

**A COLLECTION OF RECENTLY PUBLISHED
ESSAYS AND COMMENTS**

By Frank G. Splitt

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The Drake Group Conference

***A Century of College Sport:
A Turbulent Past, A Conflicted Present, A Brighter Future***

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***The opinions, assumptions, and conclusions presented in these essays and commentaries
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The Past and the Present: Hutchins Revisited

Circa 1930s – *A college racing stable makes as much sense as college football. The jockey could carry the college colors; the students could cheer; the alumni could bet; and the horse wouldn't have to pass a history test.*

— Robert Maynard Hutchins, former president of the University of Chicago

Circa 2006 – *A college racing stable makes as much sense as pro-level college football and basketball. The jockey could carry the college colors; the students could cheer; the alumni could bet and invest; the horses wouldn't have to attend classes; pass tests, or maintain a 925 APR; and school officials wouldn't have to lie and cheat trying to prove that their horses are real horses.*

THE WALL STREET JOURNAL

LETTERS TO THE EDITOR

Wednesday, October 5, 2005, A21

Who Wants to Tackle Biggest Man on Campus?

The Sept. 24, Letters to the Editor in response to Skip Rozin's superb Sept. 15, Leisure & Arts column, "The Brutal Truth About College Sports," were aptly headlined, "Can Colleges Control the NCAA Beast?" The answer, plain and simple, is no. Here's why and what the Drake Group is doing about it.

Big-time (NCAA Div I-A) university and college presidents cannot advocate true reform without risking termination – cultivated by a storm of protest about fiscal irresponsibility and assorted emotional arguments by trustees/regents, boosters, alumni, and rabid fans. Untenured faculty are too busy getting tenure to work for reform, while tenured faculty are too busy doing research and/or just don't want to get involved in controversial nonacademic affairs.

With the NCAA's apparently successful co-option of the Knight Commission on Intercollegiate Athletics, there is no one charged with anything resembling responsibility for controlling the billion-dollar beast that has become expert at resisting true reform, exploited college athletes, provided weak rules enforcement, shown a lack of concern with regard to violence by college athletes and the connection of violence to the use of performance enhancing drugs, and shrouded its nefarious conduct in a veil of secrecy – protected by the Buckley Amendment to the Family Educational Rights and Privacy Act. And in the midst of all this the NCAA maintains a nonprofit IRS status as an institution of higher education.

Also, America's love affair with sports, its high tolerance for misbehavior by its heroes, and really big money, has helped bring us today's horrific mess in big-time, college sports ... a mess characterized by seemingly unrestrained growth in spending with a corresponding desperate need for additional revenues.

Over the past two years, members of the Drake Group [the organization's Web site states that its "mission ... is to help faculty and staff defend academic integrity in the face of the burgeoning college sport industry"] have been working to provide the Group's position on the above issues for easy availability to all concerned parties – especially to members of Congress where the Group is working a quid pro quo initiative on disclosure and the restoration of academic and financial integrity in our institutions of higher learning.

Frank G. Splitt

*McCormick Faculty Fellow
Northwestern University
Evanston, Ill.*

**Comment on "Too Much Money? Sports and the Budget" by John Lombardi,
InsideHigherEd.Com, Nov. 11, 2005,
<http://www.insidehighered.com/views/2005/11/11/lombardi>**

Sarbanes-Oxley and Disclosure Can Fix Budget Problem

John Lombardi does it again — putting his finger on one of the vexing problems that is most frustrating to reform-minded organizations such as The Drake Group. "Convenience" accounting and budgeting practices will continue to be used to fool and confuse faculty, the public, and the government, unless and until schools are forced to employ a uniform system of accounting that includes capital expenditures and is subject to public financial audits. The schools have no one

else to blame but themselves if the Senate Finance Committee holds hearings on the matter and requires them to do just that. Perhaps the threat of Sarbanes-Oxley, along with other disclosure requirements, would do just as well. Can you imagine the explosive reaction by big-money, college-sport boosters when such disclosure exposes the extremely weak academic basis for the NCAA's and their school's nonprofit tax status and that of the college sports entertainment business?

