

NCAA Challenges Validity of HEW's Title IX

A lawsuit against the Department of Health, Education and Welfare (DHEW) challenging the validity of that Department's regulations issued under Title IX of the Education Amendments Act of 1972 and seeking a declaratory judgment on this and several related questions of law was filed by the NCAA.

The action was initiated February 17 in U. S. District Court for Kansas in Kansas City at the direction of the NCAA Council.

With respect to athletics, the DHEW rules purport to require equality or parity of opportunity (and, in effect, expenditures) between the sexes in all aspects of intercollegiate activity including the provision of facilities, the assignment and compensation of coaches, the award of scholarship funds, the provision of equipment and supplies, and travel arrangements—whether or not a particular sports activity is productive of revenue to the institution in question.

Language under Title IX pro-

hibits discrimination on the basis of sex "... under any education program or activity receiving Federal financial assistance."

The NCAA feels the DHEW regulations extend the prohibition of Title IX to all activities carried on within an educational institution receiving financial assistance, without regard to whether a particular activity in question itself receives, as required by the express language of the statute, Federal assistance, according to NCAA Counsel Philip B. Brown.

Simply, the NCAA is not aware of any intercollegiate athletic program receiving Federal assistance in any form, and feels the statute is not applicable to such programs, he stated.

Since the development of DHEW's Title IX regulations, the NCAA has made Congress aware of its view that regulations go beyond the statutory language and therefore are illegal because they deal with an education activity (intercollegiate athletics) not receiving Fed-

eral assistance, Brown added.

Legal counsel was authorized by the NCAA Council to challenge the validity of the DHEW regulations in Federal District Court. The NCAA Council is not persuaded that DHEW's view of the Title IX statute is correct, stated President John A. Fuzak, Michigan State University.

"It should first be said that the above-mentioned suit does not represent in any way a suggestion by the NCAA that any member institution should provide less than a fair equality of opportunity to enrolled members of both sexes at that institution," Fuzak and Secretary-Treasurer Stanley J. Marshall, South Dakota State University wrote the membership.

"The NCAA is well aware that its member institutions have made remarkable strides in recent years in the development of new intercollegiate programs for women, and it fully favors continuation of these efforts in response to the needs and desires of enrolled students.

"Late last year the NCAA requested its legal counsel to provide formal opinion concerning obligations of the NCAA (as distinct from its members), as a "state" agency, under the Fourteenth Amendment to the United States Constitution, to itself provide greater athletic opportunities for women," the statement continued.

"Legitimately, a question arises why would the NCAA bring suit against regulations which seek to reach the same objective of the NCAA, developing equality of opportunity in intercollegiate athletics?"

"First, the DHEW regulations contain what the NCAA regards as a number of unreasonable arbitrary standards in measuring equality of opportunity, including in at least one context the use of an illegal quota system for determining equality of opportunity. Second, the regulations are designed to permit and foster interference and "second guessing", in every aspect of

university life, by Federal enforcement personnel.

"The NCAA believes its members have the right, within their own community and through their own personnel and counsel, to determine their legal or other obligations with respect to the provision of equality of opportunity, free from interference by the Federal bureaucracy.

"Another, and perhaps equally important reason for the Council's action is the fact that once the DHEW is permitted to establish a foothold in the regulation of intercollegiate athletics, there is no assurance it will not increase, make more complex, and enforce with greater arbitrariness regulatory standards which it deems appropriate.

"Whether an organization directly concerned only with intercollegiate athletics to raise the question is DHEW acting illegally is an appropriate question.

"The Council feels, for better or worse, the DHEW's regulation...
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MEMBERS OF THE EAST AND WEST—Teams paraded around the field after the first U.S. College All-Star "Japan Bowl" football game was played at Tokyo's National Stadium January 12. Football-crazed Japan turned out 68,000 people to watch the West defeat the East 27-18. The "Japan Bowl" was the second largest attendance figure in six NCAA certified All-Star games this year, and featured many All-America selections.

Basketball Postgrad Scholarship Nominations Deadline March 3

Nominations by member institutions for 15 NCAA Postgraduate Scholarships for the current basketball season are due March 3 to district vice-presidents.

Each district vice-president automatically serves as chairman of the district selection committee, which screens and forwards nominations of each area to the National Office for final selection by the Postgraduate Scholarship Selection Committee. Deadline for submitting district nominees is March 18.

