INTRODUCTION

Legal issues arise daily in professional and collegiate sports, and sometimes these issues forever change the landscape of sports. In Professional and Collegiate Sports: Legal and Tax Issues, Thomas M. Miller explores a few of these important issues. The book contains three chapters, each with contributions from various authors.

The first chapter focuses on congressional responses to work stoppages, better known as lockouts, in professional sports. The chapter lays out legislative provisions that Congress proposed to help facilitate negotiations and end work stoppages in both the National Football League and Major League Baseball. The second chapter discusses the status of the National Football League

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1 It is important to note that this book was written prior to the 2011 NFL lockout.
under the Sherman Act after the Supreme Court’s decision in *American Needle, Inc. v. National Football League.*\(^3\) This landmark decision established the effect of antitrust laws on the National Football League, and its member teams. The third chapter provides a report prepared by the Congressional Budget Office on tax preferences for collegiate sports.\(^4\) College athletic departments generally qualify for preferential tax treatment, but these departments are becoming large revenue-generating businesses because of the increasing popularity of college athletics. While the resulting increase in popularity equals more revenue from ticket sales, sponsorships, and media contracts, it does little to further the goals of education, a pre-requisite to receiving preferential tax treatment. This chapter analyzes possible solutions to this problem.

Parts I and II of this book review will briefly examine the first two chapters on congressional responses to work stoppages in professional sports and antitrust issues in the National Football League, respectively. Because of the increasing popularity in collegiate athletics and the conflicts that arise with this popularity, Part III of this review will magnify and elaborate on the problems outlined by Miller in Chapter Three. This part will introduce the third chapter on tax preferences for college sports and provide additional commentary on this particular issue. Specifically, it will discuss the current tax treatment of college athletic departments and argue the commercial nature of revenue-generating activities in athletic departments should trigger different tax treatment than what the IRS traditionally gives universities as a whole.

I. CONGRESSIONAL RESPONSES TO SELECTED WORK STOPPAGES IN PROFESSIONAL SPORTS

The first chapter of Miller’s book focuses on congressional responses to work stoppages in professional sports.\(^5\) This chapter, authored by L. Elaine Halchin, Justin Murray, Janice E. Rubin and Jon O. Shimabukuro, outlines the legislative measures

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\(^3\) MILLER, supra note 1 at 53.
\(^4\) *Id.* at 65.
\(^5\) *Id.* at 1.
introduced by members of Congress in response to work stoppages in the National Football League in 1982 and 1987 and Major League Baseball in 1994. Major League Baseball garners the majority of the authors' attention throughout the chapter, since it has had the most work stoppages of the professional leagues; with eight between 1972 and 1995.

Perhaps the greatest debate throughout these particular work stoppages involved the effect of Major League Baseball's exemption from traditional antitrust laws. Baseball's' exemption has actively affected the parties' ability to negotiate resolutions to the work stoppages. Fifteen legislative measures have attempted to eliminate or modify this exemption. In introducing S. 415 (104th Congress), Senator Orrin G. Hatch argued that “[l]abor negotiations between owners and players are impeded by the fact that baseball players, unlike all other workers, have no resort under the law if the baseball owners act in a manner that would, in the absence of the immunity, violate the antitrust laws.”6 In other words, the owners have more leverage than the players in negotiations, and are not bound to accept reasonable terms because the players are unable to sue them for violating antitrust laws.7

Over time, there has been a discussion whether Congress should involve itself in professional sports. Traditionally, Congress has been reluctant to intervene in labor disputes absent a compelling national interest.8 There may be, however, a national interest in professional sports. Those that feel there is a compelling interest cite “the special status of baseball in America.”9 When introducing the Major League Baseball Restoration Act, Senator Edward Kennedy stated, “[o]bviously, Congress does not intervene in every labor dispute that burdens interstate commerce, but baseball is different and unique. It is more than a nationwide industry. It is our national sport. Baseball is part of American life.”10

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6 Id. at 31.
7 Id.
8 Id. at 32.
9 Id. at 28.
10 Id. at 29.
Throughout this chapter, the authors do not advocate one viewpoint over another. Instead, they lay out each piece of proposed legislation related to work stoppages in major professional sports and allow the reader to form his or her opinion on the issue. This chapter is especially intriguing because the authors have included statements from the Congressional sponsors of some of the proposed legislative measures, helping to explain the purpose of the legislation and that particular individual's viewpoint.

