

CAN SHE PLAY? THE JOURNEY OF A FEMALE ATHLETE IN THE INDUSTRY OF BASEBALL

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For centuries, the all-encompassing world of professional sports have enraptured American citizens. Since the mid-1800s, the enthusiasm for the most popular American sports—baseball, football, and basketball—has been unceasing, with 59 percent of U.S. citizens reporting that they consider themselves sports fans and even more classified as athletes themselves.¹ Participation in athletics has been a tradition passed on for generations, inspiring children to join in on the sports they and their parents love in enormous numbers. Among the waves of young athletes are many girls hoping to turn their passion into a lifelong commitment. After various legislation made it possible for women and girls to partake in sports up to the collegiate level and beyond, several female athletes sought entry into male-dominated leagues. However, after decades of social change and increased interest, women are still being excluded from the major league and collegiate sports. This greatly contrasts with the premises behind Title IX and Equal Employment laws. From Little League to the MLB, the legality of excluding women from playing alongside men has rarely raised questions. Still, with high-caliber athletes like Serena Williams and Lindsey Vonn in the professional circuit, the need to address it has become increasingly urgent. Unfortunately, the sport hailed for being the most patriotic of any played today is also most resistant to gender inclusion.

Baseball is one of the oldest athletic events in the United States, but more than half of the population is left out of it altogether. Most Americans have heard stories over the years about successful female athletes. Whether they have picked up the

¹ Jeffrey M. Jones, As Industry Grows, Percentage of U.S. Sports Fans Steady, Gallup (Mar. 29, 2005), <https://news.gallup.com/poll/183689/industry-grows-percentage-sports-fans-steady.aspx>.

fictional story of Becky “The Icebox” O’Shea in *Little Giants* or Billie Jean King’s very real triumph over Bobby Riggs in *Battle of the Sexes*, there are plenty of narratives that seem to promote the idea that women are more than capable of excelling in every tier of athletics.² However, there is not a single woman playing alongside men in the major leagues of a team sport. Even though the mainstream media has failed to address this issue, women have been trying to break into major sports for some time, particularly in baseball. In 2015, Melissa Mayeux, a Canadian shortstop, was the first woman to be added to the Major League Baseball (MLB) International Registration List.³ Mayeux was only 16 years old and has trained with professionals at elite camps in Europe.⁴ However, four years later, she is still not signed to a MLB team in America.⁵ Although there are a handful of players floating in and out of the minor leagues, not one has gotten any closer to performing in the Big Show.

Given the ubiquitous lack of gender diversity in these sports, one would believe a law keeps these women from playing, but this is not remotely the case. Title IX and the Constitution has long banned discriminatory practices based on sex and gender. This legislation purportedly ensures that no rules are put into place by any entity that would prevent women from receiving the same opportunities as men. Even though major institutions such as the NCAA have made a distinct point of condemning discriminatory hiring practices and promoting equality between sports teams, it is still rare if a woman steps onto the field amongst a team of men. Theoretically, this should make it impossible for Major League Baseball or any collegiate athletics department to legally exclude any woman who is good enough to play. In order to better understand the absence of women in baseball, it is important to pursue the sport’s complicated history from the beginning.

Most Americans have come to know and love the story of the Rockford Peaches, either from a trip to Cooperstown, New York, or

² *Little Giants*, (Warner Bros. 1994); *Battle of the Sexes*, (Cloud Eight Films 2017).

³ Walter Villa, Miami Dade College Woman Could Have Future in Major League Baseball, *Miami Herald* (Jan. 12, 2018, 5:36 PM), <https://www.miamiherald.com/sports/college/baseball/article194239644.html>.

⁴ *Id.*

⁵ *Id.*

the quintessential sports film *A League of Their Own*.⁶ Bravely captained by the incomparable—and entirely fictional—Dottie Hinson, the Peaches are known as an exceptional team of women who stepped up and took over the game of baseball while the men were away at war.⁷ Eventually, the war ends, the men come back home, and the talented female ballplayers sink back into the shadows after the All-American Girls Professional Baseball League (AAGPBL) goes defunct.⁸ One must wonder what would happen if that were not the case, and Dottie Hinson remained dedicated and determined to play with the men in professional baseball from the start. Using Dottie’s persona as an example, one can clearly see the obstacles and reprieve she would encounter throughout her journey. There would be many officials and organizations blocking her path and attempting to exclude her due to concealed or overt misogyny. Even so, she could accomplish her goals through the strides made by previous female athletes’ gender discrimination suits. At the different levels of baseball, it is unlikely that baseball could legally exclude Dottie Hinson.

