Beyond The Lines: A Story of Injustice in College Sports

By: Dan Allard

Gary Davis pulls into his grandmother’s driveway almost hitting a car parked in the road. Gary’s forehead drips with sweat. He is still exhausted from football practice on a hot August day. He runs to the mailbox, which he does everyday. Gary flings open the mailbox and quickly sifts through the junk mail until he comes across a large manila package stating, “FIRST CLASS MAIL: GREEN MOUNTAIN STATE UNIVERSITY.”

“Hell, yes! It’s finally here.” Gary exclaims out loud as neighbors look on knowing all too well the contents of the package contain information on another college football program. Gary sprints inside and gives his loving grandmother a massive hug. “I got the offer for Green Mountain Ma! NFL here we come,” roars Gary. “I’m so proud of you, Gary, all of your hard work has paid off. I’ll call everyone and tell them the good news,” says grandma with a smile draped across her wrinkled face. A few hours later Gary receives a text from the head coach at Green Mountain State, Mark Peligio, stating, “Gary, Let’s Win A Championship.” Gary is in complete ecstasy.

Gary Davis is the most sought after high school prospect in the last 20 years. His junior year in high school he set the Michigan record for yards and touchdowns by a wide margin. He is featured on the cover of Sports Illustrated Prospects Edition this year with the title, “THE NEXT GREAT ONE: GARY DAVIS.” What makes Gary’s success even more remarkable; he is living by his grandmother in the inner city of Detroit, Michigan. Gary’s dad left his mother before he was born, and his mother died when he was ten years old. While growing up in Detroit, Gary’s friends ask him on a regular basis to join
gangs and drop out of school. Despite all of the adversity, Gary finds something to take him away from all of the chaos—football.

Gary is a gentle giant, standing at 6’2” and weighing in at a chiseled 235 pounds. He has a body of a Greek God, legs like a tree trunk, and the looks of a Hollywood star. Aside from winning the genetic equivalent of winning the lottery, Gary is very humble and kind. When Gary scores a touchdown he simply hands the ball to the referee and heads to the sidelines, never stopping to celebrate with his teammates. The ultimate statement of acting like you’ve been there before, which he most certainly has. Gary simply keeps to himself and quietly pursues his ultimate goal of becoming a professional football player. One of his motivating factors is to raise a family of his own one-day and provide them with things he never could have had.

“Don’t stop believin’; Hold on to that feelin’; Streetlights people,” echoes from Gary’s pocket. Gary answers his cell phone. “Hey baby, I can’t wait to see you today,” says Tracy Stanson, Gary’s girlfriend. “Me too. Tracy I have big news. GMS finally offered me today,” exclaims Gary. “OMG baby, that’s amazing! We will have to celebrate tonight. I’m texting everyone right now about a party!” screams Tracy. Gary and Tracy have been best friends since they were very little. They eventually went on a date with each other in the ninth grade. After that romantic night, they have been together ever since. Tracy is also an athlete. She is a star on the volleyball team. Tracy is a very friendly outgoing individual, never hesitating to state her mind. She is atop the thrown of gossip throughout the school. This has led Tracy to suffer in the classroom. It seems opposites do attract.
Gary receives scholarship offers from every major college football program desperately seeking his rare talents. But a Green Mountain State University offer stands above and beyond the rest. Gary sits and watches one his favorite shows “Outside the Lines” on ESPN. “Green Mountain State is a perennial powerhouse in college football. A winner of five of the last ten national championships, Green Mountain is a dynasty like no other in college football history. Green Mountain State is a factory for NFL players turning out ten to twenty draft picks every single year. This success can be attributed to its hall of fame head coach, Mark Peligio. Mark how are you? And what type of coach do you consider yourself?” asks the ESPN reporter. “I’m what some would call a players coach. I like to be accommodating to all of my players. Whether they need help on or off the football field. I want my players to consider me as a second father. With some players I am the only father figure in their lives. I try to be a leader in every since of the word,” says Coach Mark Peligio to the interviewer. “This is my kind of guy,” Gary exclaims.

“This charismatic coach does have one weakness. He has an overwhelming desire to win no matter what the costs. Coach Peligio in the past has received sanctions from the governing body of college football, the NCAA. The ‘crimes’ range from communicating with recruits above the required limit to refusing to take or release drug tests for his players. There are also rumors in college football that coach Peligio runs an elaborate system to funnel ‘financial resources’ to his players and their families,” the ESPN broadcast explains. “It is not hard to imagine that Coach Peligio and the NCAA have more than a slight amount of distrust between each other. Despite the tension with the NCAA, coach Peligio is a media darling. This is the main reason why the NCAA is reluctant to completely investigate him. He is a money making machine for all of college
football. I’m Bob Ley and that’s it today for Outside the Lines with a look into coach Mark Peligio of Green Mountain State.” Gary is enthusiastic to meet this coach and see what Green Mountain State is all about.