Work stoppages in professional sports are almost inevitable, and this chapter provides an overview of how Congress has responded to such disagreements in the past. Congress has not passed a majority of the proposed legislative measures, but the text of the legislation and statements by the sponsors help guide future policy discussions on this touchy subject.

Congressional responses to the problems of professional sports and their antitrust exemptions appear to be trifling and anemic compared to the judiciary's involvement, which is the subject of the second chapter of Miller's book.

II. NFL, MEMBER TEAMS NOT A “SINGLE ENTITY” IMMUNE TO PROSECUTION UNDER SECTION 1 OF THE SHERMAN ACT:
AMERICAN NEEDLE, INC. v. NATIONAL FOOTBALL LEAGUE

In the second chapter of Miller's book, Janice E. Rubin explores one of the most well-known sports law cases in recent history: American Needle, Inc. v. National Football League. In this short chapter, Rubin takes the reader through each stage of the litigation and explains the effect of each decision.

The issues in American Needle arose after the National Football League created NFL Properties (NFLP) to license and market team-owned intellectual property. The NFL subsequently created a single, exclusive contract to manufacture headwear with team logos. American Needle, a manufacturer of headwear, sued the NFL and others claiming the exclusive contract violated antitrust law under the Sherman Act. Section 1 of the Sherman

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11 Id. at 53.
12 Id. at 54.
13 Id. at 55.
Act prohibits contracts or conspiracies “in restraint of trade” while Section 2 prohibits “monopolization” or “attempted monopolization.” The NFL argued that each team is simply a division of the parent company, the NFL. Conversely, American Needle argued the teams are separate for-profit businesses that compete with each other both on and off the field.

After the United States District Court for Northern Illinois and the U.S. Court of Appeals for the Seventh Circuit sided with the NFL, the Supreme Court of the United States granted certiorari to hear the issue. The Supreme Court unanimously overturned the lower courts’ decisions and ruled that the actions of the NFL and NFLP violated Section 1 of the Sherman Act. According to the Court, NFL teams “compete with one another, not only on the playing field, but to attract fans, for gate receipts and for contracts with managerial and playing personnel.” In other words, the NFL and its member teams are not a single entity immune to prosecution under Section 1 of the Sherman Act.

This case is a great example of how laws aimed at regulating business, such as antitrust laws, can have a significant impact on the operation of professional sports leagues. With this decision, the NFL must comply with the strict antitrust laws just like any other business entity.

Although this chapter is relatively short in comparison to the others in this book, it provides a nice overview of the relevant antitrust statutes, the arguments presented by both sides, and the disposition of the case from start to finish. In this short summary, the importance of the decision is not discussed in great depth, so an individual looking for a more thorough analysis should look elsewhere. The chapter does provide, however, sufficient information for an individual looking for a brief summary of the background and decisions of the case.

The remaining part of this review will focus on the third chapter of Miller's book, which looks at the tax preference for college sports. It will additionally argue that the Internal Revenue

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14 Id. at 56.
15 Id. at 54.
16 Id.
17 Id. at 55.
18 Id. at 60.
19 Id.
Service should respond more aggressively to the increasing revenues generated by college athletic departments.

III. Tax Preferences for Collegiate Sports

Perhaps the most interesting part of Miller’s book, and the focus of this short review, is the exploration of the question of whether the federal government should tax college athletic departments. Specifically, Miller devotes the third chapter of his book to a recent report on this topic released by the Congressional Budget Office (“CBO”).20

In considering the potential impact of the CBO report, this chapter focuses on the concern that college athletic programs are becoming increasingly commercial. Without advocating for one of the several approaches, the CBO’s report describes the various ways to achieve changes to the tax preference. These include limiting the deduction of charitable contributions; limiting the use of tax-exempt bonds; or limiting the exemption from income taxation, either for all or for certain types of income.

This part of the book review will first provide an explanation of the current tax treatment of university athletic departments. It will then argue that the Internal Revenue Service (“IRS”) should reclassify income generated by athletic departments’ commercial activities as such and tax this income as unrelated business income. Additionally, it will argue the IRS should monitor how athletic departments use income derived from these commercial activities, and require them to use a percentage of that income for education, the university’s tax-exempt purpose.

