

Is it a Four Star Movement?

The US Women's National Soccer Team's Campaign for Equal Pay

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Objective. In 2019, the US Women's soccer team (USWNT) sold shirts claiming "It's not a moment, it is a ★ ★ ★ ★ [the stars represent the team's World Cup wins] movement." Thus, they positioned the team as leaders of a broader movement for gender equality. Were they?

Method. Drawing on Engeli and Mazur's (2018) concept of gender transformation and Celis et al.'s (2014) framework for assessing women's representation, I use the players' statements about the team's wage discrimination case in *The New York Times*, *The Washington Post*, *Sports Illustrated*, and members' of Congress speeches on the case to analyze whether the USWNT's fight promoted transformative policy changes.

Results. The players' campaign was devoid of recommendations about improving wage discrimination policies. It also prioritized the concerns of the women broadly and girls over the diversity of women's experiences with discrimination.

Conclusion. The players' campaign and MC's responses to it did not promote transformative change.

Keywords. USWNT, equal pay, gender discrimination, policy enforcement, women's sports, representation

On July 7, 2019, US Women's Soccer team (USWNT) fans chanted "Equal Pay" to celebrate the team's fourth World Cup win and support its lawsuit against the United States Soccer Federation (USSF) (Clarke 2019a). Shortly after, the team sold t-shirts proclaiming, "It's not a moment, it's a ★★ ★★ movement" (the 4 stars represent the team's World Cup wins) and positioning the players as leaders of a broader movement for gender equality. But, to what degree is that representative claim true? Did the USWNT's equal pay case empower women more broadly? Did it highlight limitations in the enforcement of the Equal Pay Act (EPA) and Title VII of the Civil Rights Act in ways that could improve those policies for all American women? Did it produce an inclusive movement that transformed policy and addressed differences in how women experience the wage gap based on their identities in terms of race, class, sexual orientation, and/or gender identity?

To answer these questions, I use two frameworks from the gender and politics literature to assess the degree to which the USWNT's four-year-long equal pay case promoted transformative, inclusive policy changes. First, I use Engeli and Mazur's gender transformation and empowerment framework (2018) to determine whether the team and/or members of Congress (MCs) used the case to produce true gender transformation, defined as a shift dominant in gender norms among both policymakers and the public. Second, I rely on Celis and colleagues' (2014) framework, which uses public statements to examine representative claims made by "elected and nonelected actors, including state agencies, social movements, international organizations, and even celebrities" to assess how the team portrayed women's policy interests during its fight.

To implement both frameworks, I collected two types of data on the USWNT's case. First, to assess the degree to which the players highlighted limitations of the wage complaint process,

promoted policy improvements, and included American women in their fight for equal pay, I collected 431 articles on the team's case reported in *The New York Times*, *The Washington Post*, and *Sports Illustrated*. Those articles were published between March 2016, when the players first filed an EEOC complaint, and June 2020, shortly after the Central District Court of California issued its summary judgment in the case. They allowed me to identify the players' public statements about the case. I coded them for references to policy enforcement (e.g. comments about the challenges the process poses and improvements), and the degree to which they inclusively empowered and represented women by connecting the team's cause to discrimination faced by other women. Second, I collected 14 congressional speeches on the case, and coded the degree to which they promoted transformative policy change.

I expect the USWNT's case and MCs responses to it to have accommodated traditional gender roles rather than transforming them because both groups sought to avoid backlash to their statements about the case. Consequently, both should frame the case around gender equality in sports rather than transformative changes in equal pay policy enforcement. Therefore, I expect that the players' comments about the case rarely acknowledged more specific, complicated, or controversial proposed policy changes. I also expect the players focused on "popular" groups, such as the team itself and/or girls when it discussed the campaign's beneficiaries. Since MCs prioritize winning re-election (Mayhew 1974) and possess more policy expertise, I expect they better highlighted how wage discrimination impacts different groups of women, but that they also feared promoting potentially controversial policies that provide few electoral advantages.

HISTORY OF THE USWNT'S EQUAL PAY FIGHT

Since its formation in 1985, the USWNT has long experienced second-class treatment within US soccer, and it has continually fought to improve the team's salaries, travel accommodations,

playing surfaces, marketing and licensing rights, and other employment benefits (Murray 2019; Graine 2012). After years of contentious negotiations, five players filed a complaint with the EEOC on March 31, 2016, arguing, “The WNT has enjoyed unparalleled success in international soccer, winning three World Cup titles [1991, 1995, and 2015] and four Olympic Gold Medals [1996; 2004; 2008; and 2012] – an accomplishment that no other country on the men’s or women’s side has reached in Olympic competition,” and asserting those wins helped USSF turn a projected \$429,929 loss into \$17.7 million profit in FY2016 (Solo et al. 2016). Building on those points, the players alleged “The WNT’s on-field accomplishments and revenue generation have not resulted in us or our fellow players earning equal or better pay than the MNT [men’s national team] players,” as the women are paid less for matches, “sponsor appearances, ticket revenue, and other monies” (Solo et al. 2016).

