

Ruling may pave way for Clarett's path to NFL

An NFL executive is confident the ruling will be overturned because of precedents created in other sports cases

By Don Pierson
Chicago Tribune (KRT)

CHICAGO — The most glamorous and successful sports entity in the world might be forced to allow teenagers into its work force as a result of a federal judge's ruling in New York on Thursday.

U.S. District Judge Shira Scheindlin ordered Maurice Clarett, 20, eligible for the National Football League's player draft, declaring that a league rule keeping prospective players out until three years after their high school class graduates is a violation of antitrust laws.

Clarett, a running back, helped Ohio State win a national championship as a freshman in 2002, then sued to gain draft eligibility after an NCAA suspension for accepting improper benefits from a family friend and then lying about it to investigators kept him off the field for his sophomore year. Scheindlin declared the NFL rule an illegal group boycott, so blatant a violation of antitrust law that Clarett's case could be decided without a trial.

Although the league will appeal

the ruling, it had not decided Thursday whether to seek a stay of the Clarett order.

"If there is not a stay, then Mr. Clarett would be eligible to be drafted," said Jeff Pash, NFL executive vice president and in-house counsel.

Pash denied speculation that NFL teams would retaliate against the ruling and refuse to draft Clarett, risking a charge of collusion.

"I have not the slightest doubt he'll be treated like every other player," Pash said. "You know how competitive teams are. If he can play, he'll be out on the field every weekend."

Pash said he was "surprised" by Scheindlin's ruling, but he expressed confidence it will be overturned upon appeal because of precedent in other sports cases. But until that time, Pash said Scheindlin's decision is so broad that nobody can be excluded from draft eligibility, not even high school freshmen.

"It doesn't appear the judge believes there is any line we can draw that on one side a player is eligible and on the other side is ineligible," Pash said.

The National Basketball Association has had no age limit since 1970, when Spencer Haywood sued to gain entry after his sophomore year at the University of Detroit. Haywood's victory was overturned on appeal, but the U.S. Supreme Court

eventually ruled in his favor.

As a result, some of the NBA's best-known players, such as Kobe Bryant, Kevin Garnett and Tracy McGrady, came to the league directly from high school. A player with four years of college experience is more the exception than the rule in the NBA.

The NFL does not expect a flood

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of applications from high school and college-age prospects, but it announced it will extend the deadline for declaring eligibility for the April 25-26 draft.

Forty-five players with college eligibility remaining declared for the 2003 draft. Only four of those players had not used up three years of eligibility.

Because teams retain a drafted player's rights for only one year if they don't sign him, and because there are only six rounds in the

draft, it is doubtful many teams would start using valuable picks on younger future prospects.

"I don't know that the floodgates are open," Pash said. "We'll have to wait and see the numbers that apply for the draft."

Under the existing rule, 41 college underclassmen had declared for the draft by the Jan. 15 deadline.

In a separate decision, the league ruled Pittsburgh sophomore receiver Larry Fitzgerald eligible for the draft. Because he attended a prep school after high school, there was a question of whether he met the NFL rule Clarett challenged. Because he did not play during the 2003 season and was beset by injuries during his freshman year, Clarett's draft projection ranges from late first round to second round.

No other football player has challenged the 1990 NFL eligibility rule. It was adopted because NFL coaches and executives don't believe younger players are physically ready for the NFL, although the 6-foot, 230-pound Clarett could be an exception.

"The market defined by Clarett is narrow — it is the market for NFL player services. That is the only commodity that Clarett has to sell and the only commodity the NFL seeks to buy. Accordingly, the rule harms both Clarett and competition in the market for player services. A purchaser's bar

on an entire class of sellers harms competition," the judge said.

If upheld, the ruling threatens to undermine the NFL's built-in minor-league system of college football that develops and promotes future stars without cost to the pros.

"The people who would be hurt most are not the NFL," Pash said. "We'll get the best players whether they are seniors, juniors or sophomores. The people who will be hurt are players who for one reason or another try to make the jump before they are ready."

Alan Milstein, a lawyer for Clarett, called Thursday's decision "a total victory" and said Clarett was "thrilled."

In a statement, the NFL said, "We believe today's ruling is inconsistent in numerous respects with well-established labor and antitrust law. We fully expect our eligibility rule to be upheld when this case is concluded."

"I was pleased that the rule was brought down," Clarett said at a news conference. "It gives kids an opportunity to choose."

Clarett declined to say whether he'll enter the April draft after his lawyers advised him that Ohio State has warned even a declaration to join the NFL would rule out any chance of returning to college ball.

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players are all pretty athletic and active like ours," Litzenger said. "They can shoot it a little bit, they can put it on the floor a little bit and they can all pass it. That makes kids and teams tougher to defend."

Brooks getting better

Freshman guard Aaron Brooks had the pins removed from his right wrist Monday, and a CT scan taken Wednesday showed good results, Kent said.

The hard cast Brooks had been wearing up until Monday was replaced with what Kent called a "soft splint." Brooks will next see a hand

specialist later this week and if all goes well, could begin rehabilitation with the team on Monday.

Kent did rule out a return to the lineup for Brooks next week in Seattle — his hometown — against Washington on Thursday, and no definite timetable for his return has been set. It could be anywhere from two to four weeks, possibly more.

"I just want to get ready for Arizona (on Feb. 19)," Brooks said. "Seattle would have been nice but I know that would have been kind of pushing it."

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The Ducks currently have junior Andrea Bills leading the way with team highs of 11.9 points per game and 8-4 rebound per game.

Gunderson and Davis, starters for the Ducks, are among the top contributors. Davis is averaging 9.5 points per game while Gunderson averages 5.1.

"Every Civil War game is pretty intense, so I think it's going to be a tough game for us up there," Davis said. "Their intensity level is going to be a lot higher as far as wanting to come and take the win, so that's going to be the biggest thing: Who has the

most intensity."

The fans will add to the intensity for both teams. Last season, Oregon State averaged 1,300 in attendance at home games but 4,572 fans came out for the Corvallis-hosted Civil War.

In comparison, the Ducks were second in the conference with a 4,433 average. The fans, often a close ratio of Oregon green to Oregon State orange in Corvallis and Eugene, will likely play the sixth woman in Saturday's game.

"We bring as many fans as we do and it fills it up," Smith said. "You can sense the tension. You can sense where Oregon fans are and it's pretty orange and black in there, so you can sense the Beaver-ness of it."

In an extended schedule that rivalry

week provides, the Ducks took Monday and Tuesday off from team practices. It provided an opportunity for a few minor injuries to heal.

Smith said that guard Chelsea Wagner's left knee — her torn lateral meniscus — is better than it was during the Los Angeles trip.

"We've got a lot of bumps and bruises, but with our team it doesn't matter," Gunderson said. "We're all going to work hard and work through it."

The Ducks stay in Oregon following the Civil War to host Washington and Washington State at McArthur Court next week.

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