



It's hard to know whether to be more surprised by the NCAA's hypocrisy or its ability to be shamed into doing the right thing, at least when pressure gets to them. I guess I'll go with the latter since the former isn't really much of a surprise.

A mere days after the Jay Bilas of ESPN exposed the NCAA's abject hypocrisy in using its own web site to profit off the players it would simultaneously punish for trying to do the same, the NCAA actually succumbed to the shame of it all and shut down the site, though not necessarily its profit churning possibilities.

Oh we've talked about the NCAA and it's hypocrisy in every manner of operation several times by now so really nothing should be a surprise. And yet, there it was earlier this week engaged in the kind of "really?" type of behavior that has come to define its existence.

By now you've heard the key elements of the story. Bilas (who you should follow on Twitter (@jaybilas) was sitting around not doing anything more than simply pondering why Texas A&M quarterback Johnny Manziel faces suspension for allegedly profiting off his autograph when he wondered whether the NCAA was simultaneously profiting off of Manziel in other ways. So he went to the NCAA's shopping website, typed Manziel's name in the search bar and up came a Texas A&M replica jersey bearing Manziel's number. Bilas then repeated the exercise for other players, like Jadevon Clowney, and got a similar result. Then Andy Staples of Sports Illustrated

did likewise for even more players and got the same results. Buy any one of those jerseys and the vendor, the NCAA and the member schools will split the proceeds. Manziel, Clowney, Braxton Miller, and on and on, won't see a dime.

In other words, the NCAA raises the increasingly more ludicrous banner of preserving the quaint notion of amateurism when a player wants to profit off his own name, likeness or signature. The NCAA has no such problem when it's the one doing the profiting, at least until others caught on.

But character is what you do when no one is looking, not when everybody is and we know that until Bilas opened our eyes to what was actually out in the open, the NCAA was more than content to count the dollars it was making off Manziel and others.

This is the frustrating, hypocritical message the NCAA's been sending for years and is exactly why it is in the midst of a lawsuit it can't win. That action, filed by former UCLA player Ed O'Bannon, has been certified as a class action of former and current players who claimed that the NCAA retaining in perpetuity a college player's image, likeness, name, what have you, and profiting handsomely from it without sharing any of the spoils with the player is blatantly unfair.

The NCAA's defense has essentially been that it owns your rights as the privilege of participating, even after you're long gone from the college ranks. If it were a fair fight, that might be a good argument. But in the context of 18 year old kids, all of whom at that age are locked out from pursuing a professional career in either professional football or basketball for at least a year (three for football) by those leagues (due in no small part to the unholy, unspoken alliance between those leagues and the NCAA), the argument loses its luster. Throw in the fact that a kid who would stand up to the NCAA's draconian contract terms essentially strikes the death knell for his chances of a pro career and you can understand why what the NCAA does to them is so unfair.

The entire financial underpinnings of the NCAA are jeopardized by the O'Bannon lawsuit and even though Rome is burning around them they continue to walk around its open flames toting 10 gallon cans of gasoline.

The NCAA operates like they're Tony Soprano only not as smart. It's as if they don't realize that you can't keep your earners from getting a little taste for themselves. Everyone in Tony's chain

of command has to earn a little something to keep the wheels of his brand of commerce flowing. Not so with the NCAA. Instead it comes across not even as generous as Feudal kings but as high minded pre Civil War plantation owners. Think Leonardo DiCaprio in Django Unchained. A rise up was inevitable.

As much as I love NCAA football and basketball, the chief earners for the NCAA kingpins, it wouldn't raise my blood pressure if those sports ended up as the collateral damage in bringing an end to the NCAA's silly moralistic and anachronistic view that student athletes should be grateful to play for free. I don't mind the NCAA earning its fair share. I do mind it earning the complete share.

The NCAA isn't going to fundamentally reform because it doesn't want to. It purposely lumps the schools with conflicting interests together in the same category in order to keep fundamentally fair change from happening. The Big 10 and a few other big conferences have floated the perfectly reasonable idea of paying the players enough of a stipend to keep them from feeling like they have to sell their own stuff in order to make ends meet. The midlevel schools countered with the perfectly reasonable response that they can't afford those payments because they don't have access to the same kind of money as the big schools. And there the proposal sits, dormant and adrift, unable to get out of its own shadow, the net result of which is all the money stays where it's always been at, with the NCAA and the schools. Similar conflicts abound and that's what prevents any real movement.

