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I. Introduction

A Basis for Concern

There are certainly more than a few themes that are inextricably linked to the condition of the human person and which help to define who we are collectively. Words like family, love, greed, honor, and perseverance resonate in one’s mind. Excellence in athletics, as much as one may want not to put it in the same category, has taken a hold of the world, and as early as the ancient peoples had begun to civilize it. Taking from an obvious but important example, the ancient Greeks believed that athletics was not merely a pastime, but an integral part of everyday life and education. Found in every city next to the temples and marketplaces one would be able to find what were called palestras or gymnasia, serving as both educational and athletic facilities.¹ The reasoning behind the importance accorded to athletics in Greek culture, was based in a belief that a sound mind lies in a sound body, and the easiest way to achieve a sound body is through athletics. Every indication is that they were correct in their thinking. The ancient Greek culture had acquired a well-deserved reputation for intellectual and moral strength and it was the belief of Socrates, Aristotle, Plato and others that, “sport was part of a man’s overall education which cultivated in a balanced and harmonious way his intellectual, mental and physical capacities.”² To put this belief into action, these three were amongst a litany of famous Greek philosophers who taught at the athletic venues, while Plato himself was an accomplished athlete.³

While sport in ancient Greece may have been necessarily linked to such virtues as peace, freedom, equality and respect, unfortunately corruption has also enjoyed a strong connection with sport. One of the earliest examples of corruption in sports, and
arguably the first documented one, came in the Olympic Games of 388 B.C. at the venerable Olympia. Statues, whose bases still adorn the site of the first Olympic Stadium, are etched with cases of cheating and other corrupt practices which the guilty athletes and their representative cities had to pay a high price for. If the victory of a Greek athlete at the Olympics represented the highest achievable honor one could attain, bringing with it pure feelings of excellence and dominance in sport, being caught for one’s immoral behavior had to be the absolute opposite.

It still is. Much of the world’s material nature and civilization has changed since the ancient Greeks existed, but much of it has not. The relationship between sports and corruption falls in the latter category. This is not because it is easy to cheat and take the easy way out when it comes to athletics or because one is lazy and can’t bring himself to commit to go above and beyond what his current athletic limits are. Both these things are true, but the real reason lies at the heart of what athletics represent to the human person. Sports are much more than just a game. Picking up on the Greek philosophy regarding this subject, there is not only something therapeutic about athletics, but also something essential to the world as we know it. Every example of the major life themes that were mentioned at the beginning of this statement, family, love, greed, honor and perseverance, can be encompassed by sport. So can a whole plethora of other negative and positive themes.

Sport is a microcosm of life, in that it acts in a circular manner. One takes an interest in sport, a challenge is presented to the athlete, the athlete trains and educates himself on how to approach and conquer the obstacle, a battle is fought, and the athlete emerges victorious, or tastes the bitterness of defeat. Afterwards, if the athlete can find
it within himself again, he or she starts the cycle over, hoping to improve upon last time’s performance. This beautiful parallel between athletics and life is undoubtedly one of the key reasons why sport has been catapulted to an almost religious status in our modern culture. For the Greeks it was regarded as such, with religious ceremonies opening the games every four years.

Like life also, sports teaches valuable lessons, especially to those who are young. As an athlete starts out at a young age practicing their craft, the good ones devoting much time and effort, they grow up as much with sport as their own parent’s influence. As a father teaches his child to not be afraid to stand up for his family, a hockey game teaches that child to stand up for his teammate, who by connection becomes his family. Like a mother encourages her child to love whatever he chooses to do and to devote his heart and soul to it, so does a child’s favorite sport. That sport additionally bestows a hard-work ethic, resiliency, fair competition, motivation, dedication, appreciation, teamwork, and the dream to go farther than one could ever imagine. All these things are similarly taught by our families and it explains why people enjoy such a strong and dependent connection with athletics.

This is the good side of sport; in a perfect world there would be no need to explain why there should be any other variables in the athletic equation, but unfortunately our world has long been tainted. It might be useful to look to the fall of mankind’s original mother and father, Adam and Eve, to see why. Their story is indicative of ours and has shaped the world consequently. In enters everything that is bad about sport, not stemming from the essence of the activity itself, but by what has been forced upon it by the countless imperfect human beings who have left their mark.
Once more life themes such as jealousy, greed, spite, rage, and corruption weave their way into the equation and threaten the very intellectual and moral compass which sport in its pure form enjoys. The last, corruption, takes many forms, some of which are not evident without delving further into their origins.

Let’s take the classic example of the parent who pushes their child to achieve excellence in one thing, namely athletics. Losing focus that sport is just one piece to the life puzzle that parent forces their child to predicate their entire purpose on being excellent at one thing. Not only is this type of thinking delusional, but if that child happens to not achieve the ungodly expectations that have been imposed upon him, he or she will fall apart. Through no fault of their own, the child is left deprived of that which gave it a reason to live well, and this situation can result in serious and debilitating consequences. This is a prime example of corruption. Not the money-driven corruption usually found and linked to the results of a game, but a corruption of the mind and spirit, something that can take a long while to be rid of.

There is the corruption spawned by laziness, and the desire to achieve something great without putting in the work to gain greatness naturally. Enter the infamous world of steroids and other performance enhancing drugs, ways by which a person lacking the moral fiber to work harder may get ahead, or so they think. What this form of corruption does, is not only erode the mind of an athlete and those who supply them with their vices, but also erodes the body, completely going against the Greek belief that a sound mind lies in a sound body.

While the last two examples have been indicative of the kinds of corruption which are entered into willingly by the faltering individual, what may be worse are the forms
which originate in our societies. Because of the foundational principles which are encouraged by sport, and because of its essential connection to life, athletics maintains a natural fit with the human person. Due to the fact also, that society acts a magnifying glass to project the most essential forces at work within the human person upon their community, sport is a fundamental part of society as well. So fundamental in fact, that the community often feels the need to impose things which are unnatural to sport upon it. These things include gambling, match-fixing, the using of taxpayers’ money in order to build something which is not needed, bargaining for more than something is worth, just to name a few examples. These illicit activities hurt everyone in the end. At first the only ones affected are those being taken advantage of, but eventually the perpetrators come to suffer as well, first in loss of a moral dignity, next in a loss of assistance from others when it is truly needed, this fact is inevitable. Further the community, which builds a system predicated upon entertainment and business successes especially loses, because after its resources are used up in the name of those few who pull the economic strings, they are left abandoned, in favor of a place which will provide fresh blood.

If this scenario sounds all too familiar, unfortunately it is. What used to be regarded as shocking, in terms of corruption penetrating the sanctity of sports, has become commonplace. There used to be a time when point-shaving and injecting steroids into one’s body was rightly considered appalling, and the violators would be eaten away at with guilt, or else people would call for their heads. Today, in many sports, cheating has actually become the norm, if you are not “using,” in Major League Baseball for example, you put yourself at a disadvantage behind those who have made
the conscious decision to do so. This perverted way of thinking about competition has wriggled its way into almost every corner of athletic society, even the Olympics, whose pinnacle of athletic achievement has been substantially lowered. The attitude that an elite athlete must use illegal substances to compete at the highest levels, and even those slightly lower notches represented by collegiate and high school sports, is one that goes against everything that sport is.

