

# **Collegiate Athletics Reform ... It's a Long and Lonely Journey**

*A Collection of Related Commentaries  
With a Foreword by Dr. Allen L. Sack  
And Afterword by Dr. Clara M. Lovett*

**By Dr. Frank G. Splitt**

**The Drake Group**

**November 2, 2010**

*Intercollegiate athletics, as currently practiced by many universities, compromise admissions standards, weaken the curriculum, and threaten other essential academic values. Neither coaches nor athletic directors, nor presidents, nor trustees can bring about real reform without help. Faculty members have the most at stake in upholding academic values; they represent the best hope of achieving genuine progress in making the kinds of changes required. As a result, I warmly endorse the arguments contained in this brief for involving faculty in a campaign for integrity in college sports.*

**Derek C. Bok,\*** 300th Anniversary University Professor and former President, Harvard University

*Universities exist to transmit understanding and ideals and values to students, and to add to the body of intellectual knowledge, not to provide entertainment for spectators or employment for athletes. The proper role of athletic activity at a university is to foster healthy minds and healthy bodies, not to produce spectacles.*

**Milton Friedman,** Nobel Laureate, excerpt from his 1998 endorsement of the *Rutgers 1000* campaign

*What has been allowed to become a circus—college sports—threatens to become the means by which the public believes the entire (higher-education) enterprise is a sideshow.*

**A. Bartlett Giamatti,** the late former president of Yale University and former commissioner of Major League Baseball

*Frank Splitt's brief is a wake-up call for university faculty who truly care about undergraduate education. If we faculty think that the mindless expansionism of the research universities is somebody else's business, then we deserve what we get. Splitt is correct to argue that gigantism and corruption in athletics goes hand in glove with gigantism and corruption in the educational process. The system of higher education is out of control. In their own way, the Ivies are just as badly impacted as the Big Twelve. Even well intended university reformist presidents have not been able to stop the trend to financial aggrandizement. Education is too important to be left to anyone other than educators. So faculty must rise up to demand reform of intercollegiate athletics, to reject the hypocrisy of the notion of 'student athletes,' and to assert the primacy of undergraduate education. This is a battle we cannot afford to lose.*

**Stanley N. Katz,\*** Professor, Woodrow Wilson School of Public and International Affairs, Princeton University, and President Emeritus, American Council of Learned Societies

*Frank Splitt's well-researched brief identifies clearly the distortion of institutional priorities and the threats to academic integrity that result from increasing commercialization and obsession with winning in "big-time" college sports. The situation has developed gradually over the past 100+ years, and now its correction faces major obstacles, both financial and psychological, in particular, the dependence on revenues from football and men's basketball to fund bonded indebtedness on expensive athletics facilities and to support the non-revenue producing sports, and the over-identification by too many alumni and other supporters of their own value with "their" school's athletic success. Can the situation be corrected? I believe it can, but with great difficulty. It will demand a long-term, coordinated effort by responsible faculty leaders, presidents, and governing board members who are willing to put aside personal advantage and work together to do what is right for their institutions and the educational enterprise. Frank Splitt has pointed us down the right path. Will we have the courage and perseverance to follow it?*

**John W. Prados,\*** Vice President Emeritus and University Professor, The University of Tennessee, and former president, Accreditation Board for Engineering and Technology

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\*From his comment on "Reclaiming Academic Primacy in Higher Education," The Drake Group, Dec. 31, 2003, [http://thedrakegroup.org/Splitt\\_Reclaiming\\_Academic\\_Primacy.pdf](http://thedrakegroup.org/Splitt_Reclaiming_Academic_Primacy.pdf)

## **A MESSAGE FROM THE DRAKE GROUP PRESIDENT**

When I first became aware of Dr. Frank Splitt and his efforts for academic reform in intercollegiate athletics, I was impressed by his scholarly approach to reform. Now, six years and eighty plus essays later, I am astounded at his consistent determination and ferocity to help lead change in higher education. Frank has turned his efforts from a general commentary approach, which still does exist today, to a more focused aim towards the only organization that might truly be able to reign in the commercialism in intercollegiate athletics – the US government. Through almost weekly emails, news updates, and two open letters to President Obama he has lobbied the government to intervene and investigate the justification for the NCAA's not-for-profit tax status.

At times, it may seem like Frank is a lone voice speaking out against the rise of commercialism in intercollegiate athletics. However, I believe he is the voice speaking out for many people – faculty, advisors, and administrators – afraid to say how they really feel. At the same time, many people feel helpless as to how they can change this rampant commercialism and find it easier to just throw up their hands in resignation. Frank simply will not give up and his voice, representing that of so many others, has been heard. In 2006, the House Ways and Means Committee started an investigation into the tax exempt status of the NCAA. In 2010, the Secretary of Education directed critical commentary at the intercollegiate athletic sport complex which echoed the spirit of Frank's continuing request for government intervention.

We need to continue to examine this rampant commercialism at all levels of intercollegiate athletics as a way to refocus our institutions of higher education back on their primary goal – the education of students. It is our duty as faculty, advisors, and administrators to ensure that all college students, regardless of any extracurricular activity, are receiving a quality education. I applaud Frank and his reform efforts on his 80<sup>th</sup> birthday. Frank will continue to speak out and so will I. Will you add your voice and speak out against commercialized college sports and its impact on higher education?

**Jason Lanter, President of The Drake Group, Asst. Professor of Psychology, Kutztown University**

## **THE DRAKE GROUP**

**The Drake Group Mission:** The mission of The Drake Group (TDG) is to help faculty and staff defend academic integrity in the face of the burgeoning college sport industry. The Drake Group's national network of college faculty lobbies aggressively for proposals that ensure quality education for college athletes, supports faculty whose job security is threatened for defending academic standards, and disseminates information on current issues and controversies in sport and higher education. The Drake Group seeks to form coalitions with other groups that share its mission and goals.

**The Drake Group Vision:** The Drake Group vision is to create an atmosphere on college campuses that encourages personal and intellectual growth for all students, and demands excellence and professional integrity from faculty charged with teaching.

**Contact:** Contact The Drake Group directly with any questions at [info@thedrakegroup.org](mailto:info@thedrakegroup.org).

## COMMENTS ON THE COMMENTARIES

*I concur with Frank Splitt's views that we need to get priorities right at our nation's universities and that America's higher education enterprise should be focused on academics not athletics. The only way America will be able to maintain its place as the world's premier economic power is to fully develop the potential of its people. Meeting this challenge will require an education system in which the primacy of achievement and excellence in all spheres of life is absolutely clear...Funding priorities for extracurricular programs as well as for core academics must be scrutinized, particularly our tendency to fund large sports programs that serve a small number of elite athletes at the expense of broad-based programs in music and the arts.*

**John R. Gerdy**, Visiting Professor in Sports Management at Ohio University and author of *Air Ball: American Education's Failed Experiment With Elite Athletics*.

*As a journalist for a half-century, I developed many sources of information in the governmental, private and academic sectors. None proved more valuable than the one I encountered in the early 2000s when whistleblowers began exposing the hijacking of higher education by university presidents, trustees and athletics directors who have used their institutions to commercialize the college sports entertainment industry. Frank Splitt became a prized resource and conduit of information in the growing movement to reform big-time college athletics. Allen Sack's powerful foreword sets the stage for commentaries that are an example of dedication to facts and detail in Frank's tenacious and articulate defense of academic integrity. Frank is courageous in challenging the false-premises, posturing and demagoguery of those who attempt to advance the greed-based objectives of the National Collegiate Athletic Association to the detriment of academia. I treasure Frank's friendship and salute his determination to make a difference.*

**Bob Gilbert**, Former Associated Press writer, retired University of Tennessee news director, and author of *Neyland: the Gridiron General*.