When the players filed their complaint, they needed to gain leverage over their employers without striking. The USSF had recently sued the team for threatening to boycott the 2016 Olympics, which the Northern District of Illinois ruled would violate the no strike clause in the team’s contract (Tarm and Peterson 2016). Thus, the team’s lawyers suggested filing an EEOC complaint instead, and the players went public with their case by wearing, and selling, t-shirts with the slogan “Equal Play Equal Pay,” (Das 2016; Murray 2019). While the EEOC investigated, the players’ disputes continued. In 2016, the USSF fired Hope Solo after she called the Swedish team “cowards” for how they played in their Olympic win over the US. Though Solo had a number of off-field incidents that potentially contributed to her ouster, some speculated she was actually dismissed for her leading role in the equal pay case (2019). Solo stated that “as soon as I started to go after the money, I saw things flip and change with U.S. Soccer” (Murray 2019, 280). Rich Nichols, the team’s lawyer, added “There was no doubt in my

mind then and there's no doubt in my mind now that Hope getting fired was the federation's way of taking strength from the team" (Murray 2019, 281). The team then fired Nichols and restructured its players association to better engage the players in union negotiations (Murray 2019). In 2017, the union asked USSF for equal pay, revenue sharing, increased bonuses, improved travel accommodations, increased per diems, and a return of their licensing and marketing rights during their collective bargaining agreement (CBA) negotiations (Murray 2019). The federation rejected the players' revenue sharing and equal pay demands, but the team took the deal because it allowed them to continue playing during the EEOC investigation (Murray 2019). Once the EEOC granted the USWNT the right to sue in February 2019, the World Cup was only four months away, but the players decided to sue to continue the conversation they started about gender in the workplace (Murray 2019). Their lawsuit reiterated many of the arguments made in the EEOC complaint, but also noted that the women played more games on inferior turf surfaces, took fewer charter flights to tournaments and games, and received less promotion for their games than the men (Morgan et al. 2019; Murray 2019).

After the World Cup, the USWNT's relationship with the federation continued to sour. In July, the USSF claimed the USWNT out earned the USMNT in recent years, angering many players because the federation misleadingly included the women's USSF-paid National Women's Soccer League (NWSL) salaries in addition to their national team earnings (Goff 2019). The USSF also hired lobbyists to fight three equal pay bills that Democrats introduced to provide equal pay for the USWNT (Carroll 2019).¹ Relations hit their nadir in March 2020 during the She Believes Cup when the USSF released a statement claiming the team refused their offer for equal pay and USSF President Carlos Cordeiro was forced to resign after the USSF's lawyers argued that "indisputable science proved that the players on the World Cup-winning

women's team were inferior to men" (Associated Press 2020; Draper and Das 2020). The team then protested by wearing their warm ups inside out hiding the US Soccer crest but showing the four stars, representing the team's World Cup wins, and it received support from corporate sponsors, including Coca-Cola, Volkswagen, Budweiser, Visa, Deloitte, and Proctor & Gamble who also condemned USSF's misogynistic strategy (Draper and Das 2020) Finally, on May 1, 2020, the Central District of California ruled against team's equal pay claims, and only allowed the team's allegations about gender discrimination in travel and other supports to stand (McCann 2020).

CHALLENGES AND LIMITATIONS OF THE EPA AND TITLE VII

Better understanding the USWNT's case requires understanding the limitations of EPA and Title VII enforcement. The EPA requires employers to pay equal wages to women and men who perform "equal work on jobs...which require equal skill, effort, and responsibility" and it provides two remedies for victims of wage discrimination. The first remedy is filing an EEOC complaint against her employer, triggering an investigation. During the investigation, the EEOC considers gender differences in wages in relation to: (1) skills needed for the job (evaluated using the experience, ability, education, and training needed for the job), (2) effort (physical or mental exertion required), (3) degree of accountability or responsibility the job requires, and (4) the physical surroundings or hazards in men's and women's jobs (EEOC 2019b). The second remedy is filing a lawsuit against a discriminatory employer, which federal courts assess using the criteria above. If discrimination occurred, courts can order an end to discrimination and award up to two years of back pay.

Title VII, also enforced through lawsuits and complaints, provides broader protections against gender discrimination. It prohibits employers from refusing "to hire or discharge any

individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin." Title VII complaints must go through the EEOC process *before* a lawsuit is filed (EEOC 2019c). Thus, Title VII complaints trigger a longer process, but they can potentially provide greater financial compensation because courts can provide victims of discrimination with compensatory or punitive damages as well as backpay (EEOC 2010b).

Whichever remedy complainants pursue, they face a number of procedural and substantive challenges during the process. First, simply filing a complaint or a lawsuit is a complicated decision due to the EPA and Title VII's overlapping provisions and differing punitive options. Second, as the USWNT's four-year-long fight indicates, the enforcement process can be long. Third, the chances of victory are slim. Four of the six potential outcomes in EEOC investigations indicate the EEOC found that discrimination occurred and restitution is appropriate, but they only account for 23.1% of the cases the EEOC resolved between 2000 and 2016 (EEOC 2019a). In fact, between 2000 and 2016, it issued "no cause" findings in 58.5% of cases, meaning most women who filed cases did not receive any restitution (EEOC 2019a).

Shifting partisan tides can also present an obstacle for complainants, particularly during transitions from Democratic to Republican administrations. Under the Barack Obama (D) administration, the EEOC *resolved*, on average, 78.5 more complaints than it *received* each year, but it *received* 72.8 more complaints than it *resolved* under the George W. Bush (R) administration (English and Niezgoda 2020). The EEOC's budget and staffing levels also waver along with the partisanship of each administration, affecting the agency's ability to investigate and resolve complaints. Under the Bush administration, the EEOC's budget remained relatively static, leaving it with less money to spend on resolving complaints after inflation (EEOC 2020a).

In line with previous research that suggests Democrats are more likely than Republicans to prioritize gender equity (Stetson 2007; Taylor 2005), the EEOC's spending increased significantly from \$344 billion to \$370 billion during President Obama's first term in office before decreasing again when the Trump Administration requested its budget be cut by \$693 million (EEOC 2020a). From 2002 to 2008, the EEOC also lost one-quarter of its frontline staff and struggled to process claims (English and Niezgoda 2020). The EEOC never fully recovered from those years. Though it gained some staffers in the Obama years, it lost them quickly, and by 2018, it had its smallest staff since 2000 (EEOC 2020a).