Faculty athletic representatives were mailed nomination folders February 6, complete

with all requirements, criteria and deadlines for selection of 15 basketball scholar-athletes.

Now in its 12th year of existence, the NCAA Postgraduate Scholarship has become one of the most outstanding scholarship programs in the United States.

Each year, scores of qualified senior student-athletes are neglected, who are otherwise eligible for this important award. It is the responsibility of each institution to submit qualified nominees for Postgraduate Scholarships.

"No institution should feel it will not have a chance for an

outstanding student-athlete to be selected for the scholarship," said Capt. J. O. Coppedge, athletic director at the U.S. Naval Academy and chairman, Postgraduate Scholarship Selection Committee. "Each division, I, II and III, receives the same number of scholarships."

"Divisions II and III particularly are reminded selection is first based by division. The remaining nominations are all considered for at-large selections, regardless of division," added Coppedge.

Of the 15 basketball awards
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Football Rules Stress More Safety in Blocking, Tackling

During its January meeting, the Football Rules Committee adopted tougher enforcement measures to help the prevention of injuries through use of dangerous techniques.

Recommendations by the Committee on Competitive Safeguards and Medical Aspects of Sports initiated rules banning tackling, butt or ram blocking, and overall use of the helmet as a weapon against an opponent.

In recent years, many sports medicine experts have criticized coaching techniques stressing the use of the head as the contact point in blocking and tackling an opponent. This so-called "head" technique has become one of the main causes of quadriplegic and paraplegic cases, according to these sources.

Restricts Helmet

The Competitive Safeguards Committee recommended minor editorial changes to existing rules to prohibit the use of the helmet to spear, butt or ram an opponent. This Committee was convinced these changes would enhance the overall protection of the athlete.

Spearing, as defined in Rule 2, Section 24, Article 1 stated, "Spearing is the deliberate and malicious use of the head and helmet in an attempt to punish an opponent after his momentum has been stopped."

The modification passed by the Committee now reads, "Spearing is the deliberate use of the helmet in an attempt to punish an opponent."

A change in Rule 9, Section 1, Article 2-1, referring to butt blocking was also modified. The old rule stated, "No player shall deliberately and maliciously use his helmet or head to butt or ram an opponent." Again, in the new language, no question is left concerning the use of the helmet.

"No player shall deliberately use his helmet to butt or ram an opponent."

In addition, the Committee adopted the following new rule: Rule 9, Section 1, Article 2-n states, "No player shall intentionally strike a runner with the crown or top of his helmet."

AFCA Support

Adding support to the Competitive Safeguards Committee was action taken by the American Football Coaches Association. The Football Rules Committee adopted new language in its Coaching Ethics section to read: "The football helmet is for the protection of the player and is not to be used as a weapon. The American Football Coaches Association has stated:

(a) The helmet shall not be used as the primary point of contact in the teaching of blocking and tackling.

(b) Self-propelled mechanical apparatus shall not be used in the teaching of blocking and tackling.

(c) Greater emphasis by players, coaches and officials should be placed on eliminating spearing."

"The Competitive Safeguards Committee is pleased with the rules modifications pertaining to our recommendations, and with endorsement of the American Football Coaches Association," said Kenneth S. Clarke, chairman.

Clarke, head of the department of health education at Pennsylvania State University, is director of the National Athletic Injury/Illness Reporting System (NAIRS) which has long been against the "head" blocking and tackling technique.

Committee Pleased

"Thanks to the clarity of the rules changes, coaches now have
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Gambling A Social Benefit?

Modesty is not one of the problems of the Commission on the Review of the National Policy Toward Gambling. Through its chairman, Charles H. Morin of Washington, D.C., and its staff director, James E. Ritchie, the Commission has staked out a large role for itself in its recent First Interim Report. The Commission appears to regard gambling as an undeveloped national resource which, if properly handled, can solve such nagging problems as government insolvency, judicial corruption and even intercollegiate athletic deficits.

First, purging themselves of any self-doubt, the Commission members have promised that their final report, due approximately October 15, 1976, will be "the most definitive recommendations on national gambling policy ever produced" and that the "national public attitudes toward the phenomenon of gambling will be similarly affected for generations to come."

Second, based on hearings the Commission has conducted to date, the Commission leadership wants to emphasize the potential for good which legalized gambling holds for society. Images of balanced state budgets and bankrupt Mafia families are conjured up as the fallout benefits of establishing gambling as a respectable recreational activity to be promoted by the state with the same emphasis as tourism.

