



**U.S. DEPARTMENT OF JUSTICE**  
Antitrust Division

**CHRISTINE A. VARNEY**  
Assistant Attorney General

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May 3, 2011

Mark A. Emmert, Ph.D.  
President  
National Collegiate Athletic Association  
P.O. Box 6222  
Indianapolis, IN 46206

Dear Dr. Emmert:

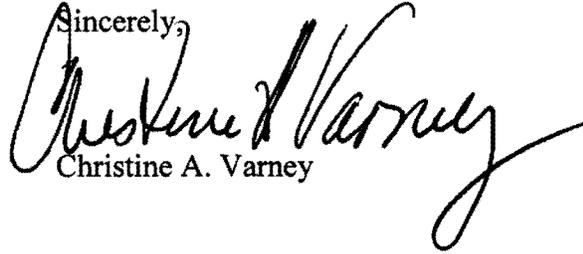
Serious questions continue to arise suggesting that the current Bowl Championship Series (BCS) system may not be conducted consistent with the competition principles expressed in the federal antitrust laws. The Attorney General of Utah has announced an intention to file an antitrust lawsuit against the BCS. In addition, we recently received a request to open an investigation of the BCS from a group of twenty-one professors, a copy of which is attached. Other prominent individuals also have publicly encouraged the Antitrust Division to take action against the BCS, arguing that it violates the antitrust laws.

On March 2, 2011, the *New York Times* reported that the National Collegiate Athletic Association (NCAA) was "willing to help create a playoff format to decide a national championship for the top level of college football." In that context, it would be helpful for us to understand your views and/or plans on the following:

1. Why does the Football Bowl Subdivision not have a playoff, when so many other NCAA sports have NCAA-run playoffs or championships?
2. What steps, if any, has the NCAA taken to create a playoff among Football Bowl Subdivision programs before or during your tenure? To the extent any steps were taken, why were they not successful? What steps does the NCAA plan to take to create a playoff at this time?
3. Have you determined that there are aspects of the BCS system that do not serve the interests of fans, colleges, universities, and players? To what extent could an alternative system better serve those interests?

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Your views would be relevant in helping us to determine the best course of action with regard to the BCS. Therefore, we thank you in advance for your prompt attention to this matter.

Sincerely,  
  
Christine A. Varney

cc: Bill Hancock  
BCS executive director

Enclosure