Congressional Hearings and the Division I (Football Bowl Subdivision) Postseason Arrangement: A Content Analysis on Letters, Testimonies, and Symposums

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The purpose of this investigation aimed to examine public information presented at U.S. Congressional Hearings regarding the legitimacy of the Bowl Championship Series (BCS) arrangement from important stakeholders related to the Division I (Football Bowl Subdivision). This work centered on using actual transcripts, letters, and testimonies published by the: a) Senate Committee on the Judiciary (2003); b) Judiciary Subcommittee on Anti-trust, Competition Policy, and Consumer Rights (2005); c) House Committee on Ways and Means (2006); and the d) Energy and Commerce Subcommittee on Commerce, Trade and Consumer Protection (2009). A content analysis identified several themes which juxtaposed BCS-charter members and their supporters against non-BCS conferences and their supporters. The various themes emerging from this public discourse centered on the: a) welfare of student-athletes; b) protecting the sanctity and tradition of bowl games; c) the growing financial chasm between BCS and non-BCS institutions; d) logistical concerns related to alternative postseason formats; e) antitrust concerns regarding the current BCS agreement; and f) the fundamental fairness of the BCS arrangement, structure, and selection process compared to alternative formats (e.g., playoff).

Introduction

Various congressional hearings conducted in the United States between 2003 and 2009 centered on the National Collegiate Athletic Association's (NCAA) Division I Football Bowl Subdivision (FBS) postseason arrangement. Currently, teams participating in Division I (FBS) prefer bowl games for their postseason competition over an NCAA sponsored tournament. Each bowl game provides payouts to participating institutions and their conferences, which range from $325,000 to nearly $18 million per institution. Likely, support for the current postseason and Bowl Championship Series (BCS) arrangement is common among original charter-member BCS institutions (i.e. the ACC, Big East, Big 12, Big Ten, Pac-10, and SEC, and Notre Dame) due to their ability to secure a greater portion of the bowl system’s available opportunities and money versus their non-BCS charter peers (i.e. C-USA, MAC, MWC, Sun Belt, WAC, U.S. Naval Academy, and the U.S. Military Academy).
The 2009-2010 NCAA Postseason Football Finances Report (2010) and the subsections on the Summary of Revenue over Expense by Conference and BCS Revenue Distribution present this conclusion vividly. For instance, of the approximate $237 million in total bowl revenue produced during the 2009-2010 bowl season, BCS-charter institutions collected roughly $198 million of that figure (i.e. 83.6%) while non-BCS schools were left with $39 million to distribute to their member institutions. Next, between the 2005/2006 and 2009/2010 bowl seasons, the 24 BCS bowl games (i.e. Fiesta, Orange, Rose, Sugar, National Championship) produced a total of $717,639,147 million (i.e. average of $143,527,829 per season) for the NCAA participating institutions to share. From that figure, BCS-charter institutions secured $621,675,447 (i.e. 86.6%) for an average of $124,335,089 per season while non-BCS (Division I-FBS) schools accumulated $86,963,700 (i.e. 12.1%) for an average of $17,392,740 per season. The guaranteed financial difference between BCS-charter institutions and non-BCS schools is clearly evident and likely the reason for the lack of interest in any and all playoff proposals.

The revenue discrepancy produced by the BCS agreement and the current bowl system basically splits the Division I (FBS) into two differently treated groups. The favored institutions (i.e. BCS-charter schools) enjoy greater access to a large guaranteed bank while the so-called “have-nots” possess a very limited opportunity to secure a greater share of the pot and virtually no chance to annually contend for the national championship (Allred, 2010; Nixon, 2009; Rogers, 2008; Thieme, 2007). The BCS conferences also achieve great prestige with their common association while non-BCS schools endure a significant stigma. This all occurred despite the fact that a few non-BCS football programs (i.e. only six appearances in the 52 BCS games played since 1999) earned bids to play in BCS bowl games.

Interestingly, a distinctive payment structure for those non-BCS schools also exists which increases the literal and figurative gap. For instance, Texas Christian University (MWC) and Boise State University (WAC) both received bids to participate in 2010 Fiesta Bowl but each school was rewarded less than their respective BCS-charter peers. Specifically, TCU and Boise State collected $9.8 million and $7.8 million respectively for their conferences while the BCS-charter conferences each hauled in over $17.7 million (Non-BCS Conferences, 2009). This presents a real chasm in payouts and likely prevents non-BCS schools from upgrading their facilities, providing competitive coaching salaries, and recruiting highly-rated student-athletes to their institution like their BCS peers (BCS or bust, 2003; The Bowl Championship Series, 2009; Competition in college, 2003; Determining a champion, 2005; Hearing on BCS, 2009).

There is no doubt the popularity of Division I (FBS) football has grown tremendously. The high demand for college football across the country has presented an opportunity to expand the number of bowl games to 35 since its humble beginnings with the 1902 postseason Tournament of Roses event (i.e. precursor to the Rose Bowl). Thus, more than half of the 120 Division I (FBS) teams can participate in a bowl game and collect the generous revenues (e.g., sponsors, television, gate receipts) produced from those bowl payouts. On the surface, one might conclude producing more bowl games is great because it provides fans and players the chance to enjoy one more football game with their favorite football teams. However, the denial of several past and likely future opportunities for the both BCS and non-BCS schools to secure national exposure and significant revenue (millions of dollars) particularly from the higher-profile BCS bowls does not help assuage people’s interest in college football’s annual matching of a “true” national title game. Furthermore, while the guidelines presented in the current BCS selection process/arrangement, likely produces entertaining match-ups for the financial and public benefit
of participants that the previous bowl systems could not arrange, disputes continue to rage about access and the selection criteria used to gain entry to the five BCS bowl games.

The figures and information presented above generated several important questions and concerns regarding differences opinions and treatments between BCS and non-BCS charter institutions. The purpose of this investigation aimed to examine the public discourse on record in U.S. Congressional Hearings through testimonies, letters, and resolutions to gain a grasp of the perspectives shared by important stakeholders of college football. This work utilized actual transcripts published by the: a) Senate Committee on the Judiciary (2003); b) Judiciary Subcommittee on Anti-trust, Competition Policy, and Consumer Rights (2005); c) House Committee on Ways and Means (2006); and the d) Energy and Commerce Subcommittee on Commerce, Trade and Consumer Protection (2009) to build a working estimate of the concerns with the current Division I (FBS) postseason arrangement and alternative formats (i.e. playoff).

As a product from the content analysis, this study identified several themes which emerged from the information collected. Specifically, this work will describe which U.S. publicly-elected officials, college administrators, conference commissioners, bowl representatives commented on this topic. Within this study, the collective opinions of those stakeholders will be ascertained to provide a detailed and complete picture of their thoughts concerning the current bowl arrangement, BCS games, and the potential success of a playoff, including specific proposals. The antitrust issue associated with the current Division I-Football Bowl Subdivision (FBS) bowl arrangement, structure, and selection process is also far from a specious question. The bi-partisan efforts presented in this work between 2003 and 2009 identified the Division I (FBS) bowl system as potentially an illegal restriction of trade and in violation of federal anti-trust law. Thus, the antitrust debate will also be briefly discussed.

The history of the thoughts and feelings of the administrative core (i.e. university presidents/chancellors, conference commissioners, NCAA personnel activity, and bowl personnel) within the public forum has not been formally organized prior to this time nor has that been combined with the collective thoughts of politicians. As an underdeveloped topic, exploring the public discourse concerning the thoughts of these important stakeholders and politicians under oath appears legitimate because it can present us with a valuable public record to help showcase which points of interest remain and limit the production of a possible alternative postseason format for Division I (FBS). Capturing the themes of resistance appears important if any significant changes want to be made. Again, this review stands out because it highlights the importance of studying an issue of public record over time. Furthermore, Robert Ours, author of Bowl games: College football’s greatest tradition, also suggested the BCS system is not “fully effective” and that studying the evolution and maintenance of the current bowl system from a variety of perspectives is necessary to reveal how they developed into a powerful multi-million dollar industry and how they might be changed for future preferences (2004, VIII). The data presented in this paper provides a unique summary of the public discourse concerning this issue.