Presuming a modern-day Dottie developed her interest in baseball from an early age, it is likely that she would want to take part in her local Little League. There have been several cases since the foundation of Little League Baseball, where the organization attempted to exclude girls in the same age bracket as their male counterparts from participating in the sport. It was largely successful in doing so until the mid-1970s. Technically, the first girl to play in Little League was Kay Johnston.⁹ The Upstate New York ballplayer knew that she was just as good as her brother, so she asked her mother to cut off her hair and signed up as “Tubby.”¹⁰ She made the team, and shortly after told her coach the truth, who accepted it given Johnston’s talent and put her on first base.¹¹ Not all league officials were so gracious and

⁶ *A League of Their Own*, (Columbia Pictures 1992).

⁷ *Id.*

⁸ *Id.*

⁹ Mia Warren, Jud Esty-Kendall, & Emma Bowman, *A Little League Of Her Own: The First Girl In Little League Baseball*, NPR (Mar. 30, 2018, 4:59 AM), <https://www.npr.org/2018/03/30/597960442/a-little-league-of-her-own-the-first-girl-in-little-league-baseball>.

¹⁰ *Id.*

¹¹ *Id.*

understanding despite her obvious ability to play. Just a year after Johnston's debut, the Little League regulations were amended, including a rule that "girls are not eligible under any conditions."¹² For another two decades, the rules and gender roles kept the majority of girls across the country from partaking in America's pastime. Change finally came in the form of 12-year-old Maria Pepe.¹³ The girl from Hoboken, New Jersey, was placed on a team but only played three games before being forced to leave.¹⁴ Her coach disagreed with the League's policy adamantly, but he told Pepe that he had to cut her or the team would lose its charter.¹⁵ This launched one of the most pivotal steps toward gender equality in recreational sports and baseball specifically. After being an honoree at a Yankees game, Pepe's story gained traction, and the National Organization for Women (NOW) asked the Pepe family if it could represent her.¹⁶ The widespread attention garnered for Pepe's circumstances resulted in the New Jersey Division on Civil Rights ordering Little League, and the local baseball leagues chartered by it, to include girls in the proper age range.¹⁷

In *National Organization for Women v. Little League Baseball, Inc.*, the court found that girls were "not so physiologically inferior to boys of the same age group as to preclude them as a class from competing as safely and successfully as boys."¹⁸ In rendering this decision, it also noted that Little League was a "public accommodation" because it extended an invitation for all children to play.¹⁹ In addition, the Court noted that local governments were the source of funding for areas where practice and play took place, and even if the organization owned their facilities, there was still no proof that there was any

¹² Britni de la Cretaz, Maria Pepe: the New Jersey girl who sued to play baseball with the boys, *The Guardian* (Sep. 23, 2018, 4:30 PM), <https://www.theguardian.com/sport/2018/sep/23/aria-pepe-bfa-baseball-series-now>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ de la Cretaz, *supra* note 12.

¹⁷ *Id.*

¹⁸ *Nat'l Org. for Women v. Little League Baseball, Inc.*, 318 A.2d 33 (Super. Ct. App. Div. 1974).

¹⁹ *Id.*

reasonable cause for restricting membership.²⁰ As a result, beginning in 1975, Pepe and thousands of girls were now able to compete alongside the boys in Little League Baseball. This decision was so monumental that it still ranks as ESPN's fifth most important moment in women's sports history.²¹ That being said, there is no legal way a League could exclude Dottie, even if a team or coach tried to do so. Girls such as Mo'Ne Davis have played successfully as a part of baseball with little resistance from fans or officials. Davis was the first girl ever to throw a no-hitter in the Little League World Series.²² It is now widely accepted that girls can play alongside boys, but as they transition to high school and higher education, there are more battles to be won.