There has been a severe loss of fair competition in today’s game, an erosion of the healthy utility that athletics represent. At the root of it all is the fact that people have lost focus of what sport is and especially what it is not. Sport is not life, it is an essential part of it and is representative of it, but it is not life in entirety. In many modern cultures, sports have been given the kind of importance that makes them above all else, and that is completely wrong and damaging to society. Sport is one slice of the pie, one venture which if properly viewed, fits in snugly with the rest of what life is, the philosophical, artistic, scientific and familial aspects. Once sports are given the importance of life and death it loses its ability to intermingle with the rest of what life is, and without the outside support, it fails to stand on its own. This is the state in which we find athletics in today’s society and it is very disheartening.

With that said, are sports and the sporting culture a lost cause? I don’t believe they are. Beneath the messy jumble of scandals and heartbreak and the destruction of hopes and dreams still remains the solid bedrock of pure sport: that which stands for the virtues which it teaches, the utility of helping to make an incomplete person more complete. Because of the inherent link to goodness found in athletics, it is worth going to battle to save it and to make an attempt to return it to its natural form. The question
is, how can this be accomplished? It is my belief, interestingly enough, that a man-made system could help; namely, the law.

Taking its roots also in something very natural, a sense of the God-given virtue of justice, the law is as old as civilization, and it turn, sport. There are many similar characteristics between the two. Both encompass many facets of life, both are governed by arbitrary, but nonetheless reasonable rules, both are inherent in the human person. There needs to be a presence as unifying and pervasive as sport is in order to enact positive change upon it. A force which is not afraid to stand up to the colossal impact sport has had on society is the only force which is capable of returning us to the athletic core. This is the case partly because the law, just as much, if not more so than sport has shaped lives, it has been the key, just as its athletic counterpart, to opening doors or closing them shut. It has the awesome ability to humble that which believes it is immune from the law, as many would argue those in sport believe just this.

Through a combination of human creativity and applicable legal remedies, it is my belief that progress can be made in purging sports of the demons which lie at the root of corruption. Whether it be new statutes that are made, court cases heard, government intervention, or other methods, if there is a will there is a way. However, before an idealistic attempt is made to reform something as rooted and complex as corruption is, it is necessary to study its forms. Only when the enemy is known inside and out, does its opponent have the best chance to defeat their foe, and with that we move to take a look at the types of corruption which affect sport today and specific cases within those types.

II. Starting Young
A. Corruption of the Youth

After providing the basis for why sports needs to be saved from the corruption which threatens its existence, it is now necessary to take a look at how specifically it affects its victims, and who these innocent people are. This is most easily characterized by increases in age and professionalism in a strictly athletic sense. Simply, this means that we will first explore the terrible impact that the corruption of sports and its participants have on the youngest generation, and work our way up to its manifestations within professional sports. Therefore, one can follow the traceable impact that negative habits can have on a person throughout the critical stages of their life and into adulthood.

The fact of the matter is, when children are still developing into the mature adults which they will one day become, they tend to emulate others. At different ages throughout this process the frequency of imitation is variant, with younger children tending to emulate more than those approaching the so called "legal" age. Of all things to emulate, sports may be the most accessible. Professional and collegiate athletes, whether fairly or unfairly, are oftentimes regarded as heroes, and by connection, role models. A dizzying array of images, interviews, and portrayals by the media, which are impossible to avoid nowadays, turn Americans’ attention involuntarily on these heroes. As one could imagine, these people become spheres of influence for the younger generation. Young boys grow up trying to shoot like Kobe Bryant, putt like Tiger Woods, or hit like Manny Ramirez.

These three players were chosen intentionally, not just because they are or were some of the best and most successful athletes in their respective sports, but because
they have also been perpetuators of corrupt actions which have become known to millions. More importantly, out of those spectators who witnessed the breakdown of the once squeaky-clean image that all three enjoyed, a large contingent were children who hadn’t graduated high school yet, and who continue to hold the stars in high regard. And while it has been widely recognized by the media and others that the actions of these three individuals were wholly wrong, by all indications the country has begun to put these mistakes in the past and act as if nothing ever happened. Many people when asked about Kobe Bryant conjure up images of a winner who takes a lot of shots and has been the face of a franchise for more than 10 years. Many forget he was the same man who cheated on his wife in 2003 amidst sexual assault allegations and who is going through a divorce currently for cheating again. Then there’s Tiger who 2 years ago shocked the world by admitting to sleeping with at least 12 different women while married. And finally, there’s Manny Ramirez, who is guilty of a run-of-the-mill offense nowadays in baseball, steroid abuse.

What’s wrong about these three cases is while they may not have been forgotten, it’s almost become commonplace to accept what they did and give them a second chance to continue playing with the contingency that in a few years people won’t care about their mishaps. This type of thinking sends an entirely corrupt and immoral message to our nation’s youth that it’s alright to be a morally deficient off the field, as long as you’re a winner within the lines. This could not be farther from the truth, but as the media makes and breaks athletes, builds them up, breaks them and then revitalizes their images, children are watching, and emulating. In a famous 1993 Nike advertising campaign Charles Barkley was quoted as saying, “I am not a role model.” The point of
the quote, which has been largely misunderstood, was that the athlete should not act as a role model for young children, but rather that this responsibility lies with the child’s parents, which in a perfect world would be a reality.

But of course we do not live in a perfect world, and the stark truth is that if not every athlete is a role model, the majority are, and especially the superstars. It is a position which no athlete certainly has signed up for, but it comes with the territory. What’s great is that an athlete really needs to do nothing more than act, play and treat others with class and respect, and the children will follow this example. The problem is that many professional athletes just simply aren’t good people. There are many who come from troubled families, driven by the ever-powerful motive to escape their miserable surroundings, and using sports as an outlet. Suddenly, when these types of people find themselves in a position of influence they act as they always have, and oftentimes in a manner that goes against all that pure sport stands for. Maybe their role models growing up in the 1970’s and 1980’s failed to do what the current generation of sports heroes are also failing at, setting a good example. This is a shame because if the majority of the professional athletes in today’s modern era realized how extensive an impact their actions could have and willingly chose to go about their lives in a morally sound fashion, the future of our country would look a lot brighter.

B. Specific Types of Corruption in Youth Sports

Now that it has been shown what type of impact professional athletes can have on their adolescent and pre-adolescent counterparts, it is necessary to identify other forms of corruption of the youth, besides what’s seen on television.
The most prevalent area where corrupt activity can be identified no longer surrounds the parents or athletes who negligently engage in immoral activity, disregarding the consequences of their actions upon the children. It lies at the opposite end of the spectrum. A great injustice is also done when over-concerned parents and glory-seeking coaches become slave drivers of their youth athletes, pretending to have the athlete’s best interests at heart. It is a glorious thing when a youth athlete learns the ins and outs of the sport that they have gained a love for, and through trial and error, hard-work and encouragement they finally succeed at what they’ve been set out to accomplish. On the other hand, when that opportunity to learn from one’s mistakes is replaced by ultimatums that don’t tolerate any type of failure, the sport can easily become a burden and sometimes a point of hatred for many young athletes.