Coach Peligio is a master recruiter of the top high school players. Whether it is using his charismatic personality to charm the parents into picking his school or “wining and dining” the high school student with a glimpse of the college life, coach always gets his man. Gary was obviously a major target for coach Peligio. Gary Davis had the smarts, the skill, and the attitude to be one of the best players in all of college football. Coach Peligio had to get this rare talent. He would draw Gary in by proving to him that he could eventually get him into the NFL as a first round draft pick. A deal that is potentially worth tens of millions of dollars. Coach Peligio would text or call Gary almost everyday saying things like, “I have some friends in the Broncos management that really are interested in you” or “I can make you into a superstar here at Green Mountain State, Gary.” There is mutual interest between the two, which eventually leads to a scholarship offer from Green Mountain State.

A few days after receiving the offer, one morning when Gary is getting ready for school his phone begins to ring. Gary glances at the screen showing “Coach P” and immediately answers it in excitement.

“Gary, how are you this morning?” coach Peligio says.

“I am doing well. Just a little sore after that game last night,” Gary says.

“I heard you kicked some ass last night. I mean four touchdowns and 200 yards in the first half! Anyways, I called you to set up a date for you to come and visit the campus and football facilities here at Green Mountain State. How about next Friday Gary? You will
stay the weekend here and really get the feel for what it means to play football for a powerhouse like Green Mountain State. Does that work for you?”

“That works for me coach.”

“Great! Oh yeh, and Gary one more thing.”

“What’s that coach?”

“This time I think it’s best that you come alone without your grandma.”

“Sounds great coach. I will see you next Friday”

“Awesome! See you then Gary.”

Gary is usually hesitant to show any emotion, but he had an extra hop in his step all week. He thinks to himself, “I finally get to visit my dream school and meet some of the players I watch on TV every year.” It is Friday morning and Gary is on his way to Green Mountain State University. Gary’s grandmother drops him off at the airport. Gary says, “goodbye grandma, see you soon.” He boards the plane and is on his way to Green Mountain State University. Coach Peligio and the star quarterback, Jon Glennon, meet Gary at the airport when he lands. “Gary, welcome!” states coach Peligio. “So this is the next great one. He looks like a stud to me,” Jon says amazed at Gary’s presence, “You ready to have the time of your life this weekend, kid?” “Of course,” Gary exclaims, not having any inclination of what Jon really meant.

First, coach Peligio shows Gary around the entire Campus. Gary is amazed by all of the buildings and also by all of the beautiful women. Gary and coach Peligio then make their way to the football and training facility. The facility is called the “David H. Koch Football and Training Facility.” This is the namesake of a billionaire alumnus of Green Mountain State, David H. Koch. The facility is the pinnacle of college sports.
There are granite floors, a giant indoor water fountain, high tech study rooms to analyze each and every play, an indoor and outdoor practice field, a 20,000 square foot workout facility, a trainers room that supports world class doctors and physical therapists, and a separate building with tutors in each study room. The building is a perfect laboratory for deriving the optimal college football athlete. Gary’s eyes are wide-open. He cannot comprehend anything that Coach Peligio is saying on the tour. He just stares in amazement. Gary has never seen anything like this in his life. They then enter a room with all of the NFL alumni of Green Mountain State. This room is full of hundreds of jerseys and pictures from every NFL team. Coach Peligio exclaims, “Gary one day your name will be up there. When you decide to come to Green Mountain State, I promise to make it happen.” Gary knew at that moment this is where he is destined to play college football.

After the tour, Coach Peligio and Gary meet up with Jon Glennon. Coach Peligio leaves saying, “I will see you boys tomorrow morning bright and early.” Jon shouts to Gary, “Hey kid, Frank’s having a house party tonight. The whole team is going to be there and we are getting shitfaced. Come on man, we are going to find you some girls tonight.” Gary knew of Jon’s talents on the football field having led Green Mountain State to the National Championship last year, but he thought to himself, “this guy is seems nice, but he also gives off this wild persona.”