**Method**

The researchers conducted a content analysis of published congressional hearings, letters, testimonies, and symposiums to identify the various themes evolving from the discussions/meetings. A content analysis should be viewed as a methodological tool for gathering relevant data through a systematic examination of written, audio, or visual policy, guidelines, and philosophies to describe what the work communicates (Neuendorf, 2002; Salant & Dillman, 1994). It may specifically involve the counting and quantification of information.
themes, words, contexts, characters, interactions, bias, and ideas (Morrow & Waters, 1982). Overall, engaging in a content analysis provides opportunities to extract themes from a variety of work based on the most frequently seen, identified, or mentioned and those responses which expressed special intensity or depth of feeling (Morrow & Waters, 1982; Stemler, 2001). Appropriately, “inferences gained from a content analysis may be qualitative or quantitative or some combination of the two depending upon the problem under investigation,” (Morrow & Waters, p.32). The theoretical advantage of using a content analysis to examine congressional documents is that it intends not to pursue or refute a specific hypothesis or question. The researchers act as analysts who gathered information in small units. Individually, the units may serve challenging to present but combined they may communicate a significant story.

The researchers identified several items to collect information on in order to examine the congressional-related materials. The areas categorized for this work included: 1) name and title of individual; 2) institution and region/location of school; 3) BCS/non-BCS conference; 4) playoff/bowl system support; 5) type of playoff preference; and 6) any important quotes offered by those individuals. To assure proper selection of the correct category, operational definitions were created for each topic area and a coding sheet was developed. The controlled conditions provided an inter-coder reliability of 87% and an intra-coder reliability of 95%. Both numbers exceed general standards (i.e. 80%) recognized by Tan (1985).

To create the finished response, the researchers also created a detailed outline and spreadsheet to triangulate the information. Together these tools assisted the preparation of the manuscript because they helped identify, organize, and criticize the various themes emerging from the transcripts. The outline and spreadsheet entitled the researchers access to view the overall picture of the discussion. Furthermore, they provided the opportunity to determine which compositions and information would be useful for the completion of the research project and guided the pace of inquiry to advance a more thoughtful examination of the sources collected.

**Results**

The various transcripts used in this study produced a significant number of points to review. For instance, the investigation discovered several important stakeholder groups consistently surveyed which contributed significant information and insight on the bowl system and possible playoff alternatives regarding Division I (FBS) institutions. Those stakeholder groups included bowl executives (n=5), conference commissioners (n=4), and NCAA president Myles Brand. University/college administrators (i.e. presidents, chancellors, athletic directors) represented the 2nd largest group (n= 10) surveyed or acknowledged in the collected materials. Specifically, one athletic director (Gene Bleymaier- Boise State) and nine chancellors/presidents emerged to voice their opinion. The number of presidents/chancellors (n=4) opposing the concept of organizing a playoff or supporting the current bowl system greatly matched those who favored the playoff event (n=4). The largest group (U.S. Congressmen) voicing their opinion and questioning the legitimacy of the current bowl structure (n=24) involved six senators, 17 representatives, and U.S. President Barack Obama. Noticeably absent are representatives from the core stakeholder group of coaches and players in Division I (FBS). This work found only one representative from each group and neither were active participants at the time of their testimony (i.e. LaVell Edwards- Retired BYU Head Coach and Steve Young- Former BYU player).

Interestingly, most comments and opinions printed or spoken regarding the playoff topic from university administrators, bowl committees, and conference commissioners came from representatives of current BCS institutions (n=13 or 56.5%). A lower number (n=10 or 43.5%)
were from current non-BCS institutions and much of that came from letters. From a geographical perspective, there was good balance in the reported comments and opinions. For instance, each of the major regions of the United States (i.e. East, Southeast, Midwest, and West) was represented by the various sources and individuals from 14 different states joined the discussion. However, conference commissioners representing the Big Ten, Big 12, MWC, and ACC all appear to extend the reach of this point.

The type of playoffs supported or discussed by the various individuals varied greatly throughout the document review. For instance, the idea of an NFL-style or multi-game playoff was most recognized in the hearings. As an example, Jim Delany (Commissioner- Big Ten Conference) offered, “The champion—the commissioners of the six conferences have been instructed by their presidents and chancellors not to explore an NFL-style college football playoff inside or outside the existing bowl structure. This same position has been communicated directly to the NCAA by the Pac-Ten, Big Ten, and SEC presidents on several occasions during the 1990's” (Competition in college, 2003, p.24). Scott Cowen (President- Tulane University) on the other hand speculated resistance to a “NFL-like” playoff was primarily based on the belief that college football would become “too commercialized” if such a format was implemented (Competition in college, 2003, p.50). Of the NFL-like multi-game formats discussed by the various stakeholders, relative balance (n=5) emerged among the 16-team and 8-team arrangements, although the 8-team generated significantly more detailed discussion or attention, particularly following the pitch of Craig Thompson (Commissioner- Mountain West Conference) in April of 2009. The plus-one model or two-team playoff also received similar recognition and attention as a possibility (n=4). Still, as noted above, most testimonies and letters submitted indicated a preference by the participants to support the current bowl system.

Below is a more detailed summary of the information/highlights provided by the various stakeholder groups about the playoff topic and bowl arrangement during the congressional hearings. The various themes emerging from this public discourse centered on the: a) welfare of student-athletes; b) protecting the sanctity and tradition of bowl games; c) the growing financial chasm between BCS and non-BCS institutions; d) logistical concerns related to alternative postseason formats; and e) antitrust concerns regarding the current BCS agreement. Each of these themes are organized and underscored through the framed discourse presented by specific stakeholders (i.e. politicians, conference commissioners, university/college administrators, bowl committee representative, and the NCAA). A separate section on the missing voice of current core participants is also included for analysis.

**Discussion**

*The Politician’s Position on the Division I (FBS) Postseason Arrangement*

As noted above, the issues regarding the current BCS system and bowl arrangement attracted noticeable attention from United States Senators, Representatives, and the Office of the President. In each of the transcripts examined, few Senators or Representatives expressed, on the record, support for the current BCS system or bowl arrangement. However, despite the fact that Senator Jeff Sessions (Republican- Alabama) agreed the BCS system needed improvement, he did emerge as the lone congressmen openly against the playoff concept (BCS or Bust, 2003). Representative John Barrow (Democrat- Georgia) also neutrally suggested “With all due respect, I really think we have more important things to spend our time on” (Subcommittee OKs, 2009, para. 1). Representative Lee Terry (Republican- Nebraska) further noted he liked the controversy...
regarding the playoff debate versus the BCS system (Determining a champion, 2005). Still, neither of these opinions marked a clear position as anti-playoff or pro-BCS.

Senator Orrin Hatch (Republican- Utah) emerged as the Senator most frequently proclaiming an alternative postseason format was necessary to counter the financial chasm and stigma created by the BCS system. Few specific playoff arrangements were proposed by the various congressmen but a couple did provide some more detail. For example, Representative Lee Terry managed to indicate he preferred the plus-one option following the conclusion of the bowl games (Determining a champion, 2005). In two separate interviews with CBS’ Steve Kroft (60 minutes) and Chris Berman (ESPN), President Barack Obama also offered “I think it's about time we had playoffs in college football. I'm fed up with these computer rankings” (President-elect Obama, 2009). Obama further added, “If you've got a bunch of teams who play throughout the season, and many of them have one loss or two losses, there's no clear decisive winner. We should be creating a playoff system. Get eight teams -- the top eight teams right at the end. You got a playoff. Decide on a national champion. It would add three extra weeks to the season” (President-elect Obama, 2009).

