

# United States Senate

WASHINGTON, DC 20510-0609

August 4, 2021

The Honorable Merrick Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Garland,

As you may know the University of Texas in Austin and the University of Oklahoma in Norman have announced they do not intend to renew their contract with the Big XII Conference. They have also been formally invited to join the Southeastern Conference (SEC). What is less apparent are the allegations that ESPN is encouraging and working to ensure this move occurs.

A recent news article suggests that the Big XII has “evidence that ESPN was manipulating all this.”<sup>1</sup> The Big XII Commissioner Bob Bowlsby even sent a cease-and-desist letter to ESPN, accusing it of attempting to get the teams to the SEC. Bowlsby claims that ESPN has “actively engaged in discussions with at least one other conference regarding that conference inducing additional Members of the Big 12 Conference to leave the Big 12 Conference.”<sup>2</sup>

Another article reports that “ESPN acquired the prized SEC on CBS package, giving them 100 percent of the SEC’s television rights.”<sup>3</sup> Because they have the television rights to the SEC they will benefit from the additions of Texas and Oklahoma immensely. Conveniently, the ESPN-SEC deal begins in 2024 and their contract expires with the Big XII only a year later when the teams are slated to join the SEC.

While the terms of the contract are unknown to me, it’s important to note the U.S. Supreme Court has decided that the exclusive right to televise all league games is a violation of anti-trust laws. While the Sports Broadcasting Act of 1961 was passed to overturn this decision for professional football, college football broadcast packages are not subject to the antitrust exemption in that law.

I write today to ask that the DOJ investigate ESPN’s role in the potential destruction of the Big XII Conference and if any anti-competitive or illegal behavior occurred relating to manipulating the conference change or ESPN’s contractual television rights.

Sincerely,



Roger Marshall, M.D.  
United States Senator

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<sup>1</sup> [https://themercury.com/k\\_state\\_sports/from-the-publisher-on-the-big-12-lets-start-with-the-truth/article\\_5641ae8b-5cab-51c4-96eb-cdeeeef3d7d.html](https://themercury.com/k_state_sports/from-the-publisher-on-the-big-12-lets-start-with-the-truth/article_5641ae8b-5cab-51c4-96eb-cdeeeef3d7d.html)

<sup>2</sup> <https://apnews.com/article/sports-college-sports-football-texas-college-football-9141232fbd5ad53fab0c1ad6bb712817>

<sup>3</sup> <https://trojanswire.usatoday.com/2021/07/26/why-espn-worked-with-texas-and-oklahoma-to-drive-the-move-to-the-sec/>