The sun is setting over the horizon. Gary heads to the party with Jon. As Gary is walking down the sidewalk, he hears what seems to be a concert a few blocks away. Jon and Gary arrive at the front yard of the house party. A young woman with a tank top and a headband on jumps into Jon’s arms and says, “Who is this Jon?” pointing at Gary. Jon
exclaims, “Ladies, this is the best running back in America and soon to be Mountaineer.” Jon awkwardly offers a fist-bump to Gary. Gary reluctantly concedes. Gary then walks up the stairs and enters the house. What he observes is a party like something he once read about from ancient Babylon. Gary does not know what to do. There are people everywhere, maybe over a hundred, kegs of beer in every corner, and a few people hanging upside down and drinking from the kegs. Gary isn’t sure if people are dancing or having sex. There are people smoking marijuana cigarettes throughout the house and a few people doing what looks like cocaine. There is even a cooler filled with a purple liquid. The cooler has a stained piece of paper on it stating, “JUNGLE JUICE- Drink at your own risk.” Gary did not know what to think. He has drunk alcohol before and had been to parties but nothing like this.

Suddenly, Jon slaps Gary on the back handing him a beer and a cup of the “jungle juice” and yells, “Drink up man!” So Gary did just that. After a few cups, Gary begins to feel sick to his stomach. He can feel something coming on. He knows he has to get outside or to a bathroom immediately. Gary runs outside and around the house. He vomits all of the jungle juice and beer into a nearby bush. Gary then wipes off his mouth. He thinks to himself, “You have to get yourself in line. Or this could be a long night.”

Gary lifts up his head to see a bunch of men in blue uniforms with flashlights entering the yard. Gary hops into a nearby bush to escape the lights. The men with the flashlights then yell, “Cops! Everybody out! We have had a noise complaint and the party is done! Cops everybody out!”

Gary cowers deeply into the bush. People are running out of the house like a herd of animals. After a few seconds Gary notices Jon talking to the police. Jon says, “How
are you officers?” The officer responds, “Not again Jon. You boys get out of here you have a fucking game tomorrow. How many times do we have to do this? Get out of here!” Gary is amazed the police did not arrest anyone. In his neighborhood the handcuffs and batons always come out. Jon yells at Gary, “What are you doing in that bush man! Let’s get out of here and crash.” Gary crawls out of the bush and leaves with Jon and the other football players at the party. They went back to Jon’s place. Gary could not stay awake another moment. He fell asleep on a chair to the sounds of Jon and the other football players playing some kind of drinking game.

Gary wakes up in the morning to a piercing headache. Everyone else has already left. He looks down at his cellphone. It has twenty missed calls and thirty texts, mostly from Tracy his girlfriend. Gary just shakes his head in disappointment. He pours himself a glass of water and listens to one of the voicemails from Tracy. The voicemail says, “Gary! Why aren’t you picking up? I’m pregnant Gary, I’m pregnant!” Gary puts down his phone, kneels down on the floor, and closes his eyes.

“Hello, everyone and welcome back to national signing day here on ESPN,” says the on-air reporter from ESPN. “Gary, you are the consensus number one high school football recruit. Every university in America would love to have you call their name.” Studio lights and camera flashes shine directly into Gary’s eyes. He is sitting at a table in his high school gymnasium. Three hats rest on the table each one having a different college insignia on them. These hats represent Gary’s final three choices on where he wants to play college football. “So who is it going to be Gary, Green Mountain State University, the University of Alabama, or the University of Southern California? The entire country is dying to know!” says the reporter.
Gary stares at the green, crimson, and yellow hats sitting in front of him and thinks to himself, “What choice do I really have? I have a kid on the way, and a family to care for. Green Mountain State is the best program in the country with the most NFL draft picks. Coach Peligio is the best coach in the nation. Although, the Crimson Tide and the Trojans do not have as much bad press surrounding their programs, I need to do what is best for my family.” Gary then motions to the Green Mountain State hat. The gymnasium erupts in applause. “Green Mountain State reloads with talent once again. Back to Bristol,” says the reporter.

Gary arrives at campus the following summer. He enters coach Peligio’s office.

“Gary, are you ready to work?” says coach Peligio.

“Yes, sir. I can’t wait to get the pads on,” responds Gary.

“Good, good. First, here are your keys for the David H. Koch training facility. Everything you need is in there. Also, I am having you room with Jonny. I think it’s important for freshman to room with upperclassmen. If Jonny gives you any shit just come to me, OK.”

“Yes, sir. See you at practice.”

“One more thing, Gary. Things are going to get crazy around here. The media will be crazy. This isn’t high school anymore. These people are fucking ruthless. Everyone is looking for a story to fill the their 24-hour news cycle. They’re looking for you to make any fucking mistake so they can purge out the next ‘tweet.’ The NCAA will be here too, don’t worry about those guys. They are always on my ass.”