Frank G. Splitt, Member at The Drake Group, at 11:08 am EST on November 11, 2005

Comment on "No College Left Behind?" by Doug Lederman, InsideHigherEd.Com, Feb. 15, 2006, <http://insidehighered.com/news/2006/02/15/testing>

Handwriting on the Wall?

Doug Lederman's "No College Left Behind?" and related comments provide an excellent summary of the issues surrounding outcomes assessment in higher education [InsideHigherEd.com, Feb. 15, 2006].

How can one not agree with Charles Miller, Chairman of the Secretary of Education's Commission on the Future of Higher Education that colleges must better measure the skills and knowledge they impart to students, and openly share that information with the public? The government ought to be the first to have this information. Why? Because the feds are now subsidizing higher education and the NCAA with favorable tax policies and no end of financial support with little or no feedback on the return on the American taxpayers investment.

From a taxpayers point of view, a good place to start assessment would be with the athletes from colleges and universities that maintain big-time (Div 1A) football and basketball programs — limiting comprehensive, multifaceted assessments to the top one-third of the players having the most playing time on each team. This would provide aggregated data from a cohort of about 35 athletes from each school — 30 from football and 5 from basketball.

Candace de Russy is quite correct in saying that getting institutions of higher education to make public information on how well they are serving students and the nation will be a long and arduous battle. As Paul Gallico wrote (with reference to the Amateur Athletic Union) some 70 years ago in FAREWELL TO SPORT : "One of the easiest things in the world is not to have evidence when evidence is liable to prove embarrassing."

I also agree with Lee Schulman that institutions of higher education cannot drag their feet — putting off the implementation of a "carefully designed suite of assessments," each of which might be "deeply flawed," but "collectively is a robust and most sensitive set of measures." One element of the suite should be a list of the courses taken by each cohort, the average grades for all students in those courses, and the names of advisors and professors who teach those courses.

All of this amounts to handwriting on the wall for the NCAA. As Supreme Court Justice Louis Brandeis stated: "Sunlight is said to be the best of disinfectants."

Frank G. Splitt, Member at The Drake Group, at 4:55 pm EST on February 16, 2006

THE CHRONICLE OF HIGHER EDUCATION

The Chronicle Review

From the issue of March 10, 2006, Volume 52, Issue 27, Page A47

Athletes Who Are Not Real Students

To the Editor:

In "[Rule Change May Spark Online Boom for Colleges](#)" (*The Chronicle*, February 3), Dan Carnevale reports that Congress is poised to end a federal restriction on distance education. Clearly this change would open the door to even more fraud and abuse than exists today.

Also, there is a growing trend for administrators to lower the bar for their students rather than enforce established standards, circumventing the challenge of testing them in today's environment of wireless communications and the Internet. As if colleges and universities with big-time sports don't already have an abundance of tools to scam the government, information technology is providing them with still more. ...

Taken together with the widely reported correspondence-school scam — where top high-school athletes with poor grades not only get into college, but also meet the National Collegiate Athletic Association's eligibility requirements — we have compelling evidence that it is becoming ever more easy for colleges to pass off their athletes as legitimate, degree-seeking students.

It is my considered opinion that the government's continued acceptance of this charade is tantamount to federal approval of an entitlement program for the big-time college-sports entertainment business, all but guaranteeing a continuation of the tax-exempt status of the business as well as its ability to exercise a stranglehold on America's higher-education enterprise.

Frank G. Splitt
Mount Prospect, Ill.

**Comment on "STAYING THE SCIENCE COURSE," by David Epstein,
InsideHigherEd.Com, Mar. 16, 2006, <http://insidehighered.com/news/2006/03/16/undergrad>**

Valuing the Science Course

In his article "STAYING THE SCIENCE COURSE," David Epstein reported that several academics, including Nobel Laureate Carl Wieman, told a Congressional panel: "If American colleges are to produce more science majors and, in turn, better science teachers, the focus should be on the quality of undergraduate instruction" [InsideHigherEd.Com, March 16, 2006].

True enough, but America's love affair with big-time college-sports entertainment in combination with excessive cynicism, apathy (if not purposeful ignorance), and gambling, has been a recipe for growing commercialization and the hijacking of the educational mission at many of its institutions of higher learning.