The remaining Senators and Representatives generally expressed their concern with the current postseason arrangement and acknowledged that there must be a better way to establish a National Champion to ensure equality and/or equity (i.e. fundamental fairness) for all Division I (FBS) participants. Statements and positions regarding the Division I (FBS) postseason arrangement remained remarkably consistent, which provided an excellent track record of several reoccurring themes. For example, an overwhelming number of congressmen noted that the current BCS system is fundamentally unfair and created a competitive advantage for BCS institutions against their non-BCS peers. Senators Orrin Hatch, Joe Biden (Democrat- Delaware), and Robert Bennett (Republican- Utah) all committed to this position during the October 2003 congressional hearing (BCS or bust, 2003). Specifically, Senator Bennett commented that the BCS acted as a “cartel” which was created “to take advantage of television money” and that “The BCS system was created to make sure that 96 percent of all bowl revenue went to BCS conferences” (p.4). Senators Hatch and Biden also speculated the money provided to BCS institutions through the television contracts provided them tremendous recruiting advantages over their non-BCS peers for student-athletes and coaches. In particular, the Senators mentioned higher television revenue allowed them to recruit better because they could afford higher coaching salaries and create new or renovated facility construction projects. Not surprisingly, this work found no non-BCS school finished ranked among the top 25 for recruiting classes as evaluated by Rivals.com, Espn.com, or Scout.com since 2005.

To highlight the enormous chasm between BCS and non-BCS schools, the congressmen also offered up several examples. For example, Representative Rush provided that “Under the current BCS system, six of those conferences—the ACC, SEC, Big East, Big 12, Big 10, and Pac-10—are guaranteed $18 million each to distribute among their schools; while the five other, non-automatic conferences – the Sun Belt, WAC, MAC, Conference USA, and Mountain West – only receive $9.5 million combined. Notre Dame, an independent school, automatically receives $1.3 million all by itself” (The Bowl Championship Series, 2009, Rush Testimony p.1). Senator Hatch also added, “During the past four seasons, privileged conferences received more than $492 million from the BCS, whereas non-privileged conferences, who consist of nearly half of all schools in the FBS, received less than $62 million. These are hardly trivial sums and FBS schools rely upon football revenues to do such things as fund other athletic programs, provide scholarships, and meet the requirements of Title IX” (Hatch. 2009, p. 2). Clearly, these
comments were centered on how non-BCS institutions find themselves constantly behind in the areas of practice facilities, athletic tutorial services, recruiting, and all the other areas essential to running a successful program. The congressmen further suggested that if the BCS system and current bowl arrangement continued, the gap between non-BCS schools and BCS schools will widen to the point where non-BCS schools will likely never have the resources to catch up.

Senators Biden and Hatch also noted the “principle of fairness” was violated (p. 3) in that non-BCS schools realistically enjoy no legitimate opportunity to play for the national championship and experienced difficult barriers of entry into BCS contests their BCS peers did not have to address. Senator Jeff Sessions also added non-BCS schools were prevented from securing 2nd tier bowls (e.g., Capital One, Outback, Holiday, Alamo, Gator) due to conference ties-in to make a BCS rejection even more significant. Representatives Ric Keller (Republican-Florida), Anthony Weiner (Democrat- New York), John Conyers, Jr. (Democrat- Michigan), and James Sensenbrenner, Jr. (Republican- Wisconsin) also supported the notion that the BCS was fundamentally or “manifestly unfair” (Competition in college, 2003, p. 81). They further argued a playoff format of some kind was necessary to counter the damage produced by the BCS arrangement, selection procedures, and structure overall. In 2005, Representative Cliff Stearns (Republican- Florida) suggested the process to determine the teams qualified to play in BCS games was difficult if not impossible because computer rankings, coaches polls, and conference schedules are part of “fuzzy” calculation system capable of eliminating equally deserving BCS and non-BCS teams from the BCS and its title game (Determining a champion, 2005, p.2). In that same December 2005 session, Representative Lee Terry also agreed the BCS system leaves out deserving teams capable of performing well on the national stage. He further added this lack of opportunity may prevent them from balancing their checkbook and adequately running their athletic department. Representative Barbara Cubin (Republican- Wyoming) also noted that non-BCS schools uniquely and unfairly faced schedule difficulties (i.e. no home games and must schedule tougher out of conference competition) due to the BCS system, which prevented a more fair and equitable distribution of financial and human resources (Determining a champion, 2005). Overall, as Senator Hatch indicated, the current BCS system created a situation where Division I (FBS) has been separated into two distinct classes because revenues, resources, and treatments are not equally distributed based on the level of achievement or success obtained (Hatch, 2009). Conference affiliation instead guided the level of perception, opportunities, and money available.

The various Senators and Representatives also made it a point to suggest, “players from those 54 non-BCS schools are the only college football players who can’t compete for a national championship” (BCS or Bust, 2003, p. 24). For example, the NCAA provides opportunities to their members to compete for a national championship through NCAA directed events. However, Division I (FBS) is the only NCAA sponsored sport without an NCAA Championship event; the Bowl Championship Series is currently responsible for awarding the FBS Championship. Suitably, many Senators and Representatives asked why Division I (FBS) football was the only sport that the NCAA did not sponsor. The common answer provided by the NCAA (i.e. NCAA President Miles Brand) suggested the tradition and history of the bowl games was necessary to assure the continuation of the college football brand (Brand, 2006). Senator Joe Biden also proclaimed the NCAA sought to protect the bowl communities and committees as the main reason for no NCAA sponsored playoff (BCS or Bust, 2003).

Finally, as a response to the figures, statements, and positions described above, this investigation also found Representatives Bobby Rush (Democrat- Illinois), Joe Barton (Republican- Texas), John Carter (Republican- Texas), Michael McCaul (Republican-Texas),
Cynthia Lummis (Republican-Wyoming), and Gary Miller (Republican-California) co-sponsored a bill to the Committee on Energy and Commerce known as the “College Football Playoff Act of 2009” or House Resolution 390 which passed December 9th, 2009. The bill aimed to “prohibit, as an unfair and deceptive act or practice, the promotion, marketing, and advertising of any postseason NCAA Division I (FBS) football game as a national championship game unless such game is the culmination of a fair and equitable playoff system” (College Football Playoff Act, 2009, p.1). Also as voiced by Representative Rush, the bill helped “ensure that the vision of a true college football champion, determined on the field of play, comes to fruition” and that “non-favored conferences” are not penalized by arbitrary rules and an inequitable distribution formula concerning postseason revenue. Representative Terry speculated his newfound support and possibly others of H.Res. 390 “stemmed largely from Nebraska’s last-second loss to Texas in the [2009] Big 12 Championship Game” (Benning, 2009, para.6). Terry suggested “he never envisioned legislating a college football playoff” but the controversial end to the Texas-Nebraska game which “allowed Texas to kick a game-winning field goal, showed him the BCS is solely about money” (Benning, 2009, para. 6).

It should be noted that a House or Senate Resolution is a simple legislative proposal which does not require the approval of other chambers of Congress or a signature from the President of the United States. Resolutions serve only to change the internal workings of a chamber of Congress or to express the sentiments of the house or senate. They do not possess the force of a law. House and Senate Resolutions connected to college football are quite common. For example, House Resolution 153 and Senate Resolutions 13 and 653 all served to recognize the efforts of college football teams for significant accomplishments in recent seasons. Specifically, House Resolution 153 involved 30 sponsors and acted to “commend the University of Southern California Trojan football team for its victory in the 2009 Rose Bowl.” Senate Resolution 13 congratulated “the University of Florida football team for winning the 2008 BCS national championship.” Senate Resolution 653 also commended “the outstanding athletic accomplishments of The Ohio State University for achieving its 800th all-time victory” in September of 2008.