After leaving coach Peligio’s office, Gary starts walking to Tracy’s mother’s apartment to see his son Samuel. He cannot stop thinking about what Coach Peligio had just said. “What if the media or NCAA go after Sam and Tracy? How am I going to
handle that? Is the media really that bad or was coach just paranoid?” His thoughts race through every possible nightmare scenario. Gary looks back at Koch Stadium. He imagines himself running down the field under the bright lights, 100,000 fans cheering his name, and scoring the game-winning touchdown. Gary says to himself, “I’m a Green Mountain State Mountaineer now. Big lights, big fame, and big bucks are soon coming my way. I’m going to be able to take care of my son. This is all going to be worth it.”

Tracy moves into an apartment in proximity to the Green Mountain State campus with her mother so that she and baby Sam could be closer to Gary. Gary walks into the two-bedroom apartment and says to Tracy, “How’s your mom’s new nursing job going?”

“Seems like it’s going pretty good. She is working twelve hour shifts now, four times a week.”

“Great. I’m living with Jon. Remember, the wild star quarterback I told you about?”

“O, yeh! Don’t worry Gary! You can go out and party all night and I’ll be here taking care of Sam all by myself. You’re the star,” Tracy says sarcastically.

“Tracy you know that’s not going to happen. Football is my job now, but my free time will be devoted to you and Sam, you know that. Where’s Sam?”

“He’s in the bedroom sleeping.”

Gary tip-toes down the hall towards Tracy and Sam’s room. Gary enters the doorway and sees his precious son lying in his crib. Tracy rests her hand on Gary’s shoulder and whispers, “look at him, baby. He has your eyes.” “I think your right, but hopefully he has your heart.” Gary and Tracy embrace each other in a passionate kiss and retreat to the living room.
“Let’s go God damn it! Five fucking days until our first game, and you candy asses cant even run a damn counter!” Coach Peligio yells at the team. “Gary Davis. Get your ass over here and run with the first team. Let’s see what all the hype is about.” Gary runs into the huddle. “You ready, buddy? 22 counter, spider two, y-banana on one; 22 counter, spider two, y-banana on one” orders Jon. Gary lines up in the backfield behind Jon. Jon calls out the cadence, an Gary is completely in his zone. He is locked in and determined to show the team what he can do. The center hikes the ball to Jon. Gary takes the handoff and runs through a hole in the line. He spins off of one All-American defender and runs over another. He has only one more man to beat. Gary unleashes his signature “stiff-arm” move, throws the defender to the ground, and runs into the end zone untouched. The offense hurries to the end zone to congratulate their newfound star. “Hell, yes!” Jon exclaims chest-bumping Gary. “Now that’s what I’m talking about number 22,” coach Peligio says. “Looks like we have found our running back boys!” Coach Peligio motions to Gary. “Gary, that’s what we need. Let’s give you a few more reps.” Gary continues to dominate his teammates throughout the entirety of the practice.

Gary notices a stern looking man in a suit watching alongside the president of the University the whole practice. “He can’t be an NFL scout or reporter because they never wear suits, let alone in heat like this. Who is this man?” Gary thinks to himself. Gary is walking off the practice field with Jon and asks, “Jonny, who is that guy in the suit over there?” “I think it is someone from the NCAA,” Jon says. “I’ve seen him talk to Coach P before when I was in the film room one day. I think his name starts with a ‘B,’ hmmm.” Jon thinks to himself. “Barry! Barry is his name. Barry Green. I remember Coach saying ‘that guy is always on my shit’ when he left the room.” As Gary and Jon walk off the
field, Barry Green turns away from his conversation with University president and briefly glares at Gary. “Jon, that guy, Barry, just stared me down,” Gary says while laughing. “He probably can’t get enough of the best new thing to happen to college football. You’re about to make them a lot of money,” jokes Jon.

The Green Mountain State football is undefeated at 10-0 and ranked number two in the entire country. This success is mainly because of Gary setting college football records for yards and touchdowns by a freshman running back before the season even ends. The team is about to play their rival, the University of Southern California, in the conference championship game at Koch Stadium. Gary and Jon are leaving their apartment and walking towards the stadium. “Only one more game bud, and we are in the playoffs. Can’t hold nothin’ back now,” says Jon. “We got this,” exclaims Gary fist-pumping Jon.

The players in the locker prepare for battle. They get their ankles wrapped in tape, lace up their cleats, and one player even applies eye black to his face in a war-paint like pattern. Coach Peligio enters the room yells, “Gather around!” The players all move to the front of the room gathering around their coach. Coach Peligio then starts to deliver one of his notorious pre-game speeches,

“It all comes down to today. We have to take the game one-inch at a time men. Life is a game of inches and so is football. The margin for error is so small; one step too early or late can change the entire course of your life. On this team we fight for that one step. We have to be perfect. Being perfect is about being able to look your friends in the eye and honestly telling them there is not one more thing you could have done. If
you can live in that moment with a clear conscience, then you are perfect.

