

so to speak, in an area where I'm not so sure that I want to open it up. I think that in some instances, and I'm a staunch believer in due process and sometimes I have complained because of the lack of it, but I think in this instance of a private organization, I am not so sure that I want to vote for...in fact, I'm sure I do not want at this time to vote for the bill. I think that we are getting into an area which I would prefer that we not touch. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Senator Chambers, your light is still on. Would you care to speak again.

SENATOR CHAMBERS: Yes. Mr. Chairman, let me explain this for Senator Schmit as I did to everybody else the day that I brought the bill. Senator Schmit, this bill was drafted because a coach had been placed under some sanctions in a way that was felt to violate due process. Because the NCAA is a national organization and its membership includes state supported universities, the coach brought an action under federal statutes against the NCAA because his due process rights under the U.S. Constitution had been violated. There are a number of federal decisions that have held that the NCAA does constitute state action when it does something. In the case that I'm talking about, the U.S. Supreme Court ruled that the NCAA is a private association, therefore, the federal due process standards do not apply. They need not follow the due process standards under the U.S. Constitution and U.S. laws. So the only way that you can get at the conduct of private associations, even when it's a national monopoly such as the NCAA, which has been described numerous times in the literature as a cartel protecting its own interests in a self-serving way against even the interests of the athletes, the only way you can make them comport with due process requirements is through state law. So what I'm trying to do with this law is not something that's new, it's not something that's different. It's a response to the U.S. Supreme Court decision. Cases such as this had gone to federal court before and federal courts had ruled that a person had a cause of action under federal law because the NCAA, being associated with state schools, was, in fact, engaging in state action. When the U.S. Supreme Court erased all of those decisions...by the way, in a very evenly divided court, well, five to four, it wasn't evenly divided but sharply divided, the one former athlete on the U.S. Supreme Court, Byron White, dissented. He said the NCAA is engaging in state action and gave his argument and he was joined by the other three