A. Current Tax Treatment of University Athletic Departments

College athletics has become a big business for many National Collegiate Athletic Association (“NCAA”) Division I programs. In response, federal and state governments have increasingly grappled with whether and how to tax revenue from athletic departments. Currently, most colleges and universities benefit from generous tax breaks because of their nonprofit status. For some, the rising amount of athletic department income from

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20 Id. at 65-66.
what appears to be commercial activities raises a new the issue of whether these activities should continue to receive preferential tax treatment.

Before exploring policy discussions about various tax treatments, it is important to distinguish between commercial and noncommercial sources of revenue. In Miller’s book, the CBO defines commercial activities as those activities that “provide a good or service in exchange for a fee in a market that also includes taxed businesses.”21 The CBO also defines noncommercial activities as “[a]ll sources of revenue not meeting the definition of ‘commercial’.”22 For example, ticket sales are a commercial source of revenue because the athletic department exchanges a ticket for a specified fee. Conversely, institutional and government support are noncommercial activities because no good or service is exchanged for the receipt of funds from these entities. Contributions received directly from individuals, corporations, or other organizations are more difficult to classify because people often receive benefits, such as premium seating, premium parking, or access to pregame gatherings in exchange for their contributions to the athletic department. Other times, however, they are simply donations.

Section 501(c)(3) of the Internal Revenue Code classifies colleges and universities as nonprofit organizations for tax purposes if organized and operated exclusively for educational purposes.23 The benefits of nonprofit status include exemption from federal income tax and the ability to receive tax-deductible contributions. This preferential tax treatment seeks to support the benefits of the educational services that colleges and universities provide. Since the activities of universities are supposed to support a public purpose, those activities that do not advance this public purpose may be subject to the unrelated business income tax, a corporate tax on income from unrelated business activities.24

As part of the universities in which they reside, college athletic departments receive full tax-exempt status. The activities

21 Id. at 75.
22 Id. at 76.
of these athletic departments, however, are becoming increasingly commercial, and generate tens of millions of dollars in revenue each year from commercial sources.

Table 1 below outlines the revenue generated during the 2004-2005 academic year from both commercial and noncommercial sources at eleven of the twelve Southeastern Conference universities.25

Table 1: 2004-2005 Revenue for SEC Athletic Departments26

<table>
<thead>
<tr>
<th>Source</th>
<th>Alabama</th>
<th>Arkansas</th>
<th>Auburn</th>
<th>Florida</th>
<th>Georgia</th>
<th>Kentucky</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004-2005 Revenue for SEC Athletic Departments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ticket sales</td>
<td>$18,418,365</td>
<td>$23,973,223</td>
<td>$15,861,945</td>
<td>$15,312,918</td>
<td>$13,586,120</td>
<td>$18,392,315</td>
</tr>
<tr>
<td>NCAA/tournament distribution</td>
<td>5,298,041</td>
<td>10,563,006</td>
<td>11,690,767</td>
<td>17,391,358</td>
<td>10,740,879</td>
<td>10,146,308</td>
</tr>
<tr>
<td>Admissions and sponsorship</td>
<td>1,665,897</td>
<td>2,229,167</td>
<td>888,953</td>
<td>6,711,416</td>
<td>4,793,380</td>
<td>6,072,970</td>
</tr>
<tr>
<td>Media rights</td>
<td>7,083,927</td>
<td>1,671,522</td>
<td>1,761,415</td>
<td>3,010,493</td>
<td>3,183,840</td>
<td>3,971,992</td>
</tr>
<tr>
<td>Charitable</td>
<td>821,768</td>
<td>551,246</td>
<td>829,050</td>
<td>1,022,390</td>
<td>1,394,610</td>
<td>1,760,524</td>
</tr>
<tr>
<td>Game day on site</td>
<td>1,350,108</td>
<td>1,326,398</td>
<td>851,708</td>
<td>3,452,219</td>
<td>2,109,782</td>
<td>1,440,166</td>
</tr>
<tr>
<td>Food and merchandise</td>
<td>1,372,811</td>
<td>201,039</td>
<td>1,161,114</td>
<td>3,275,418</td>
<td>1,080,597</td>
<td>1,118,561</td>
</tr>
<tr>
<td>Sports camps</td>
<td>785,188</td>
<td>625</td>
<td>1,997,510</td>
<td></td>
<td>1,615,638</td>
<td></td>
</tr>
<tr>
<td>Tickets on site</td>
<td>1,683,602</td>
<td>1,735,758</td>
<td>4,510</td>
<td>388,010</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>1,186,732</td>
<td>588,363</td>
<td>359,859</td>
<td>2,616,739</td>
<td>973,976</td>
<td>132,548</td>
</tr>
<tr>
<td>Non-commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student fees</td>
<td>$2,550,603</td>
<td>-</td>
<td>$982,394</td>
<td>$2,417,063</td>
<td>$3,028,076</td>
<td>$619,688</td>
</tr>
<tr>
<td>Institutional support</td>
<td>-</td>
<td>1,629,833</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Development support</td>
<td>-</td>
<td>-</td>
<td>1,336,316</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Subtotal</td>
<td>$2,550,603</td>
<td>1,629,833</td>
<td>$982,394</td>
<td>$2,417,063</td>
<td>$3,028,076</td>
<td>$619,688</td>
</tr>
<tr>
<td>Contributions</td>
<td>20,623,542</td>
<td>3,315,302</td>
<td>16,638,824</td>
<td>26,895,383</td>
<td>28,352,873</td>
<td>8,045,667</td>
</tr>
<tr>
<td>Total</td>
<td>$52,876,952</td>
<td>$47,322,459</td>
<td>$50,923,068</td>
<td>$74,324,844</td>
<td>$65,828,559</td>
<td>$54,858,426</td>
</tr>
</tbody>
</table>

