

The Drake Group

Defending Academic Integrity in the Face of Commercialized College Sports

March 17 2009

Subject: Higher Education – An Open Letter to the President and His Administration

Dear Mr. President:

This letter is written on behalf of The Drake Group (TDG), <http://www.thedrakegroup.org/>. Its purpose is to request your help in restoring academic primacy in America's system of higher education.[1]

We, TDG, are a national network of volunteers—college faculty, administrators, coaches and concerned citizens. Since our founding in 1999, TDG has worked to reclaim academic primacy in higher education—defending academic integrity in the face of the commercialized college sports entertainment industry. We believe that academic integrity has been compromised and higher education's academic mission subordinated by this industry, more specifically, by the National Collegiate Athletic Association (NCAA) and its member institutions—hereafter collectively referred to as the *NCAA*. We also believe your recent remarks on education policy reflect breakthrough thinking—directly applicable to our mission.

The challenge before us is to get academics-over-athletics priorities re-established at America's colleges and universities that are held captive to the *NCAA*'s commercial interests in its sports entertainment businesses. Such interests appear to be first and foremost to the *NCAA*, not the interests of college athletes and American taxpayers. Simply stated, the *NCAA* has a stranglehold over schools that support big-time football and men's basketball programs as well as over America's sports captivated public.

The unregulated commercialization of college athletics has had a harmful effect on the academic integrity and the academic missions of the *NCAA*'s member schools. Compromised academic integrity and distorted educational missions now characterize many of America's colleges and universities that have allowed themselves to be driven by a quest for fame and fortune—enabling the creation of teams of professional athletes by exploiting the labor of athletes, play-for-pay, counterfeit amateurs, who are supposed to be students first.

As evidenced by its flagship *March Madness* basketball tournament, the *NCAA* has achieved remarkable monetary success.[2] However, this success has come at great costs—mostly unknown to the general public. Beyond the loss of academic primacy, there is the cost of opportunities lost—including the lost potential of academically qualified students denied access to schools that provide costly 'scholarships' to academically unqualified athletes. What's more, there are many academically qualified athletes who seek to earn a degree in disciplines such as physics, mathematics, chemistry and engineering, but, instead, are dissuaded from pursuing such majors and are "clustered" [3] into majors that ensure their athletic eligibility at the expense of their intellectual talent/academic interest. Worse yet is the long-term negative impact on America's future economic well-being and position on the world stage.

Described by the U.S. Supreme Court as a "cartel,"[4] the *NCAA* is seemingly untouchable. Backed by formidable financial, legal and political resources; it continues to elude serious reform by creating illusions of reform. College sport has become an unrelated business of many schools that have drifted away from their educational missions—adopting a commercial model and becoming a pipeline for the pros rather than an integral part of academe.

We believe it is time to address the government's subsidization of the *NCAA*—to hold the *NCAA* accountable for the substantial financial support it receives from America's taxpayers and to halt the *NCAA*'s misuse of federal tax policies. So, TDG continues to persevere in an effort to have the, nonprofit, *NCAA* held more accountable for tax breaks that help fuel its uncontrolled growth. To this end, we have been working with the House Committee on Ways and Means (HCW &M) and the Senate Finance Committee (SFC).

Our work has led to: 1) A 2006 letter to the *NCAA* president from the HCW & M chair containing sharply worded questions re: the justification of the *NCAA*'s tax-exempt status; 2) Comments in 2007 on the Draft of a Redesigned IRS Form 990; and, 3) A 2009 request to the IRS, via Senator Charles Grassley, ranking member of the SFC, to not only report on the *NCAA* as it has on nonprofit hospitals, but also increase pressure on *NCAA* members to further disclose their inner financial workings to see if they are using their nonprofit status to avoid paying taxes on their unrelated sports entertainment businesses.

We ask your administration to assist Senator Grassley's effort to enforce compliance of federal requirements for the *NCAA*'s tax exemptions—building into this nonprofit sector strong measures of transparency, accountability, and oversight adequate to their purpose.

Government intervention appears to be the only mechanism that has a realistic chance of restoring academic primacy in higher education. Shining a light on *NCAA* operations will force the *NCAA* to not only comply with its basic purpose^[5] and its principle of amateurism,^[6] but more importantly, comply with the tax-exempt requirement that its athletes be legitimate degree-seeking students that are maintained as an integral part of their school's student bodies—or else lose the exemption.

If America is going to continue to maintain a position of leadership on the 21st century's world stage, then it not only needs to invest in its institutions of higher education to ensure our nation's continued competitiveness and security, but it also needs to get its educational priorities right— restoring academic primacy to higher education.

Political realities indicate that you and the executive branch of our government provide the best hope for getting this done.

Respectfully submitted,

Dr. Kadence Otto, President, kotto@wcu.edu

Dr. Frank G. Splitt, Member, fnjsmp@aol.com

1. This letter is keyed to salient points from the essay, "Reclaiming Academic Primacy in Higher Education: New Hope for the Future," http://thedrakegroup.org/Splitt_New_Hope.pdf.

2. Currently the *NCAA* is in the midst of an 11 year/\$6 billion contract with CBS.

3. See Fountain, J.J. & Finley, P. S. (2009). Academic majors of upperclassmen football players in the Atlantic Coast Conference: An analysis of academic clustering comparing white and minority players. *Journal of Issues in Intercollegiate Athletics*(2), 1-13. Available at: http://csri-jjia.org/documents/puclications/research_articles/2009/JIIA_2009_1_Fountain_Publish%20Copy_1.0.pdf

4. *NCAA v. Board of Regents of the University of Oklahoma et al.* (1984).

5. The basic purpose of the *NCAA* is to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body, and by so doing, retain a clear line of demarcation between intercollegiate athletics and professional sports (*NCAA Manual*, 2008-09, Bylaw 1.3.1 – Basic Purpose).

