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The NCAA is facing another lawsuit over athletes' names, images and likenesses. KIRBY LEE/USA TODAY SPORTS

# NCAA suit could put big money at stake

Steve Berkowitz  
USA TODAY

Attorneys acting on behalf of two current college athletes on Monday filed a federal antitrust lawsuit against the NCAA and the Power Five conferences that could substantially increase the tension, and financial stakes, connected to athletes' ability to make money off their name, image and likeness (NIL).

The suit, which seeks to be a class action, not only asks that the NCAA be prevented from having association-wide rules that "restrict the amount of name, image, and likeness compensation available" to athletes but seeks unspecified damages based on the share of TV-rights money and the social media earnings it claims athletes would have received if the NCAA's current limits on NIL compensation had not existed.

This has the potential to put, conservatively, hundreds of millions of dollars at stake. As allowed under federal antitrust law, the suit seeks to cover athletes who played in any of the past four years and carry forward through the date of a final judgment. In addition, if a jury decides to award damages to an antitrust plaintiff, the amount is tripled.

Specifically, the suit claims that football, men's basketball and women's basketball players at schools in the Power Five conferences are entitled to damages related to the use of their NILs during telecasts of games and that athletes in any sport at a Power Five school are entitled to damages related to social media earnings.

"The college sports industry has been immensely profitable for every party involved except the players themselves," the plaintiffs' lead attorney, Steve Berman, said in a statement. "For too long, the NCAA's bylaws, constitution and rules have governed all aspects of college sports, and we think these outdated and unnecessary regulations

are unlawfully keeping college athletes from compensation that is rightfully theirs."

Monday's filing adds to a series of recent developments threatening to destabilize a college sports landscape also being shaken by the coronavirus pandemic and protests in the aftermath of George Floyd's death in Minneapolis.

Less than a month ago, a three-judge panel of the 9th U.S. Circuit Court of Appeals unanimously upheld a district court ruling that the NCAA had violated antitrust law with its limits on various benefits athletes can receive from their schools. On Friday, Florida Gov. Ron DeSantis put his state alongside California and Colorado in passing a law aimed at helping college athletes make money off their NIL.

The moves by those three states and the introduction of similar bills in dozens of other states prompted the NCAA board of governors to approve in April a set of principles that set up significant reforms related to athlete name, image and likeness. But the association and the Power Five conferences also have been actively lobbying for federal legislation that would supersede the states'.

And, according to Tom McMillen, the CEO of an association that represents athletics directors of Football Bowl Subdivision schools, ADs are concerned about "conflicts (with schools' existing sponsorship deals) and displacements" of athletic department revenue that could occur with changes in NIL rules being proposed by the NCAA.

The new case was filed in U.S. District Court in the Northern District of California's Oakland Division. The named plaintiffs in the case are Arizona State men's swimmer Grant House, an Olympic hopeful, and Oregon women's basketball player Sedona Prince.

# Big Ten athletes would be allowed to kneel

Christine Brennan  
USA TODAY

As the Big Ten Conference launches a voter registration drive for more than 9,500 student-athletes while also announcing an Anti-Hate and Anti-Racism Coalition, Commissioner Kevin Warren told USA TODAY Sports that conference athletes would be able to kneel during the national anthem if sports are played this fall.

"I'm going to personally empower student-athletes to express their right to free speech and peaceful protest," Warren said in a phone interview Sunday. "What I have to do as a leader, I know my words matter, I know my actions matter and I will work through over these next couple months where I stand, and they know I stand together with them in all that I do."

Asked if that means Big Ten student-athletes would not be prevented from kneeling, Warren replied, "Correct. That's part of the beauty of the country that we will live in. Individuals are encouraged to express their rights to free speech and also peaceful protests."

Warren, who is African American, would not say if he would personally take a knee during the anthem. "I want to hear what's important to our coalition and what's important to our student-athletes. I want to listen."

Warren said his decision to start the Big Ten Anti-Hate and Anti-Racism Coalition, which will be comprised of about 180 student-athletes, coaches and officials from the 14 conference schools, stems in part from his personal history.

"As a Black man in society, understanding the issues Black people in society have faced, my parents would talk to me about Emmett Till from the time that I was a kid," he said. "Then with what's happened this year with Breonna Taylor, Ahmaud Arbery, George Floyd, and spending 15 years of my life in the community in Minnesota working for the Vikings, raising our kids, them going to high school, knowing this community in and out, then to watch that video, and then I thought of how many times there was no video to watch, and if that had occurred probably a few hours later two streets over with no video, they would have ended up saying Mr. Floyd was resisting arrest. That happens so many times."

Warren said the conference's new coalition fits "hand in hand" with the voter registration drive that seeks to make sure every Big Ten athlete is registered to vote for the Nov. 3 presidential election.

"I believe in any year, but especially this year and especially where we are as a society, that voting is the top way



Big Ten Commissioner Kevin Warren said that conference athletes would be able to kneel during the national anthem if sports are played this fall. THOMAS J. RUSSO/USA TODAY SPORTS

to influence issues that are going on from a social justice or social injustice standpoint," he said. "We want to do everything we can to encourage others to vote, to vote ourselves and to make sure that we don't allow voter suppression to occur."

Asked if the Big Ten will recommend that athletes have the day off on Election Day to vote, as others have advocated, he said the issue "will be on the table" for the coalition when it meets virtually in the next few weeks.