*In my 6 years as editor of a subscription-based news organization with a mission to provide all sides of every issue related to college athletics, I have interacted with hundreds of people who cover a wide spectrum of opinions on the subject. If asked to describe Frank Splitt in two words, I would say "Renaissance Man." As reflected in this collection of his latest commentaries, Frank is an idealist in the sense that he advocates for optimum resolution of complex issues. The commentaries reveal a passionate champion of academic integrity and primacy, as well as transparency and accountability in big-time college athletics operations. Some might disagree with his opinions, but none can deny his perseverance, consistency and the persuasiveness of his arguments on behalf of the Drakes.*

**Nick Infante**, Editor, *College Athletics Clips*.

*Sometimes it takes almost a complete life to meet people who inspire you. In some inexplicable way my path in life and Dr. Frank Splitt's path merged. It has taken me a long time to acknowledge the inequity in athletics and academics. When you are so deeply involved on one side of the fence you fail to see the other. When I finally emerged from my cocoon and looked over the other side of the fence, I knew then that I wanted to get out my sword and go after the windmills. I wanted to try and make sense of reasons for the failure of people to understand that academics and athletics could coincide in college sports. Then came this lightening rod of an individual who had no prior connection to me or anyone I knew, Dr. Frank Splitt. In his own inimitable way he taught me more than anyone about the other side of the ball in this game. His patience with me and my lack of understanding with him was something that you couldn't take odds on...two diverse people fighting for the same cause and somehow ending up on the same road to fairness for all.*

*Reading Frank's many articles, being introduced to his numerous friends and contacts showed me the passion he has for this fight for academic integrity and fairness for all. Frank is a reincarnation of Paul Revere; he reaches out to anyone and everyone who will take the time to listen to his logical arguments. Frank Splitt continues to enrich all our lives with his knowledge, wisdom and passion. There is much to be learned from his writings and wisdom. I hope that the people who read this publication will pass it on to others. I also hope that Frank has many more years to dedicate to academic integrity and fairness to all students.*

**John P. (Sonny) Vaccaro**, Lecturer, former sports marketing executive.

## FOREWORD

I first met Frank Splitt in 2006 when I had the honor of presenting him with the *Robert Maynard Hutchins Award*, named after the former University of Chicago President who had not only fought for academic integrity in college sport, but had fearlessly defended academic freedom. The Drake Group, an organization of faculty and staff whose mission is to defend academic integrity in the face of the burgeoning college sport industry, presents the *Hutchins Award* every year to faculty and others who are often ostracized and vilified for merely doing what faculty are supposed to do, defending academic standards.

Like Hutchins, Frank has been an outspoken critic of the unbridled commercialism and professionalism which often swamp the academic values that amateur college sport is supposed to enhance. His voluminous essays and writings have raised public consciousness regarding athletic corruption, and he has worked tirelessly with the Drake Group lobbying leaders in the United States Congress to create disclosure mechanisms to increase institutional accountability in intercollegiate athletics. He is one of the brightest, bravest, and loudest voices advocating college athletic reform.

In 2005, Frank's title as McCormick Faculty Fellow at Northwestern University was unceremoniously retracted only three days after the publication of his letter to the editor of the *Wall Street Journal* that was highly critical of big-time college sports. The timing of the retraction, two months prior to the termination date of his fourth three-year appointment, makes it difficult to believe that the retraction was unrelated to his role as an activist for sports reform. He was delivering a message that very few university trustees like to hear, especially from members of their own community. His early dismissal drives home the point that defending academic integrity in collegiate athletics often exacts a price, even on someone with Frank's impeccable international reputation as a corporate leader and an applied scientist.

There is no shortage of recommendations for collegiate athletic reform, many of which could help to 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. Frank's special genius has been his focus on the one source of leverage that is likely to get the NCAA to adopt some of these reform proposals: the threat of congressional intervention. In 2006, Frank and the Drake Group supported a congressional initiative to make the continuation of the not-for-profit status of the NCAA and its member institutions contingent on the disclosure of data on the academic performance of big-time college athletes.

In October 2006 William Thomas, chair of the House Committee on Ways and Means, pursued some of the Drake Group's concerns by asking NCAA President Myles Brand to justify the NCAA's and its member institutions' not-for-profit status. According to a New York Times' editorial, "the House Ways and Means Committee sent shock waves through college sports when it asked the National Collegiate Athletic Association to justify federal

tax exemption by explaining how cash consuming, win-at-all costs athletics departments serve educational purposes.” These tax issues will remain controversial as conferences grow in size and develop their own television networks.

Even though the new U.S. Secretary of Education, Arne Duncan, leveled some very critical remarks at big-time college sport at the 2010 NCAA National Convention, the Obama administration and Thomas’ successors as chairs of the House Committee on Ways and Means have put college athletic reform on the back burner. In *Collegiate Athletics Reform...It’s a Long and Lonely Journey*, Frank updates the Drake Group’s Congressional efforts and argues that organizations that are capable of making a difference, such the Knight Foundation and the federal government, have fallen asleep at the wheel.

In this collection of commentaries, which will be released on his 80<sup>th</sup> birthday, Frank argues that the decline of standards in college sport is symptomatic of a similar decline in the American educational system in general. He sees a crisis on the horizon as America’s competitors in the global economy leave us behind educationally. While our competitors build world-class universities with “laser-like focus on academics,” American universities have become entertainment centers, prostituting academic values “for the near-term fame and fortune of the sports entertainment industry.”

Frank’s frustration with Washington, and especially with the once prestigious Knight Foundation Commission on Intercollegiate Athletics, is palpable. Yet he pushes on while others, including President Obama and Education Secretary Duncan, remain asleep at the switch.

I do not expect Frank’s commentaries to end anytime soon. In fact, the best are yet to come.

Allen L. Sack, President Elect  
The Drake Group  
Professor, School of Business and  
Director, Institute for Sports Management  
University of New Haven

# INTRODUCTION TO THE COMMENTARIES

Notwithstanding revelatory books such as *Scoreboard*, *Baby* and *Varsity Green*, as well as a plethora of commentaries and exposés, there remains an unheralded crisis in higher education. Cheating, corruption, complicity, and other bad behavior in the world of collegiate athletics is effectively overlooked by the general public and ostensibly responsible parties—including the NCAA, the U.S. Department of Education, the U.S. Congress, and the so-called watchdog Knight Commission on Intercollegiate Athletics. Facts and allegations seem to have had little if any impact on the powers that be in Washington who give every indication of being asleep at the switch.

The long-term negative consequences for America's corporatized system of higher education<sup>1</sup> and its status as a global leader is all but ignored. Institutions of higher learning continue to prostitute themselves to pursue near-term fame and fortune via their sports entertainment businesses while avoiding accountability via their use and abuse of FERPA, the Family Educational Rights and Privacy Act.

The Drake Group and other reform-minded organizations and individuals that have focused on the corruptive influence of the college sports entertainment industry on higher education have much to learn from the recent experience of Washington D.C. Mayor Adrian Fenty and K-12 School Chancellor Michelle Rhee who resigned her position as chancellor.<sup>2,3</sup> Rhee, along with Education Secretary Arne Duncan, favored linking teacher evaluations to student test scores and closing failing schools. Mike Petrilli of Thomas B. Fordham Foundation, a nonprofit group that advocates for tougher education standards, was quoted,<sup>4</sup> calling her departure a "sobering moment" in the education wars:

The American public expresses support for the idea of education reform, but when it comes down to the tough decisions, like firing bad teachers or closing schools, they become more skittish. This sends a loud message to other would-be reformers that they have to keep up the fight.

With reference to the disappointing lack of decisive action by the Obama Administration and its Department of Education, the closing sentence of a related editorial<sup>5</sup> can be paraphrased as follows:

One reason college sports reform is so difficult is because the NCAA and its member institutions believe their political influence and money will outlast even the bravest reformers in the end—which is why they're cheering in Indianapolis.

It's really all about making big money in the near term—money for the promoters, schools, conferences, and everyone involved.<sup>6</sup> There are, however, notable exceptions—exploited counterfeit-amateur athletes.<sup>7</sup> Many of these athlete-entertainers, so-called 'student-athletes,' do not have learning outcomes commensurate with a bona fide college education and have only a very remote chance of making it to the NBA or the NFL.

The commentaries tell a good part of the story about keeping up the fight on the long and lonely journey toward collegiate athletics reform. It's an exceedingly difficult journey made with full knowledge that, for all intents and purposes, the American public values college sports entertainment over education, accepts the institutionalized corruption that enables schools supporting big-time football and men's basketball programs to field professionalized athletic teams, and remains oblivious to the long-term negative consequences of the "rise of the rest" in a post-American world;<sup>8</sup> worse yet, a dysfunctional government all but guarantees that its officials will remain under the political influence of the NCAA and its member institutions no matter what.

