

***“I just wanted to play tennis”: Ellen Magliaro and Gender Discrimination in College Sports before Title IX***

By Rachel De La Cruz and Cayla Kerekgyarto

and the Women in American History class at Union College (Spring 2023)<sup>1</sup>

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The Union College, New Jersey, tennis team opened its season on April 11, 1972, with a 7-2 win over Somerset County College. Union’s coach, Bill Ray, confidently predicted that his team “could be one of the strongest in the history of the College.” His optimism rested on the strength of seven returning players and three promising first-year students, including one very effective “girl netman,” Ellen Magliaro. The team ended its season placing second in the Garden State Athletic Conference (GSAC), “its most successful season” to date.<sup>2</sup> But Magliaro’s participation in the conference violated National Junior College Athletic Association (NJCAA) policies prohibiting female players from playing on men’s varsity teams, and, as a consequence, Union College was suspended for a year from championship competition in any varsity sport.<sup>3</sup> Magliaro was just one of many young women who defied the rules to participate in male-dominated sports. These ordinary women challenged sex discrimination in educational institutions

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<sup>2</sup> Tommy, “The Tennis Team Wins,” *The Paper* (Union College), April 13, 1972; “UC Tennis Team Faces Somerset,” *Cranford Citizen and Chronicle*, April 6, 1972; “Union College Opens with Girl ‘Netman,’” *The Courier News* (Bridgewater, NJ), April 10, 1972; “Owls Second in Conference,” *Cranford Citizen and Chronicle*, May 25, 1972.

<sup>3</sup> “Don’t Bar Females from Varsity Sports,” *The Courier News* (Bridgewater, NJ), May 25, 1972; “Girl on Team, School Suspended,” *The Daily Register* (Red Bank, NJ), November 15, 1972; Jim Ogle Jr., “Suspension Fully Enforced, Union College Cagers Find,” *The Daily Journal* (Elizabeth, NJ), December 8, 1972.

across the United States and were part of a nationwide movement for women's equality that led to the establishment of Title IX in college athletics.

In the 1960s and 1970s, second-wave feminists demanded a broad range of rights that they had hoped would be protected by an Equal Rights Amendment that would prevent discrimination "on account of sex." The amendment, first introduced in 1923, was passed by Congress in 1972 but ultimately failed to achieve ratification by the required number of states. However, significant legislation was enacted, including Title IX, which prohibits sex-based discrimination in educational settings, including athletics. Educational institutions around the country had contributed to the call for change. As Ellen Magliaro competed for Union College on the men's team in spring 1972, editorials and opinion pieces in the college newspaper, *The Paper*, regularly covered campus and local protests related to the women's movement. The April 13, 1972, edition covered the 3rd Statewide Women's Liberation Conference in nearby Newark, New Jersey, which included consciousness-raising workshops and sessions on job inequality, the importance of women in politics, and societal norms that limited both men and women.<sup>4</sup> The following week, the paper reported on a panel forum concerning the Women's Liberation movement held at Union College's Plainfield campus, which included speakers and discussions for students, faculty, and others to share their thoughts and concerns on the political, social, and economic equality of the sexes. An announcement invited all women students and faculty to attend a consciousness-raising discussion at the college the next day.<sup>5</sup> In May, following the repeal of a law in New York that allowed a woman to have an abortion until the 24th week of pregnancy, assistant editor Kathy Enerlich expressed her outrage and disappointment in an outspoken editorial.<sup>6</sup>

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<sup>4</sup> Neil Rothenberg. "Women Power A Force for Change," *The Paper* (Union College), April 13, 1972.

<sup>5</sup> Kathy Enerlich, "Feminist Movement Discussed at Plainfield," *The Paper* (Union College), April 20, 1972.

<sup>6</sup> Kathy Enerlich, "I'm No Fucking Baby Machine," *The Paper* (Union College), May 11, 1972.