Warren also said that the coalition will deal with all forms of hate, including sexism and misogyny. Asked specifically if that includes Iowa's pink visiting football team locker room, a color associated with girls and women that the Iowa football program has used to portray weakness and softness, Warren replied: "That is an interesting question. The reason why we're meeting on our coalition is to talk about all these issues. Maybe there are other things that are going on on our campuses that we need to address. I will tell you this: We are going to address all of the issues in our conference and our country that are racist and that are filled with hate."

Fall sports in the midst of the pandemic are top of mind for all college sports officials, Warren included. He said the Big Ten's plan "is to have fall sports begin" but said specific scheduling decisions will be made over the next 30-45 days. He did not rule out the prospect of some conference schools playing and others not playing, as Penn State football coach James Franklin brought up last month.

He said a decision about allowing spectators in Big Ten stadiums also is yet to be made.

"The next 30 days," he said, "will be critical."

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# Snyder must change racist team name



**Jarrett Bell**  
Columnist  
USA TODAY

George Preston Marshall's monument was removed from RFK Stadium last week, which incredibly has been positioned outside the city-owned space for decades.

It never should have been there in the first place.

But fitting, the damned thing was hauled away on Juneteenth, which commemorates the day the last enslaved African Americans in the United States were freed in Texas in 1865, nearly two-and-a-half years after President Abraham Lincoln signed the Emancipation Proclamation.

Marshall was the former owner of Washington's NFL franchise and a proud, wear-it-on-his-sleeves racist. That team name that Dan Snyder needs to get rid of because of the slur that it is to Native Americans was hand-picked by Marshall. Washington was the last NFL team to integrate, in 1962, then after Attorney General Robert F. Kennedy and Interior Secretary Stewart Udall threatened to revoke the team's lease for the new stadium that was built on federal land using taxpayer money.

Marshall had famously declared, "I'll integrate when the Harlem Globetrotters integrate."

It is beyond me to accept why they ever gave that character a monument at RFK, where Washington played home games until moving to FedExField in 1997. It was surely a different time as Marshall – the one who persuaded other NFL owners to institute a color line that banned Black players from 1934 until 1946 – was one of the charter members who received a bust when the Pro Football Hall of Fame opened in 1963.

Yet it's better late than never to remove the tribute to Marshall amid a push to take down statues and monuments or rename buildings, streets names and other venues that honored Confederate war figures, slave owners and segregationists as America reexam-



**Dan Snyder is a businessman who has typically rationalized the NFL's Washington team name as a valuable brand.** RICH BARNES/USA TODAY SPORTS

ines the symbols of racism that permeate throughout our society.

Which reminds me: "Never." That's what Snyder vehemently declared in 2013 when asked if he would consider changing the slur of a team name.

"We'll never change the name," Snyder told USA TODAY Sports. "It's that simple. NEVER – you can use caps."

He should have never said never. Now is the perfect time for Snyder to acknowledge the degrading message that his team's name sends to many Native Americans and just change the thing.

Snyder, one of the NFL's biggest revenue generators yet also one of its most maligned owners, can keep the team colors. They can still be the "Burgundy

and Gold." Yet changing the name, as the NBA's Washington Wizards did in 1997 in switching from the Bullets, would allow Snyder – who has searched to no end and no success in trying to win the big one since buying the team in 1999 from the estate of Jack Kent Cooke – to stand pretty tall with a clean slate.

Talk about rebuilding an image overnight.

If Snyder reverses his hard-line, Marshall-esque stance on the team name it might even result in him getting a statue. I mean, Washington has won two playoff games in 20 years under Snyder, who during the same span has gone through 10 head coaches (including two interims). That pattern won't get him a bronzed sculpture. But a significant

statement would do wonders.

"Dan Snyder has now been given an opportunity to create a different legacy for himself," Ray Halbritter, head of the Change the Mascot campaign, said in a statement. The grassroots campaign is aligned with the Oneida Indian Nation. "For as long as he insists on slurring Native Americans with his team's racist mascot, it will lead to more damaging impact on Native American communities and he will become more synonymous with infamous segregationist George Preston Marshall."

Sure, Snyder is a businessman who has typically rationalized the team name as a valuable brand. Well, imagine the merchandise that can be sold with a new name. And imagine not having the nation's capital as a potential site for a new stadium and new team headquarters.

Washington Mayor Muriel Bowser said recently that the team name would be an "obstacle" for relocating within the District of Columbia. Bowser also told Washington radio station Team 980, "I think it's past time for the team to deal with what offends so many people."

It's also past time that the NFL pressed the issue with Snyder.

When you see NFL Commissioner Roger Goodell proclaiming in a video that "Black lives matter" and that the league is committed to battling racism, as he did in response to a video from players in the aftermath of George Floyd's death, it's natural to wonder whether he'll do anything about the racist slur that one of the league's highest-grossing franchises still uses.

Goodell and the NFL apparently didn't take Colin Kaepernick as serious as they should have and years later are expressing regret for not "listening" enough to the concerns of Black players.

Well, here's a chance for Goodell and other NFL owners to prove what they've learned, while other brands like Quaker Oats and Land O'Lakes are making moves to erase racially insensitive symbols.

What a perfect time for Snyder to change the name – better late than never.

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