Typically, once Little League ends for female athletes, their time in baseball does as well. With the introduction of Title IX into both high school and collegiate athletics, women presumed a bright new future for them in athletics. When it was adopted, the legislation came with the understanding that it applied to all educational institutions, whether private or public.²³ However, some pushback from men in these institutions resulted in a devastating blow for women looking to participate in male-dominated sports. The Javits Amendment, designed to essentially restrict a woman's ability to infiltrate major profitable sports, was accepted as part of Title IX.²⁴ The amendment, commonly referred to as the Contact Sport Exception, provides that the Secretary of Health, Education, and Welfare should take into consideration "regulations for intercollegiate athletics with 'reasonable provisions considering the nature of particular sports.'"²⁵ The exception spawned from a belief that the physical differences between men and women were so great that women could not compete with men without being severely injured. The rule also

²⁰ *Id.*

²¹ de la Cretaz, *supra* note 12.

²² Lindsey Adler, Mo'Ne Davis and the Unfair Exclusion of Women from Baseball. *Vice Sports* (Aug. 11, 2014, 3:00 PM), https://sports.vice.com/en_us/article/xyjkqn/mone-davis-and-the-unfair-exclusion-of-women-from-baseball.

²³ Rebecca A. Gularte, No Girls in the Clubhouse: A Historical Examination of the Institutional Exclusion of Women From Baseball, *Scripps Senior Theses* (2012), Paper 86, http://scholarship.claremont.edu/scripps_theses/86.

²⁴ *Id.*

²⁵ *Id.*

allows an institution to exclude women from a contact sport for any reason or without reason altogether.²⁶

Within the confines of this rule, there are some sports named explicitly as qualifying sports. It states, “contact sports under the Title IX regulation include boxing, wrestling, rugby, ice hockey, football, basketball, and other sports in which the purpose or major activity involves bodily contact.”²⁷ When evaluating the game of baseball, it is unclear why it is even considered a covered sport under the exception. As one of the most popular and profitable sports in the United States, one would think baseball would be outright indicated by the text if drafters meant for it to qualify. In addition, the sport involves very little contact at any point in a game. For the most part, the only bodily contact that would occur is when a runner is charging at or sliding into a base. Otherwise, athletes playing both offense and defense risk very little bodily contact between one another. In that respect, softball has the exact same level of contact in play, but Javits does not list it as a covered sport. Indeed, women are encouraged and expected to pursue softball as a more appropriate alternative. This has led critics to believe that deliberate attempts are made to keep women out of baseball.²⁸

Despite these considerations, there are still some effective competing methods for a woman, like Dottie, in baseball. For one, this stipulation in Title IX only indicates that coaches, athletic departments, or institutions *can* exclude women in these sports, not that they will. On one hand, some athletes will likely face prohibition from playing, yet there is always the chance that those involved will not be biased if a female athlete’s talent is on par. Beyond that, there have been some actions over the past half-century that may indicate a change is coming. In 1977, the Supreme Judicial Court of Massachusetts opined that a school district’s attempt to exclude women from participating in football and wrestling demonstrated unconstitutional discrimination.²⁹ They stated that “any governmental classification based solely on

²⁶ *Id.*

²⁷ Gularte, *supra* note 23.

²⁸ *Id.*

²⁹ *Op. of Justices to House of Representatives*, 374 Mass. 836, 371 N.E.2d 426 (1977).

sex was subject to the application of the strict scrutiny-compelling state interest test.”³⁰ After examining the district’s argument, the Court found no compelling state interest in excluding women.³¹ Given that there is far more contact in both of the sports involved in this case, one could only presume that a similar scenario involving baseball players would result in the same way.

A major justification for disallowing women in sports like baseball is because an alternative for women already exists. Softball is very similar to baseball in many ways, but the glaring differences are underhand pitching and field size. Those who denounce Title IX believe that, because the Little League created softball after the *Pepe* case, it was an overt maneuver to continue the suppression of women in sports.³² Staggeringly, many states and federal decisions have decided that a “separate but equal” standard (using similar language to early segregation laws) for sports was appropriate.³³ As a result, women are dismissed from playing baseball because they have another “equal” option.³⁴ Regarding their differences, softball is not quite equal to baseball, with some scholars going so far as to call the advent of the sport “sexist.”³⁵ In accordance with these oppositional views, the NCAA has issued documentation indicating that women in collegiate athletics may have a better chance. In 2009, after reviewing cases where student-athletes’ eligibility for playing softball was jeopardized by pursuing baseball, it announced that college should treat softball and baseball as completely separate sports.³⁶ All three Divisions agreed, ensuring that softball’s simple existence will not stand as a reason to exclude any woman from trying out for baseball teams.³⁷ This strengthens the case that all female athletes should be eligible to be recruited by or to try out for a

³⁰ *Id.*

³¹ *Id.*

³² Nancy Doublin, *Baseball Isn’t For Girls: How Title IX and a Sexist Culture Keep Women Out Of MLB*, *Bleacher Report* (Sep. 9, 2010), <https://bleacherreport.com/article/s/456060-how-title-ix-and-a-sexist-culture-keep-women-out-of-mlb>.