The EPA and Title VII also contain loopholes that make it hard to build a compelling case. Both laws allow employers to pay men and women differently when those differences in pay can be attributed to a seniority system, a merit system, a system that links pay to the quantity and quality of production, working in different establishments, or "a differential based on any factor other than sex." Thus, employers have a number of "affirmative defenses" they can mount in wage discrimination cases, and complainants must take proactive steps to prevent their employers from successfully invoking them. For instance, the USWNT's lawsuit highlighted the team's World Cup and Olympic wins and the revenue they generated for USSF to argue the USWNT has more merit and/or quality production than the men's team (Morgan et al. 2019). To counter different establishment arguments, the team argued that the USWNT and the USMNT work for "a single common employer" that "centrally manages and controls every aspect of the senior national program" including pay, number of games played, team promotion, setting ticket prices, and travel (Morgan et al. 2019).

Both laws require complainants to provide prime facie evidence that women are being paid less for doing work that is equal to that of their male colleagues. Providing such evidence can be

challenging. Finding male co-workers who can be considered comparable co-workers is often difficult for women. The USWNT's lawsuit anticipated this issue, arguing that the USWNT and the USMNT have the same jobs. Members of both teams are required to "travel nationally and internationally as necessary for the same games, which are the same in length, physical and mental demand, playing environment, and conditions" (Morgan et al. 2019). Providing compelling evidence also requires finding accurate salary data for women and their male coworkers. Pay secrecy policies though illegal, are still relatively commonplace, leading the Institute for Women's Policy Research (2014) to conclude that 62% of women working in private sector companies are prohibited from or discouraged from discussing their pay. Consequently, accessing the data necessary to prove wage discrimination occurred could take years. For example, Lilly Ledbetter (the plaintiff in *Ledbetter v. Goodyear*), could only sue her employer because she received an anonymous note that listed her salary and those of three male managers who started the same year that she did. Before receiving that note, Ledbetter (2012) explained that "I'd been worried about being paid less than the men who were doing the same work I was, but I didn't have any proof." (5). As the USSF's open letters about the USWNT's wages reveal, providing evidence can also be tricky when compensation packages are complex (e.g. including base pay, bonus pay, and other benefits), and both sides have incentives to manipulate those data.

Finally, the EPA and Title VII were enacted before Crenshaw's (1989) concept of intersectionality called attention to overlapping forms of discrimination due to both gender and race. Thus, the EPA simply states that employers cannot discriminate against employees "on the basis of sex." Title VII prohibits discrimination based on race, color, religion, and national origin

in addition to sex, but complainants have been forced to pursue gender- and race-based claims separately, increasing their costs (English and Niezgoda 2020).

The USWNT likely faced many of these challenges, raising questions about the degree to which it highlighted these policy limitations and advocated for transformative change. Did the team raise any of these issues and push for new ways to enforce wage discrimination laws? Did it highlight the unique challenges that less privileged women face in pursuing their own wage discrimination cases? If so, did policymakers in Congress take up the players' claims to promote transformative equal pay policies? I expect to find that the USWNT's statements about their equal pay case failed to live up to their transformative potential, as the players, fearful of igniting a backlash, focused on "friendly" messages about gender equality in sports, rather than more complicated, partisan, and controversial arguments about policy enforcement. Since MCs are primarily interested in winning elections, equal pay is a highly partisan issue, and women's soccer remains a niche sport in the United States, I also expect MCs had relatively few electoral incentives that would have encouraged them to promote transformative change (Celis et al. 2014; English and Niezgoda 2020; Grainey 2012; Mayhew 1974; Sulkin 2005). Thus, I expect MCs' primarily used the USWNT as an example for why incremental policy changes, such as the Paycheck Fairness Act (PFA), were needed and to focus on "popular" beneficiaries, such as girls.

THE POTENTIAL AND POSSIBLE LIMITATIONS OF THE USWNT'S ACTIVISM

The USWNT is a privileged group of women. Players earn between \$162,500 and \$167,500 per year, meaning they make approximately four times as much as the average American woman (ESPN 2020; US Bureau of Labor Statistics 2020). The players are also more educated; as of 2019, 63.5% of American women over the age of 25 had attended at least some college, while

93.0% of the players who joined the team's lawsuit had attended some college (US Census 2019). Reflecting soccer's appeal to white, middle-class suburbanites (Fields 2005), the team is also whiter as 78.5% of the players were white compared to 63.9% of American women (US Census 2010).

The USWNT could use its privileged positions to call for transformative policy changes for three reasons. First, sports construct gender roles, particularly when they separate women and men into different competitions with "vastly unequal distributions of power, authority, prestige, and resources" (Messner 2002, 66). Those divisions reinforce pernicious stereotypes about female athletes that suggest women are incapable of competing with "naturally" superior male athletes and/or more likely to get hurt than men (Brake 2020; Cahn 2015; Festle 1996; Fields 2005; Messner 2002; McDonagh and Pappano 2008; Milner and Braddock 2016; Sharrow 2017a, 2017b). These biases suggest women's sports are secondary, "diluted" versions of men's sports, and they allow for toned down or sexually objectifying media coverage of female athletes (Brake 2010; Fields 2005; Christopherson, Janning, and McConnell 2002; Cooky, Messner, and Musto 2015; Daddario 1994; Grainey 2012; Heywood and Dworkin 2003; Kane 1996; Messner 2002; Sharrow 2017a, 2017b). Thus there's, "The World Cup and the Women's World Cup. The addition of women's makes it sound like a niche activity or a knitting circle" (Clarke 2019, xvii).

