



NCAA stance on paying athletes 'an absurdity'

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Texas A&M quarterback Johnny Manziel warms up before playing SMU. (Sept. 21, 2013) (Credit: AP)

Baruch College law professor Marc Edelman is just the latest to suggest a potential shutdown of the college sports government as we know it. During an on-campus presentation last week regarding the legal and ethical issues surrounding the National Collegiate Athletic Association's adamant stand against sharing profits with its athletes, Edelman argued that increased litigation "lurks very, very closely on the horizon."

And he wondered if the disconnect between students and athletes in the NCAA "student-athlete" dynamic has brought us to the point that "maybe it makes sense if schools have to sell off their sports programs, where you put a firewall between [sports and academics]. Maybe we need to separate the two entirely. Maybe there should be a football program that wears blue and maize and plays out of Ann Arbor and is separate from the University of Michigan."

The NCAA's vow to fight "all the way to the Supreme Court" against a lawsuit regarding the unauthorized use of college athletes' names and likenesses; a new grass-roots protest by some players decorating their gear with calls for a players' union; the NCAA's rejection of South Carolina football coach Steve Spurrier's proposal to pay athletes a \$300-per-game stipend, all emphasize "an absurdity" to Edelman.

"The past two years," he said, "have really marked a tipping point in terms of the media's perception of the NCAA" -- triggered by civil right's historian Taylor Branch's exhaustive 14,000-word October 2011 Atlantic Magazine study, "The Shame of College Sports."

"Not every criticism of big business is right," said Edelman, whose writing on sports and law include The Sports Judge column for Forbes. "But, in the context of the NCAA, it is very difficult to sympathize with the association."

Given the current model of teams attached to institutions of higher learning, Edelman expressed outrage at the greed among NCAA leadership, athletic directors and coaches.

"As recently as a couple of weeks ago, [NCAA president] Mark Emmert said they never will have any plans to change the status quo," he said. "This is when college sports has become an \$11 billion industry. Not a penny to pay student-athletes. Not the ability to give \$300 per-game stipends to football players in programs that are making \$100 million per year. Yet spending the money to hire the biggest and most powerful law firms in the country, to fight all the way to the Supreme Court to prevent change."

It is Edelman's belief that the NCAA long has missed "some easy outs that might have pacified athletes without fundamentally changing the status quo" -- by allowing those schools willing to pay small stipends in their profit-generating sports to do so, or by allowing stars such as Texas A&M's Johnny Manziel to take money for signing autographs.

"But Mark Emmert's statement was the exact opposite," Edelman said. "It wasn't, 'Let's sit down and figure out the problem.' It wasn't, 'Let's give the student-athletes a voice.' It was, 'We are never changing.'"

Syracuse basketball coach Jim Boeheim, whose 2012 salary was \$1.8 million, last week called any plan to pay college athletes "idiotic," and Big Ten commissioner Jim Delany reinforced the Emmert message by declaring his absolute opposition to paying college athletes. Delany, who earned more than \$1.5 million in 2010, according to the most recent tax figures available, likewise insisted on preserving the NCAA's principle of "amateurism" -- even among reports of Oregon's palatial new football facility, estimated to cost at least \$70 million, as a recruiting tool; of ongoing tales that stars regularly receive under-the-table money and gifts from alumni; and, most unsavory to Edelman, accounts of schools providing sexual favors to potential recruits.

"If you can't compete for someone based on paying money over the table," Edelman said, "people will try to compete for athletes another way, under the table. And then you have the same people who are saying, 'We can't pay student-athletes,' who are instead paying in ways that I think all of us would think is morally corrupt."

Alabama, Notre Dame and the like may be too big to fail, but Edelman contended that, in a capitalist country based on a free market, the NCAA's illegal restraint of trade is the path to its ultimate demise.