Not many things could be more degrading than a parent pushing their child so hard at a sport that the sport ceases to become enjoyable; while coaches exploit their players’ talents for the sake of winning at all costs in a similarly destructive fashion. While the former may still be caused by love for the child by the parent and a desire for them to succeed athletically, the latter is greed and selfishness in its pure form, and it runs rampant in today’s day and age of youth athletics.

To illustrate, let’s take an example from a book entitled, Little Girls in Pretty Boxes, by Joan Ryan, a work intended to uncover the corrupt, political and cutthroat nature of youth gymnastics and figure skating, two sports which have fairly closed and self-contained communities. Of the many case studies in the novel, Ryan tells the tale of a talented young gymnast named Christy Henrich. Christy, like many young and talented gymnasts had always dreamed of being an Olympic athlete and representing
Team USA. Also like many gymnasts, Christy was of a smaller than average stature and athletic, a perfect build for someone of her craft. Yet the judges at the Olympic trial competitions told Christy that she needed to lose weight, and in her mind that equated to making the Olympic team, so she resorted to starving herself and wound-up developing anorexia in the name of athletic competition. At the same time, her coach, Al Fong, worked Christy so hard, she’d spend 10-12 hours most days training, that she could barely stand at times. In the end, Fong believed it would propel Christy to the Olympics, but also himself with her. He was more concerned with his own success as a coach than with his athlete’s well-being. 

Christy Henrich wound up dying of multiple-organ failure at the age of 22 in 1994, eight years after joining the U.S. national gymnastics team in 1986, when she started to develop anorexia-nervosa. When she died, the girl who once stood at a tiny 4-foot-11 and weighed 95 pounds, was down to a mere 47 pounds. Cases like Christy’s are undoubtedly the exception, not the norm, but it shows what unearthly expectations and superficial appearances can do to a young athlete. Here was a girl whose work ethic alone probably would have propelled her to the national team anyway, but by listening to her elders and those holding positions of power in the sport, role models so to speak, it led to her own demise. Some things just aren’t worth the price of stardom; life is certainly one of them.

Yet, situations similar to the one that Christy Henrich willingly entered into almost 20 years ago are all too common. When an athlete is presented with an opportunity to accomplish something that they’ve dreamed of doing their entire lives, a superior athlete will do whatever it takes. Certainly to have a chance at competing for the U.S. National
team on the world’s biggest athletic stage, one can’t blame Christy for her youthful vigor and dedication. However, the lengths she went to secure this opportunity were way too far, and bring about questions of how much importance our society accords to athletic achievement. In terms of spectators, billions watch the Super Bowl every year, as well as the World Series, NBA Finals and the Stanley Cup, rounding out the “Big 4” in American sports. In terms of livelihood, the chance to make it as a professional can define a person’s entire life and set them and their families up financially for a long time. This type of incentive, represented by wildly escalating multi-million dollar salaries in many sports makes people do things a rational person otherwise wouldn’t, especially if they knew the odds of actually making it pro. According to a Georgia State University Study, which uses data from a prior NCAA study, only 1 in 16,000 high school athletes are able to make a career out of playing professional sports. When it breaks down, that’s less than 1% for all of the “Big 4 sports,” women’s basketball and men’s soccer.⁸

Stepping aside from the spectator estimates or the odds of making it from a player’s perspective, it is essential to focus on what is truly an indicator of the impact sports have had on our society, money figures in gambling. According the American Gaming Association’s National Gambling Impact Study Commission estimated figure, illegal sports wagers are worth about $380 billion dollars annually in the US.⁹ This leaves aside the $2.7 billion in legal sports bets that the state of Nevada pulls in yearly, making an estimated total of about $383 billion spent on sports gambling in America each year.¹⁰ When one looks at it this way, it becomes a little easier to see what exactly people have riding on the line in connection to a sports fix, and how millions beside the athletes themselves have a vested interest in their successes, or oftentimes, failures.
What isn’t usually reported is who’s behind many of these wagers, the profiteers who take advantage of the sports betting market. According to the same study, nearly 92% of the revenue generated from illegal sports betting goes to support some sort of organized crime, a link that has long endured between mafia organizations and their “sports book” businesses. So how does all this apply to the youth of our country?

In a book entitled, A Sure Thing?: Sports and Gambling, by Jeff Savage, gambling habits are acquired at a pretty young age. Citing a 1987 study by renowned sociologist and researcher, Henry Lesseur, 86% of New Jersey teens have gambled before, and 32% on a once-a-week basis. While this figure, especially from only one state, does not encompass the entire gambling culture, it gives at least a general indication of the type of skewed values which have leaked their way into the youth culture. Additionally, with the advancements in computer technology over the last 25 years since the study, it becomes that much easier for anyone, especially the younger generation who are disproportionately more adept with computers than their elders, to place a bet. What’s worse is that the odds aren’t even in one’s favor when it comes to betting. Due to the lucrative business that sports betting generates, and the “inside scoop,” that most bookies keep a secret, there is a standard 11 to 10 odds for the bettor of winning, meaning that for a person to win $100, they would have to bet $110. In light of this, there really is truth to the fact that in gambling, the gambler rarely ever wins.

A final example of dangerous activity as it pertains to the health and well-being of the high school athlete takes its roots in the professional realm, and once again is a product of a bad example being set by “role models.” What this refers to is the steroid abuses which have plagued the sporting culture since the 1950’s, in its first substantial
link to substance abuse in the 1952 Olympics. Specifically in American sports, the “steroid boom” really took off in the 1990’s. According to the well-respected steroids expert and Penn State professor, Dr. Charles Yesalis, 300,000 people, including athletes and recreational lifters, abused steroids during the late 1990’s. By time 2004 rolled around that number increased to 1,000,000 cases. In response to this figure, Yesalis was quoted as saying, “And that’s one million high school athletes who are cycling (steroids), because no one takes just one pill or one shot.”

This figure is not only startling, but downright frightening. The fact that as a nation, we recognized the magnitude of high school student athletes taking steroids in the 1990’s and the problem was allowed to get this out of control into the 2000’s indicates one of two things. First, it shows the acceptance of an attitude to do whatever it takes to gain a competitive edge, and second it recognizes that steroids had become a viable alternative or supplement to hard work and natural dedication to one’s craft. The loss of a moral compass which is especially supposed to govern the training and competition in high school athletics is a sad reality, but one that lies at the heart of the modern American athletic culture. It is no wonder that these athletes who go on to become exceptional players in college and beyond have no problem continuing their bad habits. The atmosphere surrounding these sports in turn continues to get increasingly clouded and tainted by the use of illegal substances.