During the 2004-05 academic year, these eleven athletic departments alone generated $594,336,839 in revenue, $410,606,540 of which came from commercial activities. If one


26 As a private university, Vanderbilt is not required to provide this financial data.
were to consider eliciting contributions to be a commercial activity, it would increase the amount generated from commercial activities to $567,491,768, raising the proportion of total revenue derived from commercial activities from nearly 70% to over 95%.

Although this table is just a small sample of the hundreds of colleges and universities around the country, it indicates that these major athletic departments are in fact large, revenue-generating businesses shielded from taxes by their status as nonprofit organizations. Indeed, commercial activity generates the majority of their revenue. The tax benefits these athletic departments enjoy, therefore, may not be consistent with the policy motivations behind granting them the benefits.

As outlined by Miller, the CBO contemplates the following three options for changing this tax preference: (1) limiting the deduction of charitable contributions, (2) limiting the use of tax-exempt bonds, or (3) limiting the exemption from income taxation, either for all or for certain types of income. The CBO, however, discounts each of these options and champions the status quo.

B. Limiting the Exemption from Income Taxation

Miller's book simply discusses the current state of the law and provides various ways to change the law. The book does not mention how to implement these changes. Therefore, this section of the review presents one way to limit the exemption from income taxation by reclassifying certain income as commercial and monitoring how athletic departments use income from these commercial activities.

a. Reclassifying Income as Commercial

The CBO introduces the option of Congress changing the tax treatment of athletic departments by limiting their exemption

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27 M I L L E R, supra note 1, at 82-83.
28 Id. at 82.
from income taxation. In doing so, Congress could simply reclassify certain types of income as commercial rather than noncommercial. Revenue generated from commercial activities, therefore, classifies as unrelated business income and is subject to federal income taxes under I.R.C. § 513. Doing so would shield athletic departments’ noncommercial activities under the current tax benefits scheme, while at the same time generating tax revenue for the IRS through commercial activities.

Regardless of the tax structure, nonprofit organizations must use caution when generating unrelated business income. If they generate more unrelated business income than allotted by its exempt function, the IRS can entirely divest the organization’s tax-exempt status.

The IRS classifies an activity as “an unrelated business (and subject to unrelated business income tax) if it meets three requirements: (1) it is a trade or business, (2) it is regularly carried on, and (3) it is not substantially related to furthering the exempt purpose of the organization.” Because many activities conducted by athletic departments meet these three requirements, the government should require athletic departments to pay taxes on this income.

