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Views
Ralph Nader and 'Pay for Play'

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 By **Allen Sack**

This year's National Collegiate Athletic Association men's basketball tournament is likely to be remembered not only for a championship game in which both teams struggled to put the ball in the basket, but also for the extraordinary media coverage it attracted to the issue of whether big-time college athletes should be paid. Special shows on PBS and other networks about paying college athletes were promoted as aggressively as the games themselves.

Even the consumer advocate and former presidential candidate Ralph Nader, a relative newcomer to this debate, was able to use the media frenzy to launch his own proposal to eliminate athletic scholarships altogether. The tepid to hostile reaction his proposal brought in many circles, including at the NCAA, indicates how far big-time college athletics has drifted from its amateur moorings.

Few people realize that throughout the first half of the 20th century, the NCAA remained steadfast in its opposition to athletic scholarships. Not only did such payments violate amateurism, the NCAA argued, but they might attract athletes with little interest in getting a college education. Like Nader, the NCAA supported need-based financial aid for all low-income students, including college athletes.

Because the NCAA had no enforcement power during those early years, its amateur rules were violated with impunity. Athletic scholarships were introduced in 1956 with the hope that openly paying the room, board, tuition and fees of athletes would put an end to under-the-table payments. Walter Byers, head of the NCAA at the time, later called athletic scholarships "a nationwide money-laundering scheme" that funnels under-the-table payments through the university's financial aid office.

When judged primarily on educational grounds, Nader's defense of need-based aid for athletes in big-time college sports places him at the head of the class as a defender of academic integrity in collegiate sport and of time-honored amateur principles the NCAA claims to defend. On this issue, as with many others he has addressed over the years, Nader stands virtually alone.

Yet there is another side to the athletic scholarship story. In the 1960s, an athlete could be awarded a four-year scholarship that could not be canceled or reduced if he or she were injured in sports or ended up being a "recruiting mistake." Coaches could make this commitment in writing. Four-year scholarships sent out a strong message that the NCAA was committed to athletes as students, not merely as commodities in a labor market.

In 1973, the NCAA replaced four-year scholarships with scholarships renewed on a year-to-year basis. Current rules allow schools to cancel or reduce an award at the end of a year "for almost any reason," giving coaches control over the daily lives of athletes that would be unimaginable in any other extracurricular activity. In other words, the basketball players who keep millions of dollars flowing into the "Big Dance" are not unlike paid employees who can be fired at will.

Given America's love affair with big-time college sports, it is hard to conceive how Ralph Nader, no matter how well-intentioned, will convert athletic programs such as those in the Football Bowl Subdivision over to the Division III, non-scholarship model. A plausible alternative is to focus resources on restoring multi-year athletic scholarships that cannot be reduced or canceled because of injury or insufficient athletic ability.

This approach would fall short of restoring amateurism, but it would restore athletes' status as students rather than as university employees.

Legal definitions of employment specify that to be an employee, a worker must not only engage in an employer's business, a condition easily met by athletes who generate millions for their schools, but also be able to be fired. If scholarships were renewed on the basis of academic progress rather than athletic performance, they would be educational gifts, not contracts for hire.

Last year, Joseph Agnew, a former Rice University football player, filed a class action against the NCAA after his scholarship was revoked in his junior year. Agnew's poor athletic performance, coupled with multiple injuries, led Rice to cancel his aid. Agnew argues that the NCAA has violated the Sherman Antitrust Act by not letting athletes bargain for multi-year scholarships. It is ironic and very sad that Agnew must go to court to restore an academic benefit that athletes took for granted 40 years ago.

Ralph Nader's proposal for replacing athletic scholarships with need-based financial aid is unlikely to gain support among athletes who feel financially exploited in the current system or women who have only recently gotten a seat at the scholarship table. A court victory for Agnew, however, could be a huge victory for athletes and academics alike. Nader and his League of Fans should consider broadening their proposal to include multi-year scholarships. This modest proposal, in conjunction with reforms such as freshman ineligibility for athletes admitted outside their institutions' normal admissions process, would go a long way toward helping to maintain athletes as an integral part of the student body.

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