III. Collegiate Corruption

A. The Rise of Walter Byers and the NCAA

These previous examples are something that have been continually battled by the NCAA since its inception in the 1910’s, coming after president Teddy Roosevelt
called representatives from the Ivy League schools to reform violence in college football.\textsuperscript{17} Originally there were many individualized instances of corruption in collegiate athletics, usually referring to abuses of academic grades being artificially inflated by college football teams like the College of William & Mary and point-shaving scandals in basketball headed by organized crime families spreading eventually to the University of Kentucky during the early 1940’s. However, in 1948, Walter Byers, who was the infamous first commissioner of the NCAA appointed in 1951, adopted the “Sanity Code,” which subsequently gave the governing body and its commissioner considerable power to begin to centrally control the world of American collegiate athletics.\textsuperscript{18} What Byers, and the NCAA, professed to do was promote the ideals of ’amateurism’ and the “student-athlete”, taking away many institutionalized programs which rewarded players with monthly subsidies for good athletic performance.

However, as Taylor Branch, the author of a 2011 article in the \textit{Atlantic Magazine}, points out, this idealized notion quickly turned into a taking advantage of collegiate competitors for profit. In the article, entitled, “The Shame of College Sports,” Branch writes,

“...two of the noble principles on which the NCAA justifies its existence - “amateurism” and the “student-athlete” - are cynical hoaxes, legitimate confections propagated by the universities so they can exploit the skills and fame of young athletes.”\textsuperscript{19}

What Branch was referring to was not just the fear that Byers and the NCAA had struck in the hearts of the sanctioned members of its organization, but the fact that a completely unjust system has been created under the NCAA. Players are asked to participate in what is basically two full-time jobs, to compete in a cutthroat atmosphere for schools who bend over backwards to get them to play for their respective institutions
and still maintain the grades to graduate with a respected degree. At the same time, as one could imagine, the players have no extra time outside of their athletic endeavors and academic studies to hold jobs, and many can’t even afford to buy anything outside of what has been given to them through their athletic scholarships. What drives this point home further is that a vast majority of Division I college athletes in today’s day and age come from low-income families who also can’t afford to give extra money to their children in order to maintain even a reasonable lifestyle while in school.20

Although this situation described is one that can be very challenging to the high-caliber college competitor, if it sounds like the NCAA really hasn’t committed any fault in not subsidizing any of its student-athletes based on this information alone, one would be correct in that assumption. What goes unreported however, is how big of a business that the National Collegiate Athletic Association has become over the years, and the type of arbitrary power that it holds. Starting in 1952, Byers worked the NCAA’s first major deal with a television network, NBC, to televise one college football game a week nationally, amounting to $1.14 million, of which the NCAA received a 12% cut.21 This came at the expense of two schools, the University of Pennsylvania and Notre Dame, who refused at first to accept that the NCAA had exclusive control to broadcast live football games. The NCAA basicallyblackmailed both schools by threatening opponents of the universities with fines and sanctions if they competed against either of the uncooperative members. 22 Next, with the Sports Broadcasting Act of 1961, a federal piece of legislation originating in Congress, Byers was able to lobby Capitol Hill to blackout NFL games on Saturdays so that college football would be shown exclusively on that day without any competing sports programming. In addition, the NCAA was now
receiving over $3 million dollars from NBC to air their football games, more than the NFL was making for their broadcasts at the same time period.23 And yet, the schools represented on TV barely received any of the proceeds, while the NCAA built a new headquarters in Kansas City, Missouri. The athletes didn’t have a chance at sniffing any of the proceeds, and still don’t to this day.

However, the big-time football colleges didn’t go down without a fight and in 1981 the Universities of Georgia and Oklahoma filed an anti-trust suit against the NCAA to limit the organizations greedy practices. This suit, represented ultimately by the 1984 groundbreaking case, *NCAA v. Board of Regents of the University of Oklahoma*, eventually made it all the way to the U.S. Supreme Court, which quickly struck down the NCAA’s exclusive right to make television contracts with networks, citing an “illegal restraint of trade that harmed colleges and viewers.”24

With this, a little bit of the power struggle between the universities aired on television and the NCAA, was won by the schools, but whatever income was lost by the organization in football games, was recovered during the March Madness basketball tournament. Characterized as one of the most exciting and unscripted events in sports, the proceeds go directly to the NCAA, which raked in $771 million dollars in 2010, this being earned by the blood, sweat and tears of the unpaid student-athlete.25

**B. The “Student-Athlete” Curse**

To be fair to the NCAA, it would go against the whole amateur concept if players were paid to perform in college, and could give rise to a system driven by greedy athletes and behind the scenes agents. However, on the same token it is appalling how much money the NCAA and member institutions are bringing in at the expense of the
young men and women who give them athletic prowess. Not only does the NCAA make ungodly amounts of money during the March Madness basketball tournament, it also runs every other conference championship at each of three levels, regularly sells merchandise at these events and online, has teamed up with EA sports to create a popular series of video games, and has even gone as far to make countless DVD collections of “classic games” to sell at $30 a pop. So to get back to the question of whether or not the student-athlete should be paid like an employee for his performance, the answer rightly should be no. Whether he should be compensated in some way is a different story and all indications are that it would be a good idea for multiple reasons.

However the solutions to some of our nation’s most corrupt practices will come at the end of this review, it is time to move on to uncover more corrupt practice so that we can see what needs to be corrected. Let’s start this section with the term “student-athlete,” itself. Nowadays this terminology is heard anywhere and everywhere the NCAA goes and has worked its way into every school to refer to the members of its athletic teams. It was a term that was entirely made up by the NCAA in 1948, subsequent to the passage of its Sanity Code. In the words of Myles Brand himself, “We crafted the term student-athlete and soon it was embedded in all NCAA rules and interpretations.” It wound up becoming a term that appeared to be intentionally crafted so that the NCAA could win whatever lawsuit was filed against it by disgruntled schools or athletes who may have suffered a potential harm. It was narrow enough so as to define the two roles that the applicable person had in relation to their time spent at an NCAA sanctioned school, yet broad enough not to pigeonhole that athlete into one role.
What this meant in unambiguous terms is that as a “student-athlete,” a competitor was forgiven for not being as good a student as some of his peers who only concentrated on school, due to the enormous amounts of time and travel dedicated to one’s sport. However, by putting the prefix “student,” before “athlete,” this meant that the NCAA considered the athletes to be primarily students who happened to also be good athletes in a secondary interest. This interpretation would completely justify the NCAA from ever paying any of their athletes a dime for the revenue that their performance has generated for their schools and the NCAA. Further, it would prevent the organization from being in any way, shape or form liable for a scholarship athlete injured or even killed during athletic compensation, as was the case of a Fort Lewis A&M football player, Ray Dennison who died in a game during the 1950’s. Dennison’s wife filed for workmen’s compensation but was denied the request because the Colorado Supreme Court said that the school was, “not in the football business,” citing Dennison’s former status as a student-athlete. Dennison’s case maybe have been one of the earliest instances of an organization which has gone above and beyond to preserve its dominion over collegiate athletics, but it is far from being the only instance of its kind.