To illustrate this proposal, athletic departments routinely sell tickets to fans, either as single-game or season tickets. Selling tickets certainly qualifies as trade or business under the IRS’s definition of an unrelated business because it is “carried on for the production of income from selling goods or performing services.” Athletic departments also sell such tickets on a regular basis, which shows “a frequency and continuity” in the activity required under the IRS’s definition. Finally, and most controversially, selling tickets may not relate substantially to (or further) the exempt purpose of the organization. The same is true for many

29 Id. at 82-83.
other activities, such as selling media rights and advertising throughout the year, and merchandise, food, and beverage sales on game days.

Proponents of the current tax benefits system insist that college athletics do, in fact, further the stated missions of universities by enhancing the quality of student life and bringing recognition to universities with high grossing athletic programs.\footnote{Miller, supra note 1, at 81-82.} For example, Marquette University closed the freshman application process early for the first time ever because of record applications in 2003, the same year the basketball program advanced to the Final Four.\footnote{2003 Annual Report, Marquette University, 3, http://www.marquette.edu/about/leadership/documents/2003annualreport.pdf.} Although positive for student acceptance rates, no evidence shows that record applications generated by the basketball program’s success actually fosters a better overall education for the student body, which is the impetus of the tax-exempt status.

Proponents of the current model further argue that the success of athletic programs encourage donations from alumni, thereby benefiting the university collectively and creating a better learning environment for the entire student population.\footnote{Miller, supra note 1, at 88.} According to the CBO, however, the studies provided a wide-range of results.\footnote{Id. at 88-89.} One study concluded that winning percentages in the primary sports did not have a major effect on donations.\footnote{Id. at 88.} Another study found that postseason success in football and basketball resulted in more contributions restricted to use in the athletic departments for some schools, but no increase in unrestricted contributions to the university.\footnote{Id. at 89.} In the end, these studies indicate that athletic success entices more contributions restricted to the athletic department, but has little effect on the total contributions to the university as a whole.\footnote{Id.}

Finally, the argument that selling tickets to a sporting event is furthering the exempt purpose of the university is a dubious proposition. The purpose of any university is to provide a quality

\footnotetext{34}{Miller, supra note 1, at 81-82.} \footnotetext{35}{2003 Annual Report, Marquette University, 3, http://www.marquette.edu/about/leadership/documents/2003annualreport.pdf.} \footnotetext{36}{Miller, supra note 1, at 88.} \footnotetext{37}{Id. at 88-89.} \footnotetext{38}{Id. at 88.} \footnotetext{39}{Id. at 89.} \footnotetext{40}{Id.}
education to students, both athletes and non-athletes, who enroll at the university. The obvious commercial activity of selling tickets does not further the quality of education, and therefore, should be subject to taxation under the laws of the IRS.

Ticket sales are only one example of the many commercial activities conducted by athletic departments. They routinely generate millions of dollars through distributions by the NCAA and their respective conferences, advertisements and sponsorships, media rights, and sports camps, among other things. None of these directly advances the exempt purpose of the university.

b. Monitoring How Athletic Departments Use Income from Commercial Activities

Along with limiting the exemption from income taxation, the IRS should also monitor how athletic departments use the income they generate from commercial activities. According to Richard Crom, Staff Assistant for IRS Exempt Organizations Customer Education and Outreach office, “[a] 501(c)(3) organization’s activities should be directed exclusively toward some exempt purpose . . . The intent of a 501(c)(3) organization is to ensure it serves a public interest, not a private one.” In other words, universities should be directing their activities and spending toward the exempt purpose, which is education.

With this in mind, one must pay specific attention to the operation of athletic departments. The upward trend in coaching salaries and facilities spending is the most troubling. Nick Saban, head football coach at the University of Alabama, recently signed a contract extension worth $5.62 million per year, making him one of the highest paid college football coaches in the country. Additionally, college basketball and football teams continue to spend millions of dollars on expanding and building new facilities.

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41 See Table 1 above.
42 How to Lose Your 501(c)(3) Tax Exempt Status, supra note 30.
This unsettling trend is to direct this money away from the academic goals and mission of the university.

To control this trend, Congress should monitor how athletic departments spend money derived from commercial activities. Under the proposal in Section III(B), money received from commercial activities would be subject to the unrelated business income tax. Congress should go a step further and require athletics departments to put a certain percentage of that money toward supporting the tax-exempt purpose of education. For example, an athletic department that generates $50 million in revenue from commercial activities would be required to put $5 million of that revenue toward some educational purpose of the university, such as academic scholarships, facilities, or programs. The money reserved for the educational purpose of the university, therefore, would not be subject to the unrelated business income and would be exempt from taxation. An athletic department that fails to do so would be subject to a reevaluation of their tax-exempt status, and the face the possibility of being stripped of that privilege.