The sport of tennis proved a formidable battlefield for the struggle for women's equality. On September 20, 1973, a year after Magliaro debuted on the Union College tennis team, Billie Jean King, the top female tennis player in the country, faced Bobby Riggs, the former number-one ranked men's tennis player, in a match that became known as the "Battle of the Sexes." Riggs claimed that women were inferior and could not handle the pressure of the game. He was determined to keep "our women at home, taking care of babies—where they belong." The Battle of the Sexes was televised and drew in 50 million viewers worldwide. King beat Riggs 6-4, 6-3, 6-3, proving the abilities of female athletes. The Billie Jean King–Bobby Riggs tennis match contributed to a greater awareness of sex discrimination in sports and helped normalize women's place in athletics.<sup>7</sup>

While Billie Jean King brought the fight for women's equality to a national stage, in communities across the United States young women like Ellen Magliaro fought against sex discrimination in school sports. Magliaro was one of five children born to Rosemary Tarantino Magliaro and Eugene Magliaro and grew up in Westfield, New Jersey. Her parents were both athletically inclined; her mother played on the town softball team, and her father played football in high school and in college. Growing up, she followed every metropolitan sports team and watched their games on television. While Magliaro played volleyball and badminton and was an avid swimmer, she found her niche in tennis.<sup>8</sup> At Westfield High School, she was a member of the undefeated girls' tennis team where she "was beating the boys regularly as a freshman."<sup>9</sup> In a

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<sup>7</sup> "Battle of the Sexes," History.com. Editors, A&E Television Networks, Accessed May 24, 2023, <https://www.history.com/this-day-in-history/king-triumphs-in-battle-of-sexes>; Gerald Eskenazi, "\$100,000 Tennis Match: Bobby Riggs vs. Mrs. King," *The New York Times*, July 12, 1973.

<sup>8</sup> "Local Distaff Netster Center of Controversy," *Westfield Leader*, May 25, 1972.

<sup>9</sup> Bruce Chadwick, "Union College Objects to Fault Call in Probation over Girl Tennis Player," December 24, 1972 (clipping from unidentified newspaper in Union College Archives); "Ellen Magliaro Undaunted in Center of Controversy," *The Courier News*, May 22, 1972.

recent interview, Magliaro described herself as a “nut” over tennis in those days. Academically and financially, she was not prepared to attend a four-year college, so in 1971 she enrolled at Union College, then an independent two-year college in nearby Cranford, New Jersey.<sup>10</sup> At the time, Union College only had three varsity sports: intercollegiate basketball, golf, and tennis, all men’s teams, alongside other intramural sports.<sup>11</sup> Magliaro practiced “four or five hours a day” with a pro and started “hanging out with the guys and hitting with them” as part of the team. She admits she was not quite “pro material,” but she wanted to “hit with who’s as good as you.”<sup>12</sup> Although tennis was a men’s varsity sport at Union College, Magliaro was not the only woman to have played on the team. Fran Recchie, who had graduated the year before, had also played on the men’s team.<sup>13</sup> Magliaro defeated nine of her thirteen male opponents, becoming the second-best player, right behind her future coach Dennis Insley, with whom she also went undefeated in doubles.<sup>14</sup>

The team was having their best season yet going into a GSAC match against Middlesex County College in May 1972. Although Magliaro lost both of her matches that day, the college placed second in the conference. However, within days, the school was informed by the NJCAA that they would be facing probation for allowing Magliaro to play.<sup>15</sup> Magliaro speculated that her performance drew the attention of her male opponents and led to Middlesex County College reporting her. “What bothers some of the guys I face is the fact that they’re faced with the possibility of my beating them.”<sup>16</sup>

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<sup>10</sup> Ellen Magliaro, interview by Women in American History class, March 1, 2023.

<sup>11</sup> “Union College Arranges Honor for Athletes,” *The Daily Journal* (Elizabeth, NJ), May 10, 1972; William Dunscombe, interview by Women in American History class, February 22, 2023.