When the 1970 Organized Crime Control Act was adopted by Congress, this Commission was assigned to take stock as to the direction the nation should take toward gambling in the future. For reasons unimportant at the moment, the Commission's first meeting was January 1974 and since then, while professing neutrality on the issue, its actions clearly are designed to minimize the adverse effects of legalized gamblings while extolling its anticipated benefits.

In searching for volume, to justify a Federal effort, legalized gambling on professional and college sports is an enticing arena which

is too much for Mr. Morin and Mr. Ritchie to resist. We have been unable to find a single report of a knowledgeable sports figure who has testified before the Commission who has not denounced the insidious influences which would flow from massive, state-promoted gambling on sports contests. This testimony has been directed principally to the integrity of the competition itself, without enumerating the many, many undesirable social consequences of widespread public gambling.

The principal forms of gambling are identified as:

- State lotteries Horseracing
- Sports betting Off-track betting
- Casino Gambling Jai alai
- Dog racing

The Commission leadership's reaction to this adverse testimony to date has been the suggestion that there appeared to be "collusion" in the statements of the various sports leaders and apparently a "vocal segment" of the public is opposed on "moral grounds." The Commission director then counters with the argument that college athletics might get a share of the dollars flowing from state-promoted gambling activities to balance deficit budgets.

It is not the purpose of the NEWS to debate the merit of the issue at this point, but rather to underscore the continuing program of the Commission to bring the issue before the American public in as favorable a light as possible. The NCAA Council now has taken steps to keep the membership informed of developments in this area through a committee under the chairmanship of Cecil M. Coleman, the athletic director of the University of Illinois. Mr. Coleman and his associates will be in contact with the membership from time to time, as this important public policy question takes further shape, providing pertinent information to be weighed against the Commission's apparently pro-gambling bias.

NCAA to Study Spinal Cord Injury

The NCAA, in cooperation with three other school-college athletic organizations is undertaking a national survey of one of the most profound unknowns facing those responsible for the conduct of sport: *spinal cord injury*.

The NCAA study will seek shortly (via a one-page report form and self-addressed return envelope) data on all spinal cord cases experienced among students in college-sponsored events during the calendar years of 1973, 1974, and 1975. The respective number of non-sport-related and

sport-related cases will be requested.

The need for accurate data warrants every member institution to return a completed form, *even if no spinal cord injury was experienced*. The amount of information requested is minimal. Institutional anonymity is guaranteed. Recall of spinal cord injuries should pose no problem, and a three-year study period will provide advantageous trend-line perspective.

Because of this injury's small annual case rate, the need for every member institution to cooperate with the survey's re-

quirements cannot be overemphasized.

Dr. Kenneth S. Clarke, Director of the National Athletic Injury/Illness Reporting System who is conducting the survey with grant support from the Monsanto Company and the National Safety Council, has stated a complete report can be available by June if returns are prompt.

Other organizations cooperating in the study are National Federation of State High School Associations, National Junior College Athletic Association, and National Association for Intercollegiate Athletics.

Football Rules Emphasize Safety

Continued from page 1

the guidance of what and what not to teach in the way of tackling and blocking techniques," Clarke added. "Not only should coaches teach the proper way of blocking and tackling, but should stress the improper way associated with the language in the new rules interpretations."

Coinciding with these changes, the Football Rules Committee spelled out the blocking rules which were relaxed:

The hands shall be in advance

of the elbows, inside the frame of a blocker's body and below the shoulder; the hands shall not be locked, and the hands and arms shall not be used to grasp, pull or lift an opponent nor be used to deliver a blow.

Rules protecting the quarterback ordered a 15-yard penalty for roughing the passer, even if the play has been completed, with the penalty tagged to the point at which the play ended. If the play results in a touchdown, the penalty will be im-

posed on the receiving team on the ensuing kickoff.

The Committee also adopted the mandatory use of hip and thigh pads for all participants, and a rule stating the score at the time of forfeiture will stand as final.

In other action, a proposal to adopt a tie-breaker rule, which already is in use in Division II and Division III, was rejected, and legalization of the dropkick field goal also was defeated.