6. Student-athletes shall be amateurs in an intercollegiate sport, and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived. Student participation in intercollegiate athletics is an avocation, and student-athletes should be protected from exploitation by professional and commercial enterprises (*NCAA Manual*, 2008-09, Bylaw 2.9 – Principle of Amateurism).

The Drake Group

Defending Academic Integrity in the Face of Commercialized College Sports

May 27, 2009

Subject: Higher Education

Dear Mr. President:

This letter is a follow-up to our previous letter written on behalf of The Drake Group (TDG), a national network of reform-minded volunteers.[1] It reiterates our request for help by way of assistance to Senator Charles Grassley in his efforts to enforce compliance to federal requirements for tax exemptions and adds an appeal for your personal intervention in college sports via a recommendation to establish an Office of the Commissioner of Intercollegiate Athletics.

As stated in the referenced letter: We believe that academic integrity has been compromised and higher education's academic mission subordinated by the college sports entertainment industry, more specifically, by the National Collegiate Athletic Association (NCAA) and its member institutions. We also said:

TDG continues to persevere in an effort to have the nonprofit NCAA justify the tax breaks that help fuel its uncontrolled growth. To this end, we have been working with the House Committee on Ways and Means and the Senate Finance Committee. TDG's work has led to: 1) A 2006 letter to the NCAA president from the HCW & M chair containing sharply worded questions re: the justification of the NCAA's tax-exempt status; 2) Comments in 2007 on the Draft of a Redesignated IRS Form 990; and, 3) A 2009 request to the IRS, via Senator Charles Grassley, ranking member of the SFC, to not only report on the NCAA as it has on nonprofit hospitals, but also increase pressure on NCAA members to further disclose their inner financial workings

Most recently, the Congressional Budget Office (CBO) released the results of an investigation requested by Senator Grassley in its May 2009 report, "Tax Preferences for College Sports". In April 2006, TDG provided the Senator's staff with data that prompted the Senator to request the CBO investigation.

Regrettably, the CBO report focused on the financial implications that various tax changes might have on collegiate athletics without questioning the justification for their present tax-exempt status. The primary issue in college sports stems not from the exorbitant financial spending of college athletic departments, but rather from the fact that commercialization and professionalization have corrupted the original intent of college athletics and compromised the integrity of our institutions of higher learning.

It is now absolutely clear that real college sports reform will never occur without responsible leadership.[2] We believe that you, like former President Theodore Roosevelt, in 1908, can help clean up the college sports mess and return college athletics to its appropriate place in our institutions of higher learning where they complement learning, rather than supplanting it. The purpose of our young peoples' engagement in athletics is to teach them values; such values, as you must be aware, are being eroded as college athletics has strayed from its original purpose and

currently exists as a moneymaking business enterprise.

Mr. President, we again ask that you assist Senator Grassley in his efforts to enforce compliance to federal requirements, necessitating that the NCAA provide transparency and accountability as it pertains to its stated basic purpose of maintaining intercollegiate athletics as an integral part of a school's educational program and the athlete as an integral part of the student body, and also comply with its principle of amateurism.

To this end, we also respectfully ask you to intervene in intercollegiate athletics by establishing an Office of the Commissioner of Intercollegiate Athletics—akin to the establishment of the Office of the Commissioner of Baseball when Judge Kenesaw Mountain Landis was called upon to take control of Major League Baseball when its integrity was in question some 90 years ago.

This intervention—not unlike that of President Teddy Roosevelt's—would lead to the necessary independent oversight of collegiate athletics at the NCAA and our colleges and universities. The Commissioner would need to be empowered with a mandate for change with the authority to affect serious reform in all areas pertaining to intercollegiate athletics. Any less empowerment would all but guarantee the steady degradation of our institutions of higher learning in exchange for commercialized, professional college sports.

Political realities indicate that your personal intervention is required for serious college sports reform. Notwithstanding strong opposition, together, “WE CAN” restore academic primacy in higher education.

Respectfully submitted,

Dr. Kadie Otto, President, kotto@wcu.edu

Dr. Frank G. Splitt, Member, fnjsmp@aol.com

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1. Otto, Kadie and Splitt, Frank G., “Open Letter to the President and His Administration,” March 18, 2009, <http://thedrakegroup.org/Obama.pdf>
 2. Splitt, Frank G., "College Leaders Again Urged to Consider Solutions for Sports Mess: To No Avail Unless ... " http://www.thedrakegroup.org/Splitt_College_Leaders.pdf
 3. Student-athletes shall be amateurs in an intercollegiate sport, and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived. Student participation in intercollegiate athletics is an avocation , and student-athletes should be protected from exploitation by professional and commercial enterprises (NCAA Manual, 2008-09, Bylaw 2.9 – Principle of Amateurism).

Addendum: Changes to referenced URLs

Letter of March 17, 2009

1. This letter is keyed to salient points from the essay, "Reclaiming Academic Primacy in Higher Education: New Hope for the Future," http://thedrakegroup.org/Splitt_New_Hope.pdf. The URL has been changed to http://drakegroupblog.files.wordpress.com/2013/01/splitt_new_hope.pdf

Letter of May 27, 2009

1. Otto, Kadie and Splitt, Frank G., "Open Letter to the President and His Administration," March 18, 2009, <http://thedrakegroup.org/Obama.pdf>. This URL referred to the first letter in this document.

2. Splitt, Frank G., "College Leaders Again Urged to Consider Solutions for Sports Mess: To No Avail Unless ... " http://www.thedrakegroup.org/Splitt_College_Leaders.pdf. This URL has been changed to http://drakegroupblog.files.wordpress.com/2013/01/splitt_college_leaders.pdf

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