Either you come together as a perfect team or fail as individuals. Now what are you going to do?’

The team exclaims in unison, “win!” Gary and Jon give each other a nod and run out onto the field.

“We need this guys,” Jon says. Gary looks up at the scoreboard confirming the need to score being down 17-10 with thirty seconds left on the game-clock in the first half. Jon takes the snap and drops back scanning the field for an open receiver. Gary attempts to block a defender rushing at Jon. Gary slips falling to the artificial turf and yells, “Jon!” The defender hits Jon in the back. The “crack” of the shoulder pads ring throughout the stadium. The fans cheer in ecstasy. Just before the hit Jon had gotten off the game-tying touchdown pass. Gary looks at his good friend withering in pain and helps him off the field. He sees the trainer coming out to help him while the coaching staff continues to cheer on the sidelines.

The spirits are good in the locker room at half time. Gary motions to a trainer to come over and re-tape his ankle. Out of the corner of his eye, Gary notices through a glass wall Jon sitting at a table in the trainers’ room. He turns his head in that direction to get a better look. Suddenly, he sees a large needle being inserted into Jon’s back. “What the hell are they doing? They can’t do that,” Gary thinks to himself. Gary then rushes to the room with a roll of tape dangling from his foot. “Hey, stop this,” says Gary. “This doesn’t concern you. Get the fuck out of here,” yells Coach Peligio. “It’s alright, man. I got this. Finish getting the ankle taped up,” says Jon grimacing. Gary is engulfed by anger but walks out of the room under the wishes of his friend.
Swaying back and forth, Gary awaits on his own ten-yard line for a punt from the opposing team. He hears the thud of the punter striking the ball and looks up for the ball. Gary looses the ball in the bright lights of the stadium. He tries to adjust to where he thinks the ball is coming down but in doing this forgets to call for a fair catch. Gary brings his head down just in time to see a USC defender running full speed right at him. Everything then goes black.

“Gary, Gary, you there,” says someone from the training staff. Gary slightly opens his eyes. Jon, Coach Peligio, and the trainer are standing over him. “He’s awake. Let’s get him to the sidelines,” says the trainer. Jon and the trainer help Gary gingerly walk to the sideline. Gary can barely stand the bright lights and feels nauseous. He takes a seat on the bench trying to comprehend what had just happened. The trainer starts administering a concussion test to Gary. Coach Peligio sees this and immediately runs over. “He looks fine to me,” says coach Peligio. The trainer says over the crowd noise, “I’m not sure coach. He was hit pretty hard and …”

“Gary, are you ready?” interrupts coach Peligio.

Gary trying to regain himself blurts out, “yes, sir.”

“Well, there you have it. Get out there son. We have a game to win,” says coach Peligio motioning Gary to get back on the field.

“First, of all great win out there today. But how are you feeling, Gary? It looks like you took a big hit out there on that punt return,” asks the local reporter.

“I’m Ok, just part of the game. I’m just glad we could get the win and hopefully advance to the college football playoffs,” answers Gary. “That’s all the questions for Mr. Davis,”
says the public relations manager for Green Mountain State. Gary walks out of the press conference. Tracy and Sam greet him in the hallway.

“Great game baby,” says Tracy giving Gary a kiss on the cheek.

“Thanks. I could use some rest. Hey buddy,” says Gary grabbing ahold of Sam from Tracy.

“We should do something tonight, Gary. My mom doesn’t have to work, and she can watch Sam. I think the hockey team is having a party tonight in celebration.”

“I don’t think I can do that. I’m not feeling so well. I think I might have a concussion. Tracy, what are those?” asks Gary pointing at her ears.

“Um, well, they are, you know, my mom got them for me as a gift.”

“They look expensive. Alright, well I’m going home. Love you, Tracy. Love you, buddy.”

“Love you, too.”

Gary notices that Barry Green guy talking to the president of the university once again while walking out the stadium. The president had a concerned look on her face. “That guy is so strange. I wonder what he is doing?” ponders Gary.

“I’m telling you Steve this guy may be the best young running back I’ve seen since Barry Sanders. He is a shoe-in to win the Heisman Trophy,” says the ESPN commentator. Gary turns the channel sick of hearing former frat boys talk about how good he is. He heads towards the kitchen. Gary opens the fridge and pulls out some leftover shrimp fried rice. He hears his phone vibrating on the kitchen counter. There is a text message from Jon. The text said, “Hey man, I’ll be back soon. We have to talk.”
Gary thinks, “that is a weird text. Especially, coming from Jon. And especially, for Jon to say something like that half in the bag partying after a big win.”

“Hey,” yells Jon stumbling through the door of Gary’s room.