Wieman is also an advocate of college sports reform, see APPENDIX I – "'University' label no longer applies: CU's an appendage to the athletic department," in "The Faculty-Driven Movement to Reform Big-Time College Sports," http://thedrakegroup.org/Splitt_Sequel.pdf.

It seems that only in seemingly complacent America that is governed mostly by lawyers, can we find a general public that views sports as super cool while STEMs are considered to be nerdy and where athletes have a definite edge when it comes to college admission. Simply stated,

American's value SPORTS over STEMs. For more, see "Sports in America 2005: Facing Up to Global Realities," http://thedrakegroup.org/Splitt_Sports_in_America.pdf.

Frank G. Splitt, Member at The Drake Group, at 4:45 am EST on March 17, 2006

CLIPS GUEST COMMENTARY:

March Madness will go on as it always has ... unless

As usual, Frank Splitt gets right to the heart of the matter regarding APR end-arounds and the linear follow-the-money whys and wherefores.

by Frank G. Splitt

March 23, 2006

YOU CAN ASK AMERICANS about big-time college sports and they will be willing to tell you three things: first, it's great entertainment; second, they know most schools cheat; and third, they don't want to be bothered with the details of related issues and reform efforts -- especially during the NCAA's March Madness. Who cares about teams that don't measure up academically? -- certainly not the NCAA, even though it says it wants to penalize schools that don't.

Under the NCAA's highly touted Academic Progress Rate (APR) formula, one point is deducted from its maximum APR point count of 1000 for each team player who is failing, does not stay in school or leaves school early in bad academic standing. Any team falling below the NCAA's minimum APR standard of 925 would suffer loss of scholarships, even ineligibility for post-season competition.

However, the NCAA allows waivers for anomalies, appeals, and whatever it takes to allow academically unqualified schools with competitive teams to remain eligible for the tournament. If the NCAA enforced its academic standard for post-season competition this year, there would not be a Sweet 16; only five of the 16 teams scored above the NCAA's standard of 925.

Also, in "A Bracket You Won't See Elsewhere" [InsideHigherEd.com, March 14, 2006], David Epstein calls our attention to a Center for American Progress campaign that is aimed at underscoring the academic failures of many big-time teams and pressuring the corporations that pour money into big-time programs to direct some of the money to recognize teams that perform well academically, <http://thinkprogress.org/march-madness/>.

Could all of this signal the end of March Madness as we know it, the end of college and university conferences serving as the NBA's minor leagues with athletes pretending to be students? It should, but it doesn't.

THE NCAA's LARGEST MONEY MAKER will go on without a hitch. For the schools, this means providing near professional level teams of athletes by beefing up their eligibility centers, aka

Athletics Advisory and/or Support Centers, and putting more pressure upon faculty to pass poor (or worse) students, raise grades and otherwise compromise their academic integrity by fashioning courses and degree tracts for the sole purpose of meeting eligibility and graduation-rate requirements for their athletes.

The NCAA will likely do its part by continuing to let the schools operate on an "honor" system (grading themselves without independent oversight), granting exceptions and waivers, co-opting the Knight Commission and its watchdog mission, showing that their flawed system is "working" by penalizing weak schools, and leveling infraction penalties so minor that it would be well worth the risk of being caught cheating, as well as by employing an enforcement staff that is not matched to the monumental task of monitoring schools that appear willing to do almost anything to build a winning team.

If the NCAA is really looking to get schools to measure up academically, it could ask each member school to provide aggregated (Buckley-compliant) academic data so it could assess whether or not their athletes are legitimate students in good standing. A cohort of a school's basketball team consisting of the top 50% of the athletes with the most playing time would suffice. As for the data, the NCAA could request aggregated attendance records and the names of the faculty (along with the title of their courses, the athlete's grades, and the course GPA) who are providing university-level courses for many academically unprepared athletes who have a full-time, basketball-playing job, miss numerous classes, and come dead tired to others.

You can bet that this won't happen. As syndicated sports columnist Bob Gilbert has said: "The NCAA pro-academic story is what it is: A big lie." Simply put, the NCAA has no incentive to change and neither do the schools -- the money is so good and the ways to game the system are so many.

March Madness will go on as it always has ... unless the proliferation of phony 'student-athletes' prompts congressional scrutiny along with a credible threat to remove the tax-exempt status of the entire college sports entertainment business.