<sup>12</sup> Ellen Magliaro, interview by Women in American History class, March 1, 2023.

<sup>13</sup> “UC Tennis Team Faces Somerset.”

<sup>14</sup> “Westfield Girl on Tennis Team,” *The Westfield Leader*, April 6, 1972; “Union College Suspended,” *The Courier News* (Bridgewater, NJ), November 15, 1972.

<sup>15</sup> “Local Distaff Netster.”

<sup>16</sup> Milt Farb, “Calling the Shots: Net Lass on Spot,” *The Daily Journal* (Elizabeth, NJ), May 22, 1972.

Union College belonged to Region 19 of the NJCAA, a national sports association for America's two-year colleges, which provided guidelines on compliance and eligibility.<sup>17</sup> As a result of Magliaro's participation in the GSAC, the college found itself facing disciplinary action by the NJCAA for "violating conference and association rules."<sup>18</sup> According to the "Eligibility Rules," outlined in the 1971-1972 NJCAA handbook, only men could participate in intercollegiate athletics. Section 1a specifically states that "'Student', as used throughout the Rules means male students only."<sup>19</sup>

When the violation was announced, Magliaro received support from her team, school administrators, and the local community. Her team members started a petition stating that they would not play unless Magliaro was also allowed to play. In a statement to the press, Dr. Kenneth W. Iversen, president of Union College, stated: "It is our belief Ellen has a right to play with our tennis team as long as she meets all academic regulations, which she does . . . The rule of the conference and association are badly out-of-date. They say only a student, which they define as a male, may compete. We do not wish to violate these rules, but individual rights far outweigh the rules of private organizations."<sup>20</sup> Magliaro had never intended for her participation on the team to become a major issue. "I just wanted to play," she recounted in a recent interview. "So it wasn't that I had to win and you know try to win the division with you know Union . . . I said, I'll stop. So I stopped. And then the guys were like, Wait a minute, if she's not playing, we're not playing."

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<sup>17</sup> "Garden State Athletic Conference," Region 19, Prestosports, Accessed May 24, 2023, <https://www.region19.org/GSAC>; "History of the NJCAA," NJCAA, Accessed May 24, 2023, <https://www.njcaa.org/about/history/index>.

<sup>18</sup> Farb, "Calling the Shots"; "Local Distaff Netster."

<sup>19</sup> "Section 1b/Case VII," in *1971-72 NJCAA Handbook & Casebook*. "The NJCAA Handbook & Casebook is published on a yearly basis and is a comprehensive manual detailing the NJCAA Constitution and Bylaws, eligibility requirements, sports procedures, national championship guidelines, and membership information." Relevant pages provided by McKenzie Garrison of the NJCAA.

<sup>20</sup> "Local Distaff Netster"; Farb, "Calling the Shots."

Magliaro's male teammates threatened to quit the team if she was not allowed to play. But Magliaro did not want them to take such an action. "I'm like, guys, I don't want you to do that. That's ridiculous. Play. I'll sit," she recalled.<sup>21</sup> Even so, she recognized the decision as "sex discrimination."<sup>22</sup>

Magliaro's case was covered by much of the New Jersey press, which supported her right and the right of other women to fully participate in athletic competition. *The Courier News* of Bridgewater, New Jersey, asserted "Ellen's participation in varsity tennis should be determined solely by her ability on the court, not by her sex. The barring of women players by the Conference and the Association is discriminatory. Any charges levied against the college for the violation should be answered with legal action."<sup>23</sup> Despite the outflow of support, the language used in much of the press reflected the gender stereotypes of the time. She was described in the local press as "pretty Miss Magliaro," and a "dark-haired, vibrant young miss," and the *Daily News* of New York referred to the women who played on Union College's tennis team as "femme fatales."<sup>24</sup> A local beauty salon, Pat's Hairfashions, condemned the "chauvinistic ruling" of the NJCAA while promoting the "carefree hairdo" Magliaro had received at their business.<sup>25</sup> The inherent biases in the reporting of Magliaro's case served to minimize the key issue: the challenge to sex discrimination and the right of women to fair and equal treatment under the law. Magliaro's popularity among her fellow Union College students was demonstrated somewhat ironically in her nomination for "Campus Queen" in December of 1972. "So I'm the hero for about a year,"

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<sup>21</sup> Magliaro, interview.