The University of Florida’s athletic department has already recognized that education is an integral part of the organization’s purpose. Since 1990, the University Athletic Association has contributed over $60 million to the University of Florida, with $6 million more budgeted for 2011-12.44

Monitoring how athletic departments spend money would not put a substantial burden on the IRS. A tax-exempt organization must already file Form 990 annually—a report of the organization’s financial information.45 On this form, they must describe the organization’s mission and report on activities, governance, revenue, expenses, and assets.46 Therefore, evaluating an athletic department’s spending would not be difficult.

As a result, limiting athletic departments’ exemption from income taxation and monitoring how they spend money derived

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46 Id.
from commercial activities will help ensure these entities are organized and operated for their tax-exempt purpose.

C. Response to Concerns about Universities Avoiding Taxation

The CBO voiced its concern about ways universities could avoid taxation under the options given above. The two main concerns are that (1) the university and athletic department could shift income from one part of their budget to another to avoid paying taxes on the money generated by the athletic department, and (2) they could limit their tax liability by reducing revenue or increasing costs. This part will focus on this second concern, which is most relevant to the proposals above.

Congress can do nothing to restrict athletic departments from reducing revenue or increasing overhead costs to reduce their tax liability. This option is available to any tax-paying entity; however, the policies already in place limit the benefits of doing so. For example, an athletic department could reduce the price of their tickets and merchandise to reduce the amount of revenue generated by the department. This, however, interferes with its ability to raise capital by substantially reducing the revenue they are generating, thus limiting their ability to adequately pay off debt. This is not a major concern because as college athletics becomes more competitive, universities need to generate additional revenue to support their activities and remain competitive.

D. Summary

In summary, this chapter of Miller’s book focuses on introducing three ways Congress could change the tax treatment of collegiate athletic departments, but the book concludes that eliminating the tax preference would not likely result in a significant change in how programs operate. Due to the nature of these programs’ activities, this part of the review goes a step further and advocates limiting the exemption from income

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47 MILLER, supra note 1, at 85.
taxation and monitoring how athletic departments use income derived from commercial activities.

In today's environment, athletic departments make more money than ever, but the amount of taxes they pay is not proportionate to this revenue. As the tax law currently stands, large revenue-generating athletic departments are able to hide behind the shield of I.R.C. § 501, which exempts them from paying taxes. The two changes proposed above, limiting the exemption from income taxation by reclassifying certain types of income and monitoring how they spend income, would prohibit athletic departments from continuing to hide behind this shield. The time has come for the IRS to strip these entities of their tax exemptions and make them start paying taxes like other major revenue-generating entities.

CONCLUSION

In the first chapter of Professional and Collegiate Sports: Legal and Tax Issues, Thomas M. Miller discussed congressional responses to work stoppages in professional sports. In light of these stoppages, Congress has attempted to pass legislation to both facilitate negotiations and encourage the leagues to resume play. Many of these proposed legislative measures never made it through Congress, but it may indicate how the legislature will respond to future work stoppages.

In the second chapter, Miller introduced American Needle, Inc. v. National Football League and explained its impact on antitrust law and its relation to the NFL. This case had an opportunity to change the course of antitrust litigation in professional sports. The Supreme Court, however, decided unanimously that the NFL and its member teams are not a single entity, which means they are subject to antitrust laws under the Sherman Act.

In the third and final chapter, Miller provided a report by the Congressional Budget Office on tax preferences for college athletic departments. Because athletic departments are part of a larger nonprofit university, Congress gives them preferential treatment under federal income tax law. The activities of these departments are becoming increasingly commercial, however, and this review argues that it is time to strip athletic departments of
their shield and subject them to taxes like any other profit-
generating entity.

At just 92 pages, Professional and Collegiate Sports: Legal
and Tax Issues is relatively short, but informative. Each chapter
focuses on a major area of law, from antitrust to taxation, and the
contributions by various authors give readers a general
understanding of each issue. An individual looking for a more in-
depth study of these issues should look elsewhere. This book is,
however, a great starting point for anyone seeking to gain a better
understanding of how sports and the law interact at different
levels of competition.