Prior to H.Res. 390, the “College Playoff Act of 2008” or H.Res. 7330 was also offered by Representatives Barton, McCaul, Rush, and Lamar Smith (Republican-Texas). However, it did not pass the House of Committee on Energy and Commerce (College Football Playoff Act, 2008). A couple of House Resolutions also demonstrated the commitment of some members of congress to eliminate or condemn the current bowl system as the way to determine the national champion. Specifically, House Resolutions 68 (2009) and 1120 (2008) were created to support “the establishment of an NCAA Division I Football Bowl Subdivision Championship playoff system in the interest of fairness and to bring parity to all NCAA teams.” Co-sponsored by Neil Abercrombie (Democrat-Hawaii), Jim Matheson (Democrat-Utah), Michael Simpson (Republican-Georgia), Lynn Westmoreland (Republican-Georgia) and Michael McCaul, the 2008 attempt (i.e. H. Res. 1120) died in the House of Education and Labor while the 2009 action (i.e. H.Res. 68) was referred to the Committee on the Judiciary, and in addition to the Committee on Education and Labor. In both cases, the House Resolutions briefly reviewed the history of the playoff discussion and bowl arrangement. Furthermore, they identified Division I (FBS) as the only “major college sport without an NCAA championship” and rejected “the BCS system as an illegal restraint of trade that violates the Sherman Anti-Trust Act.” They also demanded “the United States Department of Justice Antitrust Division investigate and bring appropriate action to have the BCS system declared illegal and require a playoff to determine a national champion.”
The Position of the NCAA President Myles Brand

In Myles Brand’s statement to Congress in late October 2003, he described the NCAA as a “voluntary association of 1,260 colleges, universities, athletic conferences, and related organizations” (BCS or bust, 2003, p.41). Mistaken by several congressmen, Brand denounced notions that the offered sale of broadcast rights to CBS and ESPN or agreements reached with corporate sponsors provided them say in the operation of the NCAA (Brand, 2006). Brand also specifically identified that, “no authority resides within the NCAA unless granted by the member institutions through their representatives” (BCS or bust, 2003, p.42). The NCAA’s role in the Division I (FBS) postseason is very minimal and primarily focused on the certification process for bowls to ensure uniformity of bowl administration, financial stability, and compliance with NCAA playing rules. Brand further explained, “The association’s involvement in I–A [FBS] football was significantly diminished in 1982 when the U.S. Supreme Court ruled the NCAA’s regular season television contract a violation of the Sherman Antitrust Act. As a result, schools negotiate television contracts through their conferences. The 64 BCS schools have further negotiated joint television contracts for the four major bowls” (BCS or bust, 2003, p.13).

These facts are important to convey because changes to the Division I (FBS) postseason cannot be made unless agreed upon by all the BCS conferences. Dr. Brand noted, since 1997, Division I athletics “operated with a structure that places decision-making in the hands of 18 university presidents appointed by their conferences to a Board of Directors” (BCS or bust, 2003, p. 42). From this statement, Brand made clear that any changes to the current BCS system, current bowl arrangement, and the possibility of a NCAA sponsored tournament/playoff must come from this Board of Directors. Football playoffs in Division I (FCS), II, and III existed because the member schools of these divisions established and agreed to this format. Membership in Division I (FBS) never voted to conduct an NCAA sponsored football tournament, although Brand did acknowledge several attempts to collect data and examine the possibility of an alternative FBS postseason did occur in 1976, 1988, and 1994 (BCS or bust, 2003; Competition in college, 2003).

Dr. Brand stated part of the existing contrast between postseason styles of the different NCAA divisions was due to the bowl tradition created by and for Division I (FBS) programs. Brand also mentioned the bowl tradition dated back to the early years of the 20th century and evolved to secure a permanent position in our nation’s history, identity, and holiday season (BCS or bust, 2003; Competition in college, 2003). Specifically, Brand noted, “Significant benefits have been derived from the bowl games for the participating institutions, the communities in which they have been conducted, and for the popularity of college football. Even before the BCS was created, these holiday events brought a level of drama and excitement to postseason football and the communities where they took place that continues as a fixture of the American sports culture” (BCS or Bust, 2003, p. 44). In essence, Brand argued on the behalf of the bowl system as established in American culture and as an activity promoted by communities for their benefit and that of higher education, student-athletes, and the college football fan nation. He further conveyed that he would not support a playoff because he felt it would diminish if not destroy the bowl system and the unique benefits it provides. He speculated the communities and the charitable organizations historically connected to the bowl contests would also suffer financially with the creation of an NCAA sponsored tournament (BCS or bust, 2003; Competition in college, 2003). Still, when pushed by the Senate and House hearings, Brand acknowledged he...
believed and NCAA sponsored playoff would be a great commercial success and generate significantly greater revenues for the NCAA (BCS or bust, 2003; Competition in college, 2003).

The concept of revenue was also an important theme or topic discussed throughout Dr. Brand’s interactions with the U.S. Congressmen. Brand (2006) viewed the revenue generated from football as a resource which was redistributed to pay for sports that generate little or no revenue (Brand, 2006). Brand (2006) alleged athletics cannot operate without significant revenue sources and he recognized the interest from television networks, the addition of a 12th game to the regular season, and the embracing of corporate sponsors as methods or tactics embraced by the membership through football to increase revenues. As an example, corporate sponsorships were singled out as able to generate approximately $275 million in annual athletics revenues (Brand, 2006). Without football, Brand claimed many if not most other sports at an institution “might not otherwise exist” and “athletics, like every other department on campus” could not operate to “meet expectations” (Brand, 2006, p. 15).

Interestingly, Dr. Brand also addressed the fairness theme by admitting a discrepancy does exist in the Division (FBS) current postseason arrangement regarding access to major bowl games by non-BCS institutions but he offered the “current [BCS] revenue structure is a result of the free-market at work” (BCS or Bust, 2003, p. 47). Brand also proposed that “during the 15 years proceeding creation of the BCS, there were 120 selections made to the four bowls and only once did a non-BCS school participate, and that was more than 10 years ago” (BCS or Bust, 2003, p. 44). Furthermore, Brand offered non-BCS schools enjoyed a much more real opportunity today than they did prior to the establishment of the BCS to secure a position at one of those four major bowl sites (i.e. Fiesta, Orange, Sugar, and Rose). Still, when pressed about the public’s request for a playoff postseason format for Division I (FBS), Brand saw no functional reason or barriers (i.e. technological or logistical) for why a playoff would not work in today’s society (BCS or bust, 2003; Competition in college, 2003). For instance, Brand did not believe an NCAA sponsored tournament would impose severe academic consequences on participants (BCS or bust, 2003; Competition in college, 2003). He further offered the sport of football provided “educational value” to participants (Brand, 2006, p. 9). Brand supported this position through a quote he used from Former University of Tennessee Quarterback Peyton Manning which proposed “As student-athletes, we learn more than most people…the blessings of…camaraderie and shared sacrifice, collective responsibility and commitment to excellence, and time management and life management (Brand, 2006, p.4). Brand also noted “football student-athletes generally have less missed class time than any others on campus because they have only one game each week, at least half of which are at home (Brand, 2006, p. 6).

In the end, Dr. Brand advised any decision to implement playoff should center on improving the experience of athletes and excitement of college football as a commercial product. Brand asserted the NCAA has a responsibility to protect the integrity of the game and he stressed “no school, including the BCS institutions, should be disadvantaged by any new approach” (BCS or Bust, 2003, p. 47). Any changes made to the current system must add value for all the participants. Brand also emphasized to the committees that the best way to implement any type of change is through accordance with school presidents. Specifically, Brand contended he believed “presidents of these [Division I (FBS)] institutions can reach a mutually agreeable position that is fair, that acknowledges differences in tradition and investment levels, and that preserves the integrity of the game” and the academic welfare of student-athletes (BCS or Bust, 2003 p. 48). Brand viewed, “Intervention by the courts or advocacy for one group over another by elected officials at any level” as “counterproductive” (BCS or Bust, 2003, p. 48).
The Perspective of University and College Administrators

Appropriately, the congressional hearings called university presidents and chancellors from both non-BCS and BCS institutions to provide their perspective on the current Division I (FBS) postseason arrangement. BCS institutional administrators presented juxtaposed positions to that offered by their non-BCS peers. BCS institutional administrators contributing testimonies to the congressional hearings included Harvey Perlman (Chancellor- University of Nebraska) and Robert Khayat (President- University of Mississippi). Non-BCS contributions surfaced from Michael Young (President- University of Utah) and Scott Cowen (President- Tulane University). Several presidents/chancellors also provided letters to support either their BCS or non-BCS peers. For example, a letter from Steven Sample (President- University of Southern California) was used to strengthen the position of BCS institutions while letters from Robert Glidden (President- Ohio University), Gary G. Michael (Interim President- University of Idaho), Malcolm Gillis (President- Rice University), and Sidney A. Ribeau (President- Bowling Green State University) served to bolster support for the non-BCS view.