³³ *Id.*

³⁴ *Id.*

³⁵ Emma Span, *Is Softball Sexist?*, *The New York Times* (June 6, 2014), <https://www.nytimes.com/2014/06/07/opinion/is-softball-sexist.html?module=inline>.

³⁶ *Resources to Help You Get in the Game. Baseball For All* (2018), <https://www.baseballforall.com/right-to-play>.

³⁷ *Id.*

team, regardless of whether the same school offers softball. This would give Dottie an excellent argument that she should play on a high school or collegiate team, so long as she was deemed good enough to play.

Supposing this athlete is adequately talented alongside her male counterparts and continues to improve, she would likely want to pursue a career in the major leagues. In order to do so, a league would need to draft her, and she would need to make her way through the minor league to get to the MLB. This is where many female major league hopefuls have gotten stuck. Unsurprisingly, due to the fact that women and girls are largely discouraged from partaking in baseball beyond their youngest years,—either institutionally or explicitly—most players who might have been among the first women to break into the MLB were weeded out in middle school, high school, and college. As *BleacherReport's* Nancy Doublin accurately claims, “Girls don’t get to play baseball on a competitive level, so they don’t get drafted to play baseball at the professional level.”³⁸ Thus, there are hardly any officials, owners, or coaches who are women either. These kinds of jobs go to former players and industry veterans for the most part, so this is just another byproduct of the system.³⁹ In addition, there does not seem to be any real push to make such a change. The vast majority of scholarly articles or media coverage on the subject are written by women, hoping to use their platform as a way to draw attention to an underrecognized injustice in American society. Reading through the official rules and bylaws of Major League Baseball, there is not a single indication that expressly denies women a spot on a major team. Still, the fact remains that not a single woman occupies one.

Although the MLB banned women in 1952, the organization repealed that ban in the ‘90s, which led to the eventual introduction of Melissa Mayeux to the sport.⁴⁰ Unlike teams run by educational institutions or recreational leagues, labor law governs Major League Baseball. This makes any intended or

³⁸ Doublin, *supra* note 32.

³⁹ *Id.*

⁴⁰ Sheryl Ring, Can Major League Baseball Legally Exclude a Woman?, FANGRAPHS Blog (Mar. 7, 2018), <https://blogs.fangraphs.com/can-major-league-baseball-legally-exclude-a-woman/>.

subliminal exclusion of women subject to analysis under employment discrimination statutes. Taking into consideration the Civil Rights Act and the Equal Employment Opportunity Commission (EEOC), it is illegal for any employer not to hire any person for the sole reason of his or her biological sex.⁴¹ Despite these restrictions, some individuals opposed to allowing women to compete in professional sports have argued that being a male is a bona fide occupational quality (BFOQ).⁴² The essential idea behind this claim is that it is necessary for a person to have a specific quality (such as being a man) in order to qualify for a job. The traditionalists argue that being male in baseball is a BFOQ because women do not possess the strength, agility, or endurance to be properly employed as a baseball player.⁴³ Historically, from cases such as *United States v. Virginia*, it is clear that no such physical deficiency can be presumed.⁴⁴ In that particular case, the court ruled that so long as it was possible that some women could meet the physical qualification to join the Virginia Military Academy, the institution had no right to exclude them.⁴⁵ The likelihood that absolutely zero women can meet the physical demands of being a professional athlete seems highly unlikely considering some serve in the United States military.

In order to disprove the idea that women either cannot compete due to the BFOQ theory or have not because they are not on par with the level of execution needed to play, it is essential to examine how the few female athletes in the minor leagues and other locales are performing. Jen Mac Ramos is a *Hardball Times* writer who has conducted extensive research on women's sports capabilities.⁴⁶ After watching several American and Canadian women play in minor league teams and similarly situated groups, she determined that women are more than capable of at least pitching, catching, and fielding at the same level as men.⁴⁷ Despite generally smaller frames, they still stand a fighting chance at

⁴¹ 42 U.S.C.S. § 2000e.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *United States v. Virginia*, 518 U.S. 515, 116 S. Ct. 2264 (1996)

⁴⁵ *Id.*

⁴⁶ Ring, *supra* note 39.