<sup>22</sup> Chadwick, "Union College Objects."

<sup>23</sup> "Don't Bar Females."

<sup>24</sup> Bruce Chadwick, "Tennis Girls Backhand Male Ego," *Daily News* (New York, NY), April 29, 1973; "Owl Netman 'Different,'" *The Courier-News* (Bridgewater, NJ), April 28, 1972.

<sup>25</sup> Chadwick, "Union College Objects"; "We do Ellen's Hair...," *The Item of Millburn and Short Hills*, Dec. 14, 1972; "Candidate for Queen Center of Controversy," *The Westfield Leader*, December 14, 1972.

Magliaro reflected, “and then I’m up for the prom queen or whatever we had over there. I’m like, wait a minute, I’m not the beauty queen.”<sup>26</sup>

The effect of the NJCAA probation took on greater significance for athletic programs at Union College in the fall of 1972. The initial probation was announced in May, which meant that there was no immediate impact on athletics because school was out for summer recess. Many also thought the punishment would be lifted as the NJCAA changed their rules in September to allow women to play on varsity teams. However, on November 14, the NJCAA handed down an official year-long suspension from Region-19 championship competition for all Union College varsity sports as a consequence of allowing Magliaro to play. College officials had hoped that the NJCAA would apply the change retroactively, but this was not the case. Union College’s newly appointed athletic director William E. Dunscombe Jr. noted the impact. “There was a consensus that the principle involved and Miss Magliaro’s individual rights outweighed the possible penalties. The irony of the whole thing is that of Sept. 1 of this year, girls were allowed to compete on varsity teams. So the athletes are going to suffer for doing what was obviously right all along.”<sup>27</sup>

In another devastating blow, just a few weeks later, the Union College basketball team was barred from participating in the GSAC tournament as a result of the suspension. This suspension was decided at a GSAC athletic directors’ meeting at Ocean County College. The athletic directors of the junior colleges voted 11 to 4 to suspend Union. Their justification pointed to two violations of NJCAA rules by Union College: allowing Magliaro to play and late submission of athletic eligibility forms.<sup>28</sup> The year-long suspension was devastating for Union’s basketball team, which

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<sup>26</sup> Magliaro, interview; “Candidate for Queen.”

<sup>27</sup> “Dunscombe Appointed UC Athletics Director,” October 26, 1972 (clipping from unidentified newspaper in Union College Archives); “Girl on Team.”

<sup>28</sup> Ogle, “Union College Fighting Ban”; “Union team barred from cage tourney,” *The Courier News* (Bridgewater, NJ), December 11, 1972; “Suspension Fully Enforced”; Alex Yannis, “Union Protests Ban,” *New York Times*, December 8, 1972.

at the time was undefeated and one of the best in the nation among two-year schools.<sup>29</sup> In 2023, William Dunscombe, serving as the dean of the STEM division at Union College, recalled that, in recent years, the basketball team had not made it to postseason competition, but that year, “We happened to have had a very, very good men’s basketball team.” While the college and the majority of students continued to support Magliaro, some members of the basketball team were “a little bit resentful.”<sup>30</sup> In a recent interview, Bartolomeo “Ben” Candelino, captain of the basketball team at the time, recalled that “we were all frustrated, you know, the entire team . . . But, you know, it was out of our control.” He clarified that “there was no animosity towards the tennis team. It was something that we all kind of looked at and said well, you know, it’s a silly rule . . . That was the most frustrating part of it. I mean, think about it, here the rule is changed but because we were placed on probation for breaking a rule that doesn’t exist any longer we still have to be on probation.”<sup>31</sup>

