions throughout the season: NCWA National Championships, NCWA National Dual Championships, and NCWA Regional Dual Championships; each conference hosts a conference championship locally. All other events are hosted locally, where it is the role of the individual teams to either find competition or host it. The University of Michigan, Dearborn Women’s Club has chosen to do neither.

FACTS, FIGURES, AND STATISTICS

NCWA Growth

Since the creation of the NCWA in 1997, the organization has grown from 13 teams¹² to 152 as of the end of last season. Individual participation has seen even greater growth, from 91 in 1997 to 1,499 as of the close of the 2016–2017 season. The same trend has been experienced in the women’s division itself. Founded in the 2007–2008 season, the women’s division has seen growth from 7 teams with 23 women,¹³ to 30 teams with 113 women in 2017. This represents a modest 491.3% growth in less than a decade.

High School Girls’ Division Success

Fortunately, the women’s division model for high school athletics in various states has resulted in skyrocketing participation rates. While Ms. Goocher may have been one of fewer than 275 female high school wrestlers in Michigan (a number that has since *decreased*), states such as California, Hawaii, Texas, and Washington boast booming growth in their women’s high school wrestling programs. The difference has been that Michigan has a co-ed structure, whereas California, Hawaii, Texas, and Washington have separate men’s and women’s divisions. Here are those numbers:

In the 2009-2010 season, the National Federation of State High School Associations¹⁴ surveyed all 50 states regarding participation in their athletic programs.

2009-10 Season	Wrestling	2016-17 Season	Wrestling		
State	Schools	Particip.	State	Schools	Particip.
Alabama	40	138	Alabama	87	271
Alaska			Alaska		
Arizona	189		Arizona	33	243
Arkansas			Arkansas	17	54
California	227	1,499	California	654	4,505
Colorado		66	Colorado		164
Connecticut		74	Connecticut		86
Delaware	10	10	Delaware		12
District of Columbia			District of Columbia		
Florida		102	Florida		358
Georgia	54	120	Georgia	94	179
Hawaii	54	410	Hawaii	55	582
Idaho	10	14	Idaho	5	40
Illinois			Illinois		
Indiana			Indiana		
Iowa	25	47	Iowa	56	89
Kansas	16	54	Kansas		112
Kentucky	29	160	Kentucky		52
Louisiana			Louisiana	17	20
Maine	40	96	Maine	26	81
Maryland		73	Maryland	87	152
Massachusetts		84	Massachusetts		103
Michigan			Michigan		243
Minnesota			Minnesota		19
Mississippi			Mississippi		
Missouri			Missouri		
Montana	9		Montana	17	24
Nebraska	50		Nebraska		131
Nevada			Nevada		
New Hampshire		3	New Hampshire		19
New Jersey			New Jersey		116
New Mexico			New Mexico	83	81
New York			New York		
North Carolina			North Carolina		
North Dakota	6	10	North Dakota	13	24
Ohio	53	114	Ohio	55	195
Oklahoma	8	8	Oklahoma	42	72
Oregon		138	Oregon		348
Pennsylvania			Pennsylvania		
Rhode Island	10		Rhode Island		22
South Carolina			South Carolina		
South Dakota	3	3	South Dakota	15	39
Tennessee			Tennessee	87	294
Texas	213	1,706	Texas	291	4,140
Utah	4	39	Utah		55
Vermont	9	19	Vermont	5	8
Virginia	49	112	Virginia	82	159
Washington	159	773	Washington	232	1,514
West Virginia			West Virginia		
Wisconsin			Wisconsin		
Wyoming	9	10	Wyoming	8	12

¹² Participation numbers include only participations in the national championships as no system for registration was introduced at that time.

¹³ The only statistical information available is from the first-ever NCWA Women’s National Championships in the 2007-08 season.

¹⁴ <http://www.nfhs.org/>

Of all respondents, only four states had over 400 women competing: California (1,493), Hawaii (410), Texas (1,706), and Washington (773). All four of these states had instituted women's divisions at this time.

Seven years later, in the same survey, the same four states eclipsed all others, and were still the only four states with over 400 participants: California (4,505), Hawaii (582), Texas (4,140), and Washington (1,514). All four of these states still had women's divisions at this time; California and Texas programs more than tripled in size, and the number of women wrestling in Washington more than doubled during the same time. To see a history of participation survey results, please visit: <https://goo.gl/G3xcYf>.

California's Female Division Success

While California high school teams were co-ed through until the end of the 2010 season, the California Interscholastic Federation developed a separate female division in 2011. Since the separate divisions were created, women have seen a roughly 424.8% rise in female participation in the sport, which represents an increase from 1,483 in 2010 to an estimated 6,300 in 2017.¹⁵

Texas' Female Division Success

Texas boasts even more impressive figures: in 1998, 57 girls competed in Texas women's high school wrestling; today that figure (according to the NFHS) is roughly 4,140 (but official figures are reportedly near 6,000), which accounts for a growth of over 7,263%.

In fact, in a comparison of states with co-ed divisions with states with separate divisions, states with separate women's divisions outshine those with co-ed divisions, like Michigan. Wrestle Like a Girl has released startling figures on women in wrestling: 70% of all girls in high school wrestling hail from one of the six states with a separate female division.

CONCLUSION

As any self-funded organization will attest, the ability to expand, conduct outreach, and promote greater opportunity is directly connected to two assets: 1) the enthusiasm of the organization's leadership; and 2) funding. The leadership of the NCWA unquestionably champions expanding women's collegiate wrestling opportunities in the way that has proven most effective to the sport overall: establishing and expanding women's divisions. The NCWA's executive director, Jim Giunta, not only is responsible for tens of thousands of college athletes having the opportunity to compete on the local, regional, and national levels but also is responsible for the creation of *girls'* high school wrestling in the state of Texas, and the founding of the Texas Interscholastic Wrestling

¹⁵ Obtained through correspondence from the California Interscholastic Federation.

Association (which included both a men's and women's division), which was so successful that it caused the sport—and both the separated men's and women's divisions—to be sanctioned by the State of Texas. He is a bedrock of the wrestling community and a staunch advocate for the expansion of both men's and women's wrestling in the United States.

If the ACLU wishes to really make a difference in the opportunities for women to compete, we would be effusively thankful for any donation made to us earmarked for women's programming.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Hess", with a long horizontal flourish extending to the right.

Evan Michael Hess, General Counsel
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