

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES  
MARK TOWNSEND – PETITIONER

vs.

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA),  
SOCIAL SECURITY ADMINISTRATION (SSA), and  
ENVIRONMENTAL PROTECTION AGENCY (EPA) –  
RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO  
UNITED STATES SUPREME COURT  
FROM PETITION FOR WRIT OF CERTIORARI OF  
ALABAMA SUPREME COURT

MARK TOWNSEND, (PRO SE)

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## QUESTIONS PRESENTED

1. Did the National Collegiate Athletic Association “NCAA” become a “State Actor” and subject to rule of law according to the First Amendment (due process) when they, on March 17, 1969, received (directly) three million dollars (\$3,000,000) in Federal grant money to start up their National Youth Sports Program?
2. Does a United States citizen (taxpayer) have Constitutional rights in concert with the First Amendment “due process” to sue the NCAA on merits, because they (NCAA) have received and continue to receive directly over a half billion dollars (\$500,000,000) in Federal grant money for the National Youth Sports Program?
3. Does a United States citizen “taxpayer” have Constitutional rights in concert with the First Amendment “due process” to sue the NCAA because they do not show the American flag and the playing of the national anthem on television at all sporting events, since they continue to receive direct Federal grant money?
4. Does a United States citizen “tax payer” have Constitutional rights in concert with the First Amendment to sue the NCAA for discrimination against the marching bands of public schools because they “NCAA” do not show the marching band on television at half-time of college football

- games, even while NCAA is receiving “direct” Federal grant money for their National Youth Sports Program?
5. Does NCAA become a “state actor” when they enter contracts with public schools and demand in their “NCAA” contracts that “state’s” public schools must use textbooks approved by NCAA?
  6. Does NCAA, a private “closed” corporation, become an “open” corporation when they “NCAA” received “direct” Federal grant money for their National Youth Sports Program?
  7. Did NCAA break the rule of law of the First Amendment when they placed sanctions “that cost Alabama taxpayers millions of dollars” on University of Alabama and Auburn University without going through the court system “Federal or State”?
  8. When the NCAA, “who is receiving direct Federal grant money”, enters contracts with state public schools, are these contracts open to the public?
  9. Can U.S. Attorney Alice Martin move a suit filed in state court to Federal court while her clients are in default in state court?

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**OPINIONS BELOW**

1. August 30, 2007 the Alabama Court of Civil Appeals denied motions for oral arguments.
2. August 31, 2007 the Alabama Court of Civil Appeals issues “no opinion”.
3. October 5, 2007 the Alabama Court of Civil Appeals denies “Motion for Rehearing”
4. January 11, 2008 the Supreme Court of Alabama denied Writ of Certiorari.

5. Motion for Writ of Certiorari to Alabama Supreme Court was filed October 15, 2007. This Motion is attached to the now Motion.
6. Original complaint filed in Winston County, Alabama is attached also.
7. National Youth Sports Program – general information is attached.
8. More history of NCAA is on the Internet at [www.Townsend2008.com](http://www.Townsend2008.com)

### **JURISDICTION**

The date the Alabama Supreme Court denied Petition for Writ of Certiorari was January 11, 2008. The Jurisdiction of this court is invoked under U.S. Supreme Court Rules Part III Jurisdiction on Writ of Certiorari Rule 14.

### **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

Bill of Rights, Amendment One, Amendment Five, Amendment Fourteen, U.S. Code Title 42 1983, and Civil Action for Deprivation of Rights.

## **STATEMENT OF CASE**

I have attached what I filed in Winston County and what I filed before the Alabama Supreme Court to this Motion. I first took this case to Federal court in 2001. I presented where NCAA had received direct Federal grant money for their National Youth Sports Program. I presented that NCAA was a state actor because they had received direct tax money. I said in *Tarkanian vs. NCAA* that the Honorable United States Supreme Court did not have before them the facts of the direct Federal grant money that NCAA had received from the National Youth Sports Program. I said the Honorable United States Supreme Court in *Tarkanian vs. NCAA* was not presented how NCAA controls textbooks as being an accreditation agent. The court ruled that NCAA was not a state actor, quoting *Tarkanian vs. NCAA*. I could have appealed. I chose to start the case over in state court. I filed against NCAA, Social Security Administration, and Environmental Protection Agency. I had the right to file against Federal corporations in state court. They had the right to move the case to Federal court. U.S. Attorney Alice Martin moved this case to Federal court after I filed for default in state court. I