DAILY HERALD

Letters to the Editor, March 27, 2006

OK to root against Air Force, but ...

Mike Imrem stated in his March 16 column "It's OK for Illini fans to root against Air Force," saying: "college sports fans would pull for their teams to run up the score against nuns, orphans, the infirm ... and future defenders of our country."

But why root for a service academy? Well here's why: The Air Force, Army, and Navy academies aren't just your standard college and university opponents — their athletes aren't normal, everyday, pedestrian athletes pretending to be students, looking to make it to the NBA.

Imrem quoted Air Force coach Jeff Bzdelik as saying: "Our players are so multitalented, they want to be the best students they can be, and they want to be the best basketball players they can be. They want to be successful in a lot of ways."

Now that's something really worth standing up and rooting for.

Frank G. Splitt
Mount Prospect

CLIPS GUEST COMMENTARY:

The College Sports Tax Scam

The prolific Frank Splitt provides fodder for congressional scrutiny of the tax-exempt status of the college "sports entertainment business."

by Frank G. Splitt

March 28, 2006

STEPHANIE STROM'S COLUMN, "Charities Face Increased Reviews by I.R.S. as Senate Considers Strengthening Oversight " [*The New York Times*, June 22, 2004], was instrumental in setting The Drake Group focus on the tenuous basis for the tax-exempt status of the big-time college sports entertainment business.

There follows a related excerpt from "THE FACULTY-DRIVEN MOVEMENT TO REFORM BIG-TIME COLLEGE SPORTS, http://thedrakegroup.org/Splitt_Sequel.pdf, page 11.

In a June 22, (2004) Senate Finance Committee (SFC) hearing on nonprofit practices, abuses and ways to improve oversight, the IRS said it would examine some 400 foundations to determine whether the philanthropic institutions were complying with tax laws. It is understood that this effort is part of the SFC's contribution to a broad regulatory effort to better police the nonprofit sector, which controls billions of tax-exempt dollars. As reported by Stephanie Strom of the New York Times, SFC Chairman Senator Charles E. Grassley, R-IA, promised to introduce legislation in the fall to strengthen regulation at the federal and state levels, increase the responsibility of boards, stiffen penalties for conflicts of interest and other failures to comply with tax laws and enhance disclosure, saying: "It's obvious from the abuses we see that there's been no check on charities; big money, tax free, and no oversight have created a cesspool in too many cases."

Strom's recent column, "Billionaire Gives a Big Gift but Still Gets to Invest It" [*The New York Times*, Feb. 24, 2006], provides an example of how wealthy college sports boosters can take advantage of the tax-exempt status of the college sports entertainment business.

Craig Karmin's column, "Going for the Big Score" [*The Wall Street Journal*, March 13, 2006, <http://online.wsj.com/article/SB114193106453693897.html>], provides yet another example of the apparently legal abuse that occurs with no check on the big-time college sports entertainment business. Paraphrasing Senator Grassley: "Big money, tax free, and no oversight can create a cesspool in too many cases."

These examples should ring a few bells in Congress as they relate to how tax investors obtain deductions for their donations to college sports related funds while the funds invest their money in companies in which the investors already hold stakes.

The examples also show why the NCAA and its cartel of colleges and universities work so hard to retain their tax-exempt status by creating the illusion that their athletes are bona fide, degree seeking students, as well as why The Drake Group, www.thedrakegroup.org, is pressing forward with its congressional quid pro quo initiative on disclosure and the restoration of academic and financial integrity in our institutions of higher learning.

Brad Wolverton's column, "House Committee Is Looking Into Whether Some College Sports Revenue Should Be Taxed" [*The Chronicle of Higher Education*, March 10, 2006], contained this quote from the NCAA: "We are organized and operated exclusively for educational purposes; the

IRS has reaffirmed this since our original exemption in 1956 and also has not questioned our exempt status."

The linchpin of the NCAA cartel's claim to tax-exempt status is their first principle of intercollegiate athletics: Those who participate in intercollegiate athletics are to be students attending a university or college. See NCAA President Myles Brand's 2006 State of the Association Address: "The Principles of Intercollegiate Athletics" [*The NCAA News, NCAA.org*, Jan. 7, 2006]. However, evidence indicates a quite different reality – many, if not most, athletes that actually play are not bona fide, degree seeking students, but rather, athletes pretending to be students.