Non-BCS institutional presidents collectively indicated the current BCS arrangement is an unfair and exclusionary system which harms both their reputation and financial prospects. President Gillis further advocated he thought this was a “serious matter” that required “rectification” (Competition in college, 2003, p. 54). Unanimously complaints shared by non-BCS administrators centered on the unequal distribution of revenue by the current BCS system and the bowl selection process. As an example, Cowen shared “Since the inception of the BCS arrangement in 1998, the BCS conferences’ 63 schools have shared approximately $450 million, while the other 54 Division I-A [FBS] schools shared $17 million” (BCS or bust, 2003, p. 16). Cowen further lamented that this money not only affected an institution’s football program but created additional negative consequences for other aspects of the institution as well (BCS or bust, 2003; Competition in college, 2003). President Young further supported this notion by disclosing “Particularly in the current economic climate, non-AQ [academic qualifier] Conference universities are challenged financially and may have insufficient funds to adequately support athletic programs” (Hearing on BCS, 2009, Young Testimony, p. 5). President Glidden also provided participation in Division I (FBS) is frustrating as BCS schools developed a “virtual monopoly” in college athletics to “dominate football revenues” which continued to produce an increasing “imbalance overall” (Competition in college, 2003, p. 53). Expectedly, Glidden added, he felt the NCAA should govern college football’s postseason and not a “self-selected group of institutions with major football programs” (Competition in college, 2003, p. 53).

President Ribeau argued non-BCS schools “deserve the same opportunities to compete in BCS bowl games as other Division IA [FBS] student-athletes” (Competition in college, 2003, p. 55). Ribeau and Young speculated that BCS schools created that system and taken advantage of their position as schools with larger enrollments in higher populated areas to maintain their position on the top of college football (Competition in college, 2003; Hearing on BCS, 2009). President Young further endorsed the negative consequences of this arrangement by identifying “Conferences who are guaranteed annual participation in BCS bowl games garner increased media attention and recognition for their member universities. The increased visibility for universities that play in BCS bowl games can have a positive effect on enrollment applications” (Hearing on BCS, 2009, Young Testimony, p. 6). Clearly, Young and others demonstrated the stigma created by the non-BCS affiliation limited their ability to market themselves to prospective students and served to increase the gap between them and BCS institutions.
President Ribeau and other non-BCS member institutions consequently urged congress to “support the non-BCS position” and “level the playing field for all student-athletes” without consideration for their market potential because as Ribeau preferred to believe in a higher education that strives “to teach our students that the United States provides opportunities for all Americans, not just ones in major TV markets” (Competition in college, 2003, p.55). President Young further added “College sports should promote fairness and equity and the fundamental concept that anyone with the skills and drive to succeed can achieve the highest levels of greatness” (Hearing on BCS, 2009, Young Testimony, p.7). Cowen contended the BCS may also not guarantee the best match-ups annually or that the two best teams will play for national title. Cowen hypothesized this hurt consumer preferences and may event violate antitrust laws (BCS or bust, 2003; Competition in college, 2003).

As a Professor of Management with a specialty in Strategy, Cowen also presented the BCS as inadequate and defective because other alternative postseason approaches would produce more benefits for all Division I (FBS) institutions and participants, including those in BCS schools (Competition in college, 2003). As an example, Cowen presented an 8 to 16-team playoff would generate great commercial excitement beyond the current BCS model because it is so highly preferred by the public. He also added he felt confident this format was capable of creating a bidding war among television broadcasters and corporate sponsors to rival the NCAA men’s basketball tournament. Cowen viewed coordinating the event with current bowl locales and with respect to welfare of student-athletes as possible. Furthermore he indicated these should remain as major points to consider with any alternative postseason format. Cowen added the myth about non-BCS school competitiveness and fan nation travel is completely false. In his view, the fan nation of non-BCS schools would travel to prestigious events if provided the opportunity to join.

President Michael Young’s testimony also attempted to break down several existing stereotypes to an alternative postseason format (Hearing on BCS, 2009). First, he noted the BCS is not supported by the public when the idea of a national tournament is presented as an alternative option. Next, Young used Utah’s performance against Alabama during the 2009 Sugar Bowl and Boise State’s win over Oklahoma in the 2007 Fiesta Bowl as examples that a non-BCS school cannot only perform well on the field against BCS competition but serve as an attractive commercial entity capable of producing high television ratings. Young also offered up that regular season would be more interesting with the opportunity to join the playoff. As an example, Young claimed since all teams will start each season with a legitimate shot to win a national title, teams will jockey for position in light of selection criteria/committee throughout the season for seeds and entry to make for an exciting regular season. Finally, President Young suggested the logistical argument of extending the season appeared as a weak attempt to justify an objectively wrong position. To Young, any acceptable national tournament would occur only during the holiday season and weekends with only a small number of schools to be involved each year. The non-BCS view suggested the playoff should not impact the student-athlete academics.

BCS presidents and chancellors offered a completely different perspective on the current bowl arrangement and other possible alternative formats for a Division I (FBS) postseason. For instance, presidents Perlman, Sample, and Khayat all believed in the tradition and sanctity of the bowl games and openly worried that the implementation of some type of playoff structure will cause more harm than good for college football (BCS or bust, 2003; Determining a champion, 2005; Hearing on BCS, 2009). Specifically Perlman suggested “A multi-game playoff would substantially harm the existing bowl games and their communities that have been such great
supporters of college football over the years” (Hearing on BCS, 2009, Perlman Testimony, p. 5).
President Steven Sample indicated he also viewed the multi-tiered playoff format presented by Cowen and others as likely to diminish the regular season; furthermore, it prevented too few teams with the opportunity to play in the postseason if it totally replaced the bowl system. Like Perlman, Sample speculated a multi-tiered playoff as likely to cause “great harm to the current system of bowl games and their host communities that have been part of the fabric of America’s celebration of the holiday season since the early 1900s” (Determining a champion, 2005, p. 58). Bowl games, Sample argued, “are a catalyst for significant economic development, charitable development, and volunteer service in sponsoring communities” (Determining a champion, 2005, p.58). Perlman and Khayat suggested this distinguished college football from other sports. Changing the BCS structure runs the risk of losing this tradition and as Khayat conveyed pursuing “an NFL-style playoff” would take away “some of the uniqueness of college football” (Determining a champion, 2005, p. 32).

Both presidents Khayat and Perlman also posited that a national tournament would take away from the importance of each individual season game and conference championships. Perlman argued the BCS places an enormous amount of pressure on programs to perform well during each week of the regular season and that “One of the attributes that gives the game great national appeal is that teams essentially play games of championship importance every Saturday in the fall” (Determining a champion, 2005, Perlman Testimony, p. 6). Khayat also noted “There is no reason to believe that a playoff format would produce an undisputed national champion. For example, the Final Four has grown from a 16-team format, to a 32, then a 64, and now a 65” and there are still debates about who is best and who is left out (Determining a champion, 2005, p. 32). Perlman further remarked this “emphasis on a handful of games in March has made regular season basketball and conference championship races much less significant” (Hearing on BCS, 2009, Perlman Testimony, p. 6).

Perlman and Khayat indicated devaluing the regular season would create a trickle-down situation where athletic departments relying on football revenues would fail in their obligation to meet and maintain Title IX obligations or that required to sustain less popular sports (BCS or bust, 2003; Determining a champion, 2005). Clearly, protecting the value of the regular season was important to BCS university administrators because they viewed the health of the athletic department and bowl communities as dependent on football revenues. Although, Perlman admitted he felt an organized playoff for the national championship would attract more media attention and respect from the general public, he also suggested this was not guaranteed particularly because he did not believe fans were likely to travel continuously over several weeks to follow their team (BCS or bust, 2003; Hearing on BCS, 2009). Without guarantees, the playoff idea was simple speculation and logistically challenging.

