

WASHINGTON- Today, Congressman Spencer Bachus formally wrote to House Judiciary Committee Chairman Jim Sensenbrenner requesting a Congressional oversight hearing to investigate actions of the National Collegiate Athletic Association. Below is the text from Congressman Bachus's letter to Chairman Sensenbrenner:

May 11th, 2004

The Honorable F. James Sensenbrenner, Jr.

Chairman

Judiciary Committee

2138 Rayburn Building

Washington, D.C. 20515

Dear Mr. Chairman:

Over the last several years, the National Collegiate Athletic Association (NCAA) has investigated and sanctioned several of our nation's colleges and universities. Most observers assume that NCAA member institutions are accorded basic procedural safeguards during these actions. However, the conduct of the NCAA toward some member institutions raises serious questions concerning its commitment to adhere to fundamental protections that would preserve the fairness and integrity of these proceedings. After reviewing several recent cases in which NCAA member institutions were investigated and sanctioned, I am alarmed by the lack of procedural due process the NCAA provides to some member institutions it investigates and sanctions. Because of my growing concern with these questionable practices, I write to request that the House Committee on Judiciary schedule an oversight hearing to investigate whether the public, compulsory nature of the NCAA makes it a state actor for purposes of 42 U.S.C. §1983.

The fundamental purpose of the NCAA is "to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body and, by doing so, retain a clear line of demarcation between intercollegiate athletics and professional sports." Unfortunately, the conduct of the NCAA raises serious questions as to whether it has strayed beyond this stated purpose. In recent investigations, the NCAA has allegedly concealed the identity of witnesses, manufactured evidence, threatened employees of schools being investigated, and condoned conflicts of interest between investigators and member schools. The effects of NCAA investigations and sanctions have profound consequences for member schools. Adverse decisions can have a devastating impact upon the academic programs, faculty, students, alumni, athletic programs, and revenue streams of targeted institutions. While the results of NCAA investigations and sanctions have broad public consequences, member institutions are not provided fundamental constitutional safeguards to ensure that final judgments reflect the fundamental fairness and procedural due process the Constitution and 42 U.S.C. §1983 require. Moreover, if a college or university wishes to participate in competitive athletics on a national level, the NCAA is "the only game in town." In fact, it is the only game in the country. As a result, compliance with NCAA determinations is compulsory, irrespective of the unfairness or insufficiency of the record upon which these determinations rely.

I respectfully urge you to examine alleged abuses of the NCAA toward its member schools.

After doing so, I ask that you conduct a Judiciary Committee hearing to examine whether the public, compulsory, and exclusive nature of the NCAA require it to provide member institutions with the constitutional and statutory safeguards to which state actors are required to adhere.

Thank you for you attention to this important matter.

Sincerely,

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Spencer Bachus

Member of Congress

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