Second, because sports are seen as a last bastion of male dominance, female athletes (and fans) inherently challenge traditional gender norms simply by participating (Brake 2010; Burton Nelson 1994, 6; Markovitz and Albertson 2012). Therefore, female athletes use competitions to engage in a popular, stealth form of feminism that has "the potential to revitalize the feminist movement, putting the 'fun' back into the movement" (Brake 2010, 8; Heywood and Dworkin 2003). For example, Women's Professional Soccer (WPS) League players happily served as

inspirational role models for future generations, even when they hesitated to identify as feminists (Allison 2018). College-educated USWNT players may be particularly likely to adopt the feminist label, as female college-athletes are more likely to support equitably redistributing athletic resources (Druckman, Rothschild, and Sharrow 2018).

Third, professional soccer clubs and national teams have a long history of political engagement. FC Barcelona became a symbol of Catalan independence during the Franco regime (Kuhn 2019; Kuper 2006). Former Italian Prime Minister Silvio Berlusconi owned AC Milan and used the team to help further his political ambitions (Foer 2006). Successful national teams even provide a form of propaganda that links victory on the field to the country's political and economic systems (Sage 2008). In 1998, the men's World Cup winning French team was celebrated for its diversity (it had players from Africa, the Caribbean, the Pacific Islands, and Basque Country) (Markovitz and Hellerman 2001). Likewise, coverage of the 1999 USWNT explicitly connected the team's World Cup win to Title IX's success as a groundbreaking policy (Christopherson, Janning, and McConnell 2002). Teams serve as focal points for movements because they provide emotional constants for fans that help them maintain collective social identities and frame the ways they think about policies, political issues, and/or inequalities based on gender, race, or class (Green and Hartman 2012; Markovitz and Hellerman 2001; Zirin 2013).

Though the USWNT had the potential to promote transformative change, there are limits to athletes' activism. Players often receive pressure from their management, their families, and the media, "to follow rules and 'never talk politics'" (Zirin 2013, 9-10). Research also suggests that activist athletes, such as Colin Kaepernick and Megan Rapinoe, receive hate-filled backlashes and scorn from their teammates, coaches, fans, and sponsors when they speak out about social injustices (Kaufmann 2008; Luther and Davidson 2020). For example, following Kaepernick's

lead, Rapinoe kneeled to protest racial injustice during her 2016 USWNT games. USSF then issued a policy (repealed in 2020, following the protests over George Floyd's death) that required players to "stand respectfully" for the national anthem (Das 2020), and Rapinoe was left off the US roster during the fall of 2016. She explained, "U.S. Soccer can say what they want, but I never really saw the field again until the new rule was made that you are not allowed to kneel" (Vrentas 2019). Rapinoe's sister also revealed that Megan received hate mail for her protest, leading her to lose weight and hire extra security for her youth soccer clinics (Vrentas 2019).

Athletes' causes may also be diluted or co-opted by others. Nike has long used its advertising campaigns featuring USWNT players to promote feel good messages of women's empowerment (Lucas 2000). It faced its own gender discrimination lawsuit in 2018; yet, just one year later Nike started cynically selling t-shirts that said "I want to be like Megan Rapinoe when I grow up" (Hsu 2018; Team USA Shop 2020). Nike was also one the few big USSF corporate sponsors that did not criticize the USSF for its misogynistic legal briefs (Draper and Das 2020). Ultimately, this cozy relationship between Nike, USSF, and some USWNT players suggests that the USWNT may have avoided transformational advocacy to prevent losing sponsors.

DATA AND METHODS

Did the team use its platform to promote transformative, inclusive wage discrimination policies? To answer this question, I collected two sets of data. The first relies on 431 articles that appeared in the *New York Times*, *The Washington Post*, and *Sports Illustrated* between March 2016 and June 2020. To identify those articles, I searched NexisUni and the *Sports Illustrated* vault using the terms "USWNT" or "women's soccer" and I included only the articles that discussed the players' equal pay case. Because I am primarily interested in how the players

portrayed their cause, I then used NVivo to extract their direct quotations and produce the players' statements dataset. I focused on their public statements (rather than legal briefs or filings) because Celis and colleagues' (2014) framework calls for examining representative claims that political actors make to public audiences. Next, I used ProQuest Congressional and the same search terms to find 14 speeches MCs made about the case from March 2016 to June 2020, and I used them to analyze the degree to which MCs embraced the players' claims about policy and women's interests (Celis et al. 2014; Engeli and Mazur 2018).

Next, I coded both datasets in three ways that allowed me to use Engeli and Mazur's (2018) and Celis and colleagues' (2014) frameworks. First, I read all the documents carefully, hand coding them for references to enforcement issues and representative claims. To code references to enforcement issues, I relied on four (non-mutually exclusive) categories: (1) the personal burdens posed by the process, (2) the challenges of building an effective case, (3) enforcement and compliance, and (4) proposed legislative changes (see Table 1). Second, I used NVivo's autotext query to search both datasets for 32 terms (see Table 2) related to policy, activism, political institutions, and ideology I identified by hand coding themes in the documents. Those results provide a proxy measure of the degree to which the team and MCs used the USWNT's case to discuss policy issues. Third, to measure policy inclusiveness and representative claims, I used NVivo to search the texts for 54 terms (see Table 3) related to the campaign's beneficiaries in five categories, also identified by first hand coding the documents. After conducting both text searches, I removed any false positives.