Make no mistake, the NCAA is in trouble and if they're smart, and they've shown such predisposition, they'd plan for the future. Their lawyers may be fighting the good fight but it's the NCAA that doesn't even understand that the only thing worse for its future than losing the lawsuit is winning it.

The NCAA's business model that hinges on the systemic and almost complete exploitation of college athletes is bound to collapse on itself like a stack of Jenga blocks. Either the O'Bannon lawsuit dismantles it through the legal process or it gets dismantled all the same when the athletes have had enough, it will get dismantled.

It doesn't have to be that way. The athletes in revenue-generating sports ought to share in some of the revenue generated. It's not that hard of a concept and there are plenty of intelligent folks around that could actually figure this all out in a fair and reasonable manner. I just wouldn't trust anyone associated with the NCAA with the task. Their heads are stuck so far in the sand

that they've forgotten what daylight actually looks like.

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If you want to understand how insidious all this is, consider the plight of Desmond Howard. True he's an obnoxious little shit that went to Michigan, but that doesn't color the fact that he's caught in the middle of a weird lawsuit that stems from the infamous Heisman pose he struck in the end zone all these years ago and the photo that captured the moment.

The complete story was reported by Yahoo! Sports, increasingly the go-to place on the internet for actual sports journalism. I won't bore you with the full details, just Google "Desmond Howard photo lawsuit" and you'll find the story. But the upshot is that there is an intellectual property fight over who exactly owns the photo. Know this, however. No one is claiming that Howard owns it. Indeed, Howard's caught in the lawsuit because he once used the photo for a brief period of time on his own web site and now the outfit claiming ownership of the photo is seeking damages from him and everyone else that supposedly used the photo without authorization.

What makes this story most interesting in the context of the O'Bannon lawsuit is that it illustrates nearly perfectly what the fuss is all about. There are plenty of people profiting from Howard's likeness as captured in that photo, including the NCAA and Michigan, to this day. Of all those who are, the one person who's not is Howard. That's because, again, he was forced to sign over his rights in order to gain the privilege of playing NCAA sanctioned football.

Does anything about that story seem right or fair? You could argue that the person who took the photo really owns it and I wouldn't have that big of an issue with it. But the larger truth in it is that he doesn't own it completely and thus isn't able to exploit it completely. Because the photo is of an NCAA sanctioned football player, the NCAA owns that likeness and the photographer has to pay a licensing fee before he can exploit that photo financially.

If you think the NCAA should hand over some of the fees generated over the years to Howard then you really haven't been paying attention. That would entail a thread of enlightened thinking that the NCAA isn't capable of institutionally mustering. They'd rather bleed their subjects bone dry.

For now Howard is thinking of signing on to the O'Bannon lawsuit and for the life of me I can't understand why he hasn't already. But then I remember he went to school at Michigan and realize that it will take him a bit longer to connect all the dots.

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As a final bit of moralizing on this topic, let me just say that I'm struck at the seemingly sympathetic tone that Yahoo! Sports and even ESPN have taken to the sad plight of Johnny Football Manziel given how hard they went after Terrelle Pryor et al for engaging in virtually the same conduct.

I'm not one to see racism at every turn but it's worth considering whether the attitudes of those outlets are at all colored by the race of the individuals involved. It's easy to see Pryor as a street hustler and Manziel as the white bread victim but nothing is ever that easy.

Pryor had plenty of flaws and demonstrated them repeatedly. So, too, does Manziel. In both cases they stem from the same entitlement attitude that puts them at the center of increasingly larger groups of people unwilling to tell them "no" to anything let alone give them a solid piece of advice. Indeed Manziel's parents seem to be front and center in helping cultivate Johnny's reckless party boy image.

The truth is that the same issues that tripped up Pryor and the others at Ohio State appear to be tripping up Manziel. For reasons I'll never completely understand the NCAA simply will not allow players to profit from their own property at any level and as long as that remains the rule there will be cases like these that leave other right thinking folks scratching their heads.

Pryor deserved the same sympathy and understanding that the media is now giving Manziel and for the same reason. The NCAA's rules on this issue serve not to better the student athlete in any discernible way but instead to serve the NCAA and its members' school unbridled greed.

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That was exhausting. Now for this week's question to ponder as the Indians seek into their inevitable abyss: Can even Terry Francona save a semi-promising season from completing slipping away?