The athletes participating in this ruse are aided and abetted by the schools that have become dependent on the revenues these athletes generate. Academic corruption and just plain cheating abound; however, lofty sounding speeches and press releases, as well as secrecy, mask the need for accountability.

Unfortunately, at the present time, the Department of Education and the Congress do not have a source of independently verifiable evidence that can prove that athletes at a given school are really students. Consequently it has no indisputable basis for continuing the tax-exempt status of the NCAA cartel.

Perhaps the Congress could request the Department of Education to collect aggregated (Buckley-compliant) academic data from cohorts of school football and basketball teams to

assess whether or not their athletes are legitimate students. For example, the cohorts could consist of the top 50% of the athletes with the most playing time on each team.

The data? The Congress might begin by considering a request for aggregated attendance records and the names of the faculty (along with the title of their courses, the athlete's grades, and the course GPA) who are providing university-level courses for many academically unprepared athletes who have a full-time (athletic) job, miss numerous classes, and come dead tired to others.

The College Sports Tax Scam will continue to help fuel the seemingly uncontrolled growth of the college sports business unless and until the proliferation of phony 'student-athletes' prompts congressional scrutiny along with a credible threat to remove the tax-exempt status of the entire college sports entertainment business.

The National Catholic Reporter

NCR Editor's Note: In the Feb. 10 issue, NCR printed a talk given to the University of Notre Dame faculty Jan. 23 by Holy Cross Fr. John I. Jenkins, the university's new president, http://www.ncronline.org/NCR_Online/archives2/2006a/021006/021006a.php. Fr. Jenkins addressed controversy about whether the university should allow the Queer Film Festival and "The Vagina Monologues" to be presented on campus and what that controversy had to say about academic freedom and Catholic identity.

Letter to the Editor, March 31, 2006

RE: Fr. Jenkins February 10, 2006, Essay on Catholic Identity

Fr. John Jenkins centered his observations on two of the three controversies that have swirled about the university in recent years, signaling a willingness to exercise his authority only after broad consultation. This willingness is encouraging because it stands in stark contrast to the handling of the unmentioned third controversy that attracted considerably more media attention. It involved the termination of Tyrone Willingham, which broke the university's long-standing tradition of honoring its contract commitment to its football coach and prompting then-president Fr. Edward Malloy to say he was "embarrassed to be president of Notre Dame."

The termination was accomplished by a small group of trustees and university officials, including then-incoming president Fr. Jenkins. To many, this signaled the end of an era at Notre Dame as it adopted the win-at-any-cost business model of its competitors. No longer can it be said that Notre Dame stands above the mess in the world of the big-time (Division 1A) college-sports entertainment business that maintains a virtual stranglehold on America's institutions of higher education.

The film festival and the "Monologues" represent low-hanging fruit. Suppose these programs produced net annual revenues — including alumni contributions — exceeding those of the football program. Now that would really stimulate debate and help clarify values, illuminating the propensity of money to trump principle.

FRANK G. SPLITT
Mount Prospect, Ill.

Author's Note: This letter formed the basis for the essay, "TRUTH TELLING ON CAMPUS Catholic colleges and universities could lead the way," posted on The Drake Group Website on March 7, 2006, http://thedrakegroup.org/Splitt_Truth_Telling_on_Campus.pdf.

Frank G. Splitt, a former Faculty Fellow at Northwestern University and a member of The Drake Group, www.thedrakegroup.org, is the recipient of the Group's *2006 Robert Maynard Hutchins Award*. The Award is given annually to faculty or staff members who take a courageous stand to defend academic integrity in higher education, often risking job security in doing so.

All of Dr. Splitt's publications on college sports reform can be accessed at: <http://thedrakegroup.org/News.html>; he can be contacted at fnjsmp@aol.com;

NOTE: *College Athletics Clips* was the first to publish the Guest Commentaries. They were posted on *Clips* with the permission of the author. The opinions, intimations, conclusions and inferences contained within these essays and commentaries are solely those of the author; they do not reflect the opinions or endorsement of *College Athletics Clips* or Northwestern University.