ENFORCEMENT ISSUES AND POLICY CHANGE

Following Engeli and Mazur (2018)'s framework, I first analyzed the degree to which members of the USWNT and MCs called attention to EPA and Title VII enforcement issues. The

results are displayed in Table 1, and they indicate that approximately 90% of the players' comments about the process referred to the personal challenges the players faced while they pursued their case. Nearly half of the players' comments expressed frustration with the USSF. For example, Carli Lloyd (2016) explained that "Our beef is...with the federation and its history of treating us as if we should be happy that we are professional players and not working in the kitchen or scrubbing the locker room." The players, particularly Rapinoe, also expressed feelings of stress and frustrations with the process. She explained the team's preference for not dealing with the case, stating "We really don't want to be doing this all of the time. We'd much prefer to not be engaging in litigations" (Goodman 2019). She also described the team's fight as part of an "exhausting" "double-earn" that required her to "do everything I have to do on the field. Then I have to do everything else to prove to you that's enough" (Clarke 2019b). Therefore, Rapinoe claimed the team's goal is to "stop having the conversation about equal pay and are we worth it" (Jenkins 2019; Clarke 2020). Rapinoe and Lloyd also noted that they could be fighting the equal pay fight until the end of their careers (Clarke 2019c; Goodman 2019).

Though the players frequently expressed frustration, Table 1 shows they rarely connected those personal burdens to public policies. Conversely, MCs connected the players' case to calls to pass the PFA, the need for more data on wage discrimination, stronger penalties and enforcement mechanisms, and/or improving women's salary negotiation skills. MCs rarely discussed the personal burdens women face as they pursue their case. Therefore, the USWNT and MCs collectively missed the opportunity to use the players' personal experiences to highlight how improving EPA and Title VII enforcement mechanisms could reduce the personal burdens women face during the process. For example, neither the players nor MCs called for mandatory government reporting on men's and women's wages which could automatically

trigger federal investigations. They also did not call for less radical changes, such as increasing the EEOC's investigatory capacity.

<Insert Table 1 Here>

Table 2 also shows the players avoided specific policy issues, as the vast majority (86.7%) of the political terms they used centered on social movements or activism, often portraying the team as leaders in a movement for change. Morgan explained that, "I had this dream of becoming a professional soccer player, and I never knew it entailed being a role model, being an inspiration, standing up for things I believe in, standing up for gender equality" (Goodman 2019). Rapinoe added that the team feels a responsibility to "stand up for what we know we deserve as athletes, but also for what we know is right – on behalf of our teammates, future teammates, fellow women athletes, and women all over the world" and to "use its voice to speak to women everywhere to say: 'We are with you. We're behind you. We support you, and we're right there in lockstep'" (Hobson 2019; Vrentas 2019).

Conversely, Table 2 shows MCs used the USWNT case to draw attention to specific bills, explicitly mentioning the PFA 50 times, despite the players never mentioning it. Senators Dianne Feinstein (D-CA) and Patty Murray (D-WA) explained that passing the PFA would make it easier for women to take legal action by closing significant loopholes in existing laws (Feinstein 2016a; Murray 2016a).² Only one player, Solo, even specifically referred to the laws saying the team's complaint publicly acknowledged "U.S. Soccer's violations of the Equal Pay Act and Title VII" (Wahl 2019). Beyond Rapinoe's claim that she was "not going to the fucking White House" if the USWNT won the World Cup, the players also rarely mentioned policymakers or government institutions, only referring to the EEOC and its investigation twice and MCs' support once (Das 2019; Lloyd 2016; Wahl 2017b). In contrast, MCs frequently called on the

Senate to stop blocking the PFA and the 2019 USWNT equal pay bills (Leahy 2016; 2019; Murray 2016b).

INCLUSIVITY AND REPRESENTATION

To assess the inclusiveness of the representative claims the USWNT made about women's interests during the case, I used automated text analyses to examine who USWNT players and MCs argued would benefit from the team's case. The results in Table 3 broadly indicate that the players and MCs most often cited "women" as the prime beneficiaries or targets of the players' case. Both sets of actors also saw female athletes and soccer players as key beneficiaries of the team's case, as references to soccer and sports accounted for just over one-quarter of the comments each group made. For example, Becky Sauerbrunn noted that the players association is asking "Where is the women's game going? What would be the most beneficial for the program?" (Wahl 2017a). Rapinoe added that, "The suit is about more than top players' wages. It's about equal investment in programs at all levels. The interest in women's sports is there. I see it every day" (Vrentas 2019). MCs also cited the USWNT as an empowering example of women fighting ongoing discrimination. Senator Chuck Schumer (D-NY)(2019b) explained that "Millions of women, sports fans or not, admire the light they [USWNT] have shown on the disparities between the men's and women's game." Representative Jim Costa (D-CA) (2019) added that the case "is a stark reminder of the persistent and frustrating reality that women's sports are undervalued." Across 19 congressional speeches, MCs used the USWNT as an example of women who experience wage discrimination 36 times, usually to highlight the fact that all women are potential victims of wage discrimination. Senator Murray (D-WA) explained:

No matter where they live, no matter their background, no matter, what career they choose, on average women earn less than their male colleagues, even women soccer players on the U.S. Women's National Team. The Women's National Team has won three World Cup

titles. They have won four Olympic Gold Medals. But despite all of their success, they are not immune from the pervasive wage gap. (Murray 2016a).

Likewise, Senator Barbara Mikulski (D-MD) (2016) argued that “The pay gap between the men’s and women’s national soccer teams is emblematic of what is happening across our country.”