The grim reality is that technology has given birth to globalization that is not only costing U.S. jobs, but is also shattering the America Dream for its middle class citizens. Nevertheless, there is still hope for the future. Significant change will be required to fix a broken system that only caters to powerful moneyed interests and

panders to sports fans. We need to get priorities right at our nation's universities. America's higher education enterprise should be focused on academics, not athletics. This means emphasis on learning and research not on commercialized sports entertainment and health-spa-like facilities.

Fareed Zakaria offers a recommended course of action in the form of four key measures to encourage the bottom-up creation of jobs by companies rather than top down by government fiat.<sup>9</sup> Among these measures is 'training and education' that would require a major initiative on the scale of the GI Bill—"a training triangle in which the government funds, the education system teaches and industry hires." Members of top-ranked BCS football teams and the NCAA's Final-Four basketball teams will not likely be eligible to play in this global game.

The commentaries are as follows:

1. An Unheralded Crisis in Higher Ed, page 4.
2. Why the NCAA and the Knight Commission Miss the Seamy Side of College Sports, page 7.
3. *Scoreboard, Baby* Notwithstanding, Things Do Not Bode Well For College Sports Reform in Washington, page 10.
4. *Scoreboard, Baby* Notwithstanding: A Postscript, page 17.

Dr. Lovett's Afterword appears on page 20.

## NOTES

1. Lazerson, Marvin, "The Making of Corporate U: How we got there," *The Chronicle Review*, B5, Oct. 22, 2010.
2. Rhee, Michelle and Fenty, Adrian, "The Education Manifesto," *The Wall Street Journal*, C1, Oct. 30, 2010.
3. Sreenivasan, Hari, "Michelle Rhee Steps Down as D.C. Schools Chancellor," *PBS Newshour*," Oct. 13, 2010, <http://www.pbs.org/newshour/rundown/2010/10/michelle-rhee-steps-down-as-dc-schools-chancellor.html>
4. Banchemo, Stephanie and King, Neil, "Schools Overhaul Stalwart Moves On," *The Wall Street Journal*, Oct. 14, 2010.
5. REVIEW & OUTLOOK, "Education Reform Setback," *The Wall Street Journal*, Oct. 14, 2010. The closing editorial sentence was as follows: "One reason education reform is so difficult is because unions believe their political influence and money will outlast even the bravest reformers in the end—which is why they're cheering today in the District of Columbia."
6. Not mentioned are the millions of dollars saved by the NFL and NBA as schools and conferences operate and manage their minor league teams and leagues free of charge.
7. Sack, Allen, *Counterfeit Amateurs: An Athlete's Journey Through the Sixties to the Age of Academic Capitalism*, pp 67-76, Penn State University Press, University Park, PA, 2008. The author tells how the NCAA abandoned its central principle of amateurism in its pursuit of big money in the form of highly commercialized and professionalized big-time college athletics.
8. Zakaria, Fareed, *The Post American World*, W. W. Norton & Company, 2008.
9. \_\_\_\_\_, "Restoring the American Dream," *Time*, Nov. 1, 2010.

*Corruption? .... We have laws against it precisely so we can get away with it. Corruption is our protection. Corruption keeps us safe and warm. Corruption is why you and I are prancing around in here instead of fighting for scraps of meat in the street. Corruption is why we win.*

— Tim Blake Nelson (playing Danny Dalton) in *Syriana*, screenplay by Stephen Gaghan

## EXCERPTS FROM THE COMMENTARIES

*Hopefully, in years to come America's colleges and universities will not have morphed into subsidiaries of the entertainment industry and President Obama will not have to say, as he did during the oil-spill crisis: "In case you were wondering who's responsible, I take responsibility." By then it will be too late to make up the all too many years of lost time.*

—Unheralded Crisis in Higher Ed

*Weak enforcement of NCAA rules coupled with the absence of transparency, accountability, and independent oversight has been a key enabler for the professionalization and the sustainability of the seamy side of big-time college sports.*

—Why the NCAA and the Knight Commission Miss the Seamy Side of College Sports

*Like the Knight Commission, the Department of Education is now able to define and talk about some of the problems in collegiate athletics but is not able to or chooses not to deal with these problems in a forthright and meaningful manner. Simply stated, the Department of Education is not up to walking their talk. Problems go unresolved and fester since no one is really up to dealing with them for fear of triggering a calamity of one sort or another.*

— Scoreboard, Baby Notwithstanding

*The loss of academic primacy at all too many colleges and universities supporting big-time football and men's basketball programs has not gone unnoticed by America's Asian and Middle-eastern competitors. They have prioritized the education of their citizenry above all else as they build world-class universities with laser-like focus on academics, especially science, technology, engineering, and mathematics, rather than building facilities for the entertainment of spectators or the employment of 'student-athletes.'*

— Scoreboard, Baby Notwithstanding: A Postscript

## **An Unheralded Crisis in Higher Ed**

*There seem to be only a precious few who care about a crisis in higher ed wherein the academic mission at many schools has been hijacked by the professional college sports entertainment industry that is not only fueled by an ocean of tax-free money and enabled by corruption and cheating, but aided and abetted by all too familiar forms of cronyism and scandalously cozy relationships as well.*

By Frank G. Splitt, The Drake Group, 5-31-10

**PROLOGUE** – The February 9, 2010, *PBS Frontline Program*, "Flying Cheap," was keyed to the final investigative report on the Buffalo crash of Continental 3407, the deadliest U.S. air accident in eight years.<sup>1</sup> Congressional Investigator Clay Foushee said: "It is the watershed accident. It's become the symbol of everything that's wrong with the industry." The investigation focused on a major transformation in the airline industry—exposing the reduced safety margin issue associated with regional air carrier transportation relative to the safety margins of the hub-centered major airlines. In large measure, the reduced safety margins can be attributed to the corruptive influence of unbridled cronyism and the cozy relationships between the operators (the regional carriers) and their governing agency where relationships preempted the oversight mission of the agency—in this case, the U. S. Department of Transportation.

**CRISES AND COMMON CAUSES** – A repeat broadcast of the "Flying Cheap" program on May 25, 2010, came at the same time network news programs were announcing the frustrations of government officials and the general public with the oil-spill disaster in the Gulf of Mexico as well as with America's continuing financial crisis. Only a few weeks before, while attention was focused on debate surrounding the healthcare crisis, the *National Catholic Reporter* carried a front-page story on the founder of the Legion of Christ, a secretive, cult-like religious order now under Vatican investigation, saying: "his life was arguably the darkest chapter in the clergy abuse crisis that continues to plague the church."<sup>2</sup>

Mounting evidence indicates that all of these disasters and crises appear to have the same root cause as that exposed by the "Flying Cheap" expose—cronyism and the cozy relationships between operators and governing bodies (regulators, official watchdog agencies and surrogates, both official and unofficial). Cronyism and scandalously cozy relationships played major roles in reducing safety margins for offshore oil drilling, the near crash of America's financial system with its related loss of jobs and home foreclosures, and the exorbitant cost of health care, as well as the pedophile cover-up in the Roman Catholic Church.

The general public is justifiably upset with the government's lack of competent oversight and regulation of regional carriers, offshore drilling companies, the healthcare industry, and Wall Street's obscure financial mechanisms. Catholic laity and the vast majority of priests and nuns are not only disgusted with the behavior of the pedophile priests, but also with the initial weak response by the Vatican.

**AN UNHERALDED CRISIS** – Standing in sharp contrast to the above reactions is the lack of public reaction to the reported cheating and academic corruption scandals at schools supporting big-time football and men's basketball programs, most recently at the University of Michigan, and, for that matter, with the smoldering crisis in America's system of higher education where the academic mission at many schools has been hijacked by the professional college sports entertainment industry.