⁴⁷ *Id.*

playing baseball at an equivalent pace.⁴⁸ In addition, researchers have found that women tend to be more limber because their tendons' laxity.⁴⁹ As a result, they are less likely to sustain soft-tissue injuries in their arms that often end male players' careers or force them into physical therapy.⁵⁰ This is a frequent problem with current pitchers in the MLB, making female athletes more appealing for long-term stability.⁵¹ Therefore, it is a statistical and economic anomaly that no major league team is scouting any woman, either nationally or internationally, to play.

Another major roadblock for a female athlete is the history behind Title VII. The statute's original passing came with a comment about an "all-male baseball team" being a permissible exception to the rules set therein.⁵² Courts may seek to look at such legislative history in order to discern the writer's intent, but modern ideals have them moving away from doing so. Title VII became law in 1964, which was a far different world than the one women face today. It is indisputable that much has changed since then. Women are still facing inequalities in the workplace, and the arena of professional sports is no different. Prominent athletes such as Alex Morgan and Megan Rapinoe are pursuing a lawsuit alongside the rest of the U.S. Women's Soccer Team in order to have access to fair wages.⁵³ Despite gaining more titles and generating more profits nationally, the team discovered that they earned just 38 percent of what the Men's Soccer Team was receiving per game.⁵⁴ These women are just the latest to fight for a longstanding history of women being treated as inferior athletes, regardless of the sport. This may very well demonstrate that even though it is unlikely that the MLB would be able to exclude a woman from being on a team legally, antiquated concepts of

⁴⁸ *Id.*

⁴⁹ Gretchen Reynolds, *When Will Women Play Major League Baseball? (And Not Just on TV)*, *The New York Times* (Sep. 22, 2016), <https://www.nytimes.com/2016/09/22/well/move/when-will-women-play-major-league-baseball-and-not-just-on-tv.html>.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ Maggie Mertens, *The U.S. National Women's Soccer Team Makes a Really Good Case for Equal Pay*, *The Atlantic* (Mar. 19, 2019), <https://www.theatlantic.com/entertainment/archive/2019/03/why-the-us-national-womens-soccer-team-is-suing/585202/>.

⁵⁴ *Id.*

women's physical capabilities and worth as athletes could be the most important remaining obstacle in women's paths.

What officials and team owners neglect to realize is that adding women to their rosters would have major benefits to the game. It is no secret that baseball has had some issues with attendance and viewership in recent years. According to *Forbes*, in 2018, game attendance dipped below 70 million, which has not happened since 2003.⁵⁵ Several reasons are provided for this change, including poor weather, changing sales strategies, and more strike-outs than hits for the first time in the league's history.⁵⁶ Statistically, teams are not doing as well as they used to, and fans are taking note of it.⁵⁷ All of these matters aside, however, there are more serious issues threatening Major League Baseball than rain and bad batting averages. The children of more recent generations are simply not raised to love the sport as they once were.⁵⁸ This presents obvious detriments to the longevity of the sport that could ultimately result in a major decline in interest over time. If younger people are not being brought up on baseball, the older fans might be the last group to make efforts to watch and attend games. Indeed, studies show that half of all fans of the MLB are aged 55 or older.⁵⁹ In addition, the gender makeup for the overall fanbase is typically 70 percent male and 30 percent female.⁶⁰ Most importantly, the number of women getting involved in sports is steadily rising, shattering stereotypes and creating new opportunities for leagues to expand.⁶¹ When this subsection of Americans is gone, baseball will be at a serious disadvantage

⁵⁵ Maury Brown, Why MLB Attendance Dropped Below 700 Million For The First Time In 15 Years, *FORBES MAGAZINE* (Oct. 3, 2018, 7:00 AM), <https://www.forbes.com/sites/maurybrown/2018/10/03/how-mlb-attendance-dropped-below-70-million-for-first-time-in-15-years/#713d467f61bf>.

⁵⁶ *Id.*

⁵⁷ Brown, *supra* note 55.