“Shit, man, don’t scare me like that,” says Gary waking from a deep sleep.

“Gary, man, did you know Tracy was going out tonight? She was at the party.”

“No! Are you kidding me? She didn’t even say anything to me.”

“I know. I saw her and she looked pretty drunk. So, I went up to her and asked where you were? She said you were tired and went home.”

“Then what…” says Gary languishingly thinking about what Jon is about to say next.

“Well then I said, ‘you look pretty drunk let’s get a cab and get you back home.’ So we got a cab and I walked her into her mom’s place. She said, ‘tell Gary I’m sorry. I just wanted to have some fun.’ I just hopped in the cab and came back here.”

“Thanks, man I appreciate it. I’m going to have to holler at her tomorrow morning though.”

“Hey, Jon can I ask you something?” says Gary.

“Yeh, man, anything. But hurry up I think I’m not feeling to hot right now if you know what I mean,” says Jon pointing to the bathroom.

“Do you think coach P cares about us? Do you think anyone really cares about us? Or are we just here to be pawns for this big money making machine?”

“Woah, getting deep, huh? Look the reality is coach P is trying to win man, trying to get paid. Losing is not an option for that man, and he is willing to do anything to make that happen.”
“What about that speech he gave about team, and during recruiting, I mean I really felt like he thought like he wanted me to succeed. I bought into what he was saying…”

“Look man he’s just a charismatic dude. Most of what comes out of his mouth is bullshit. You and I, we have to worry about ourselves. We have to make it to the league, make millions and get out of this mess.”

“I know man, but he sent me back out there. He had to know I had a concussion. I could of lost everything. He put that shot in your…”

“Fuck him man. Play for you, play for Tracy and Sam, play for your teammates.”

“You’re right, man. Thanks Jon.”

“No problem, bud. You would of done the same for me,” says Jon as he rushes to the bathroom.

“The Red Wings look they are the team to beat in the NHL this year. Skill, power, finesse. I don’t see anyone coming close to hanging with these guys,” states the ESPN commentator. Gary is cooking some eggs for breakfast while glancing at Sports Center on the TV. “This just in, we have some breaking news in college football,” says the ESPN commentator. Gary quickly moves into the living room to see what the news could be. “Maybe the selection committee decided who was going to be in the college football playoffs or maybe they were going to announce if who was going to the Heisman Trophy presentation in New York City,” ponders Gary. “Wow, this a big news out of Green Mountain State. The NCAA has suspended coach Mark Peligio and several players, including Heisman candidate Gary Davis, indefinitely for violations of NCAA rules,” says the ESPN reporter. Gary feels a knot in his stomach. He begins to feel sick and demoralized.
Gary looks outside his window. News vans and reporters are already starting to amass outside. “Jon! Wake up,” yells Gary. “What man?” groans Jon. “Come look at ESPN,” exclaims Gary. Jon spills into the living room and his jaw drops. “What the hell is going on Gary? What did you…” Gary interrupts, “nothing Jon, this is crazy. You are with me everyday, you know I couldn’t have done anything wrong.” They both turn to the TV, and a familiar face is on screen. “Let’s go to Indianapolis and the headquarters of the NCAA and listen to the head of the Committee of Infractions for the NCAA, Barry Green,” says the ESPN reporter. Gary and Jon are speechless. Barry Green begins his speech,

“Green Mountain State head coach Mark Peligio has for too long made a mockery of the rules and guidelines agreed upon and prescribed by the National Collegiate Athletic Association and its member schools. Mark Peligio has violated rules involving but not limited to recruiting and practice procedures, interaction with boosters, performance enhancing drug testing, illegal drug testing, and minimum academic standards. Several players and those players’ families have been paid with football booster money. In particular, Gary Davis’s girlfriend and family were provided at least $25,000 dollars in funds in just the last three months. Gary Davis has also sold and profited off of selling autographs for thousands of dollars. Coach Mark Peligio and the players are suspended indefinitely until a final punishment is determined. Thank you, and does anyone have any questions?”

“Gary, what the hell did you do?” Jon says.
Gary cries, “I never sold anyone any autographs. I mean I signed some stuff for kids after practice but never sold anything. And my family never told me about any money… oh, no.”

“What?” yelled Jon.

“Tracy, Tracy had these diamond earrings on after the game and I didn’t think anything of it. She must have been receiving money the whole time…”

Gary didn’t have to finish Jon already knew.