C. NCAA is above the Law

Surely, with what the title of this section indicates, one might be thinking, that can’t be right, the NCAA can’t surely believe that they are immune to the hundreds of years of statutory and case law which has meticulously been developed and which governs the legal issues in the country, right? While in reality that may be the case, in the eyes of the NCAA it is not. For an elaboration on this topic let’s take the case of
former Oklahoma State Cowboys pitcher Andrew Oliver. After his sophomore season in college, Oliver was slated to be the 12th best pitcher in the country and was headed towards a very high draft pick headed into his junior season. In light of this, Oliver decided to drop the attorney Tim Barrata that he and his parents had consulted about future representation once he decided to turn professional, in favor of the super-agent Scott Boras. Furious at this decision, Barrata decided to turn Oliver in to the NCAA for violating his amateur status by consulting with Boras and numerous professional teams to negotiate a future contract for the talented pitcher, which is against NCAA rules.\footnote{Further, according to bylaw 19.7 of the NCAA’s student-athlete handbook, the organization could impose heavy sanctions including fines and loss of scholarships for the school of the player in violation even if a temporary court order would override the NCAA’s preclusion of consulting with an agent while still in college. This was indeed the case as Judge Tygh M. Tone of Erie County, Oklahoma did calling the NCAA’s aptly name “Restitution Rule,” a, “capricious attempt to tell an attorney how, when and where he can represent a client.” Despite the ruling which favored Oliver, Oklahoma State ruled Oliver ineligible from playing the rest of his junior season, one day before the ace pitcher was slated to start in the regional finals leading up to the College World Series. Oliver wasn’t even allowed to attend the game or tell his teammates of the news, and went undrafted until one of the last rounds of the 2010 professional draft. The NCAA basically killed Oliver’s chances of making a decent living in professional baseball because they didn’t agree with the methods he employed for the representation of his talents.}
Finally, there is the case of Cam Newton and other high-profile college athletes who are forced to wear the corporate logos of business giants such as Under Armour and Nike but see none of the profits generated for the corporations or the universities who sign endorsement deals with them. At one point in his senior season, Newton was required to wear uniforms which featured 15 different Under Armour logos on various parts of his body, never got paid a dime, while the Auburn University profited to the tune of $10.6 million dollars. While it certainly would be politically incorrect and insensitive to say that participating universities and the NCAA are using athletes as human billboards for free profit, in essence that is the case. College sports have become inextricably linked to big business, but the people responsible for generating the profits, see none of it and remain poor college students hoping for a chance to make whatever money they were denied in the professional leagues.

IV. Professional Scandals

A. The 1919 Black Sox Debacle

By now, most people who take any sort of American history class or are at least interested in the history of sports in this country are aware of the 1919 World Series, and the ironically named Chicago “Black Sox” team of the same year. The facts were simple to understand, professional baseball players in the post-World War I era were paid hardly anything, and before the 1919 World Series against the Cincinnati Reds, White Sox players Eddie Cicotte and first baseman Arnold Gandil were approached by a professional gambler named Bill Mahag offering them $100,000 if they intentionally lost the World Series. After agreeing to the offer, the players decided to involve seven other White Sox players in order to complete the fix, including the surefire future hall-of-
famer, “Shoeless” Joe Jackson. With high stakes on the line people began to become suspicious and in 1920 the nine players were federally indicted on charges of illegal gambling, and were banned for life by commissioner Kenesaw “Mountain” Landis, even though no convictions were ever secured against them.  

With this, the purity of baseball and other professional sports would never be the same in this country, and it spawned a string of instances were professional athlete corruption has run rampant, oftentimes denying superstars of the thing that they most rightly covet, and chance to get into their respective hall-of-fames. This has been the plague of not only “Shoeless” Joe Jackson, but others such as Pete Rose, baseball’s all-time hits leader who gambled on games outside of his own as the manager of the Cincinnati Reds, after his playing days were over. The list also includes stars like Mark McGwire, Roger Clemens and Barry Bonds who were guilty of taking steroids during the 1990’s and early 2000’s when god knows how many players were doing the same. It is sad that these talented athletes felt they had to do something artificial in order to remain on top of their respective sports, and doesn’t make their habitual lapses in judgment any better, but in a world where winning is held above morals it is not surprising. Until our collective values and expectations change regarding the behavior of our professional athletes, these debacles will assuredly continue to occur.

B. The BALCO ring and its fallout

Fast forward to 2002 and we come to the curious case of something which has actually helped to curb a very sensitive issue in professional sports. This refers to the U.S. government getting involved in the sport of professional baseball in an attempt, once and for all, to put an end to steroid use. As was noted earlier, in the late 1990’s
300,000 people in the U.S., with that number growing to 1,000,000 for high school athletes alone by 2004. Just imagine how many college and professional athletes must have added to this figure. But certainly before this point, federal investigators rightly had it out for one man, Barry Bonds, whose superhuman 2001 season with the San Francisco Giants prompted everyone, especially those in charge of prosecuting such things to immediately link him to steroids.

To take down Bonds, investigators would have to go through the Bay Area Laboratory Co-Operative, or BALCO for short. In September of 2003, the BALCO site was raided by the feds and quickly began to accumulate evidence against Bonds including interrogations of BALCO employee Jim Valente, the mastermind behind the drug cartel, Victor Conte, Bonds’ trainer Greg Anderson, who injected Bonds with steroids since 1999, and former U.S. Olympian shot-putter, C.J. Hunter. This initial information received as well as future statements from other professional baseball players who took steroids gotten from BALCO such as the Giambi brothers and Gary Sheffield, as well as steroids and injection schedules found at Anderson’s house were enough to make a strong case against Bonds. As if that wasn’t enough, there was also a secret audio recording of Anderson in 2003 where the trainer verbally spoke that Bonds had been using an undetectable steroid called, “The Clear.”

What sealed Bonds fate is the fact that he lied to a grand jury in 2003 when asked about his usage of steroids, which he steadfastly denied. Later on, in 2007, Bonds was indicted in regards to his untruthfulness on charges of perjury and obstruction of justice, and was convicted on April 13th, 2011 for obstruction of justice. It was a huge victory for the government and those who rightly wish to see success on
the field be a byproduct of the hard-work off of it, without extra help made in a laboratory. It was a step in the right direction, but proved to be just the tip of the iceberg floating in a sea of steroid abuse. It also brought about questions of why the government needed to step in to a situation that had gotten so out of hand in the first place. Why had Bud Selig not formally denounced steroid use and made a written policy against it earlier? Additionally, why was the MLB drug-testing policy so lackadaisical in the first place? These questions and much more embarrassing information was about to be revealed in the Mitchell Report of 2007.37

The Mitchell Report, named for the Democratic state senator George J. Mitchell who conducted the investigation, was a monstrous and comprehensive overview of Major League Baseball’s drug problem, and further recommendations on how to further eradicate the sport of this problem. Totaling 311 pages the report was admitted by Mitchell to come about because