Sad to say, the cheating and corruption that enables the NCAA cartel—the NCAA and its member institutions—to field professional teams and have their conferences serve as the minor leagues for the NFL and NBA, are rooted in the same types of cronyism and cozy relationships that have been instrumental in bringing about the headline crises of the day.<sup>3</sup> The cartel is a multi-billion dollar juggernaut that has conflicting interests as members serve as promoters of their professional sports businesses and enforcers of rules that can curtail the viability of these businesses. Worse yet, there is no meaningful oversight as the NCAA and its member institutions are not only self-reporting, self-regulating, and self-enforcing, but have also used cozy relationships to co-opt the supposed watchdog Knight Commission on Intercollegiate Athletics.<sup>4</sup>

The we-can-do-nothing attitude of the majority of the NCAA cartel's officials—including school presidents—as well as members of Congress and the administration have led to a collective complicity in an unheralded crisis in higher education. Where is the outrage?

**A NOTICEABLE LACK OF OUTRAGE** – There is certainly no outrage coming from the public that simply loves professional games no matter how corrupt their underpinnings. Also, the public is apparently overwhelmed by present-day disasters and crises with little time and energy to spend worrying about problems and issues that seem in no need of urgent resolution and none of their concern.

Entertainment provides welcome distractions from these mind-numbing disasters and crises. Besides, who cares about long-term consequences so long as the NCAA cartel provides exciting entertainment on par with this past season's popular reality TV dancing and singing contests?

**THE DRAKE GROUP** – As evidenced by its two open letters to the president and related follow-ups, members of The Drake Group have been working to get President Obama and his Administration to care as well.<sup>5</sup> The Drakes are continuing to keep the U.S. Department of Education, as well as the U.S. Congress, aware of related issues and the fact that without transparency, accountability and independent oversight, powerful governing board and wealthy boosters, as well as alumni and rabid fans, will continue to have their way with university presidents. Who can resist fame and the ocean of tax-free money?

President Obama and Education Secretary Duncan can learn much from the experiences of Mary Sue Coleman and R. Gerald Turner about the overwhelming forces that are brought to bear on university presidents to field winning teams. See the appended discussion.

**FUTURE OUTLOOK** -- Only time will tell if the government will continue to ignore global realities and stand idly by while letting big-time college sports programs continue to practice as they do today—compromising the educational, economic, and physical well-being of America.

Perhaps it will be the U. S. Department of Justice that will do what politicians are unwilling or unable to do. For example, the March 10, 2010, complaint in Case No. C 09-01967 CW, United States District Court, Northern District of California, Oakland Division provides a damning criticism of the NCAA and sets the foundation for a class-action lawsuit that could overhaul college sports in America.<sup>6</sup> A pending lawsuit brought against the NCAA—a merger of two different but related cases are direct attacks on the NCAA's business and the very definition of "amateur."

Hopefully, in years to come America's colleges and universities will not have morphed into subsidiaries of the entertainment industry and President Obama will not have to say, as he did during the oil-spill crisis: "In case you were wondering who's responsible, I take responsibility." By then it will be too late to make up the all too many years of lost time.

## APPENDIX: No Profiles in Presidential Courage

The following is an excerpt from Bob Gilbert's column for Wednesday, May 26, 2010:

MICHIGAN ADMITS CHEATING – Trying to head off even stiffer penalties by the NCAA, the University of Michigan has admitted a series of violations in its football program and has self-imposed some sanctions.

They include cutting back practice time by 130 hours the next two seasons, banning some staffers from practice, and a two-year probation.

Anonymous Michigan players revealed they were exceeding NCAA limits on practice and training time. The NCAA will be the final judge on punishment.

In 2002, it was clear that Michigan's basketball program was guilty of major violations. Michigan decided to impose its own sanctions on the program that November when, as a recently appointed president, Mary Sue Coleman and athletic director Bill Martin announced that the school was imposing sanctions of its own on the basketball program. Coleman described what happened as "wrong, plain and simple." She also said, "I am determined that nothing like this will ever happen again at Michigan."

Some might say it is ironic that a school that has become an example of the blatant hypocrisy surrounding higher education's college sports entertainment businesses and all that's wrong with win-at-any-cost big-time football and men's basketball programs, has a president that has been among the most outspoken of NCAA apologists.

It should come as no surprise that Coleman is a former member of the NCAA's Executive Committee and a trustee of the Knight Foundation—sponsor of the NCAA co-opted Knight Commission on Intercollegiate Athletics.

For additional insights see Tom Palaima's articles in which he exposes the NCAA tactic of blaming the faculty for the problems with college sports<sup>7</sup> and uses R. Gerald Turner, the president of Southern Methodist University and Knight Commission co-chair, as a salient example of hypocritical behavior.<sup>8</sup>

### NOTES

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## **Why the NCAA and the Knight Commission Miss the Seamy Side Of College Sports**

*Our guest author questions the credibility of the APR in light of the interests of conference commissioners, the NCAA and its member schools "to portray student-athletes as legitimate, degree-seeking students."*

*Frank G. Splitt, The Drake Group, 7-20-10*

**In his *Wall Street Journal* opinion piece**, "Why the SEC Missed Madoff," Richard Sauer, a former attorney and assistant director with the SEC's Division of Enforcement from 1990 to 2003, tells how SEC enforcers are rewarded for the number of cases brought and for following political fashion.<sup>(1)</sup> Sauer also tells how stats are used to impress congressional appropriators. The piece provides valuable insights for those who are serious about college sports reform.

Sauer's piece brought to mind many things: a previous essay,<sup>(2)</sup> the lack of enforcement measures in the Knight Commission's latest recommendations,<sup>(3)</sup> the recent hoopla about the NCAA's revised APR stats,<sup>(4)</sup> well as enforcement and related issues discussed by Walter Byers in his 1995 tell-all book.<sup>(5)</sup>

Since it is in the financial interest of conference commissioners, the NCAA and its member schools—presidents, trustees, ADs, coaches, and boosters—to portray athletes as legitimate, degree-seeking students, they are likely to be quite forceful in the use of their influence and powers of intimidation to get what they want. What they want is the very best athletes—no matter how educationally and socially disadvantaged they may be and no matter what related NCAA rules and Knight Commission recommendations. When speaking of NCAA rules, Byers, who served as NCAA executive director from 1951 to 1987, said "they are not meant for enforcing."

Besides the potential loss of big-money, there is a compelling need for some schools to report very high graduation rates to not only comply with federal requirements, but to also justify/rationalize their high-profile programs and their extraordinary investments in academic support center staffs and facilities. This combined with self assessment and reporting, as well as weak enforcement, and even weaker penalties for infractions, provide an enormous incentive for these and other less conflicted schools to scheme and cheat. When reporting on the necessary progress that has been made on the rehabilitation of at-risk high school graduates, Byers has said: "Believe me, there is a course, a grade, and a degree out there for everyone."

Walt Byers isn't the only author of book-length exposes on the seamy side of professionalized big-time college sports—there have been many others who have addressed the seamy side of college sports with its ocean of money, academic corruption, profligate spending, and the exploitation of college athletes by the NCAA and its member institutions under the sleeping eyes of the feds.<sup>(6-13)</sup> Their book titles tell stories that should command government attention—and there's more to come.

Recently, Ken Armstrong and Nick Perry, veteran newspaper reporters who shared in this year's Pulitzer Prize for breaking news, announced the forthcoming publication of their book that they say "is based on exhaustive investigative reporting that shows how a community's blind embrace of a football team compromised judges, prosecutors, police agencies, a proud university and the media."<sup>(14)</sup>

The authors also say the book "goes deep on what kind of education many football players received, using student transcripts and scholarship documents to show which classes athletes used to boost their GPAs and how the university managed to keep certain players on the team despite established patterns of criminal violence.

Weak enforcement of NCAA rules coupled with the absence of transparency, accountability, and independent oversight has been a key enabler for the professionalization and the sustainability of the seamy side of big-time college sports.

All of this has a decades-old ring to it. Again going back to Byers who said: "In fact, the rewards of success have become so huge, beneficiaries—the colleges and their staffs—will not deny themselves even part of current or future spoils. ... I believe the record now clearly shows the major hope for reform lies outside the collegiate structure. What the colleges will not do voluntarily should be done for them."

So The Drake Group continues with its effort to catalyze federal intervention to clean up the seamy side of big-time collegiate athletics.

## AFTERWORD

*Unfortunately, too many college presidents speak of integrity and athletics reform in public and play a game of Tammany Hall politics in private.—Walter Byers*

The foregoing commentary summarized messages aimed at updating Education Secretary Arne Duncan, as well as members of the U.S. Congress, on the realities of college sports reform.