The next day Gary could not rest. He knew this just was not right. “But what could be done,” Gary wonders to himself. “I was never questioned by anyone. The only person I saw from the NCAA was Barry Green a few times at practice. How could they conduct an investigation and hand out punishments without ever notifying me, questioning me, or without proving any wrongdoing.” Gary sat down at the computer to see if he could find anything out about the NCAA investigative process. Just then, he remembers what his favorite teacher from high school, Frank Territt, had once said in government class. “Due Process is the legal requirement that the state must respect all of the legal rights that are owed to a person,” explained Mr. Territt. “That’s it,” cries Gary. “Due process, I was never afforded any due process by the NCAA and my public university.” “I need to find a lawyer,” Gary yells out loud seemingly to no one. Gary looks through the faculty at Green Mountain State School of Law. He finds a distinguished constitutional law professor named Bill Wellington. “Perfect,” exclaims Gary. Gary writes down professor Wellington’s room number, grabs his coat, and rushes out the door.
“Hello, may I come in?” asks Gary while opening the door to professor Wellington’s office.

“Yes, you may, have a seat and close the door, Gary Davis,” says professor Wellington.

“You know who I am?”

“Certainly. I am a huge football fan and I have never seen anyone run as hard as you,” compliments the professor.

“I have a question professor.”

“Ask away and you can call me Bill.”

“Professor, or Bill, I think the NCAA violated my due process rights by suspending me indefinitely. I never sold any autographs and never was aware that Tracy, my girlfriend, was accepting gifts. Is there anything that I can do?”

“We have been waiting for a case like yours for a long time here,” explains the professor.

“You see there are two types of due process, procedural and substantive. The NCAA has violated your right to procedural due process. I don’t think there’s much of an issue there, but we will see as we dive into the facts. The problem is the NCAA needs to be considered a state actor.”

“But doesn’t the NCAA work through the public universities almost like an agent would work with me to the NFL teams,” questions Gary.

“Wow, you are pretty smart, kid. You ever think about going to law school? But I digress. Here, let me explain. The Supreme Court in NCAA v. Tarkanian held that the NCAA was not a state actor. This was a very close decision with a scathing dissent by Justice White stating that private parties become state actors when acting jointly with state officials,” explains professor Wellington. “The reason I said we have been waiting
for a case like this is because things have changed in 26 years since that decision. For example, do you know the name of the organization controlling your high school sports rules?”

“Yes, I think they are called the Michigan High School Athletic Association or MHSAA,” says Gary.

“That’s right. Well, a case decided more recently by the Supreme Court, *Brentwood Academy v. Tennessee Secondary* held that an organization like MHSAA in Tennessee was considered a state actor because they acted jointly in the investigative process. This case cast doubt on the *Tarkanian* case and we think…”

“You think you can get the Supreme Court to overturn *Tarkanian* and apply the Tennessee case to my situation,” interrupted Gary.

“Exactly! If this football thing doesn’t work out you should really consider law school Gary.”

“Professor, will you take my case?”

“Let’s get to work!” says professor Wellington while shaking hands with Gary.

“Tracy, what happened?” exclaims Gary entering Tracy’s apartment.

“Baby, I’m so sorry. These nice men at the football games would give me money and gifts. They always told me don’t worry about anything we will take care of you and your baby. So, anytime I needed anything for Samuel, I would ask them for money. I didn’t think you should know because I didn’t want you to worry, baby,” explains Tracy crying.

“Tracy, how could you be so, so stupid. I mean, at least tell me about some strange men giving you money. I could have gone through the university and got help with Sam. Ahh, why did you do this?”
“I’m so sorry Gary, I’m so sorry. I was just trying to make things perfect for Sam. You were away at football and class all the time. I needed help.”

“I know. I’m sorry too for yelling. I think some good may come out of this. I’m filing a lawsuit against the NCAA with a law professor to hopefully sort this all out.”

Tracy jumps into Gary’s arms. They hug each other and Gary whispers into her ear, “everything is going to be OK.”

Professor Wellington and Gary file a complaint in Federal District Court against the NCAA. Professor Wellington also suggests to Gary that they hold press conferences to put the public against the NCAA. In their apartment, Jon and Gary watch joyfully as Professor Wellington works his magic in one of the pressers on ESPN. Professor Wellington says,

“Gary Davis is a victim. He is a victim in a history of injustice perpetrated against innocent players and coaches by the NCAA. The NCAA’s investigative process is a mockery of civil society’s idea of due process. The NCAA provides no unbiased tribunal. In this case, there was a biased investigator trying to take my client down to make an example with the real target Mark Peligio. My client was never offered the opportunity to see evidence or to question the NCAA’s witnesses. My client was never provided the right to have a decision based on any credible evidence. In fact, we have evidence that a third party forged those autographs, alleged to be Gary’s, and sold them to third parties without my client’s permission. We have to ask ourselves how far can an organization working jointly with the government go. How many instances of injustice
is the NCAA entitled to? This has to end. Gary Davis needs to play football again.”

