

## Texas A&M move to SEC held up by legal threat

Written by Administrator

Wednesday, 07 September 2011 11:43

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MONTGOMERY, Ala. (AP) — The Southeastern Conference has opened its doors to Texas A&M, however the move is on hold because one Big 12 school has threatened legal action if the Aggies leave. The announcement Wednesday that the SEC will make the Aggies the 13th SEC team once the legal issues are resolved is the latest step of a courtship which the Aggies initiated in July.

The SEC, which would become the first BCS conference with more than 12 members, said it received "unanimous written assurance" from the Big 12 on Sept. 2 that it was free to accept Texas A&M. The presidents and chancellors met late Tuesday "with the intention of accepting the application of Texas A&M to be the newest member of the SEC. "

Then the deal hit a snag.

"We were notified (Tuesday) afternoon that at least one Big 12 institution had withdrawn its previous consent and was considering legal action," said Florida President Bernie Machen, chairman of the SEC leaders. "The SEC has stated that to consider an institution for membership, there must be no contractual hindrances to its departure. The SEC voted unanimously to accept Texas A&M University as a member upon receiving acceptable reconfirmation that the Big 12 and its members have reaffirmed the letter dated September 2."

It was not immediately known which Big 12 school had raised the legal issues. The Big 12 did not return a message left seeking comment.

In the Sept. 2 letter, released by the SEC, Big 12 Commissioner Dan Beebe told SEC Commissioner Mike Slive that there were no legal hurdles to the SEC accepting Texas A&M, as long as it happened by Thursday afternoon.

"We both agreed it is in the best interests of each of our conferences and our member institutions of higher education to waive any and all legal actions by either conference and its members resulting from admission of Texas A&M into the SEC, as long as such admission is confirmed publicly by September 8, 2011," Beebe wrote.

However, despite the letter, Slive was informed more than once before the SEC vote Tuesday night that "maybe more than one" of the other nine Big 12 members were considering legal

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options against a possible Texas A&M move, according to a person familiar with the situation.

The SEC "thought it was clear and free without any possible issues. That is not what happened," said the person, who spoke on condition of anonymity because of the private nature of those discussions.

The Sept. 2 letter was not intended to waive the rights of individual schools to sue and decisions like that need approval from various boards of regents and other university overseers, the person said.

"That certainly is not going to happen soon. You are not going to get all nine. You might get some," that person told the AP. "Very few, if any, are willing with the uncertainty and instability of the Big 12 at this point to release their claims."

Texas Tech president Guy Bailey in a text message confirmed that the university's board of regents would have to waive the school's right to pursue legal action. He also said Big 12 members were planning a conference call later Wednesday.

Texas A&M officials were disappointed.

"We are certainly pleased with the action taken last night by the presidents and chancellors of the Southeastern Conference to unanimously accept Texas A&M," President R. Bowen Loftin said in a statement. "However, this acceptance is conditional, and we are disappointed in the threats made by one of the Big 12 member institutions to coerce Texas A&M into staying in Big 12. ... These actions go against the commitment that was made by this university and the Big 12 on Sept. 2. We are working diligently to resolve any and all issues as outlined by the SEC."

Texas A&M announced last week that it planned to leave the Big 12 by July 2012 if invited to join another league. The Aggies had been unhappy with the creation of the Longhorn Network at rival Texas and have made it clear they want a higher profile and more revenue.

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The SEC will also reap the revenue and extended visibility as a result of the move.

Adding Texas A&M is "a business decision," a person familiar with the situation has told the AP previously. The person said the move gets the SEC into the Texas market.

"You know how many households there are in Texas? 8.9 million," the person said, adding that the league had no choice but to listen when the Aggies came knocking. "Why would we want to hand that to the Pac 12 or any another conference?"

Said Tennessee coach Derek Dooley: "The landscape is changing. It's that old saying: It's not about the money, it's about the amount."

The state of Texas is also fertile recruiting ground.

"I certainly understand adding a Texas team into the conference," LSU coach Les Miles said Wednesday. "A&M has a great historic following and is a traditional power that certainly brings the interest of Texas."

Plus, he added: "Texas football is great high school football ... The dynamics are significant."

The Aggies will likely have to pay an exit fee for leaving the Big 12. It cost Nebraska \$9.25 million and Colorado \$6.9 million. But that shouldn't hold the move up, the SEC distributed a record \$18.3 million in revenue to each of the 12 members this year.

The Aggies' intentions have sparked more talk of conference realignment stretching across the country.

The Big 12 has already lost Nebraska (Big Ten) and Colorado (Pac-12). Oklahoma president

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David Boren said last week that multiple conferences have expressed interest in the Sooners and he expects a decision within a few weeks. Oklahoma State billionaire booster Boone Pickens also said he doesn't think the Big 12 will survive much longer and predicted the Cowboys will eventually join the Pac-12.

It might not be over for the SEC, either, if the league that has won the last five BCS championships in football decides to add a 14th team or even expand to a 16-team superconference. Texas A&M's move would help give the SEC a presence in the major Texas TV markets.