President Iversen requested that the NJCAA “rescind or substantially reduce the penalty, or that [the NJCAA] declare the actions of Region XIX null and void, and that the NJCAA reinstate [Union] College as a full-fledged member in good standing of the National Junior College Athletic Association.” The college argued that the penalty was arbitrary, irrational, and unreasonable given that it was imposed without considering the unusual circumstances and Magliaro’s constitutional guarantees. The school also argued that the NJCAA had failed to define an eligible student as male in its policies, had changed its policy three times in three years, and did not give the college the opportunity to respond to the imposition of the penalty. At the end of Iversen’s statements, he expressed full support for Magliaro. “It is our contention that an injustice would have been done

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<sup>29</sup> “Owls Hope to Lose Probation Status,” December 27, 1972 (Clipping from unidentified newspaper in Union College Archives).

<sup>30</sup> Dunscombe, interview.

<sup>31</sup> Ben Candelino, interview with Rachel De La Cruz, Cayla Kerekgyarto, Sebastian Pereyra, May 11, 2023.



had we prevented Miss Magliaro from performing with our varsity tennis team, as she has a right as a student in full standing to participate in all activities sponsored by the college.” He also added that it was unfair for the NJCAA to penalize the other athletes at the college for a situation that they are not responsible for. There were worries that the basketball players would have their chances of getting athletic scholarships to four-year schools affected.<sup>32</sup> Irv Esterday, the Region 19 NJCAA director and athletic director of the Hagerstown, Maryland, junior college asserted that the probation was justified: “When the ‘no girls’ rule was in effect, Union College violated it. The new eligibility rule has no bearing on that. That school also had a violation on basketball eligibility forms. Either violation is enough to put a school on automatic one-year probation.”<sup>33</sup>

By December 1972, the National Organization of Women (NOW) and the American Civil Liberties Union (ACLU) contacted Union College “concerning possible court action to have the tournament probation lifted.” However, President Iversen was steadfast about exhausting all appeal routes before taking court action. Even so, the student body seemed eager to take legal action. Michael Johnson, the student government president, said, “This is a clear violation of Ellen Magliaro’s constitutional rights. We could win this case in any court in the country.”<sup>34</sup> Johnson, 26, a former Air Force sergeant, had been “pretty active on campus, and soon got into politics” as part of the veterans’ fraternity. In fall of 1972, he was elected president of the Union College student body as well as president of the New Jersey League of Junior Colleges. Although he was described as “no radical,” Johnson led a student body that had become more diverse and activist

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<sup>32</sup> “College Fights Probation Over Girl Tennis Star,” December 14, 1972 (clipping from unidentified newspaper in Union College Archives; “College Asks Judge to Blow a Whistle,” *The Courier News* (Bridgewater, NJ), Feb. 22, 1973; “College Backs Local Girl’s Rights on Team,” *Westfield Leader*, April 14, 1972. In the interview, Candelino suggested that no real scholarships were on the line and this was more of a talking point.

<sup>33</sup> Chadwick, “Union College Objects.”

<sup>34</sup> Chadwick, “Union College Objects.”

in recent years with irreverent student newspapers such as the *Union Commuter* and *The Paper* serving as the main outlets of student opinion.<sup>35</sup>

After weeks of waiting for college officials to decide on legal action against the NJCAA, Johnson requested that the case be taken up by the ACLU. Jane Z. Lifset, an attorney and volunteer with the ACLU, took on the case. “We don’t want to wait for the school to protest through the ‘right channels,’” Johnson stated. “We want action now to correct this incredible and ridiculous wrong.”<sup>36</sup> The plaintiffs in the case against the NJCAA were all students: Michael Johnson, Ben Candelino, and Jake Martin, vice president of the student body.<sup>37</sup>

