

Exploitation, Bribery and Basketball

By Savelle Jefferson, J.D. Candidate 2021, November 5, 2018

College athletics have a long history of bribery incidents, so much so that these acts have become institutionalized into the college recruitment process. This large scale issue has recently gained significant notoriety, beginning with the FBI arrest of many high profile basketball coaches and sports executives. On October 24th, James Gatto, former head of global sports marketing for basketball at Adidas, was convicted of conspiracy to commit wire fraud by a jury in the Southern District of New York. The court found that he participated in bribing families with funds to lure students to certain universities that were sponsored by Adidas. These bribes were committed with hopes of elevating the notoriety of these institutions and, subsequently, the Adidas brand.

The case is intertwined with many long-standing critiques of the NCAA and raises the potential effects on basketball recruitment and college athletics at large.

Specifically, the judge in James Gatto's case did not allow the defense to include in their arguments the NCAA's rules regarding the lack of payment to [amateur athletes](#). This is not a new issue, but it is a crucial aspect that provides a greater perspective to the interrelationship between bribes and financial need. The NCAA has been able to exploit the labor of teenagers and young adults for immense amounts of [financial profit](#). However, players should have the ability to use their abilities and notoriety to make money despite their amateur status. By restricting the nature of its relationship with student athletes, the NCAA is ultimately perpetuating its own monopoly. This is particularly unjust because in many cases highly recruited basketball players come from [lower socioeconomic households](#), which heightens their desire for financial stability. If these athletes had the autonomy over their abilities within collegiate athletics, they could accumulate income.

Additionally, in recent years, greater attention has been paid to the athlete recruiting process, which has translated to stricter regulations. Although there has been an increase in scrutiny, it seems as though universities have found a loophole: an institution can have a third party, such as James Gatto, do the bribery work on its behalf without suffering legal ramifications. This scenario causes us to question whether a university is actually a victim simply because it provided a scholarship to an athlete who is ineligible to play because he or she accepted a bribe. Or, are universities allowing third parties to present incentives on their behalf to attract the best talent?

Following these arrests, many wonder what the state of college basketball will be because of the increase in the monitoring of the recruitment process. Many think that nothing will change, but there is a potential to see a shift in the power dynamics of college basketball due to the possible surge of new powerhouses given the potential decline of bribes.