Finally, Perlman acknowledged not all schools deserved an equal shot at the national championship or the money provided by BCS contests (Hearing on BCS, 2009). He and the other BCS presidents/chancellors also shared the belief that a national playoff unnecessarily extended the length of the season. Specifically, presidents Khayat and Perlman both openly feared implementing some type of playoff structure would extend the season into January and intrude upon the spring semester (Determining a champion, 2005, p. 32). Khayat purposely identified it was necessary to protect “the academic integrity of our universities” (Determining a champion, 2005, p. 31). Perlman also noted the BCS helped assure the welfare of student-athletes because they would get the opportunity to participate in the festivities related to bowl appearances and decrease the likelihood of injury or that they would fail autumn classes (Hearing on BCS, 2009).
Bowl Committees and BCS Conference Commissioners: Two Peas in a Pod

Not surprisingly representatives from bowl committees unanimously supported the bowl system. Echoing the sentiments of BCS presidents, Rose Bowl Chairman William Johnstone argued, “We believe that a playoff system with assigned teams on assigned days would adversely affect the tradition of our presentation of America’s New Year’s celebration, and the economic vitality it brings to Pasadena and the greater southern California area. We could not support any system which would diminish the prestige and luster of the Rose Bowl game, or work toward elimination of playing the Big Ten and Pac-10 Conference champions on or about New Year's Day in Pasadena, California each year” (Determining a champion, 2005, p. 38). Keith Tribble (Chairman- Football Bowl Association) similarly testified that the Orange Bowl was important to save because it contributed greatly to the community of Miami with community events and the Orange Bowl Foundation, the charitable arm of the organization, which served to fund youth athletic endeavors and scholarships (BCS or bust, 2003). John Junker (Chief Executive Officer and President- Fiesta Bowl) also described the Fiesta Bowl as important to local charities. For example, Junker established that the Fiesta Bowl donated nearly $400,000 to charities around Phoenix during 2005 (Determining a champion, 2005).

Keith Tribble presented, through a report completed by the Sport Management Research Institute, that the 2001 Orange Bowl Festival generated an economic impact of $107.3 million to the South Florida area (BCS or bust, 2003). Furthermore, the 2004-2005 bowl season boosted local tourism and the economy at 28 bowl sites worth an “estimated $1 billion in economic impact” (BCS or bust, 2003, p. 18). Derrick Fox (Chief Executive Officer and President- Alamo Bowl) provided similar numbers for annual economic impact ($1.1 billion) and noted the bowls collectively will provide over the next “10 years $2.2 billion to more than 100 institutions of higher education,” and that they serve as a “commendable and worthwhile” commodity worth protecting (Determining a champion, 2005, p. 41). Tribble and Fox posited the bowls create excitement and visibility to generate increases in donations, licensing revenues, television contracts, season ticket sales and other long term sources of revenue for participating teams (BCS or bust, 2003, Bowl Championship Series, 2009). Overwhelmingly, Bowl Association representatives foresaw them as a positive experience guaranteed to provide significant benefits to a variety of groups and individuals.

Commissioners of BCS conferences presented nearly identical support for the current bowl system (Competition in college, 2003; Determining a champion, 2005; Bowl Championship Series, 2009). As an example, John Swofford (Commissioner- ACC) presented the Orange Bowl donated roughly $2.5 million to assist Miami-Dade County toward the renovation of an area landmark (i.e. Moore Park) and the creation of a youth football complex (The Bowl Championship Series, 2009). Kevin Weiberg (Commissioner- Big 12 Conference) likewise noted the Sugar Bowl estimated “the January 2005 game between Auburn and Virginia Tech created an economic impact of nearly $210 million for the city of New Orleans and the state of Louisiana and that state and local governments realized nearly $16 million in tax revenues as a result of the game” (Determining a champion, 2005, p.19).

Jim Delany (Commissioner- Big Ten Conference) also argued the BCS and other bowl games provided enjoyable experiences (e.g., parades and parties) for student-athletes a playoff would likely not produce. The BCS commissioners also described the playoff as capable of hurting their kids academically (i.e. extending the length of the season) and likely to impose
harmful pressures to perform well on the field. Delany and Swofford further claimed bowl games were commercially attractive throughout the United States and that members of a schools fan nation travel great distances to support their team. They also suggested they did not believe fans would travel to support their team during a multi-tiered national tournament but did acknowledge it would be commercially attractive if spots were guaranteed to the BCS conferences (Competition in college, 2003; Determining a champion, 2005; Bowl Championship Series, 2009). Still, as Swofford noted, any confidence he had in the playoffs as able to produce more revenue than current bowl system remained dubious because there were no guarantees; moreover, it was logistically impossible during the holidays (Bowl Championship Series, 2009).

Next, all BCS commissioners posited the bowls would cease to exist as we know it with the acceptance of a national tournament because bowl revenue or survival was based on television agreements, network advertising, corporate sponsorship, and fan attendance. Essentially, the BCS commissioners viewed an NFL-style playoff as competition to bowl events and one which would prevent them from securing the necessary revenue to continue. The BCS commissioners also failed to see the bowls as adaptable or capable of joining any national tournament format. In fact, most viewed the idea of a playoff as capable of eliminating all bowl games, not just the BCS contests. Thus, this meant reducing the total number of teams invited to postseason play, which commissioners were not interested in seeing. Early round contests for a NFL-style playoff were consistently mentioned as likely to occur at an institution’s home; however, none mentioned the economic impact one additional playoff game would mean to their local campus community.

The various BCS commissioners also continued to emphasize the BCS system was a great improvement over the previous bowl arrangement because it matched #1 and #2 in a title game, a rare occurrence previously, and provided exciting match-ups. Furthermore, they supported the notion that the BCS respected the regular season best over other alternative formats because it served to focus on conference races and created more intersectional match-ups. Weiberg and Delany suggested the playoff would prompt more winning-centered coaching as coaches will concentrate on making the playoff without respect for the welfare of their players. They speculated injury rates would increase and that extending the season would not provide an adequate enough time for student-athletes to recover mentally and physically. When prompted by the congressional panel to further explain this concept, the conference commissioners seemed to support the notion that the physicality is substantially different (i.e. more dangerous) at FBS than other levels of football and that FBS institution student-athletes were more academically unprepared to succeed at institutions of higher education than lower levels of NCAA football. Interestingly, Senator Joe Biden reacted strongly to this comment. As a former college football star at the University of Delaware, Biden questioned why playoffs for the Division I Football Championship Series (FCS) and the other levels of football (i.e. Division II and III) do not prompt concern over those students’ academic performance. He further added he was confident FBS student-athletes would be able to academically and physically handle a different postseason arrangement and that people from non-BCS schools would show up or travel for a playoff event (BCS or Bust, 2003). In Biden’s opinion, BCS supporters had a weak argument here; the kids even participate in playoffs at the high school level for 14-15 games.

Craig Thompson (Commissioner- Mountain West Conference) offered the lone voice of the dissenting non-BCS conference commissioners during the various congressional hearings (Hearing on BCS, 2009). As their representative, Thompson claimed the BCS and current bowl format existed as a fundamentally flawed system in structure, arrangement, and selection because
not all FBS universities stood on equal and/or equitable footing. Expectedly, Thompson argued the current system created a great *financial chasm* between BCS and non-BCS institutions as well as stigmatizing their athletic and academic programs. As an example, Thompson criticized the gross inequity concerning the bowl payouts by noting, “In 2008, the Mountain West and an AQ qualifying conference each had one team play in a BCS bowl. But the Mountain West had three teams ranked in the top 16 final BCS standings, all finishing above the AQ Conference’s automatic qualifier, who finished ranked 19th. Yet the AQ Conference received $18.6 million while the Mountain West received only $9.8 million” (Hearing on BCS, 2009, Thompson Testimony, p. 2). Thompson ultimately offered this financial disparity prevented non-BCS school from enjoying the benefits their BCS peers enjoy like improved academic programs with additional academic advisors, upgrades to university computer laboratories, increased academic scholarships, better medical treatment, and facility upgrades with a manageable debt retirement. Thompson also supported the idea that the financial gap between non-BCS and BCS schools made it difficult to keep on pace with funding non-revenue sport and Title IX compliance.