Gary and professor Wellington keep in contact almost every day. One day at a coffee shop in Green Mountain State’s Union building professor Wellington explains, “your case is really breaking the NCAA, Gary. I think they know there’s a good chance they will lose the case. But even if we do not go to trial, the public outcry is starting to weigh on them. I can feel it.”

“That’s great. Is there anyway that we could settle with the NCAA, so that I could possibly enter the NFL in this year’s upcoming draft. I mean, if the public outcry really is that bad, maybe they are looking to make a deal,” responds Gary.

“That is a great idea Gary. I’ll see what I can do,” promises professor Wellington.

A few months later Gary was watching Jon work out in front of scouts at the NFL draft combine when he received a phone call from Professor Wellington. “Gary, are you by a television?” says professor Wellington. “Yeh, why?” answers Gary. “Turn it to ESPN now.” Gary runs to the nearest TV. Barry Green was on the screen about to deliver a press conference. Barry Green starts his speech,

“The recent investigation into Green Mountain State has created a tremendous amount of attention towards the NCAA. In light of new information regarding the case, we have decided to remove the indefinite suspension status from Gary Davis. Because of the unusual circumstances involving Mr. Davis’s suspension, the NCAA and the NFL have worked out an agreement to allow Mr. Davis to immediately declare himself eligible for the NFL draft. Mr. Davis is also immediately reinstated to play
college football for Green Mountain State if he wishes. Thank you all for your cooperation, any questions?”

Gary runs back to the field and yells to Jon, “I’m free! I’ll be joining you tomorrow buddy!” Gary picked up his phone. “Professor, are you still there?” says Gary. “So, I take it your going back to school to become a lawyer now,” joked professor Wellington. “I’ll think about it. Thank you for everything professor,” says Gary. “No problem Gary, you deserve it.”

“Mr. Davis, Mr. Davis is that you?” Gary turned around to a middle-aged man and what looks to be his son. “It is you. Bobby, this is Gary Davis. He is one of the best American football players of all-time. He was drafted by his hometown Detroit Lions. They went on to win four consecutive Super Bowls. He is also the former NFL’s all-time leading rusher,” explains the man to his son.

“I’m flattered by how much you know about my football career,” says Gary.
“Daddy, what happened to football? Why doesn’t anyone play anymore?” asks the little boy.

“It’s a long story,” both Gary and the man respond instantaneously.

“So, what is life like after football like Gary? I mean you probably don’t have to work anymore after a career like that,” the man says laughing.

“Well, actually, I listened to an old friend’s advice and went back to school,” Gary says.

“Excellent, what school?” asks the man.

“Well, first, I finished my degree in engineering at Green Mountain State and then went to law school at Chicago-Kent College of Law. I’m now a practicing
attorney here in Chicago. But I have to get back to my son’s game if that’s ok,”
Gary says, attempting to leave the man and his son.
“One more thing. Can we get a picture Mr. Davis? Bobby, deploy the
GoogleBook micro drone from your GoogleBook watch,” says the man.
The micro drone then flies out of the child’s watch. The child exclaims, “Take a
picture, Cortana.” The drone positions itself in front of the three of them and
suddenly a flash goes off. The drone flies back and attaches itself to the child’s
watch. “What do you say Bobby?” the man says to his son. “Thank you, Mr.
Davis,” says the boy.
Gary slowly walks back to his son’s high school soccer game, his knees
aching in pain with every step. He sits in his usual spot on the outside perimeter,
close to the concession stand. The game is about to start. The game announcer
reads off the starting lineup for game, “Starting at center mid-field, Samuel
Davis.” “Let’s go Sam,” yells Gary as loud as he can. Gary then says, “Record,
Cortana.” The GoogleBook contact lenses then start recording the game from
Gary’s point-of-view. After the game has started, Gary notices some younger
guys next to him talking rather passionately to each other. They would point at a
player and a miniature version of that player replays the last seconds of the
game’s action on their GoogleBook hologram tablet. Gary thinks to himself, “I
know exactly who these guys are. They are coaches from a major college soccer
program. And they are walking my way. Oh, shit, pretend like you don’t see
them.”
“Mr. Davis,” one of the coaches says to Gary tapping him on the shoulder.

“I’m Luke Sullivan from Duke University. We are all amazed by your son’s ability on a soccer field. He is a once in a lifetime talent. We would love to have him come to Duke, get a great education, and play some college soccer for us. We have more players enter the World Futbol Federation draft than any other school…”

“Do you know what?” Gary interrupts.

“What’s that?”

“You sound exactly like something I used to know.”