Table 3 shows that both the players and MCs frequently highlighted the benefits of the team’s case for girls and the next generation. Alex Morgan explained that “Even if I don’t reap the benefits, my hope is that the next generation’s sole focus is what it’s meant to be: And that is to play football” (Clarke 2019b). Rapinoe claimed that the lawsuit is about “leaving it [women’s soccer] better for the young girls that will come after” and ensuring that the next generation does not have to “fight these same fights” (Hobson 2019; Jones 2019). Echoing those concerns, Senator Murray (2016a) argued, “Think about the message the wage gap sends to young girls who see women valued less than men for doing the same work and, in the case of the women’s soccer team, doing it so much better.” Schumer (2019a) added, “We shouldn’t say to generations of girls and boys who look up to these talented stars that women’s sports is in any way ‘less than’ because it is not.”

Given the great deal of attention devoted to women’s empowerment on the soccer pitch, the players and MCs devoted less attention to how the wage gap differentially affects women based on their intersecting identities in terms of gender, race, class, sexual orientation, and/or gender identity. Only two players addressed women’s intersectional identities. Rapinoe, who came out as gay in 2012, twice explained how being gay shaped her overall approach to activism (Goodman 2019; Portwood 2012). During her Victory Parade speech, Rapinoe also celebrated the team’s diversity, stating, “We have pink hair and purple hair. We have tattoos and dreadlocks. We got white girls and black girls and everything in between. Straight girls and gay

girls!" (Culpepper 2019). Dunn, who is one of the six Black players that signed onto the 2019 lawsuit, explained her complex relationship being role model for Black girls telling *Sports Illustrated*, "It's not like when I step on the field, I feel I have to do this for all the black girls out there...I just try to be the best role model, whether my fans are black girls or white girls" (Sports Illustrated Staff 2016). In contrast, Senators Feinstein (D-CA)(2016a; 2016b) and Murray (2016a) and Representative Polis (D-CO)(2017) all noted that Black women and/or Latinas experience larger wage gaps than white women do. Senator Maria Cantwell (D-WA) (2016) added that due to the wage gap "an Asian American woman could lose \$700,000 over a 40-year career and a Native American woman could lose as much as \$900,00 over the same time period." None of these comments analyzed how these racial disparities were connected to the unique challenges women face during the EPA and Title VII enforcement process.

The lack of attention to diversity in comments from the players and MCs also raises questions about the degree to which both sets of actors acknowledged the USWNT's enormous privileges. Rapinoe came close once, explaining that "You have players [on the team] who are financially in a different position than Alex Morgan or me or Carli Lloyd," but she did not consider how the team as a whole had more resources than the average woman (Marchese 2019). Senator Jeanne Shaheen (D-NH) (2016) briefly noted that "As outrageous as that [the USWNT's] case is, the wage gap is even more damaging to the 40 percent of women who are solely or primary breadwinners in households with children, to the women who are waitresses and certified nursing assistants, and to secretaries who work at jobs where equal pay is not only about fairness but it is also about providing adequately for their families." Thus, both the USWNT and MCs failed to provide a detailed account of how the enforcement of existing laws harm less privileged women.

DISCUSSION AND CONCLUSIONS

Engeli and Mazur's (2018) framework provides four options that describe the degree to which gender policies promote true gender empowerment. The least empowering possible outcome is *gender rowback*, when the policy works "against the promotion of gender equality" (Engeli and Mazur 2018, 122). The second-least empowering option is a *gender-neutral* policy which "has failed in transforming gender," and that often occurs when few resources are dedicated to policy implementation. Moving up the scale, the next option is *gender accommodation*, which means that a policy and the politics it produced have "mostly targeted accommodating or compensating traditional gender relations instead of transforming them" (122). In cases of accommodation, policymakers, bureaucrats, and other policy actors continue to embrace traditional gender norms or traditional approaches to gender policy, preventing them from radically transforming gendered hierarchies of power and privilege. Finally, the most empowering possible outcome is true *gender transformation*, which occurs when dominant gender norms and practices start to shift among policymakers and the public.

Applying Engeli and Mazur's (2018) framework to the results described above suggest that the USWNT's case and campaign around it, primarily accommodated traditional approaches to equal pay policy. Though the players reported experiencing personal burdens during the complaint and lawsuit process, they failed to connect those costs to the EPA's and Title VII's enforcement process or call for more empowering enforcement mechanisms. MCs addressed enforcement challenges under existing laws, but they failed to connect those changes to the personal burdens described in the players' comments. Hence, neither the players nor the MCs recommended abandoning the burdensome process for less onerous enforcement mechanisms, such as mandatory government reporting and investigations or increasing the EEOC's capacity.

The players' statements narrowly focused on the case's benefits for women, female soccer players, and girls, and MC's echoed that framing. The players did not account for the unique ways that women of color and other marginalized groups of women experience the gender wage gap. Without including those voices and insights, the team's campaign could not fully transform the gendered, raced, and classed hierarchies that work together to produce multiple, overlapping forms of wage discrimination. MCs occasionally used the case to highlight the larger wage gaps that women of color experience and called for more data on the wage gap by gender and race, but they did not take the next step to propose additional enforcement changes, such as allowing women to file a single race and gender discrimination lawsuit, that would better address the unique ways that differently situated groups of women experience unequal pay.