It seems that school presidents, as well as NCAA and Knight Commission officials, are beyond embarrassment about the role they play in what is an unheralded national scandal. See Whitlock(15), Splitt (16), and Sander(17). Also see James Joy's letter in Appendix 2.

Deep insights into the corruption that lies at the foundation of the college sports entertainment industry are provided by these and the other cited authors.

The NCAA and the Knight Commission have no reason to change their modus operandi. Why change what works so well for them? Also, no one at the Knight Foundation seems to have heeded cautionary statements about presidential leadership as it would apply to its Commission on Intercollegiate Athletics.

It is difficult to imagine how government and Knight Foundation officials can continually ignore these insights. Perhaps it all comes down to an understanding related to the benefits of not investigating your employers---a painful lesson learned by former Big-Ten Commissioner Wayne Duke and others before him who tried to require their employers to live by the rules that these very same employers adopted and widely touted.

7-27-10

### APPENDIX 1 – College sports reform goes beyond report

*The Daily Herald*, Letter to the Editor, Submitted June 22, 2010, Published July 4, 2010

After several years of prodding and cajoling to get the Knight Commission to provide recommendations for college sports reform, it has finally done so ("Report: Colleges spend twice as much on student athletes," June 21, 2010). Not mentioned in the story was the fact that Education Secretary Arne Duncan supported the report with an official statement.

Also, the report says nothing about enforceable corrective measures and meaningful consequences for violations that are adequate to the task of cleaning up the seamy, secretive side of collegiate athletics with its profligate spending, tax-free revenues, academic corruption, and exploitation of college athletes.

The responsibility for reform is left to individual school administrations and governing boards with reliance on the same old voluntary toothless reform mechanisms that have proved to be utterly useless in terms of instituting meaningful reform measures, but quite useful for bamboozling government officials.

The report made no call for government help to bring transparency, accountability, and independent oversight to intercollegiate athletics since both the NCAA and the Knight Commission dread government intervention that appears to be the only mechanism that has a realistic chance of restoring academic primacy over athletics in higher education.

Unless and until there is direct government intervention via revised tax and privacy policies for athletics programs at educational institutions and federal court rulings against the NCAA, colleges and universities will continue to prostitute themselves while muddling on like drug addicts in a quest for fame and fortune with their professionalized football and men's basketball programs.

If the Knight Commission is truly serious about catalyzing reform, its co-chairs, William English Kirwan and R. Gerald Turner, would welcome a call from Secretary Duncan to lead by example—going beyond the noble rhetoric of their report and actually start working on a campaign to restore the balance between academics and athletics at their affiliated schools as well as show him what's actually being done and not done via quarterly progress reports.

Frank G. Splitt, Mount Prospect, IL

## APPENDIX 2 – College Presidents Unlikely to Reform Athletics

*The Chronicle of Higher Education*, Letter to the Editor, August 10, 2001

Like Louis's feigned shock in discovering that gambling was going on at Rick's (in *Casablanca*) as he receives his winnings from Rick's croupier, university presidents (on the Knight Foundation's Commission on Intercollegiate Athletics) decry the commercialization of college sports as they unabashedly peddle stadium-naming rights, concession rights, and clothing and shoe rights to the highest bidders ("College Presidents Urged to Take Control of College Sports," July 6). ... And we hardly need mention the efforts of their institutions to keep multimillion-dollar talents from the clutches of the National Football League or National Basketball Association, for the relative pittance of tuition and board.

No, if there is to be any reform in college sports, it will not be brought about by the presidents of our institutions. ... The Rev. Theodore M. Hesburgh's reference to those who "profess to be university presidents" suggests that many presidents are really not in charge of their institutions. The real decisions, which set priorities and establish institutional values, are made by unseen trustees and legislators who compose the lyrics for presidents to sing. The presidents are not looking so presidential in these times. ...James E. Joy Professor of Biology Marshall University Huntington, W.Va.

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## ***Scoreboard, Baby Notwithstanding . . . .***

***. . . . Things do not bode well for college sports reform in Washington.***

*By Frank Splitt, The Drake Group, 9-23-10*

*Colleges have managed to get themselves involved in a dirty and subversive business.*  
– Paul Gallico, *Farewell to Sport*, 1937

**The facts** and allegations contained in revelatory books like Paul Gallico's classic, *Farewell to Sport*, and Ken Armstrong's and Nick Perry's story of college football, crime and complicity in their book, *Scoreboard, Baby*, seem to have little if any impact on the powers that be in Washington who give every indication of being asleep at the switch.<sup>1</sup>

### **PROLOGUE**

When writing his *Wall Street Journal Main Street* column, "Giving Lousy Teachers the Boot,"<sup>2</sup> William McGurn e-mailed a spokesman for Education Secretary Arne Duncan asking if the Obama Administration supported the decision of Michelle Rhee, the chancellor for the District of Columbia schools, to fire teachers for scoring too low on a teacher evaluation that measured their performance against student achievement.

The answer came back that "we have not weighed in on D.C. specifically but we support the use of student achievement as one factor in teacher evaluation." When asked if he could say that meant Secretary Duncan supports Ms. Rhee, the answer was "No," because "we do not know the facts." Two emails later, the clarification: "This is basically a staffing decision executing on their new labor agreement—something that is happening all across America—which is a local issue."

McGurn then wrote: "So goes the Obama administration. On the one hand, it deserves credit for contributing to a climate that challenges the status quo and supports certain initiatives. On the other hand, when a brave reformer such as Ms. Rhee actually makes a tough decision, it can be shy with the backup. The good news is that Ms. Rhee isn't waiting for it."

### **DISAPPOINTING RESPONSE**

The lack of strong support from Education Secretary Duncan for Ms. Rhee was disappointing to say the very least. It got me to thinking about the hope inspired by Secretary Duncan's critical remarks at the 2010 NCAA convention this past January and then the reasoning behind his support of the Knight Commission's latest toothless recommendations for reforming intercollegiate athletics—just what was he thinking? Is Secretary Duncan really serious about college sports reform?

The latter question is likely on the minds of the Drakes as well as other reform-minded organizations and individuals. Will Secretary Duncan provide the leadership to change America's dysfunctional system of higher education, the mission of which has been hijacked by the sports entertainment industry, or, will he continue to flag problems but only provide feeble, virtually useless responses?

### **WASHINGTON ASLEEP AT THE SWITCH**

A recent sardonic piece in the *Journal* said: "The more Mr. Obama and his White House team practice their putting strokes, the less time they'd have to pass more stimulus, overregulate more industries, or

raise more taxes. The economy would recover more rapidly with less political handling. So by all means, swing away, Mr. President. Work on that jump shot, polish your short game, practice your fly cast mending. Then watch GDP and your approval ratings rise."<sup>3</sup> Apparently, this was a pickup on a tone-deaf White House that consistently panders to sports fans.<sup>4,6</sup>

And it's not only the White House that is sleeping at the switch. "Critics, especially those on the left, have denounced the Senate in recent weeks as dysfunctional and dismissed it as broken." So wrote Naftali Bendavid.<sup>7</sup> It is unlikely that Bendavid had any knowledge of the culpability of the Congress as well as the White House and the Department of Education in the perpetuation of the myth of collegiate amateurism that is centered on the NCAA's so-called student-athlete. This false claim is the fraudulent basis for the tax-exempt college sports entertainment industry.<sup>8-9</sup> The NCAA co-opted Knight Commission aids and abets the myth of collegiate amateurism that is used as camouflage for monopoly practice.

Members of Congress are reluctant to provide Senator Chuck Grassley support in follow-up efforts to have the NCAA justify its tax-exempt status. For example, Charlie Rangel dropped the 2007 handoff from Bill Thomas (his predecessor as chair of the House Committee on Ways and Means) involving his inquiry into the NCAA's tax-exempt status.