Lifset, who had been a student of future Supreme Court Justice Ruth Bader Ginsburg at Rutgers University, was an active proponent of protecting women’s rights in New Jersey and worked with the ACLU’s Women’s Rights Project. Established in 1972 by Ginsburg and others, the project’s mission was to defend and advance the rights of women through advocacy, litigation, and public outreach. The project influenced many American laws and policies regarding reproductive freedom, gender equality, employment discrimination, gender-based violence, and educational equity. The ACLU describes it as “the major, and sometimes the solitary, national legal arm of the growing movement for gender equality,” noting it was “widely recognized as ‘the spokesperson of women’s interest’ in the US Supreme Court, and the ‘premier’ representative of women’s rights interests in that forum.”<sup>38</sup> Lifset became an attorney with a law firm in Newark and continued to work closely with Ginsburg, most notably on a case filed by Stephen C.

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<sup>35</sup> “Student Council Results,” *The Paper* (Union College), April 20, 1972; Bruce Chadwick, “Ol’ Sarge Hasn’t Lost Attention-Getting Way,” November 26, 1972 (clipping from unidentified newspaper in Union College Archives); Donald R. Raichle, *New Jersey’s Union College: A History, 1933-1983* (Rutherford N.J.: Fairleigh Dickinson University Press, 1983), 203-8.

<sup>36</sup> “UCC Team Is Playing on Biggest Court Ever,” *Daily News* (New York, NY), February 25, 1973.

<sup>37</sup> “College Asks Judge.”

<sup>38</sup> Amy Leigh Campbell, “Raising the Bar: Ruth Bader Ginsburg and the ACLU Women’s Rights Project,” *Texas Journal of Women and the Law* 11 no. 157 (April 28, 2003); “About the ACLU Women’s Rights Project,” American Civil Liberties Union, accessed May 24, 2023, <https://www.aclu.org/other/about-aclu-womens-rights-project>.

Wiesenfeld from Edison, New Jersey, which led to the 1973 *Weinberger v. Wiesenfeld* Supreme Court decision to end gender-based discrimination in Social Security benefits.<sup>39</sup>

Tackling local discrimination cases was part of the ACLU's strategy. In a similar case, also in spring 1972, Ginsburg represented Abbe Seldin who sought to play tennis on the varsity boys' team at Teaneck High School in New Jersey. In a court brief, Ginsburg argued that in sports like tennis, gender is "as irrelevant a factor as is race, religion, national origin, political beliefs or hair color." The case was eventually settled in Seldin's favor outside of court.<sup>40</sup> For Lifset, Magliaro's case represented the broader struggle for women's equality. In an interview with the *Daily News* (New York), Lifset affirmed, "When the school (Union College) was banned from post season play it was for allowing a woman to do what she is constitutionally entitled to do. They violated the law in imposing this ban on the college. They practically admitted that by changing their 'boy-only' rule."<sup>41</sup> Lifset's argument relied on Title IX of the Education Amendments Act that had been signed into law on June 23, 1972, by President Richard M. Nixon to address "a pervasive pattern of sex discrimination in all levels of education." The legislation declared that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Essentially, Title IX prohibited sex-based discrimination at any school or any educational program that receives funding from the federal government. While the law did not specifically address athletics, it had a profound impact on women's sports.<sup>42</sup> In response to Title

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<sup>39</sup> "Wiesenfeld v. Secretary of Health, Education & Welfare, 367 F. Supp. 981 (D.N.J. 1973)," Justia Law, accessed May 24, 2023, <https://law.justia.com/cases/federal/district-courts/FSupp/367/981/1425614/>.

<sup>40</sup> "Teaneck Girl Sues to Join High School Tennis Team," *New York Times*, February 1, 1972; Edward Miller, "Wellfleet's Abbe Seldin Made Tennis History in 1973," *The Provincetown Independent*, October 8, 2020.

<sup>41</sup> "UCC Team Is Playing on Biggest Court Ever."