Despite its accommodationist approach, the USWNT's case created some groundwork for future transformative policy changes. As Kenney (2003) notes, the stories female activists tell define policy problems and set the agenda for future changes. As soccer players, the USWNT may have lacked the policy expertise needed to translate their frustrations into calls for more empowering equal pay policies and enforcement mechanisms. However, their experience highlighted the personal burdens that women, even those who are among the most privileged, face when they pursue federal wage discrimination complaints. Since the team filed its lawsuit in 2019, *The New York Times*, the *Washington Post*, and *Sports Illustrated* published hundreds of articles mentioning the case and *Sports Illustrated* frequently explained how the team's case related to existing laws.³ That media coverage may have introduced members of the public to the EPA, Title VII, and the legal processes surrounding those laws, and provided them with a foundation for future anti-discrimination activism. More research is needed to determine how effectively the players' campaign transmitted that message. Did the media accurately reflect the

players' concerns and the issues its lawsuit raised? Did coverage support the players' campaign or oppose it? How many members of the public were exposed to those media messages and did they use the information they received to advocate for changes in policy?

Future research, ideally based on interviews with the players, their lawyers, and their spokespeople could also elucidate why the players' campaign primarily accommodated traditional gender roles. Was the campaign designed to help them win leverage over their employers or were they interested in closing the wage gap for all women? How did they balance those two goals? Were the players afraid of facing the backlashes that activist athletes face? Did they simply lack the knowledge and expertise to promote radical policy changes? Did the players' need for unity lead them to pursue a more moderate strategy? Throughout the campaign, veteran players, most notably Rapinoe and Morgan, took on a more visible leadership role than others. Did those differences in visibility reflect differences in the team in terms of how comfortable the players were with gender-based activism?

Though future research is needed to fully assess the players' strategy and the public's response to it, examining their public comments on the case and the congressional response to it suggests the team's campaign did not reach Engeli and Mazur's (2018) gold standard for gender transformation. Instead, it primarily accommodated existing gender roles by failing to challenge problematic enforcement mechanisms and broaden the scope of the campaign beyond the benefits it would provide the players themselves and women and girls as a broad group. Building on Celis and colleagues (2014) work, the lack of diversity in the team's campaign again underscores the importance of empirically examining representative claims made by anyone claiming to represent women, regardless of whether they serve in formal government institutions.

ENDNOTES

¹ The GOALS Act (S2062/HR3917) prohibits the use of federal funds for the 2026 Men's World Cup unless the USSF provides the USWNT with equal pay. The Athletics Fair Pay Act (S2083/HR3304) and Even Playing Field Act (HR3382/S2253) require amateur athletics programs to provide Congress with reports on employees' wages disaggregated by race and gender.

² The PFA allows employees to sue for compensatory and punitive damages in addition to back pay; protects employees from retaliation if they share wage data; requires additional studies and data collection on the wage gap disaggregated by gender, race, and age; and provides grants for negotiation skills training.

³ See: <https://www.si.com/author/michael-mccann>.

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Table 1: Implementation and Enforcement Issues in Comments from the USWNT and MCs

	USWNT Players	MCs
Personal Burdens for Victims/Complainants	143 (89.9%)	0 (0.0%)
Lack of Progress with USSF	46 (28.9%)	0 (0.0%)
Feelings of Stress and/or Exhaustion	39 (24.5%)	0 (0.0%)
Long Enforcement Process Timelines	31 (19.5%)	0 (0.0%)
Feelings of Disrespect	27 (17.0%)	0 (0.0%)
Effectively Making the Case	13 (8.2%)	21 (25.3%)
Potential for Disagreement Over Basic Facts of the Case	13 (8.2%)	0 (0.0%)
Close Loopholes that Allow Gender Disparities to Persist	0 (0.0%)	12 (14.5%)
Access to Salary Data without Retaliation	0 (0.0%)	12 (14.5%)
Access to Salary Data Disaggregated by Gender and Race	0 (0.0%)	1 (1.2%)
Enforcement and Compliance	3 (1.9%)	16 (19.3%)
Strengthen Penalties for Non-Compliance	2 (1.3%)	1 (1.2%)
Improve Protection from Retaliation	1 (0.6%)	3 (3.6%)
Empower Women with Salary Negotiation Training	0 (0.0%)	4 (4.8%)
Make It Easier to File Lawsuits and Class Action Suits	0 (0.0%)	3 (3.6%)
Make it Easier to Recoup Lost Wages	0 (0.0%)	2 (2.4%)
Strengthen Incentives for Compliance	0 (0.0%)	2 (2.4%)
Require Reports on Equal Pay for Amateur/Olympic Athletes	0 (0.0%)	1 (1.2%)
Legislative Changes	0 (0.0%)	46 (55.4%)
Pass Paycheck Fairness Act	0 (0.0%)	34 (41.0%)
Require USSF to Provide USWNT with Equal Pay	0 (0.0%)	5 (6.0%)
Require FIFA to Provide Equal Prize Money for Women and Men	0 (0.0%)	4 (4.8%)
Amendments to the Ted Stevens Olympic and Amateur Sports Act	0 (0.0%)	3 (3.6%)

Table 2: Politics and Policy References in USWNT Players' Quotes and Congressional Documents, March 2016 to June 2020

