

Ludtke v. Kuhn

461 F. Supp. 86 (D.N.Y. 1978)

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Melissa Ludtke, a female sports reporter for Sports Illustrated magazine, filed a civil rights action against Major League Baseball Commissioner Bowie Kuhn, American League President Leland MacPhail, and three city officials. The action sought to prevent the New York Yankees from enforcing a gender-based policy ("Policy"), which banned accredited female sports reporters from entering the Yankee team clubhouse in Yankee Stadium. The Yankees did not have the Policy for the visitors clubhouse, and left each team to determine their own policy for reporters. The United States District Court for the Southern District of New York ("Court") weighed the Policy using a two-part analysis under the Fourteenth Amendment of the United States Constitution.

The Court first stated that the Ludtke's civil rights action fell under the reach of the Fourteenth Amendment, since the city of New York owned and controlled Yankee Stadium.

Secondly, the Court determined that the Policy violated Ludtke's fundamental right to pursue a career under the equal protection and due process clauses guaranteed by the Fourteenth Amendment. Since the Policy was based solely on sex, the Court stated that it was a clear violation of the equal protection clause. Due to the Policy, male reporters received a substantial competitive advantage over their female colleagues. The Court reasoned that allowing female reporters the same competitive edge outweighed the privacy interests of the baseball players because the clubhouse had not taken sufficient measures to protect the players' privacy, such as installing doors or shower curtains, without infringing female reporters' equal protection rights. The Policy also violated the female reporters' due process rights since it deprived them of their liberty to pursue a career in reporting sports. The Court used virtually the same reasoning as they did in evaluating the equal protection issue, concluding the clubhouse could take less sweeping means of protecting players' privacy than banning accredited women reporters from the area. Therefore, the Court decided that the female reporters' right to freely pursue a career, regardless of gender, is guaranteed via the Fourteenth Amendment and may not be deprived without exhausting all means.

The Court issued an injunction prohibiting the enforcement of the Policy that and ordered the development of a constitutionally satisfactory means to preserve the privacy of the baseball players.