### **INSIGHTS FROM SOME RECENT BOOKS**

In addition to *Scoreboard, Baby*, discussed in a previous essay,<sup>10</sup> there are three other revelatory books that bear reading by those interested in the future well being of higher education in America, especially in the Department of Education. These books provide deep insights into the problems with higher education in America. Taken together, they emphasize the fact that what is needed is strong leadership and the audacity to change a corrupt and dysfunctional system that is currently subsidized by American taxpayers via the federal government.

o *Varsity Green: A Behind the Scenes Look at Culture and Corruption in College Athletics* by Mark Yost who decries the hypocrisy and corruption that permeates big-time college sports and how sports have come to negatively impact America's youth.

o *Higher Education?: How Colleges Are Wasting Our Money and Failing Our Kids---and What We Can Do About It* by Andrew Hacker and Claudia Dreifus was reviewed by Mark Bauerlein, author of *The Dumbest Generation; How the Digital Age Stupefies Young Americans and Jeopardizes Our Future*, who says: "Higher education may be heading for a reckoning."<sup>11</sup>

o *The Five-Year Party: How Colleges Have Given Up on Educating Your Child and What You Can Do About It* by Craig Brandon was reviewed by Melanie Kirkpatrick, a former deputy editor of the WSJ's editorial page. She was critical of Brandon's ideas for policy reform but concluded by saying: "Repealing FERPA (Family Education Rights and Privacy Act) might be the best place to start: The adults who pay the bills need to know what is happening to their kids on campus." So too should taxpayers, members of Congress, and officials at the Department of Education."<sup>12</sup>

### **UNRESOLVED PROBLEMS**

Unfortunately, the higher education enterprise and its sports entertainment businesses thrive on secrecy, self reporting, self policing, and maintaining the overall status quo. Therefore, reform or getting FERPA repealed—even amended—will not only be fought by school administrators and trustees, but by the NCAA as well. Experience has shown that well intended recommendations for improvement, challenges to do better, and polite talk about cleaning up their act will go unheeded.

Like the Knight Commission, the Department of Education is now able to define and talk about some of the problems in collegiate athletics, but is not able to or chooses not to deal with these problems in a forthright and meaningful manner. Simply stated, the Department of Education is not up to walking their

talk. Problems go unresolved and fester since no one is really up to dealing with them for fear of triggering a calamity of one sort or another.

It would appear that the best bet for serious reform lies in the federal lawsuit against the NCAA catalyzed by Sonny Vaccaro.<sup>13</sup> That's the approach advocated by Walt Byers some 15 years ago. Byers, who served as the NCAA's executive director from 1951 to 1987, went so far as to say: "Prosecutors and the courts, with the support of the public, should use antitrust laws to break up the collegiate cartel."<sup>14</sup>

However, as good as Vaccaro's approach may be, don't be surprised if—a la HP's ousted CEO Mark Hurd—the NCAA opts to settle out of court to short circuit disclosure of potentially embarrassing evidence.<sup>15</sup> Here the evidence would relate not only to the hypocrisy, lies, and deception practiced by colleges to employ cheap athletic labor under the guise of a college-based, academically oriented activity, but also to the lowering of academic standards and the irresponsible spending on athletics by these colleges.

According to Ken Armstrong's interview statement in Golden's *Inside Higher Ed* story,<sup>1</sup> Mark Emmert, the NCAA's new president,<sup>16</sup> was disturbed by their stories in *The Seattle Times*, saying: "You can win, and you can win properly. ... You do not have to give up your values to be competitive in sports." That's easy to say but hard to do in the college sports entertainment business as most school presidents can attest. Emmert will now face up to the problems inherent in managing two unrelated—some would say mutually exclusive—objectives of academic integrity and professional athletic prowess. This, while satisfying the desire of the NCAA's member schools for wins without compromising ethical, disciplinary, moral and academic values.

Currently, Emmert is girding for upcoming legal battles with a legal staff of his own choosing. No doubt he is aiming to hire lawyers on par with the high-profile team leading the federal antitrust lawsuit brought by former college athletes.<sup>17</sup>

## CONCLUDING REMARKS

In summary, it appears that the NCAA has no reason to fear scrutiny or corrective action brought on by the federal government. Little did Paul Gallico realize that colleges would not only come to be characterized by a culture of corruption, but their sports entertainment businesses would come to be subsidized by our federal government as well.

What is needed is strong leadership and the audacity to change a corrupt and dysfunctional system, but will our country ever get this change? The answer is certainly not with President Obama pandering to sports fans, with members of Congress reluctant to provide Senator Grassley support in his follow-up effort to have the NCAA justify its tax-exempt status, and with the absence of strong action-oriented leadership at the Department of Education. Revelatory books like *Scoreboard, Baby* notwithstanding, things do not bode well for college sports reform in Washington.

*August 25, 2010*

## AFTERWORD

*I was over my quixotic ways of fighting windmills.  
I adopted the approach of Sancho Panza, Don Quixote's faithful squire.  
Now I just laughed at our stupidity, viewing the war and its ironies in dark, sardonic humor.  
—Michael Franzak, USMC, Lt. Col. (Ret.), A NIGHTMARE'S PRAYER:  
A Marine Harrier Pilot's War in Afghanistan, Threshold Editions (2010)*

## GETTING THE WORD TO THE DEPARTMENT OF EDUCATION

The foregoing essay along with more recently published material, formed the basis for several messages sent to Education Secretary Arne Duncan's key staffers. This was a continuation of The Drake Group's 6-year effort to

heighten the awareness of Department of Education officials to the negative impact of professionalized and highly commercialized college sports on America's system of higher education and consequently on the nation's ability to maintain its preeminent position as a world leader. Requests were made to have the messages brought to the Secretary's personal attention. The essence of these messages is as follows:

### **BAD BEHAVIOR EVERYWHERE**

*SCOREBOARD, BABY*<sup>18</sup> provided the Drakes and other reform-minded organizations, as well as the general public with a real eye-opening account of bad behavior in a big-time college athletics program. Sadly, bad behavior in athletic programs can be found everywhere to one degree or another. The book like Paul Gallico's classic, *FAREWELL TO SPORT*, is replete with disturbing facts and allegations. The authors tell an equally disturbing story of college football, crime and complicity—exposing a community's collective convoluted values.

Lest Secretary Duncan still believes that bad behavior—including academic and various other forms of corruption—is limited to a few bad actors as the NCAA, its member institutions, and its apologists would lead him to believe, Mark Yost tells what's really going on, saying "Mr. (Reggie) Bush and the University of Southern California aren't the first rule-breakers. College athletics has been rife with scandals and shady dealings since the day it started....The problem is not with the kids who play prep, high-school and college sports, but with the adults. But with each one of these scandals, we learn that it is the parents, coaches, agents, athletic directors and college presidents who are the problem."<sup>19</sup> While he was at it, Yost could have also mentioned the recent scandals at the University of Michigan, the University of North Carolina, Auburn University, Florida State University, Jackson State University, and Binghamton University.

A day after North Carolina's stunning announcement of possible academic fraud in its football program, former University of North Carolina system president William Friday, a founding co-chair of the Knight Commission on Intercollegiate Athletics, repeated his long-held stance that commercialization is ruining college sports, saying: "I am an alumnus of the place, I spent 45 years working in it. Therefore I love it dearly. I don't like to see commercialization come in and tear down the basic and fundamental reason we and other universities exist, and that's the academic enterprise itself. And that's what we've got to correct. And the time is now....It's just time for the trustees and the chancellors and presidents of these universities to say, 'Enough is enough.'"<sup>20</sup>

To further emphasize the point, consider a personalized rephrasing of the opening paragraph from Secretary Duncan's remarks at the 2010 NCAA Convention this past January,<sup>21</sup> to wit:

The needless tragedy of big-time college basketball and football today is that the large number of bad actors is tainting everyone—the universities that continue to hire and pay wildly-inflated salaries to renegade coaches, the college presidents who turn a blind eye to academic corruption and recruiting abuses. The tragedy also reveals the National Collegiate Athletic Association as a secretive organization that not only exploits college athletes, but also exploits the sport's culture of the American public—manifested by its passion for intercollegiate sports entertainment—to make oceans of money for its prostituted schools. This tainting of college sports is unnecessary because intercollegiate sports has the potential to serve an invaluable role on campus—I know they did for me, my college teammates, and my colleagues in The Drake Group.

### **A DIRTY AND SUBVERSIVE BUSINESS**

As noted previously, Gallico said "Colleges have managed to get themselves involved in a dirty and subversive business." The tale of this business is one of multiple dimensions and has been told in many revelatory books.<sup>22</sup> Over the years, these books, reports, essays, and sporadic news stories have had little if any impact on the powers that be in Washington.