⁵⁸ Christine Brennan, NFL certainly has its issues, but Major League Baseball is the one that's truly suffering, *USA TODAY* (Oct. 10, 2018, 5:08 PM), <https://www.usatoday.com/story/sports/columnist/brennan/2018/10/10/baseball-ratings-attendance-length-games-spell-trouble-mlb/1592862002/>.

⁵⁹ Demographics of Sports Fans in U.S. DEMOGRAPHIC PARTITIONS (July 10, 2017), <http://demographicpartitions.org/demographics-of-sports-fans-u-s/>.

⁶⁰ *Id.*

⁶¹ Shannon Ryan, Start taking female sports fans — and their impact — seriously, *CHICAGO TRIBUNE* (Dec. 3, 2016, 2:18 PM), <https://www.chicagotribune.com/sports/columnists/ct-sports-women-ryan-spt-1204-20161203-column.html>.

unless they choose to adapt the game majorly. If a dedicated effort is not made by baseball executives to connect with a younger and more diverse group of fans, profits will greatly suffer.

As a bottom-line interest, Major League Baseball needs to start including women and girls more in their discussions, both as athletes and as fans. Women are a substantial group and untapped demographic when it comes to all sports.⁶² They are the largest growing population regarding fandom, and still, rarely recognized as a legitimate part of the game.⁶³ In order for a significant shift in successful marketing and for baseball to adapt, focusing on female participation is imperative. There have been fluctuating statistics showing ambivalent fans across all sports, with younger women being the least likely to partake.⁶⁴ Key age groups that are integral to maintaining baseball's prevalence in American culture have little interest in going to see their local teams play or catching a game broadcasted on television or radio.⁶⁵ Analyzing males' consistent interest in the sport, it is entirely apparent why the disparity exists: Men see themselves in the game. Major League Baseball has historically been played in its entirety by men. Barring the formation of the AAGPBL, men have held a monopoly over the game since its inception. Furthermore, baseball players with questionable backgrounds have remained heroes in the eyes of consumers. Fans easily forget acts like sexual violence or misconduct as an individual athlete hits another home run.⁶⁶ Not only is baseball not a safe space for female athletes, but it has continually demonstrated that it also is not a safe space for female fans. Between these two pivotal circumstances, women are not and have not been wholly invested in the sport. The easiest solution to the crisis facing baseball in America is by adding female athletes to rosters.

If women are not seeing representatives of their gender on the field, whether as a coach, umpire, or player, this demographic will surely turn away from baseball altogether. The profit that could result from introducing young female talent into the game

⁶² *Id.*

⁶³ *Id.*

⁶⁴ Ryan, *supra* note 55.

⁶⁵ *Id.*

⁶⁶ *Id.*

would skyrocket the MLB's profits and improve attendance significantly.⁶⁷ Baseball has exhausted its appeal to their male viewership, so in order to see real growth, the MLB should explore these options. Giving women the proper respect they deserve in the stands and on the field could change sports forever. Part of the reason why the AAGPBL was so successful was because of the initial novelty of women playing the game, but a larger factor was the introduction of women in a unique position to be role models to young girls.⁶⁸ Despite some older fans who lean more toward the traditional side of athletics, fresh faces and an inclusive landscape would indubitably entice younger fans and women of all ages to watch, and more importantly, to feel welcomed by the community.⁶⁹ In an era of social change and shifting worldviews, now is the time to bridge the gap in women's and men's sports.

Despite enormous strides in women's rights, both in and out of athletics, there is still some progress needed. There are many safeguards in place that would theoretically prohibit any team, league, or official from excluding women from baseball. Yet there is still a total absence of female athletes in Major League Baseball. Whether this reality results from systematic deterrence or the sexist standards that have been plaguing the sports sphere for centuries, women are still largely underrepresented in America's pastime. Rules banning girls explicitly from Little League teams are long gone, but from the start of their educational career, the same student-athletes are either pigeonholed into softball or encouraged to quit the sport forever. As a result, even capable women have not broken into a sport that America has proven to love time and time again, despite the obvious benefits it would provide. With viewership and ticket sales declining, Major League Baseball has an opportunity to revitalize the game in a way that has never been done before, while showing women that they are worthy of recognition as teammates and supporters. Those who oppose this shift in the sport may claim tradition is as essential to baseball as hotdogs and Cracker Jacks, but as times change, so should baseball.

⁶⁷ Gularte, *supra* note 23.

⁶⁸ *Id.*

⁶⁹ Gularte, *supra* note 23.