

## **State of the BCS: what it is, how it violates federal law, and who can change it**

It is an exclusive club, one where the members compete against one another for supremacy every fall. Its selection process cannot be understood by anyone without a mathematics degree. This club paradoxically uses a complex set of equations and human intuition in order to find out who is the best. Sometimes in devoted fan's eyes this club seems to hypocritically throw that system out the window in favor of its most prestigious members.

Is it the Freemasons?

No. Even their secrets are well known.

It is college football's Bowl Championship Series, and their secrets and equations continue to befuddle fans since its creation in 1998.

The BCS selects the top two teams in the nation to go head-to-head in a national championship game at the end of the year. The NCAA effectively outsources this process to the BCS as it acts independent from the college athletics governing body. The BCS takes three polls: the Harris Interactive, USA Today Coach's, and computer averages to decide its rankings. The computers take account both the media and coach's polls, and statistics such as winning percentage, strength of schedule, and margin of victory.

These rankings decide who will play in the national championship game and also the four most prestigious bowls of the bowl season: the Rose, Fiesta, Sugar, and Orange bowls. This system comes with the chagrin of many college football fans because they feel the system favors certain teams and doesn't give some schools the chance to 'decide it on the field' in a playoff system.

Each year there seems to be even greater outcry than the last. Now it isn't just the fans expressing their disdain for the system; even the state attorney general of Utah and the U.S. Department of Justice are getting in on the outcry. They argue the BCS violates the Sherman Antitrust Act.

And does it?

Dr. Dan Davidson, a Professor of Business Law at Radford University, says it does.

"The big six power conferences and Notre Dame have set up a system excluding the other conferences from playing," he said.

Davidson pointed to section one of the Sherman Antitrust Act as the smoking gun. Section one states "Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal."

"They are restricting trade," he said. The contract the BCS maintains with the six conferences hinders the others and in that way violates the Sherman Act.

And this is why: only six of the 11 Football Bowl Subdivision conferences (ACC, Big East, Big Ten, Big 12, Pac-12, and the SEC) are considered BCS conferences. Because of this elite status, teams in those six conferences are 'Automatic qualifiers' in the BCS, which means those conferences are guaranteed play in those bowls.

The other conferences (C-USA, MAC, Mountain West, Sun Belt, and WAC) are left to fend for themselves and occasionally get the privilege of playing in these big games. Non-automatic teams such as Boise State and TCU have yet to play in a national championship even though they are two of the winningest teams in recent seasons.

"When people think of crime they think robbery and murder. This is a white-collar crime."

While no crime is being committed, big money is at stake and being in a BCS bowl could be the difference between losing money on a football program and turning a profit. According to the SportsBusiness Journal during the 2010 season the BCS dished out \$174 million in revenue to schools in BCS bowls. A sum of \$145.2 million, or 83.4 percent of the revenue, went to the six automatic qualifying conferences. That left only \$24.72 million for non-automatic qualifying conferences to share.

To generate maximum revenue, the BCS strives to put the best and the highest profile teams on the field. Recent controversy sprang up this year because of the Sugar Bowl's choices of Virginia Tech and Michigan (ranked 11<sup>th</sup> and 13<sup>th</sup>) to play in its game. Both teams were scrutinized by the media for being there over higher ranked teams such as No. 6 Arkansas and No. 7 Boise State. Even the Sugar Bowl's COO Jeff Hundley told ESPN.com their bowl selections are partly based on tourism and economic benefits.

"They do whatever they want," Davidson said. "They [Sugar Bowl] went with teams whose fans travel."

"The entire bowl system is a money issue. By itself it isn't a problem but when you systematically exclude most of the teams in college it is."

This system created a game of musical chairs with many schools switching allegiance to the conferences who automatically qualify for the BCS, swelling their number of teams. A benefactor of this has been the Big East.

"They grabbed Boise State and San Diego State," Davidson said. "In the Big East? Makes no sense at all."

Both teams will have to travel across the country just to play their conference games, just for a shot at BCS and possibly national championship glory.

To make the BCS a more level playing field, Davidson believes state attorney generals can file civil suits against the system, such as Utah Attorney General Mark Shurtleff is trying to bring forth.

“Civil suit is a slam dunk,” Davidson believes.

Civil suits may not be needed, however. Change seems to be in the air for the BCS after the backlash of this year’s national championship matchup between SEC juggernauts LSU and Alabama. In their second meeting of the year Alabama thrashed LSU 21-0 in a defensive game and fans rewarded the BCS with the lowest national championship TV rating in its 14 year history. When the BCS renegotiated its contract in 2007 only two of the 11 conference commissioners advocated a playoff system. Now all of the commissioners want a playoff including NCAA President Mark Emmert.

BCS officials will meet later this month with conference officials on possibly changing the system. They want to make a decision before the summer before new TV contract negotiations begin for the 2014 season and beyond.

“It’s kind of like Marie Antoinette,” Professor Davidson said. “She said ‘let them eat cake,’ and what happened to her? They chopped her head off.”

Before the summer is out, college football fans may know if the long-standing queen gets overthrown.