Members of Congress and presidential administrations overlook the fact that there are numerous communities and universities throughout the nation where deep investigative reporting would unearth similar problems and societal passion for intercollegiate sports as described by Armstrong and Perry. Their narrative could serve as a fitting metaphor for the crime, complicity, and twisted values associated with professionalized college sports in America with a one-to-one mapping of the book's cast of local characters, organizations, and citizens onto corresponding entities on the national scene.

### **SILENCE IS NOT ALWAYS GOLDEN**

Looking the other way and declining to act on abundant evidence of widespread wrongdoing is commonly seen to be the best way to keep your job as an elected official, as a government or a college administrator, or as a journalist.

Likewise, appalling silence and indifference can be expected from non-sports-addicted university faculty, students, and parents, as well as from 'good-citizen' taxpayers across America.

As has been said many times, all it takes for evil to triumph is that good people do nothing. At the very least, silence when the truth is made known is not golden. It means complicity in enabling the professionalization and uncontrolled commercialization of college sports with its hypocrisy, lies, greed, exploitation, and corruption. Unchallenged acceptance of the word of NCAA and conference officials and their apologists on college sports reform is also being complicit.<sup>23-25</sup>

Since there is much in our colleges and universities that is already amiss,<sup>26</sup> the depth of sports related problems and the passionate intensity of sports fans could very well be predictive of the decline and eventual fall of higher education in America from its position of world leadership. The unspoken consensus thinking in Washington appears to be 'let sleeping dogs lie.'

The lack of government and public outrage over the crime, corruption, and complicity related to big-time college football and men's basketball programs is mind boggling—highlighting public apathy and the force of America's sports culture as well. It also highlights the fact that bad behavior isn't possible unless otherwise good people not only allow it to happen, but also enable it to happen. It's an indication that the collective effort of The Drake Group, as well as other reform-minded organizations and individuals to raise public awareness about the negative impact on higher education in America isn't working as yet. But there are other avenues of reform.

### **SCHOOLS TREAT TAX BREAKS AS ENTITLEMENTS**

President Barack Obama created the bipartisan National Commission on Fiscal Responsibility and Reform to recommend ways to tackle the skyrocketing U.S. budget deficit. The commission co-chairmen are former Sen. Alan Simpson and former White House chief of staff Erskine Bowles who is departing as the chancellor for the University of North Carolina System. It was reported that the chairmen said their commission will work to develop a bipartisan consensus on the precise nature of the nation's fiscal problems and the range of solutions that could be implemented to fix these problems.<sup>27</sup>

Simpson said the recent economic crisis may allow for consideration of budget reforms that were politically unacceptable when earlier budget commissions were convened: "Everything is on the table." With that in mind, it has been recommended that the commission give thoughtful consideration to questioning the justification for the tax breaks available to the NCAA cartel of colleges and universities that treat these tax breaks as entitlements; see related background comments that were stimulated by the efforts of Senator Grassley and his Senate Finance Committee staff who have led an effort to rein-in the abuse of the federal tax code by non-profits.<sup>28</sup> Unfortunately, politicians are reluctant to question the NCAA for fear of losing votes—putting a real damper on hopes for a political solution.

### **JUST WHAT WOULD IT TAKE?**

Recently, a close friend (a former high-level executive at Ford and a lifelong University of Michigan fan) said he read my last few essays and e-mail messages. Like so many others, he came to the conclusion that I must not be over my quixotic ways of fighting windmills, saying unless and until the NCAA cartel is shaken by a catastrophic event nothing significant will ever happen in the way of college sports reform because there is so much money involved. I suggested an event—a Chinese takeover of California's public college and university system but soon thought this to be a non-starter. The American public would not care so long as the UCLA and UC-Berkeley could still field competitive football and basketball teams for their entertainment pleasure.

The slow but sure decline of America's educational system will continue, unless and until the Congress restrains the growth of the professionalized college sports entertainment industry by forcing the NCAA and its member schools to comply with their tax-exempt purpose of keeping sports as "an integral part of the educational program and the athlete as an integral part of the student body"—requiring measures of transparency, accountability and oversight that are adequate to this task. Since these measures strike at the very core of an enterprise built on myths and falsehoods that are best shrouded in secrecy, they would be strongly resisted by the NCAA, which would admit nothing and deny everything, but obfuscate and litigate if need be.

Just what would it take to launch such a process of serious reform? A call to action via an exposé of America's higher education system that has been hijacked by the college sports entertainment industry would seem apropos. A documentary akin to Michael Moore's *Sicko* or, better yet, Davis Guggenheim's *Waiting for "Superman"* (a call to

action for America's public schools) could provide an appropriate wake-up call. It might even embarrass NCAA, school, and government officials, and so stimulate corrective action, that is, if any of these officials are still capable of being embarrassed.

Absent a serious effort at corrective action, reform-minded organizations and individuals are likely to adopt the approach of Don Quixote's faithful squire Sancho Panza as did Mike Franzak when confronted with frustrating restrictive rules of engagement—while supporting American ground troops near the Pakistani border—and just laugh at our dysfunctional schools and government, viewing the battle against academic corruption, exploitation, crime, and complicity in college athletics with all of its ironies in dark, sardonic humor.

September 23, 2010

## NOTES

1. This essay was prompted by Serena Golden's August 20, 2010, Inside Higher Ed story and related comments, see "Scoreboard, Baby" at <http://www.insidehighered.com/news/2010/08/20/scoreboard>. The essay is based on The Drake Group's Open Letters to the President and His Administration (<http://thedrakegroup.org/Obama.pdf> and <http://thedrakegroup.org/Obama2.pdf>) as well as on numerous messages to the U.S. Department of Education and to members of Congress. The aim of recent messages was not only to make the recipients aware of the problems in collegiate athletics and higher education via highlighting the publication of books discussed herein, but to also appeal for leadership in college sports reform by the U.S. Department of Education.
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## ***“Scoreboard, Baby Notwithstanding” . . . A Postscript***

*Our guest author explores the latest attempts to reform America's schools.*

*By Frank Splitt, The Drake Group, 10-12-10*

**Ken Armstrong**, co-author of *Scoreboard, Baby* commented: “Spreading the word about a new book can be a long and lonely journey.” I responded by saying: “Getting the people in Washington to not only read the book, but to also act on its findings is an even longer and lonelier journey.” This postscript to “Scoreboard, Baby, Notwithstanding” (1) tells a bit more about the journey.

### **UPDATE ON MICHELLE RHEE**

The Democratic primary defeat of Adrian Fenty, by all accounts the most successful mayor in the history of Washington D.C., provides a good example of why members of the Congress are reluctant to question the NCAA about the justification for its tax-exempt status and haven't rallied behind the efforts of Senator Grassley and his Senate Finance Committee staff who have led an effort to rein-in the abuse of the federal tax code by non-profits.

Mayor Fenty who appointed and supported Michelle Rhee as chancellor for the D.C. public schools was ousted by voters after teachers unions campaigned hard against him in retribution for his efforts to reform D.C. schools. Rhee's retention along with her apparently successful reform agenda will now be up to a mayor beholden to the teachers' unions.

Rhee's reform agenda pushed the same changes embraced by “Race to the Top,” President Obama's and Education Secretary Duncan's signature education initiative; see Alex Wagner's report (2) that during an interview with Matt Lauer of NBC's "Today", President Obama made the case for nationwide public education reform, defending his administration's "Race to the Top" program, addressing charter takeovers of low-performing schools, and advocating for better teacher pay and benefits.

Perhaps President Obama and Education Secretary Duncan will walk their talk and use their influence to keep Rhee and her reforms in place. According to William McGurn, “...word is that Education Secretary Arne Duncan has been working behind the scenes to ensure Ms. Rhee stays on as chancellor, or that she is replaced by someone with equal commitment to reform. The fact, however, is that whatever magic Mr. Duncan may perform, ‘behind the scenes’ is no match for what his boss might do by speaking publicly.” (3) Hopefully, Fenty and Rhee have not adopted the approach of Sancho Panza, and just laugh at our stupidity—viewing the attempts to reform America's public schools and its ironies in dark, sardonic humor. Rhee's struggle to turn the D.C. schools around would make a great story on its own, but an even greater story if tied to the film documentary “Waiting for Superman”—Davis Guggenheim's call to action for America's public schools.