	USWNT (60 Total)	MCs (175 Total)
Policy Terms	3 (5.0%)	107 (61.1%)
Civil Rights Act	0 (0.0%)	1 (0.6%)
Equal Pay Act	1 (1.7%)	8 (4.6%)
Fair Pay Act	0 (0.0%)	4 (2.3%)
Lawsuit	0 (0.0%)	5 (2.9%)
Legislation/Bills	0 (0.0%)	50 (28.6%)
Paycheck Fairness Act	0 (0.0%)	0 (0.0%)
Policy	1 (1.7%)	25 (14.3%)
Title VII	1 (1.7%)	0 (0.0%)
Title IX	0 (0.0%)	14 (8.0%)
Social Movement Activism	52 (86.7%)	13 (7.4%)
Advocates	1 (1.7%)	2 (1.1%)
Ally	2 (3.3%)	0 (0.0%)
Black Lives Matter	1 (1.7%)	0 (0.0%)
Colin Kaepernick	1 (1.7%)	0 (0.0%)
Cultural/Social Change	1 (1.7%)	0 (0.0%)
Kneel/National Anthem	2 (3.3%)	0 (0.0%)
#MeToo	1 (1.7%)	0 (0.0%)
Movement/Global Movement	8 (13.3%)	2 (1.1%)
Platform	8 (13.3%)	1 (0.6%)
Politics	1 (1.7%)	1 (0.6%)
Protest	4 (6.7%)	0 (0.0%)
Responsibility	12 (20.0%)	0 (0.0%)
Role Models	5 (8.3%)	2 (1.1%)
Voice	5 (8.3%)	5 (2.9%)
Political Institutions	5 (8.3%)	37 (21.1%)
Congress	1 (1.7%)	8 (4.6%)
Equal Employment Opportunity Commission	2 (3.3%)	5 (2.9%)
House of Representatives	0 (0.0%)	0 (0.0%)
President Barack Obama	0 (0.0%)	1 (0.6%)
Senate	0 (0.0%)	23 (13.1%)
White House	2 (3.3%)	0 (0.0%)
Ideology/Partisanship	0 (0.0%)	18 (10.3%)
Bipartisan	0 (0.0%)	2 (1.1%)
Democrat	0 (0.0%)	6 (3.4%)
Republican	0 (0.0%)	10 (5.7%)

Table 3: Inclusivity in USWNT Players' Quotes and Congressional Documents, March 2016 to June 2020

Type of Terms	USWNT (288 Total)	MCs (498 Total)	Type of Terms	USWNT (288 Total)	MCs (498 Total)
Broad Gender Terms	155 (53.8%)	300 (60.2%)	Sexual Orientation & Gender Identity	14 (4.9%)	2 (4.2%)
Gender	7 (2.4%)	1 (0.2%)	Gay	5 (1.7%)	0 (0.0%)
Gender Discrimination/Inequality/Gap	3 (1.0%)	5 (1.0%)	Gay Girls	2 (0.7%)	0 (0.0%)
Gender Equity/Equality	6 (2.1%)	5 (1.0%)	Gay Rights	1 (0.3%)	0 (0.0%)
Males	3 (1.0%)	4 (0.8%)	Gender Identity	0 (0.0%)	1 (0.2%)
Men	50 (17.4%)	75 (15.1%)	Homophobia	2 (0.7%)	0 (0.0%)
Misogyny	2 (0.7%)	0 (0.0%)	Lesbians	1 (0.3%)	0 (0.0%)
Sexism	5 (1.7%)	0 (0.0%)	LGBTQ	1 (0.3%)	0 (0.0%)
Women/Females	76 (26.4%)	204 (41.0%)	Sexual Orientation	0 (0.0%)	1 (0.2%)
Women and Girls	2 (0.7%)	4 (0.8%)	Straight Girls	2 (0.7%)	0 (0.0%)
Women's Rights	1 (0.3%)	0 (0.0%)			
Women's Empowerment	0 (0.0%)	2 (0.4%)			
Soccer/Sports Terms	82 (28.5%)	143 (28.7%)	Race, Ethnicity, & Nationality	12 (4.2%)	21 (4.2%)
Female/Women Athletes	4 (1.4%)	8 (1.6%)	African American/Black	2 (0.7%)	3 (0.6%)
Female/Women Players	9 (3.1%)	3 (0.6%)	African American/Black Women	0 (0.0%)	3 (0.6%)
Women's Team/USWNT/USWNTPA	15 (5.2%)	57 (11.4%)	African American/Black Girls	4 (1.4%)	0 (0.0%)
Women's Game	10 (3.5%)	1 (0.2%)	Asian American/API	0 (0.0%)	1 (0.2%)
Women's Soccer	13 (4.5%)	23 (4.6%)	Asian American /API Women	0 (0.0%)	2 (0.4%)
Women's Sports	4 (1.4%)	4 (0.8%)	Hispanic Women/Latinas	0 (0.0%)	6 (1.2%)
Women's World Cup	2 (0.7%)	9 (1.8%)	Hispanic/Latina Girls	0 (0.0%)	0 (0.0%)
Male Athletes	3 (1.0%)	0 (0.0%)	Minority	0 (0.0%)	1 (0.2%)
Male Counterparts/Colleagues	2 (0.7%)	18 (3.6%)	Native American Women	0 (0.0%)	1 (0.2%)
Male/Men Players	4 (1.4%)	6 (1.2%)	Racism/Racial Inequality	2 (0.7%)	0 (0.0%)
Men's Game	3 (1.0%)	1 (0.2%)	White	0 (0.0%)	1 (0.2%)
Men's Team/USMNT	6 (2.1%)	13 (2.6%)	White Women	0 (0.0%)	0 (0.0%)
Men's Sports	2 (0.7%)	0 (0.0%)	White Girls	4 (1.4%)	0 (0.0%)
Men's World Cup	5 (1.7%)	0 (0.0%)	Women of Color	0 (0.0%)	3 (0.6%)
Age	25 (8.7%)	32 (6.4%)			
Boys	1 (0.3%)	2 (0.4%)			
Children/Kids/Youth	9 (3.1%)	13 (2.6%)			
Girls/Young Women	9 (3.1%)	16 (3.2%)			
College Women	0 (0.0%)	1 (0.2%)			
Next Generation	6 (2.1%)	0 (0.0%)			