<sup>42</sup> Christina Johnson, "The Evolution of Title IX: Prospects for Equality in Intercollegiate Athletics," *Golden Gate University Law Review* 11, no. 3 (January 1981); 763-5.

IX, the NJCAA changed its policy on women on male sports teams, stating that a female athlete has “the absolute right to compete in the men’s inter-collegiate athletic programs” at junior colleges in contact and noncontact sports.<sup>43</sup>

Despite the policy change, when the GSAC began in February 1973, the college had still not successfully appealed the suspension. In a last-minute attempt to allow the basketball team to compete, Lifset brought the case to court just three hours before its scheduled start, requesting a postponement of the basketball tournament until the matter was resolved. New Jersey Federal District Court Judge Leonard I. Garth refused, and instead, ordered the NJCAA to “show cause on Monday why the team should not be reinstated.”<sup>44</sup> Thus, the GSAC tournament went on without the college’s participation. In a small victory, however, Lifset was able to get NJCAA eligibility chairman Oscar Smukler to agree to allow the team to play in the regional championships in Maryland representing no conference if the suit was victorious.<sup>45</sup>

On February 26, both parties appeared in federal district court in Newark and stated their cases. The lawyers for the plaintiffs argued that the NJCAA rule denying eligibility to women was “in violation of the equal protection clause of the Fourteenth Amendment” and that the college would have been subject to a lawsuit had they enforced such a rule. They emphasized furthermore that the NJCAA rule prohibiting women players on the men’s team had been overturned, and thus the “continued imposition of the probation, was itself a violation of the equal protection clause, and was severe, arbitrary, and capricious, in violation of the due process clause.” Judge Garth

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<sup>43</sup> “Section 1b/Case VII” in *1972-73 NJCAA Handbook & Casebook*. Relevant pages provided by McKenzie Garrison of the NJCAA.

<sup>44</sup> “College Asks Judge.”

<sup>45</sup> “UCC Team Is Playing on Biggest Court Ever.”

granted a temporary restraining order, and the NJCAA “agreed to abide by the order until the normal expiration of the probation.”<sup>46</sup>

Despite this win, Michael Johnson and Nadinia Davis, editor in chief of *The Paper*, remained unsatisfied with the outcome. “We must not allow this situation to slip by us. The rights of a student in this college have been violated by the NJCAA and we must fight to overthrow their unconstitutional decision,” wrote Davis in an editorial regarding the issue. The pair approached President Iversen and Dr. Albert E. Meder Jr., dean of Union College, to recommend filing a federal civil rights case, but the administration was hesitant to pursue the matter further. Undaunted, the students reached out to the college’s Board of Trustees who did agree to seek a permanent injunction, and a hearing was scheduled for late spring. Commissioner Smukler indicated he fully supported women’s rights and that the NJCAA did not plan to oppose the injunction. The students, however, never had the opportunity to pursue the matter further.<sup>47</sup> On April 30, Union’s athletic director’s office received word that the case was settled out of court by the ACLU. In a notice to the school, Athletic Director Dunscombe explained that: “In effect, the NJCAA has elected to continue to comply with the restraining order until June 30, 1973 at which time the entire issue becomes moot.”<sup>48</sup> Although the suspension had effectively ended, Dunscombe later recalled that “everyone just walked away with mutual dissatisfaction.” The length of the legal proceedings meant that the seeding had taken place and the championship had ended without Union’s basketball team participating.<sup>49</sup>

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<sup>46</sup> “Union College Now Eligible,” *The Record* (Hackensack, NJ), February 27, 1973; *Update of Cases*, 1 Women’s Rts. L. Rep. 92, 97-98 (1973). Thank you to Jol Silversmith for his assistance in locating this summary of the case.

<sup>47</sup> Nadinia Davis, “Editorial,” *The Paper*, March 9, 1973; Edward C. Burks, “Union Coed is Fighting Bias in Tennis,” *The New York Times*, May 6, 1973.