Craig Thompson campaigned for a playoff and argued it would be attractive for several reasons. First, every team would legitimately start the season with a chance to win the national title. Thompson reasoned roughly half of the FBS is eliminated for the BCS title before the season begins. Second, Thompson suggested the automatic qualification component (i.e. conference championship), confusing computer calculations, and human pollsters regularly bumped deserving non-BCS schools from the participation in the BCS. A playoff would use performance-based standards to select and seed the teams for a national tournament. Thus, the concept of *fundamental fairness* would be addressed because access to the playoff would be based on results. Like the NCAA Division I Men’s Basketball Committee, which he chaired in 1999, Thompson viewed a similar football committee would be established to seed and select the teams for the national tournament. Thompson maintained the NCAA Division I Men’s Basketball emerged as a good model to follow because it provided balanced representation between schools based on their merit. The BCS Presidential Oversight Committee was severely unbalanced as all non-BCS schools were represented by one individual vote while BCS conferences and Notre Dame each maintained one vote a piece (Hearing on BCS, 2009).

Thompson then disagreed with his BCS peers that a 15-16 week football season would inflict *harmful physical and academic consequences* upon playoff participants. As a rationale, Thompson offered high school football seasons frequently extend to that length and student-athletes at lower levels of NCAA football also successfully navigate those schedules. Ultimately, Thompson viewed the playoff as *logistically possible* and questioned the attractiveness of the BCS bowl games as rewards for some regular season performances. Furthermore, he advocated non-BCS schools should be rewarded because it is *manifestly unfair* to exclude them when their performances suggest they are worthy. Finally, Thompson speculated rewarding non-BCS and BCS institutions with an equal opportunity to play in an organized national tournament should attract high television ratings, which many BCS games fail to do, and settle arguments about #1.

**The Missing Voices of the Core Participants**

Fascinatingly, the thoughts, concerns, and preferences of current student-athletes and coaches were not offered during the various hearings or in the letters and testimonies despite the fact they existed as significant stakeholder groups involved with the core production of the college football postseason. The lack of feedback from student-athletes and coaches appears
illegitimate because it is tough to speculate on their academic and physical concerns when they are not surveyed or called to testify. In the present investigation, LaVell Edwards, former head football coach at Brigham Young University (BYU) and Steve Young, former quarterback at BYU served as the only representatives of these two groups. Again, all other thoughts regarding the beliefs and opinions of these two groups were speculated upon or relayed by representatives of the various bowl committees, conference commissioners, and the congressmen themselves. Coach Edwards spoke adamantly about the fundamental unfairness of the current BCS System. For instance, Edwards argued that the current system goes against everything children in this country are taught to believe: “teachers, counselors, and parents across the country are telling young men and women that if they work hard, commit themselves, and never lose sight of their dreams, they can become what they want” (BCS or Bust p. 61). Part of the mystique and prestige of being a collegiate athlete, Edwards further maintained, is the common dream that all athletes share the possibility of becoming a National Champion. Edwards acknowledged for many programs this dream is a far-fetched but nonetheless still existed under the old bowl system.

Coach Edwards offered his experience in 1984 as evidence when he coached BYU to a National Championship after beating Michigan in the Holiday Bowl. During his career, Edwards noted he led BYU to 22 bowl games, finished 13 times among the top 25, and produced a number of all-American quarterbacks. However, his 1996 team which finished 14-1 and 5th ranked in the country was denied by the BCS system to test their mettle against other top performing programs because they were a non-BCS charter member institution. Edwards supported the notion that for the student-athletes of 54 universities (i.e. non-BCS institutions), the current BCS system makes playing for a national championship an impossible fantasy. This dream is eliminated because “the BCS is stacked in favor of the teams from their six-conference alliance, who alone can play in the national championship game at a pre-determined bowl game site” (BCS or bust, 2003, p. 58). Interestingly, Edwards also noted his team’s 15-game schedule, the longest in the history of Division I (FBS) did not adversely affect his kids’ academic performances. In fact, Edwards expressed it also did not impact his team’s injury rate either.

Next, Coach Edwards also expressed concern that “the gap between elite college football programs and the rest of Division I-A [FBS] football will continue to widen and many universities will be forced to drop their programs altogether” (BCS or bust, 2003, p.60). Edwards suggested the increasing gap between non-BCS and BCS schools was the result of several factors such as: a) unfair bowl payouts; b) the stigma of being associated as a non-BCS institution; c) recruiting advantages enjoyed by BCS institutions; and d) less appealing bowl city destinations for non-BCS schools. Edwards illustrated this by stating, “At BYU, a traditional recruiting hurdle was encountering Pac-10 coaches who would tell kids if they attended BYU, they would never play in the Rose Bowl. With the BCS in place, Pac-10 coaches could, and would, tell kids not only couldn't they play in the Rose Bowl, but they wouldn't play in a national championship game, if they went to school in Provo. And they were right” (BCS or bust p. 61).

Like Senator Jeff Sessions, Edwards also posited the BCS created a negative ripple on the rest of the bowl games. For instance, Edwards claimed, “After locking up the top four games, teams from the non-BCS schools are shut out from the next level of bowl games” too (BCS or bust, 2003, p. 61). Edwards then offered, “The organizers of these bowl games extend invitations to the second place teams from the allied conferences…non-BCS teams then must go to cities not as appealing as Miami and New Orleans, making it difficult to attract alumni and their fan base to travel” (BCS or bust, 2003 p. 61). Clearly, Edwards suggested non-BCS schools would produce better television and attendance marks, perhaps on the same level or beyond their BCS
peers, if they were provided the opportunity to travel to a more preferred and deserving location. To put this in another perspective, how are fans of the champion of the Mid-American Conference supposed to get excited about traveling to Detroit to play the 8th place team in the Big Ten, which is the Little Caesars Pizza Bowl agreement (Big Ten and Little Caesars, 2010).

Steve Young, former quarterback at BYU, represented the sole voice of football playing student-athletes. Young focused his testimony on the negative effects the current bowl arrangement and BCS system imposes on the student-athlete, as well as the general student population. As an example, Young contended, “All students at colleges and universities not part of the BCS system are negatively impacted by the enormous sums of money funneled to the BCS institutions…Precious funding for these non-BCS institutions, that would otherwise be allocated to the building of classrooms and libraries, salaries for excellent faculty, and for the support of scholarship and research, must be funneled to athletics in order to give them any shot at competing against BCS institutions” (Competition in college, 2003, p. 36). Young also offered he believed the current postseason arrangement goes against the morals and values that our country was founded upon. For instance, Young stated, “Our country was built by men and women of amazing character who dared to dream of a vision of a new democracy, one in which all people could achieve greatness…the BCS system is a sad departure from this great American tradition” (Competition in college, 2003, p.37). Young echoed the concerns his former head coach LaVell Edwards also presented about unequal recruiting, stating that the main reason he chose to attend BYU was to pursue a National Championship. As an example, Young reasoned, “Attending a university where the possibility of achieving a national championship is next to impossible is far less attractive to the serious athlete than attending a school which offers such an opportunity” (Competition in college, 2003, p. 35). Young made it clear, that if winning a national championship at BYU was impossible, he might have never have attended BYU.

The Powerful Word Called Antitrust

Besides noting that the current BCS system is unfair and unequal, several Senators and Representatives also mentioned the BCS agreement and selection procedures may violate Section 1 and 2 of the Sherman Antitrust Act. This also surfaced as a major point of discussion among the attendees at the various hearings. The purpose of Section 1 is to oppose the combination of entities that could potentially harm competition or the act of trade through contract or trust (Hatch, 2009; Hearing on BCS, 2009). Section 2 of 15 U.S.C. §2, serves to prohibit monopolization or attempted monopolization of trade or commerce and conspiracies to monopolize (Hearing on BCS, 2009). Charter members of the BCS were speculated by U.S. Congressmen to have created the structure and arrangement of the BCS to assure they will stay on top of their non-BCS peers. As an example, Senator Hatch stated he believed the current BCS system violated the Antitrust Act because it appears BCS institutions conspired to monopolize the benefits bestowed by the BCS games, which effectively limited “the number of non-privileged teams that will play in BCS bowl games to at most one in any given year” (Hatch, 2009, p. 5). Senator Hatch further suggested that despite the fact that “All FBS schools are part of the BCS agreement” the system “has been designed to limit the number of teams from non-privileged conferences that will play in BCS games” to reassure the continued success of BCS charter member schools (Hatch, 2009, p.5).

