

NCAA President Emmert Holds to the Cartel's Party Line

College Athletics CLIPS Guest Commentary

The NCAA continues to resist reform efforts that would help realign big-time college sports with its stated mission. This modus operandi gives rise to a number of questions that literally scream for candid answers.

By Frank G. Splitt, The Drake Group, January 21, 2011

Mark Emmert's comment, "Student-athletes are students. They're not professionals. And we're not going to pay them. And we're not going to allow other people to pay them to play," was quoted by David Moltz in his report on Emmert's keynote address at the 2011 NCAA Convention.¹

Emmert appears to be holding to the NCAA's party line that has been characterized by frequent mention of mythical "student-athletes," the denial of its responsibility for the professionalization of big-time collegiate athletics—with its emphasis on revenue generation that not only fosters corruption but also compromises academic integrity—and the use of wealth and power to maintain its stranglehold on America's colleges and universities.² Here's the story:

Student-Athletes? – As the co-chairs of the Knight Commission were reminded in 2008, the NCAA's bedrock principles of amateurism—which required colleges and their business partners to treat athletes like other students, and not as commodities—were undermined long ago by unrestrained commercialism and related academic corruption.³

Wealth and Power – There is an intrinsic relationship between wealth and power in the American culture—especially political power. The NCAA cartel has the wealth and political power to stifle reform efforts in Washington as well as those of reform-minded school presidents and their appointed Faculty Athletic Representatives, to co-opt (originally) well-intentioned reform commissions/organizations, and to influence most of the media.

The resources of national, reform-minded faculty organizations such as The Drake Group (TDG) and the Coalition on Intercollegiate Athletics (COIA) have been no match for the formidable economic, political, and legal forces that the NCAA cartel has mustered to defend the status quo along with its amateur, student-athlete ruse. When coupled with extant greed, corruption, incompetence, deceit, and denial, these forces have impeded significant corrective action in big-time collegiate sports reform—this, no matter how eloquent and lofty-sounding the warnings, pleas and rhetoric about the need for change.

Look to the Courts – As stated previously,⁴ although TDG and COIA should keep telling the truth to the Congress and the Department of Education, it must be recognized that it may very well be that the only hope for truth, justice, and reform in collegiate athletics will be via the courts. Examples can be found in the March 10, 2010, Consolidated Amended Class Action Complaint captioned: "In re NCAA Student-Athlete & likeness Licensing Litigation in the District Court for the Northern District of California"⁵ and in the Agnew vs. NCAA case where Joseph Agnew, a former Rice University football player, is suing the NCAA over its policy to limit athletic scholarships to one-year renewable awards.⁶ Nevertheless, vexing questions still loom large..

Seven Questions – In his keynote address, Emmert defended the NCAA's handling of recent high-profile football violations at Auburn and Ohio State universities, saying it must clarify its "values" and rulebook. Speaking to reporters after his keynote address, Emmert said:

Behaviors that undermine the collegiate model, wherever they occur, are a threat to those basic values, and we can't tolerate them, if we believe in those values ... we need to be ready to defend them. And if we don't, then we have to be ready to suffer the criticism that comes from not doing so.

Emmert's statement prompts several questions:

1. What is the NCAA's current collegiate model?
2. How does this model square with actual practice?
3. Why has the NCAA resisted reform efforts that would help realign big-time college sports with its stated mission of maintaining athletes as an integral part of the student body and retaining a clear line of demarcation between collegiate and professional sport?
4. Why has the NCAA made a number of rule changes that have emphasized athletics over academics, thus moving their big-time football and men's basketball programs to professional levels?
5. Why has the NCAA resisted reforms that would provide college athletes meaningful opportunities to function as real students by failing to restore first-year ineligibility for freshmen with expansion to include transfer athletes; reduce the number of athletic events that infringe on student class time, with class attendance made a priority over athletics participation including game scheduling that won't force athletes to miss classes; and restore multiyear athletic scholarships—five-year scholarships that can't be revoked because of injury or poor performance?⁷
6. Why should the federal government subsidize the athletic activities of educational institutions when that subsidy is being used to help pay for escalating coaches' salaries, costly chartered travel, and state-of-the-art facilities?⁸
7. Why has the NCAA resisted calls for transparency, accountability, and oversight?⁹

Surely, Senator Chuck Grassley (R-IA) and other members of the Senate Finance Committee, officials at the Department of Education, and members of serious reform-minded organizations, as well as American taxpayers, ought to be interested in the answers to the above questions.