<sup>48</sup> Bill (William) Dunscombe, “UC Athletic Probation,” *The Paper*, May 4, 1973; “Union Free to Participate,” *The Courier News* (Bridgewater, NJ), May 22, 1973.

<sup>49</sup> Dunscombe, interview.

President Iversen's hesitation to join the students in a potential civil rights lawsuit added to a growing dissatisfaction from the student body regarding his inability to address the issues that mattered most to students. On May 2, the Student Government Association (SGA) passed a resolution with "Six Points" that illustrated their lack of confidence in President Iversen and his administration. These points included "the issue of Athletic Probation, the lack of full-time counseling staff, Veterans Affairs, Medical Facilities, and the lack of interest the administration has shown in promoting special academic programmes."<sup>50</sup> The resolution was a precursor to the SGA's "vote of no confidence" against Iversen on May 14. The vote meant that the student organization would no longer attempt to have the president redress their grievances. Instead, they would request to meet directly with the Board of Trustees.<sup>51</sup> In August, President Iversen resigned, citing the "difficult arrangement for the administrative staffs," stemming from the college's unique arrangement as an independent school operating within the county system.<sup>52</sup> Michael Johnson, in a recent interview, suggested that Iversen's inaction in the Magliaro case led to his resignation, although this was likely just one part of Iversen's inability to adapt to a changing student body as well as conflict with the faculty and a push for a reorganization of the administration.<sup>53</sup>

Ellen Magliaro continued as part of the tennis team in spring 1973 with two new female starters: Debbie Davidson, a sophomore originally from Westfield, and Jean Willensky, a freshman from Linden. Dennis Insley, former GSAC singles champ and the team's new coach, acknowledged some of their opponents reacted poorly to the women players, but their teammates remained supportive: "The girls really boost our morale at practice and at matches. The guys take

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<sup>50</sup> Nadinia Davis, "Students & Faculty United," *The Paper*, May 4, 1973.

<sup>51</sup> "SGA Gives Iversen 'No Confidence'," *The Paper*, May 14, 1973.

<sup>52</sup> Edward C. Burks, "Dr. Iversen Is Resigning College Post in Cranford," *The New York Times*, August 12, 1973.

<sup>53</sup> Magliaro, interview; Raichle, *New Jersey's Union College*, 207-18; Davis, "Students & Faculty United."

the mature attitude that the best six people should play, whether male or female.”<sup>54</sup> Five years after Ellen Magliaro’s debut on the men’s varsity tennis team, Union College formed its first women’s tennis team, coached by Linda Leifer, former assistant coach to the men’s team, who noted “there was a lot of interest shown by the girls, who wanted to have the chance to compete against women.”<sup>55</sup>

Since the passage of Title IX, the number of women participating in college sports has increased from 32,000, approximately 16 percent of college athletes, to more than 222,000, now 44 percent of all college athletes.<sup>56</sup> In 1972, Ellen Magliaro “just wanted to play tennis.” In the last 50 years, Magliaro said no one had asked about the controversy or the case until we contacted her.<sup>57</sup> Hers is only one of the many untold stories of women athletes who challenged gender discrimination in schools across the country. Ellen Magliaro played, and, in so doing, contributed to changes that provide opportunities available to women in college sports today.

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<sup>54</sup> Chadwick, “Tennis Girls Backhand Male Ego.”

<sup>55</sup> Terry McConnell, “Women Make Sports History,” *UC Scroll* (Union College), April 12, 1977.

<sup>56</sup> “Quick Facts about Title IX and Athletics,” *National Women’s Law Center*, June 21, 2022, <https://nwlc.org/resource/quick-facts-about-title-ix-and-athletics/>.

<sup>57</sup> After graduating from Union College, Ellen Magliaro graduated from Lock Haven University with a degree in education. She is recently retired from the Point Pleasant Beach (NJ) school district where she served as athletic director. When asked about our interview, Magliaro said she told her friends she “kind of started Title IX.”