Speculation also escalated to suggest non-BCS schools were coerced into signing the BCS agreement because if they did not, the alternative was that they would receive no revenue
from the BCS agreement. This point was supported by Barry J. Brett and Roy Bell from the legal firm Troutman Sanders (New York, New York) in their letter to the members of the July 2009 hearing (Hearing on BCS, 2009). Brett and Bell further went on to state they were disturbed that the NCAA allowed “a discrete group of schools” to protect the dominant share of postseason rewards and the ability “to decide the rules which govern which teams will compete in lucrative postseason events and how the proceed of these games will be distributed” (Hearing on BCS, 2009, Brett and Bell Letter, p. 3). Essentially, they felt BCS schools and sites of their respective bowl agreements conspired to usurp themselves advantages at the expense of non-BCS schools. Furthermore, that advantage stigmatized non-BCS institutions and caused them tremendous difficulty in securing the revenue and respect they need to effectively recruit, manage their department athletic budgets, fundraise, and improve facilities. Ultimately, Brett and Bell believed the differences demonstrated by the data showed this collective action from the BCS ‘cartel’ created the likelihood that the Sherman Act was violated.

To support this perspective, Brett and Bell offered the Rule of Reason Analysis, which looks at the facts and circumstances of an agreement to determine if it restricts output or harms consumers. For the purpose of their analysis, fans were considered the ultimate consumer. The Rule of Reason Analysis requires a significant amount of economic evidence and makes seeking less restrictive alternatives desirable and necessary (Hearing on BCS, 2009). Brett and Bell claimed the various playoff proposals created (i.e. less anti-competitive alternatives) were not seriously considered. Furthermore, they were rejected without analysis despite the fact they would likely serve the public with a more desirable format to establish a national champion. Brett and Bell suggested this is significant because a playoff could produce record television fees, gate receipts, and ancillary revenue roughly worth $375 million based on projections. This figure (nearly double the 2009 BCS payout and over $150 million the total bowl payout for the 2008 season) would help non-BCS schools potentially reduce the gap with BCS institutions.

Other evidence demonstrated non-BCS schools were economically harmed by the coerced agreement, which Brett and Bell suggested handcuffed non-BCS schools attempts to pursue legal action against the BCS. As an example, the current postseason arrangement and BCS selection criteria artificially limited the number of postseason match-ups for fans and spots for non-BCS institutions. Brett and Bell’s analysis of antitrust law also suggested the presence of the BCS National Championship Game and the criteria for entry into that contest offered that event as an example of false advertising because no reasonable interchangeable substitute existed for similarly qualified BCS and non-BCS teams.

To counter the letter and evidence provided by Brett and Bell, BCS supporters secured the testimony of William Monts, attorney and partner for Hogan & Hartson (Washington, D.C.). Monts served as one of the firms Antitrust, Competition, and Consumer Protection attorneys. In his testimony, Monts argued the BCS produced several benefits for non-BCS institutions and fans, a necessary component to defeat any antitrust case (Hearing on BCS, 2009). For instance, Monts provided the BCS strengthens the widely popular bowl system traditionally celebrated in the United States. Next, it offered an annual national championship contest not guaranteed under the previous bowl arrangement. The bowl system also maximized the number of teams playing during the holiday season for student-athletes and college football’s fan nation. Furthermore, the BCS agreement provided money to non-BCS institutions even if they did not secure the opportunity to play in one of those contests, which the previous bowl arrangement did not offer. Monts also presented, “There is no market evidence that any of the current BCS bowls would jettison their current host teams” to take a “champion from any other [non-BCS] league without
an annual automatic berth” (Hearing on BCS, 2009, Monts Testimony, p. 8). Thus, without the BCS, non-BCS school would likely see less money and a significantly reduced ability to secure the prestige associated with a BCS appearance. Finally, Monts offered antitrust law analysis does not measure that harm created by speculation. In essence, the playoff concept was an idea and not concrete. Therefore, since a Division I (FBS) national tournament never existed, it is difficult for a legitimate antitrust analysis to take place because it has no standard to compare.

Conclusion

It is important to note that political affiliation (e.g., republican or democrat) is irrelevant in this debate and that little has changed since the initial inquiry or congressional hearing on the Division I (FBS) postseason arrangement in 1997 (BCS or bust, 2003). After 2003, several other bi-partisan led congressional hearings involving the BCS System also surfaced with the predominant areas of discussion centering on the: a) welfare of student-athletes; b) protection of the sanctity and tradition of bowl games; c) the growing financial chasm between BCS and non-BCS institutions; d) logistical concerns related to alternative postseason formats; e) antitrust concerns regarding the current BCS agreement; and f) the fundamental fairness of the BCS arrangement, structure, and selection process compared to alternative formats (e.g., playoff). This review of the public record and discourse showed despite the significant amount of attention the BCS and current bowl arrangement generated, the same problems and issues discussed reemerged in each successive hearing. Furthermore, although the BCS has tweaked the selection process and revenue distribution formula as a result of those congressional investigations very little changes suggested by Senators and Representatives occurred and no real collective effort transpired to subjugate the BCS to antitrust law despite the fact that there is a likelihood of success (Allred, 2010, Rogers, 2008). The BCS claims they made revisions to their current system but clearly these revisions have not settled much, as debates and public support for an NCAA sponsored national tournament still rages.

Interestingly, John Junker stated during the congressional discussions that the bowls, not unlike other businesses, need to respond to market conditions efficiently and must remain flexible in the management of football events (Determining a champion, 2005). Junker acknowledged the bowls by their very nature succeeded in staging events effective at serving the interest fans for specific universities and athletic conferences for postseason events annually but maybe not college football as a fan nation. As an example, Keith Tribble admitted the BCS bowls make their selections based on alumni bases and that this was a model used over 90 years because bowl committees worried about filling up stadiums, hotels, and restaurants (BCS or bust, 2003). Conference commissioners from both BCS and non-BCS conferences also acknowledged this as fact. Furthermore, many offered the tradition of the bowl system could easily be preserved with a well-developed playoff system to supply both the choices consumers prefer and the benefits institutions, student-athletes, and host communities deserve.

Television networks were viewed as likely to support a new alternative postseason arrangement with excitement. It also appears possible they could use and work with existing bowl games to promote the playoff product like they do other programs they produce and broadcast on their network. This could calm some concerns regarding a lack of confidence in the bowl system to survive. Furthermore, it could guarantee the revenue so many athletic departments desperately need to successfully manage their programs. A new postseason arrangement could also help reduce the burden on the greater university to provide money to the
athletic department, which Fulks (2009) recognized as regularly occurring across the country for millions annually through the use of institutional general funds, grants, and activity fees.

Next, it appears the logistical and academic concerns, arguments, and barriers offered as opposition to an organized national tournament can be addressed with the technology and attention to academic support services offered today. However, more formal work needs to investigate the opinions and perspective of student-athletes, coaches, and fan nations on this matter. Advancements in technology can increase the number of remote and live spectators to postseason football events. Yet, if representatives of the institutions/conferences and the bowls cannot be convinced to acquiesce or agree to participate in such an arrangement a playoff, it cannot occur. Again, the main hurdles seem to center on assuring the power brokers (i.e. BCS presidents) that the revenue prospects for a playoff are real and guaranteed and that the bowl system can be sustained and thrive with student-athletes who will not suffer academically or physically during the extended season.

Finally, the NCAA recently appointed Mark Emmert as the association’s new president to lead the organization (Withers, 2010). Emmert may be the necessary tool required to help politically persuade and convince other university presidents, chancellors, and bowls representative to support a national tournament due to preference he showed for that postseason format in the past. Without his perspective and prompting, it appears this public record showed the proponents of an alternative postseason format for Division I (FBS) may have to wait longer. Emmert may also have to prepare himself to make an appearance like his predecessor in front of congress to defend the NCAA’s concession to support the apparent growing chasm between members of the FBS. Furthermore, Emmert may have to address possible antitrust litigation on the horizon should the financial and reputational chasm between BCS and non-BCS institutions continue to increase. Politicians may also have to justify their position and potential lack of initiative to change the status quo to their constituents regarding the increasing chasm as well.

References

BCS or bust: Competitive and economic effects of the BCS on and off the field: Hearing before the Committee on the Judiciary, Senate. 108th Cong. 1st Sess. (2003).