"The Football Rules Committee felt that everything was thoroughly discussed," said Cliff Speegle, chairman, and commissioner of the Southwest Conference. "We felt the two areas prohibiting an athlete from using the top of the head to tackle, or block a runner, will certainly help avoid crippling injuries."

Columnary Craft

Reprinted below is an excerpt from the writing of a news columnist commenting pertinently about college athletics. It is selected because the NCAA News feels it makes a point and discusses a topic which will interest NEWS readers.

By DAVE KINDRED

Louisville Courier-Journal Sports Editor

This is the story of a college basketball referee who quit because he was afraid he'd punch somebody in the nose.

Jim Howell, 35, is a junior high school principal in Washington, D.C. Once a player at American University, he had been a referee 13 years. He threw away his whistle Sunday night.

He worked the Maryland-North Carolina game that afternoon. North Carolina won 95-93. The game ended in a storm of protests when Maryland's John Lucas tripped over Carolina's Phil Ford during a fast break in the final seconds.

No foul was called. The Maryland coach, Lefty Driesell, and some of his players charged John Moreau, Howell's officiating partner. As the referees left the floor, Maryland fans shouted obscenities at them.

For Howell it was not the first time.

It was, however, the last.

"After that game Sunday, I said to myself, 'Is it worth it?'" Howell said by telephone yesterday from his home in Upper Marlboro, Md.

"I've been threatened by fans. I've had police escorts. In the professional ranks, a football official got hit in the head with a bottle. That could happen to any of us. You only need one fool out there."

It is Howell's belief that more than one fool attends basketball games. He didn't resign as an official in both the Southern and Atlantic Coast conferences because of abuse from coaches and players. He couldn't take the fans' harassment anymore.

Coaches, Players Not the Problem

"The coaches and players, you can control them. You have the technical foul to use. And you learn to take the screaming during a game. It's part of the game. If you're going to officiate, you have to take it. But I was tired of the constant abuse after games.

"I was afraid I might try somehow to retaliate."

Was he afraid he'd get into a fist-fight?

"Well, in any other situation, if I'd been subjected to some of the things I've been subjected to as an official, I probably would have done something like that.

"I was afraid somebody was going to say something and I would retaliate and it would wind up in a big mess. And that would have been worse than just getting out now."

For work in the Atlantic Coast Conference, a referee is paid \$125 a game plus 25 cents a mile travel expenses (one way).

That ain't nearly enough.

They don't print enough money to pay (1) policemen, (2) firemen and (3) basketball referees.

A referee's job is thankless. To begin with, it's impossible. Too much happens too quickly in a basketball game for a man to sort it all out. He does the best he can. And that's not good enough for 10,000 crazies yelling their heads off for Good Ol' State U.

Who's Fault? The Referee's

When State U. loses, then, whose fault is it?

The referee's. Always.

"Coaches control the crowds, they set the atmosphere," Howell said. "And a lot of them seem to think referees are cheating them. No official willfully cheats somebody. Maybe we cheat them by making a mistake. But we are human."

Howell said films of the Maryland-North Carolina game apparently show that there was in fact a foul on the last play.

"We just never saw it. If it happened, it should have been a foul. But even if we missed it, I don't think the world should come to an end."

Howell said some things are more important than who wins a basketball game. "It was a thrill to officiate when I first started. Now it was a job. I didn't enjoy it. I resigned at the end of last season, but they talked me into coming back. I worked maybe 20, 22 games this season.

"I just got tired of it. I've got two young boys at home and they need a father. I'm home with them now, and I haven't felt so good in years."

Howell was a first-class official. He worked in two NCAA championship games—UCLA vs. Memphis State in 1973 and North Carolina State vs. Marquette in 1974. Two years ago he accompanied an American team to China at the invitation of the U.S. State Department.

"I've become, I guess, disillusioned with sports in the United States," he said. "Anymore, it's win-at-all-costs. In China, the whole philosophy is different. It seemed great. Their motto was 'Friendship first, competition second.'

"They played hard, but when it was over they were friends. In a competitive society like ours, though, it'll never be that way."

China treats basketball referees differently, too.

1976 Championships on ABC

The 1976 National Collegiate Wrestling, Swimming, Volleyball and Outdoor Track and Field Championships have been selected by ABC Television to be televised as part of ABC's Wide World of Sports.

ABC-TV, as part of the NCAA Football Television Plan, televises five NCAA championship events. The fifth championship to be televised this year will be selected at a later date.

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