

POLITICAL HAY

More BCS From Congress

By Doug Bandow on 12.14.09 @ 6:07AM

Congress has spent the country blind, inflated a disastrous housing bubble, subsidized every special interest with a letterhead and lobbyist, and created a wasteful, incompetent bureaucracy that fills Washington. But now, argues Playoff PAC, legislators should take a break all their good work and save college football.

If there's one process which Americans -- at least sports fanatics -- love to hate it is the Bowl Championship Series. The curiously convoluted BCS process mixes polls and computer analysis to rank teams and offer bowl bids. The goal is to match the number one and two ranked teams and produce a "national champion." Four out of five Americans surveyed want another system.

Alabama and Texas, slated to meet for the title on January 7, might really be the best teams this year, though I don't claim to know, since I don't follow college football. All that matters to me is that Florida lost to someone (I'm a graduate of forlorn FSU) and is out of the championship running. Not that I would watch the big game if FSU were playing in it.

However, undefeated Texas Christian University and University of Cincinnati complain they were unfairly frozen out of the championship race. In fact, most every year there is controversy over the worthiness of a contender or, more often, the worthiness of uninvited potential contenders.

Matthew Sanderson, co-founder of Playoff PAC (and graduate of the University of Utah, a perennial "victim" of the BCS) says: "We need real reform in college football. Let's stop running this game needlessly on two cylinders and start a playoff."

Or more accurately, he wants Congress to force a playoff.

Makes you wonder what policy model legislators would use to redesign college sports. Maybe the financially responsible Social Security system. Or the ever efficient Postal Service. Perhaps the "let's buy everyone a home" Fannie Mae and Freddie Mac. And don't forget the consumer-friendly IRS.

Rep. Joe Barton (R-Tex.) has introduced legislation to "fix" the BCS. His district contains Fort Worth, where TCU is located. Barton calls the current system "communism" and denounces "this year's BCS failure." The House Energy and Commerce Subcommittee on Commerce, Trade and

Consumer Protection approved Barton's legislation last week.

His bill would define as an "unfair or deceptive" trade practice marketing any contest as a "national championship game" unless it was "the final game of a single elimination post-series playoff system." The legislation also would ban the sale of "any merchandise related to such game."

Of course, if Congress is going to start policing sports claims, it is going to be very busy. Consider a so-called "World Series" based in one country, with one team from one neighboring nation (Toronto Blue Jays) tossed in as a seeming afterthought. Sounds like an "unfair or deceptive" practice to me!

I suppose a game can be a "Super Bowl" when it involves teams from just one country, but the original Super Bowl technically was the "AFL-NFL World Championship Game" and the then two separate leagues talked about the contest determining "the world champion of football." *World* champion? Decided in an America-only contest? I'd hate to have to defend that as a true, honest, and fair description of the game.

Rep. Gary G. Miller (R-Ca.) has introduced the "Championship Fairness Act," which would bar any university from receiving any federal funds if it maintained a Division I football team but did not participate in a playoff system for the football championship. The best argument for Miller's proposal is that it would cut off funds that probably shouldn't be going to universities anyway.

Some legislators appear to view debating BCS as relief from performing more onerous duties. Rep. Gene Green (D-Tex.) proclaimed: "Our Energy and Commerce Committee has been spending weeks, and actually months now, working on carbon sequestration and health care, and this is much more fun to talk about."

Wonderful. Members of the committee have selflessly busied themselves developing proposals to wreck the U.S. economy and nationalize the health care system. So they believe now are entitled to relax by voting to "fix" college football.

It's not only the House that wants to spend our money talking about "fun" things. So does the world's greatest deliberative society located on the other side of Capitol Hill.

Earlier this year the Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights held hearings. Barry J. Brett of Troutman Sanders testified that "This is not simply a sports issue but it involves a significant commercial enterprise controlling hundreds of millions of dollars in annual revenues."

Moreover, argued Brett, the money-lenders had invaded the temple of higher learning. He told the subcommittee: "The greed of some has also clouded the message of sportsmanship, competition and interest of the student-athletes."

There's much to say about the rip-off of student-athletes, but it has nothing to do with the BCS. Rather, the NCAA is a cartel that denies the players any money while coaches win munificent salaries and endorsement deals and schools grab the rest of the cash. If anyone cared about the student-athletes, the latter would be paid for their labors, rather than hypocritically lectured on how wonderful it was they were being given an education that many of them simply endure as

necessary to win a shot at the pros.