“Commissioner Selig asked me to conduct this investigation after the publication of Game of Shadows, a book that contained allegations about the illegal use of performance enhancing substances by major league players that were supplied by BALCO and the personal trainer Greg Anderson.”38

In total, 89 former and current players as of 2007 were mentioned in the report as having used or of being connected to the use of illegal steroid use including 1996 MLB MVP Ken Camminiti, who admitted to using steroids in 2002, and who estimated that about 50% of players were using as of the early 2000’s.39 Finally, there was a public record that confirmed what many had been alleging for years in connection with America’s pastime. What had gone unreported up until this point however is that the MLB had been trying since 1994 to adopt a mandatory random drug-testing program to include steroids but the MLB Player’s association refused to allow this until 2002. Because of this refusal by the Player’s association to cooperate with
commissioner Selig and his committee up until this point, and a year removed from Barry Bond’s 2001 record-breaking season, the league wasn’t able to substantially investigate the extent of the abuse. It proved to be just another obstacle in the effort to do what had needed to be done since 1994 when the issue was first confronted at baseball’s annual winter meetings.40

Finally, in 2002 Bud Selig adopted a formal drug-testing policy for baseball which included the testing for anabolic steroids, but not Human Growth Hormone. This was contingent upon a 2003 trial-run of tests in an anonymous survey to find out exactly how many players were using, and if the percentage was over 5, a mandatory program would be adopted. Even with many players getting secretive, advanced notice of when the tests were to occur so that they could “clean up” in time, 7% of the players tested positive, and the mandatory program was started in 2004.41 During the 2004 season, 12 players tested positive for steroids, but no suspensions were handed out due to the lack of forward thinking and reluctance to condemn players right off the bat by the commissioner’s office. However in 2005, a couple of major changes were made to the testing program. First, Human Growth Hormone was added to the list of banned substances, and was finally tested for, due to the fact that HGH had become popular among players because it had previously gone undetected on drug tests. Next, suspensions were added as a result of positive tests to the tune of 50 games for the first offense, 100 games for the second offense, and a third offense resulted in a lifetime ban from baseball.42

Finally, something had been done to try and curb the blatant cheating which had plagued the sport for decades, and Major League Baseball was moving in the right direction. In addition, it was discovered why it had taken so long to adopt a drug-testing
policy due to the stubbornness of the Player’s union to allow any such program until 2002. While both developments have helped move the game in the right direction of eradicating its steroid problem, they have only scratched the surface of what needs to be done. The fact remains that the professional sporting culture is one that is adaptive and resilient. Not adaptive and resilient in the sense that it recognizes the need to change for the better and bounce back in order to restore moral integrity to the game, but in the sense that in one way or another athletes continue to find ways to bend the rules and to gain a competitive edge through new wonder-drugs which are undetectable to a drug test. Until there is a shift in players’ attitudes and a cultural shift which promotes fair competition and setting a good example above all else, and which denounces all forms of corrupt activity, the same mistakes will continue to be made.

C. Further Government Intervention

Ever since the BALCO raids of 2003, the federal government has become increasingly involved in professional sports, to the point that some criticize them for sticking their noses into places where they shouldn’t be. Still, the fact is that, if fans and the leagues don’t want the government to be involved in the regulation of their respective sports, they should have done more in the first place to effectively self-regulate. Ever since the Mitchell Report was published in 2007, there have been numerous discoveries which have quickly exposed how big of a problem corruption has become in professional sports. Quickly following the Mitchell Report, there was held a televised testimony of some of baseball’s biggest stars who were referred to in the Mitchell Report, and who were heard in front of a federal grand jury in Washington D.C. As if the report weren’t damning enough the nation had to see for themselves
superstars like Rafael Palmeiro waving their fingers in front of the camera and
evhemently denying ever taking steroids, while their lips quivered to hold back the real
truth.\textsuperscript{43} Also, through federal investigation, we found out that Roger Clemens had been
taking steroids since 1997 and that baseball’s active home run leader and the man who
has the best chance to break Barry Bonds’ tainted record, Alex Rodriguez, had been
using from 2001 until 2005.

Moving on from professional baseball, there have been numerous examples of
corruption in other sports revealed or encouraged by federal investigators, or senators
breathing down the commissioners’ necks. The first came also in 2007 with the
“Spygate” scandal involving the New England Patriots illegally videotaping other teams’
practices in order to gain an advantage come game day.\textsuperscript{44} When the news was
revealed to Roger Goodell, an investigation had already begun, but it wasn’t until
Pennsylvania Senator Arlen Specter, who has had a habit of sticking his nose into many
things sports related, spoke up, that a public outcry had begun. The resultant penalty
included the loss of a first-round draft pick as well as subsequent lower picks, and
heavy fines. Still, a couple years later Jets coach, and the man who accused the
Patriots, Eric Mangini, was caught doing the same thing, as was an assistant coach in
Denver.\textsuperscript{45}

The second is one of the worst scandals to hit professional sports in a long time,
involving the NBA, who had more or less been left out of the negative spotlight up until
the 2007-2008 NBA season. This is when an NBA referee named Tim Donaghey was
captured and convicted on charges of gambling on games that he was refereeing and
influencing the outcomes of those games by making calls in favor or against certain
teams. Donaghey admitted to betting on and influencing playoff series in 2002 and 2005, which many have characterized as some of the most poorly officiated games they had ever seen. However, as was the case with Spygate, the public didn’t find out about the whole scandal until the FBI personally interrogated Donaghey and Congress prompted David Stern to further investigate the matter with federal help. During the same time, Donaghey came out and accused the commissioner’s office of instructing officials to influence the outcome of certain games. Whether or not this last part is true remains a mystery, but the fact that the public is now able to increasingly hear about the crooked activity which has been a part of professional American sports for decades is a good thing, to a point. At the end of the day, professional leagues still need to maintain their independence from the federal government, but should keep in mind that if things get out of control, the feds can always step in to intervene and bring justice when it is desperately needed.

D. Sports is One Area not to be like China

Over the past few years with the global economic crisis, which started during the Great Recession of 2007, many nationalities, including the U.S., economically want to be like China. While China’s political atmosphere is still one which fluctuates between heavy Socialist and even Communist ideals, its economy has been booming and the education of its youth has been excellent and as disciplined as ever. However, like most things in China, their sports teams are also run by its central government and one sport in particular, soccer, or football as they call it, has seen more corruption that our country ever has.
Take for example a game between the Chinese soccer teams Qingdao Hailifeng FC and Sichuan FC in September of 2009.48 Late in the match Qingdao was up 3-0 and was cruising to an easy victory over their opponent, yet the coaching staff was furious at their keeper for saving a ball that was about to go into his own net for some reason. In a very confusing turn of events, the staff signaled the keeper to come out towards the center of the field and another Qingdao player attempted to chip the ball over his own goalie’s head and into the net for an own goal, which ironically he missed anyhow. After the match Qingdao’s owner was furious because he had a bet riding on the game that there would be 4 goals scored, and his own players were too incompetent to even successfully fix the match. The incident, dubbed, “Chip-Shot gate,” is just one small example of the type of corruption that runs rampant in Chinese sports, all of which are ultimately controlled by the Communist party’s regime.49

This is not to say that this level of corruption would ever occur in America but it makes one reconsider how heavily the government should be involved in professional sports. When it gets to the point that athletes aren’t able to compete freely in the spirit of competition which is truly unscripted, there is very little hope left for reform of the sport. Fortunately for the U.S. our sporting culture is far removed from this type of activity and there is plenty of hope that we can fix our problems.