### **GLOBAL REALITIES REVISITED**

The loss of academic primacy at all too many colleges and universities supporting big-time football and men's basketball programs has not gone unnoticed by America's Asian and Middle-eastern competitor. They have prioritized the education of their citizenry above all else as they build world-class universities with laser-like focus on academics, especially science, technology, engineering, and mathematics, rather than building facilities for the entertainment of spectators or the employment of ‘student-athletes.’ (4)

Additional insights for Secretary Duncan and his key staffers as well as for school and other government officials can be found in books by Fareed Zakaria (5) and Ben Wildavsky (6) who provide global perspectives to higher education. The authors set the tone for recent *Chronicle* commentaries by Clara Lovett, Kevin Carey, and Richard Eckman whose insights can be related to Zakaria's and Wildavsky's futuristic thinking. There is also a sports twist to each of the listed commentaries that is related to the "Global Realities" theme in the referenced "Sports in America" trilogy.

Zakaria begins his writing on today's era by saying: "This is not a book about the decline of America, but rather about the rise of everyone else"—describing a world in which the United States will no longer dominate the global economy, orchestrate geopolitics, or overwhelm cultures. He provides a framework for conversations on the new global realities with his focus on "the rise of the rest" and by claiming: "In the realm of economics, diplomacy, and culture, a multipolar world is already emerging, in which several players seek to develop alternatives to American models and values that do not meet their long-term needs."

After giving due credit to Zakaria, Lovett (7) says: "To remain global players, American business schools will have to develop alternatives to the academic models developed in Western Europe and the United States in the past couple of centuries." It can be argued that college sports entertainment—especially at schools supporting big-time football and men's basketball programs—is a major sector of the American economy and, since the advent of commercial TV in the 1950s, THE most quintessentially American component of academe. But by no means is it a leading export and a component of American higher education to be modeled. What does "the rise of the rest" mean for institutions that are so proud of their athletic accomplishments vis-a-vis their school's academic status as "the envy of the world"?

With reference to Carey, (8) it is not likely that these proud institutions will be flattered by international emulation of their athletic prowess and related "booster subculture." Put another way, other nations are not expected to follow America's lead by warping their academic missions to accommodate sports entertainment businesses.

Eckman (9) argues that a growing number of colleges are being led by people who have never had direct experience in the heart of the academic enterprise—would that this was the only cause for the imminent crisis in college leadership. Consider that most, if not all, candidates for the presidency of schools supporting big-time football and men's basketball programs are people that must first pass muster with powerful athletics-boosting trustees if they are to get past their initial interview -- no matter how great their leadership qualifications. This imposes a limiting constraint on the size and quality of the leadership pool for these schools as well as a severe handicap as the schools must now compete in the post-American global marketplace for higher education.

Recent experiences provide insights into the complex new environment in which not only schools that tout their athletic accomplishments but also schools in general will function in the decades ahead. See Mangan. (10) Investing in attainment of superior athletic prowess and facilities does not bode well as a viable global business strategy in the post-American world.

America has the most to lose as it confronts new global realities with its institutional priority of athletics over academics—all the while handicapped by the public's continued obsession with sports entertainment. America's present-day position does not present a pretty picture. What to do?

The schools might begin by listening to Lovett who says: "In the 20th century, the United States was the unchallenged leader in higher education, not only for the quality of its universities but also for access to higher education.... America's political and academic leaders blazed that historic trail in the 1960s and 1970s, reaping great social and economic benefits by doing so. There is exquisite irony in the fact that they must now learn from others how to redefine and pursue that very same goal in new ways. But learn they must."

Also, in a recent op-ed, (11) Rupert Murdoch touches most of the bases with reference to hidebound cultures and big-city schools: Education Secretary Duncan's "educationally stagnated" students, Davis Guggenheim's "Waiting for 'Superman' " documentary, and Michelle Rhee's plea for a stop to a teacher union's fight against reform. However, a larger perspective would have included post-secondary education where America's hidebound sports culture and powerful entertainment industry—including the NCAA, college conferences, as well as college sports broadcast networks—have contributed to the aforementioned loss of academic primacy at all too many colleges and universities supporting big-time football and men's basketball programs.

Paraphrasing Murdoch: It's time we stop playing power games -- and begin ensuring that every high school graduate who wants to enter a college or university has the academic wherewithal to do so and leaves with a real as opposed to a phony college education. If not opinion pieces like Murdoch's, revelatory books and commentaries, perhaps the "rise of the rest" and The Drake Group's determination and perseverance will help make a difference in the future course of America's schools of higher education.

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## AFTERWORD

Our journey on the path of reform of intercollegiate athletics has indeed been long, but it need not be lonely. Recent events may have opened a new path to reformers who are not ready to give up.

The reform movement that began with the work of the Knight Commission in the 1980s was predicated on strong presidential leadership at NCAA member institutions. *That* movement was already moribund in April of this year, when the NCAA signed a blockbuster contract with Turner Broadcasting/CBS for television coverage of the men's basketball tournament. CBS' spokesman waxed enthusiastic over expanded coverage of "marquee sports events," making no distinction between professional and collegiate teams. Turner Broadcasting's representative was equally sanguine about his company's "landmark acquisition." To my knowledge, no Division I university president voiced concerns publicly about the implications of the NCAA's latest Big Deal. Among the obvious implications are mounting pressure on collegiate teams to play more games, increased probability of serious injuries to athletes, and the flow of new resources to the NCAA empire.

Only a few days after the deal was announced, a moribund reform movement gave up the ghost when the NCAA's trustees chose Mark Emmert to head the Association. A talented, energetic, and highly regarded Division I president, Emmert personifies the reasons why the Knight Commission's approach to reform has failed. He and his peers have been willing enough to focus on "abuses" and "corruption" within the collegiate athletic enterprise and to address them through ever more intricate rules and regulations. But Emmert and other presidents active in NCAA circles have not asked those questions that *must* be asked in an era of shrinking resources and growing demand for higher education in the United States and of unprecedented global competition for talent (the intellectual, not the athletic, kind).

**Question #1** – Do elaborate and expensive intercollegiate athletic programs still belong at all in the universities of the 21<sup>st</sup> century. Young students, especially those at traditional residential colleges, could remain true to the Roman and English traditions – cultivate a sound mind in a sound body – by engaging in intramural competition or just by using the well-appointed exercise facilities that are available on most campuses.

**Question #2** – Do American universities still have an obligation, as most did a century ago, to provide free or low-cost entertainment for the surrounding communities? In 2010, most Americans live in urban areas, where sports fans can gather in stadiums, bars or private homes to cheer their favorite professional teams.

**Question #3** – At a time when most NCAA member institutions struggle to support their athletic programs, why are presidents still mired in an athletic arms race that only a few can survive? Put another way, why are presidents unable or unwilling to decouple the academic standing of their institutions from the athletic standing within the NCAA hierarchy?

The times call for a quite different reform movement, one that questions the system itself, instead of focusing on willful or unintended violations of the system's many rules. The presidents of NCAA member institutions will not be and cannot be the agents of systemic change. Their own preference, and that of most trustees and legislators to whom they are accountable, is to wait for colleagues higher up in the NCAA hierarchy to take the lead. Unfortunately, those colleagues, few in number but strong in prestige and resources, are precisely the ones who benefit from the status quo and see no reason to change it.

Does this mean that the long journey toward reform of intercollegiate athletics has come to an end? Not if we can mobilize a grassroots effort on the campuses of NCAA member institutions, starting with Division II and Division III members and with those Division I members that struggle to cover athletic budget deficits and to modernize dated sports facilities.

In this context, the Drake Group has a second chance to seize the moment. Working "bottom up," campus by campus, it can loosen and ultimately break the bonds of dated traditions and cultural norms that are draining institutional resources, skewing our leaders' priorities, and turning some of our most respected universities into farms for professional sports teams.

**Clara M. Lovett, President emerita, Northern Arizona University**

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A complete listing and links to his essays and commentaries on college sports reform can be found at <http://thedrakegroup.org/splittessays.html>.

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