There should be little wonder why these questions are not being asked by officials at the U.S. Department of Education, members of Congress, and the media. First, experience indicates that the NCAA answers to no earthly power—least of all Washington officials. Second, who would want to seek truthful answers that could demand action and confrontation with the NCAA cartel with all of its financial, legal, and political resources—not to mention facing the wrath of sports fans who have become accustomed to being entertained by professionalized college athletes? The current operating strategy on Capitol Hill appears to be to avoid doing anything that would provoke the NCAA by simply ignoring related problems and long-term impacts—letting the courts take the heat.

NOTES

1. Moltz, David, "NCAA President Answers Critics," *Inside Higher Ed*, Jan. 14, 2011. In large part, this commentary is based on the author's comments on Moltz's report, http://www.insidehighered.com/news/2011/01/14/ncaa_president_s_speech_and_updates_from_convention

2. Splitt, Frank G., "College Athletics and Corruption," April 2008,
http://www.thedrakegroup.org/Splitt_College_Athletics_and_Corruption.pdf
3. _____, The Student-Athlete: An NCAA False Claim?, November 21, 2006,
http://www.thedrakegroup.org/Splitt_The_Student_Athlete.pdf and "Principles of Amateurism Undermined Long Ago," December 12, 2008, http://www.thedrakegroup.org/Splitt_Amateurism.pdf.
4. _____, "Collegiate Athletics Reform: Looking to the Future," January 11, 2008,
http://www.thedrakegroup.org/Splitt_Future.pdf.
5. Stippich, Kristal S. and Otto, Kadence A., "Carrying a Good Joke Too Far? An Analysis of the Enforceability of Student-Athlete Consent to Use of Name and Likeness," *Jour. of Legal Aspects of Sport*, Vol. 20, No. 2, Summary. 2010,
<https://litigationessentials.lexisnexis.com/webcd/app?action=DocumentDisplay&crawlid=1&doctype=cite&docid=20+J.+Legal+Aspects+Of+Sport+151&srctype=smi&srcid=3B15&key=14b98de17d8523812fe10607fc1ebf6a>
6. "Former Rice DB sues NCAA over scholarship rules," *Sportifi.com/news*, October 27, 2010,
<http://sportifi.com/news/Former-Rice-DB-sues-NCAA-over-scholarship-rules-158433.html>. Also see: Sander, Libby, "Justice Department Examines NCAA Scholarship Rules," *The Chronicle of Higher Education*, May 6, 2010, <http://chronicle.com/article/Justice-Department-Examines/65430/>
7. Splitt, Frank G., "Reclaiming Academic Primacy in Higher Education: The Revised IRS Form 990 Can Accelerate the Process," See Note 17, September 25, 2007,
http://www.thedrakegroup.org/Splitt_Reclaiming_Academic_Primacy_IRS.pdf
8. This question, among others, was addressed to former NCAA President Myles Brand by former Congressman William Thomas (R-CA), past Chair of the House Committee on Ways and Means, in Thomas' October 2, 2006 letter aimed at ascertaining the justification for the tax-exempt status of the NCAA and its member schools. See "The U.S. Congress: New Hope for Constructive Engagement with the NCAA and Intercollegiate Athletics," mtprof.msun.edu/Spr2007/splitt.html or http://www.thedrakegroup.org/Splitt_Montana_Professor.pdf
9. Without transparency, oversight and accountability mechanisms, the government and others must trust schools that, in many instances, give every appearance of not only being secretive, but untrustworthy as well. See "Time for accountability in sports," November 18, 2008,
http://www.thedrakegroup.org/Splitt_Time_for_Accountability.pdf and "The TAO of College Sports Reform Transparency, Accountability, and Oversight," http://www.thedrakegroup.org/Splitt_TAO.pdf