IV. Proposed Solutions

A. A Review of Problems

So far in this study we have seen the types of problems that have affected and continue to plague American sports at the high school, college and professional levels. These revelations were prefaced with the reasoning behind why sports are so essential
to human life and what their true nature reflects in pure form. This reasoning forms the basis for why sports need to be reformed and be free, once again, to positively affect the young men and women who grow up captivated by them and who use lessons learned through athletics to affect the course of their lives. It has been demonstrated the type of greed, power, manipulation and laziness which has spawned the centuries of corruption which have gone on in this country, as well as a few examples of how recently, our nation has begun to do the right thing. This last part is and should be taken as an encouraging sign that there is hope and that the citizens of this great nation don’t need to sit back on their couches and merely accept the fact that sports will become overrun by corruption. There are many viable options which slowly can chip away at the iceberg of corruption which floats in an otherwise clean sea of sport, and the law can help to bring this to fruition.

B. From the Professional Ranks to Secondary Schools: An Overhaul of Values

Fast forwarding to the root of what really needs to change in order to rid our nation’s sports of corrupt activities, there is a need for a complete and utter shift in what we value in this country. To start, as ironic and counter-productive as it may seem, we need to not hold the outcomes of our sports and, winning in general, in such high esteem. It is right to recognize the wonderful merits which sports represent and to promote that type of moral behavior, but when these integral ideals become replaced by an attitude that holds athletic success over doing things the right way, then we are in big trouble, as is the case today. The problem is that many people reading this might recognize that this thinking is correct, but up until this point haven’t recognized that the “cult of winning” has gotten this bad over the years. Yet it truly has, and we the people
have threatened the very existence of sports by replacing an emphasis on learning the skills and values that help mold young athletes into good, productive citizens, with a ruthless drive to win by any measure. If the latter is completely allowed to overrun the former we will barely be able to recognize any semblance of sport in this country, the game would become pure chaos.

Taking off this last point, we not only need to start re-emphasizing the values inherent in sport over winning, but we also need to remember that the sports we play really are games, and are to be treated as such. Sports are useful not only because they teach valuable lessons but also because they provide a healthy diversion from the more serious matters of life, and once sports become too serious, lines are blurred and the same cutthroat attitude which enables people in professions like politics and media to get ahead will govern sports as well, as we have seen increasingly over the decades.

Additionally, as mentioned in the first section regarding corruption of the youth, parents need to do a better job raising their children. It is easy, as a person growing up and learning about sports from corrupt the role models seen on television, to emulate their mistakes and pass these mistakes along to one’s own progeny. In fact, in many instances it can be argued that it is not even most parent’s fault nowadays that when teaching their children about sports they nonchalantly recognize that there are many corrupt practices which occur and to accept them as such, because that’s the way current professional athletes were taught as well, and it’s nobody’s fault. This is wrong and although it takes a lot of courage to stand up against the norm, in many facets of life, that is exactly what needs to be done by parents throughout the nation in order to enact a shift in cultural values. It is easy to give up hope and claim that nothing can be
done to stop the corporate giants, greedy athletes, and corrupt politicians who control our sports, just as it is easy to take steroids in favor of hard-work. This doesn’t make any of these things right however, and in a country founded on a revolution from a bigger power which oppressed its colonists, the same is possible in American sports; we need a revolution.

B. How an Attitude Shift can be Enacted

It is all well and good to sound a rallying cry and to stir the pot a little to get people to snap out of it and realize what needs to be done, but how can this actually get accomplished? The answer is slowly, and with a ton of patience and resolve, as is the recipe for most things worth attaining in life. This is also where the law steps in. As mentioned previously, in order to combat the very dark and powerful forces of corruption, there needs to be a force of equal or greater power to overcome it, as the law has been. We are far and away the most litigious society on the planet, and there has already been considerable progress made by taking down professional athletes such as Barry Bonds, Darryl Strawberry and others, for bringing substances and cheating into places where it shouldn’t be. This is a good start and an increased number of lawsuits should continue to keep being pressed by the government, or by sport governing bodies which will hopefully step up and take a proactive role.

However, filing more suits is far from enough to eradicate corruption in sport and in ways could make it worse, due to the already heavy caseload which judges across the nation face. What ideally needs to happen is a change in the statutes which govern corruption and fair competition in athletic circles, and to make a strong push to enforce these regulations by all reasonable means. The word reasonable should apply heavily
in this regard because in the past federal agents have substantially overstepped their bounds to take down professional athletes in violation of drug policies.

For a specific example of this we take the case of United States v. Comprehensive Drug Testing, Inc. which was ultimately decided en banc, or by a full-panel review of judges, in 2009. This case is directly linked to the BALCO raids, because in 2002, when Commissioner Selig decided to institute the trial-run of drug tests to determine the scope of baseball’s steroid problem, he contracted Quest Diagnostics to run the tests and for the operation to be run by Comprehensive Drug Testing, Incorporated, who would keep the files in an electronic database in their Long Beach California facility. Immediately after BALCO was raided in 2003, IRS Special Agent Jeff Novitzky, who directed the raids, filed for subpoenas to search the Quest and CDT facilities for testing information relating to 10 players with ties to BALCO. The requests were quashed by the MLB Player’s Association and CDT in Northern California, but the investigators were able to successfully search CDT’s Long Beach facility as well as Quest’s Las Vegas Testing Center, for pertinent information to the ten players only. However, the feds overstepped their bounds and accessed all of the files on a computer database named, “Tracey” involving much more than the files for the 10 players specifically mentioned.

After a long legal battle which included at first three favorable rulings for CDT from the applicable jurisdictions of Northern California, Central California and Nevada, the U.S. 9th Circuit Court of Appeals ruled instead in favor of the federal government in the Central California and Nevada districts. However, the case was important enough to merit an en banc hearing, and the 9th circuit court ultimately ruled that
government had seized too much information and had to return all files that did not apply to the original scope of the search and seizure. The decision brought up the issue of the applicability of the plain view doctrine exception to the 4th amendment’s right against unreasonable searches and seizures, with specific reference to the searching of electronic databases. The court reasoned correctly that everything that lay on a computer’s hard drive was not open to a free search, only the files for the players whom the government had probable cause against. The purpose for outlining this case is that if the law is used, as it should be to bring corrupt athletes to their knees, it needs to be done in a manner consistent with the equal protection and liberty rights guaranteed by the Constitution.