received an order from Federal court giving me fourteen days to respond. U.S. Attorney Alice Martin and attorneys for NCAA met with a Federal judge without me present and worked out this plan to dismiss my case. Both the Federal judge and the state judge dismissed my case while I still had ten days to respond to the Federal judge's order and two days before a pre-trial conference that NCAA attorneys and I were to attend in state court. The case Tarkanian vs. NCAA was ruled on by the Honorable United States Supreme Court 5-4. Many law professors have disagreed with this ruling. The facts are:

1. NCAA does not show the American flag and the playing of the national anthem before college sports.
2. NCAA does not show the marching band at half-time on television at football games. The band is a musical curriculum that is understood in all languages.
3. The NCAA, by entering contracts with public universities, demands public universities to choose from textbooks they pick. High schools must choose from textbooks selected by NCAA.

This is why evolution is taught in public schools in Bible belt states.

4. NCAA has demanded all students in high school to meet “college made” standards, even though Jean Piaget, the father of child psychology, has proven most students are “trade made”. In 1975 the state of Alabama spent three state tax dollars out of every nine state tax dollars for education. Today the State of Alabama spends seven state tax dollars out of every nine state tax dollars for education. This may be part of the answer why in 2000 the U.S. government owed 20 trillion dollars to Social Security and today it is over 50 trillion. The NCAA has killed vocational education in America public schools. NCAA has placed no importance on physical education (P.E.) in grade 8-12 public schools. NCAA only demands one course of P.E. in 4 years, even though the health care cost in America is 2.2 trillion per year and projected to go over 3 trillion per year by 2014. NCAA controls the Mitre Corporation, who is over the Department of Defense, the Federal Aviation Administration, and the Internal Revenue Service.

NCAA does this because they are owned by Halliburton, which is owned by the Bush Family. The Honorable Chief Justice of the United States Supreme Court John Roberts knows this because he worked for Hogan and Hartson, who was the law firm that drew up the articles of incorporation for NCAA in 1906, the Federal Reserve in 1913, the Mitre corporation in 1958, and the JASON Group in 1960 – who is the group of scientists over EPA, who gave all clear 3 days after the attacks of 9/11.

### **REASON FOR GRANTING THE WRIT**

NCAA is a state actor and this will give power of education back to the individual states.

### **CONCLUSION**

NCAA is killing American history in our public schools. United States Marine General Smedley Butler prevented the Holocaust from happening in America. Jessie Owens proved Hitler wrong and made America proud. Jessie was never invited to the White House by

President Roosevelt or President Truman. Jessie, “after becoming the American sport hero”, NCAA did not step in to prevent him from having to ride on the freight elevators. President Roosevelt, President Truman, and NCAA were wrong about Jessie. Marine General Smedley Butler prevented the Holocaust in America. America is wrong for not honoring his birthday. The Honorable U.S. Supreme Court was wrong by saying NCAA is not a state actor. Federal Judge Frank Johnson, born in Winston County, Alabama made it right for Jessie. He ruled Jessie could ride any elevator. It is time for this Honorable Court to make it right. NCAA is a state actor and has been before 1969.

Please grant me Writ of Certiorari.

Thank you,

Mark Townsend, Pro Se  
140 George Avenue  
Haleyville, AL 35565  
(205) 485-9032

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**PROOF OF SERVICE**

I, \_\_\_\_\_, do swear or declare that on this date, \_\_\_\_\_, 2008, as required by Supreme Court Rule 29 I have served the enclosed PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party’s counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

NCAA  
Robert H. Rutherford  
Dow A. Davidson  
Burr & Forman LLP  
420 N 20th St, Suite 3100  
Birmingham, AL 35203  
Attorneys for NCAA

SSA & EPA  
Alice Martin  
United States Attorneys  
1801 4th Ave N, Suite 201  
Birmingham, AL 35203  
Attorneys for SSA & EPA

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_, 2008.

\_\_\_\_\_