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FOREWORD

Athletics present a variety of relationships which, on the one hand, seem to attract a good deal of popular attention but which, on the other hand, have been often regarded as immune from public, and indeed, even participant, control. Many of these relationships provide interesting contrasts to those which develop when public control is effective. Thus, the economist can look at our present professional sports leagues for practical examples of cartel behavior. The antitrust lawyer is similarly interested in rationalizing the monopoly powers of professional leagues within the framework of federal antitrust legislation. Formal study of these matters has increased as there has been greater public feeling that the privately-controlled leagues have seemingly unfettered power to make decisions adverse to the interests of spectators and performers. The result is that the heretofore private decision-making process is encountering increasing pressure for reform.

The authors represented in this symposium—one of the first inquiries into athletics from an interdisciplinary perspective—carry the inquiry beyond professional sports into the area of amateur athletics, and a similar theme emerges. In the examination of some of the economic and legal aspects of amateur athletics, one attribute which attracts inquiry is the presence of an extensive governmental structure which, at least until recently, had been assumed to be purely private in character. The attention which this regulatory mechanism has attracted has largely been the result of two developments which suggest the inevitability of a conflict. On the one hand, the control exercised by the regulatory entities—the National Collegiate Athletic Association and the National Association of Intercollegiate Athletics, at the national level, and the various conferences, at the regional level—has grown more extensive. The NCAA, for example, no longer limits itself to the task of controlling competition on the playing field. Its recently amended regulations on recruiting and scholarship aid suggest that its member schools would have it assume the burden of regulating economic competition among the various institutions as well. But as the extent of the control has increased, so has the value of that which is at stake. From the schools' perspective, the regulatory bodies can influence the institution's access to ever-increasing monetary rewards in the form of television, bowl, and tournament receipts. For the amateur player, the regulators influence such matters as whether the individual can participate at all in intercollegiate competition, the amount of his aid, and his exposure to professional

opportunities. As the stakes become higher and the extent of control more pervasive, it is predictable that both the parties regulated and more disinterested commentators will seek to force the regulators to greater accountability.

In one sense, the new interest in the formal study of professional and amateur athletics merely reflects a more general public and scholarly belief that institutions which have an impact upon a substantial segment of society ought to be sensitive to popular concerns. The sizeable number of recent lawsuits affecting athletics, the expanding scope of congressional inquiry into sports activities, and the increasing body of private commentary indicate the extent to which this process of reassessment has extended to the sports institution. The particular concerns which are expressed, in many respects, mirror those which have surfaced in controversies involving other institutions. Thus, it is alleged that pursuit of economic advantage has been so intense at times that concern for the personal well-being of the participants has been ignored. Increasingly this criticism is directed not only to professional sports but amateur competition as well, as evidenced in inquiries into the misuse of drugs, improper allocation of financial assistance, and mistreatment of less skilled participants. Relatedly, there is an effort to force a reassessment of the purpose of athletic competition with the objective of giving a new voice to its training and recreational aspects.

Perhaps the most important controversy in this process of reevaluation is the question of what mechanisms will be used to achieve the desired adjustments. Those which have been proposed range from modest suggestions for improved private regulation to the extreme of a congressionally-created sports bureaucracy. The middle ground of judicial oversight through privately initiated lawsuits has had perhaps the greatest practical impact to date. But with respect to many of these alternatives, it must be asked whether the remedy may not be more inhibiting than the conditions sought to be corrected. If what is sought is more representative inputs into important areas of decision-making in sports, then our experience in other areas should raise doubts as to whether pervasive public regulation will achieve this. That we have not explored all of the possibilities of private accommodation is clear. For example, in professional sports, private negotiation in the form of collective bargaining, having once been given an initial encouragement by public regulators, seems to offer the prospect for reconciliation of many player complaints. Whether there are forces which will encourage a similar response in other areas, particularly at the amateur level, is less predictable. In any event, it is apparent that legal institutions will necessarily continue to assume some role in defining private prerogatives in sports controversies. The following articles explore some of the areas in which such legal inputs are likely to appear.

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