Finally, besides bringing more lawsuits prompted by corruption in sports and the reworking of statutes to more strictly govern offenses in this area, the judicial system needs to work in close cooperation with law enforcement officials to enforce the law. There are still too many cops, investigators, agents, et cetera, who don’t do a good enough job of enforcing the statutes which govern illegal use of steroids, illicit gambling, work-related violations involving over-zealous coaches, just to name a few areas. On the other side of the coin, the organizations who govern the corrupt athletes or employees also need to do a much better job of reporting incidents and trying to resolve issues internally and not rely on the government to come in and clean up their messes.

C. Specific Methods to Reform

After giving note to the values and attitudes which need to change as well as broadly how the law can help, it is useful to offer a few specific possibilities of how things can be reworked to make our system of athletic governance more effective in
stopping corrupt practices. First and foremost, it is necessary to start at the professional level, because everything trickles down from the top, and if positive changes continue to be made at this level, it may encourage the lower levels of sport to do the same without the same level of forceful change enacted upon them.

To start, there needs to be not only random and mandatory testing for every professional sport in America, but this testing needs to apply to every participating athlete in every single season. Right now, in baseball for example, testing is mandatory and random, but not every player is tested every year, and even the patterns of when athletes are tested is predictable, giving the players an opportunity to take measures to avoid positive tests. What should happen is that the MLB and other leagues should make this mandatory testing applicable to every MLB player for every season, and test more than once a year if necessary. Further, they should switch up the patterns of when tests are administered players and trainers are left guessing when they will occur. The fear and constant looking over one’s shoulder might be enough to deter users in each sport from using ever again, or at least as often. Whether this stringent of testing would fly with the players’ associations would be a legitimate concern but at the end of the day one should remember that it is a privilege to play professional sports, not a right.

As for illicit gambling, the other major flaw of professional sports, the leagues should write into their bylaws that any person, whether it be a player, coach, referee, team employee, or agent, that is caught gambling on the sport(s) they represent, will face at least something similar to the suspensions now handed out by the MLB for failing a drug test, maybe more, depending on the nature of the offense. In addition, if
any person is known to have knowledge of illegal gambling, but fails to come forth and report an offense, they will also be punished. If necessary, as a backstop, the federal government can get involved and start handing out sentences and imposing fines, including those on the commissioners of the sports who let this activity go on under their noses.

Moving on to collegiate athletics, the main issue and struggle would be to humble the NCAA. They have, for too long, ruled college sports with an iron fist and have made an enormous amount of profit at the expense of the “student-athlete.” It is time that players start to be subsidized for helping to generate millions of dollars per year for their universities and for the NCAA, which for some schools like Penn State, Texas, Florida, Michigan and other annually amounts to between $40-$80 million per year, of which the athletes get none.\textsuperscript{54} Yes, in the technical sense of the term, this would mean that the college athletes would lose their amateur status, but in a way they already have lost it, by being treated like professionals, especially at the Division I level where many are courted by professional teams and realistically will be paid to compete for a living. As a precedent, one can look at the Olympics, and the removal of the amateur status for its competitors. There used to be a time where no professional athletes could ever compete in the Olympics, because only amateurs were allowed. That system was officially eradicated in 1986, and the Olympics are as thriving as ever.\textsuperscript{55} The fact is that college sports has become a big-time business and there are two reasonable choices. Either eliminate all sponsorship and endorsement deals in connection with college athletics, meaning the NCAA and schools would lose much of its yearly profit but preserve true amateurism, or pay the athletes so that they can lead a normal life in
college, maybe a couple thousand dollars every 3 months or so. The latter sounds much more reasonable than the former, in both the players’ and the institutions’ eyes.

The next issue in regards to humbling the NCAA, is for a court mandate to eliminate their Bylaw 19.7, the “Restitution Rule,” which threatens to punish any school who obeys a court ordered injunction if that injunction is ever removed or modified. This rule is absurd and should rightly offend any judge or person involved in the legal system. If we have really come to a point where a system so perverse as to not punish an athletic governing body who tries to control the law is accepted, then we are beyond hope. Further, the courts should collectively strike down the rule which prevents a player, with a realistic chance at making his or her living by playing professional sports, from consulting with an attorney or agent and gauging what type of contract they may be able to receive for their talents. It does not make sense to go blindly into a draft with no idea how one stands, and it doesn’t essentially affect an athlete’s performance for his college team, in fact it probably gives the player more of an incentive to do better. Based upon this, the NCAA should be forced by courts to stay out of this matter.

Finally, we move on to cleaning up an area which used to be a pure as sport itself, high school athletics. If done properly at the higher level of sport, and if parents take a proactive role in teaching their children the right values and perspectives in life, than not much else should have to be done to make sure a good example is being set for our nation’s youth. However, realistically, the trickledown effect of good behavior and integrity will take a while to reach young athletes, so measures which can be adopted quicker, should be used as well. This would include one of two things. First of all, as appalling and dangerous as it may sound, there should be mandatory and
random drug testing for all high school athletes to eliminate the usage of steroids and HGH. There is no doubt that this would strike a sensitive chord with many parents and courts, since activity which affects minors has traditionally been regarded with strict scrutiny, but as a nation we have to stop being so naive about the activities which our children engage in, at an increasingly younger age.

This list of activities includes many topics such as drug use, alcohol abuse, premarital sex, and yes, even injecting or ingesting steroids to improve athletic performance. Not always is it necessarily the idea or fault of the high school athlete who does steroids, and the blame can rightly be spread on overbearing and obsessed parents and coaches, and on the bad examples set by college and professional athletes. Still, it is a reality and needs to be stopped immediately. Not only is it not fair to other athletes who don’t use, but the long-term health effects it can cause, especially in people who are still developing musculearly and hormonally, can be severe, including many forms of cancer. Therefore to prevent the use of steroids by high school athletes, there should be mandatory nationwide policies to test high school athletes, in a random fashion, done at least once a year. In addition, every high school should be mandated by federal law to make their athletes attend a series of education programs about the health risks of doing steroids.

V. Conclusion

These are just a few suggestions in a long line of things that can feasibly be done to purge sports of corruption, which hangs around its neck like an albatross. There are many ways in which the law can help, and these are only limited to one’s imagination. Keep in mind however, that it is easy to be over-zealous and to violate people’s
personal liberty rights, and all legal actions should be done in accordance with Constitutional principles. Additionally, this transformation will take a while, so the proponents of the cause need to keep this in mind and remain patient, hopefully gaining more support throughout the process. In the end, it is definitely possible for our nation to fix its vices connected to sports, which is more than many nations, like China, can say. There is plenty of hope. However, every theoretical effort described above needs to be supported by a shift in our American values, which currently hold winning at all costs over what is right or wrong.

The vast majority of Americans are religious people, worshipping some sort of higher power as members of numerous, distinct sects, yet our actions much of the time don't reflect a sound moral compass rooted in religiosity. As a nation, we need to start practicing what we profess to believe in and only then can we truly begin to gain strides, make our nation a better place to live in, and get our priorities straight. If we can step up to the plate and be courageous enough to accomplish this, not only will we return sport to its pure form, but begin to once again benefit from the wonderful values which lie at its core.
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Notes


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