What made Sanders's claims almost charming was his contention that it was the other guys -- certainly not the schools from non-automatic qualifying conferences -- who were motivated by greed. Those who today enjoy the ill-gotten loot are greedy. Those wanting to get in on the scam and benefit from treating athletes as indentured servants are public-spirited educators.

But there's a larger issue: why should any of this involve the federal government?

In response to criticisms that Congress has more important issues to attend to, Commerce subcommittee chairman Bobby Rush (D-Ill.) responded: "We can walk across the street and chew gum at the same time." That's certainly not evident in the quality of legislation that emerges from Capitol Hill these days.

The more relevant question, however, is what authority does Congress have to meddle in college football? Why do politicians get to impose their opinion of the right format for a college football championship?

Playoff PAC criticizes the "college football is only a game" not-deserving-congressional-attention argument as "perplexing." First, says Playoff PAC, "it demeans college football and its fans. College football, they say, is not important enough to merit Congress's attention. They're wrong. College football is a billion dollar industry of significant cultural importance." Indeed, worries Playoff PAC: "There are off-the-field consequences when a cultural icon is cheapened by backroom deals and legacy entitlements."

What does that have to do with the purpose of government? Celebrities are a billion dollar industry of significant cultural importance. The process by which people are anointed as stars and later dethroned is utterly irrational. Some Americans' lives are greatly affected by the actions of their favorite famous dysfunctional drug addicts. Should Congress attempt to "fix" this system because some Americans are entertained by celebrities?

And who believes college football is a pristine institution characterized by virtue and innocence? If college football has been cheapened, it is by recruiting scandals, alumni extravagance, the outsize role of athletics on college campuses, and the persistent rip-off of college athletes by their schools. The BCS is barely an afterthought.

Playoff Pac's second contention is: "Congress plays an important role in holding out-of-line individuals and institutions to account and has a unique ability to expose the BCS." Why, Congress can demand that people answer its questions, observes the group!

The world is filled with "out-of-line individuals," many of whom are currently serving in Congress. And what is Congress, but an "out-of-line" institution?

Legislators are elected to fulfill a limited role, authorized to pass laws concerning select public matters. It is Congress's job to protect us in the exercise of our rights, not to violate other people's rights in the name of "holding out-of-line individuals and institutions to account." Puffed up, sanctimonious legislators filled with moral fervor are at their most dangerous when promoting their favored special interests in the name of policing other people's supposed failures.

Finally, Matthew Sanderson argues: "Since the BCS is unresponsive to overwhelming public sentiment, our elected officials should speak-up for their constituents." Normally don't we expect constituents to speak to their elected officials?

And how far should this principle go? Football coaches are notoriously unresponsive to fan opinions over who should play how much. Celebrities seem unconcerned about what the public thinks of their personal foibles. Should legislators pass laws to address this lack of responsiveness?

The Pope is unresponsive to Catholics who want to use birth control. Should legislators "speak-up" for their constituents and complain to the Vatican? Lots of organizations often don't care much about what people think. Who would trust politicians, who spend their entire careers attempting to insulate themselves from popular pressure, to take up the cause of public opinion elsewhere?

Playoff PAC appears to believe that Uncle Sam should act a little like God, who cares about the smallest thing, including a sparrow falling to earth.

Last year President Barack Obama went on ESPN radio and promised to "have my attorney general investigate the possibility of instituting a college football playoff system through executive order." However, it appears that President Obama's tongue was firmly planted in his cheek -- making this one of the few parts of the economy in which he doesn't want to expand state control.

Not so legislators who long have had "fun" talking about sports. Congress has browbeaten baseball players over their use of steroids and failure to be good role models. (Imagine: *congressmen* complaining about other people being bad role models!) Then there were hearings on the dangerous epidemic of gambling, which, it was thought, threatened the very foundations of our nation.

Playoff PAC grandly declares: "college football reform is Congress' business because it is the people's business." No. Everything that goes on in our society is, in one way or another, the people's business. But that does not mean everything is the government's business.

The BCS procedure undoubtedly is flawed. There is, however, no evidence that politicians would do a better job running the system.

It's time for Congress to declare that Uncle Sam is not God. And that there is at least one problem it is not the government's responsibility to "fix."

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