

A restatement of the
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The commentary below is typical of many that are critical of the way things are perceived to have become in college athletics. The criticisms articulated below are those of the author, and they do not reflect the opinion or endorsement of College Athletics Clips in any way.

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Nick Infante, Clips Editor

The Rutgers 1000: A Profile in Academic Courage

Our guest author uses the recent publicity surrounding the Rutgers 1000 to renew his advocacy for congressional intervention into college athletics.

by Frank G. Splitt

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**, excerpt from his 1998 endorsement of the Rutgers 1000 campaign

DOUG LEDERMAN'S recent account of the reconstitution of the Rutgers 1000, a group of Rutgers students, faculty and alumni that aim to stop university administrators from emphasizing football over academics, tells a story of a rare display of campus courage in the face of daunting odds.[1, 2] It brought to mind this cogent 2003 statement by Stanley Katz, Professor, Woodrow Wilson School of Public and International Affairs, Princeton University:

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.[3]

In a 2001 essay Professor Dowling states that: *there is substantial agreement, with a majority of critics arguing that the solution (to the problems in college sports) is to make athletics in Division IA of the National Collegiate Athletic Association (NCAA) openly professional -- the school operates the franchise, the stadium is sold to shareholders, the players are hired on the same terms as those in the NBA or NFL, and the charade of trying to pass them off as "student athletes" is quietly put to rest.[4]*

It is of interest to note that contrary to claims by the NCAA and its member institutions, intercollegiate athletics is already professionalized. Michigan State University College of Law Professors Robert and Amy McCormick argue in a Washington Law Review article that grant-in-aid athletes in revenue-generating sports at NCAA Division I institutions should not be viewed as "student-athletes" as the NCAA asserts, but should, instead, be considered "employees" under the National Labor Relations Act.[5]

Nonetheless, unless forced by the government, the NCAA and its member institutions would never agree to the solution espoused by the majority of critics. Why? It would be tantamount to confessing to their 'student-athlete' ruse -- removing the cloak of deceit and deception that allows their fans to fill game seats as they cling to the illusion that big-time college athletes are actually part of their school's serious academic life. This confession would certainly amount to an outright forfeiture of their tax-exempt status and all of its related benefits for them as well as the donors to their athletic programs -- making this 'solution' a sure nonstarter.

Therefore, the formidable task of getting priorities right at Rutgers, and other schools supporting big-time football and men's basketball programs, must be taken on by others. Reform-minded faculty members in the Rutgers 1000 will likely feel the really heavy weight of their reform lances -- risking burnout when they face the defensive efforts of those opposing reform. First and foremost are the foxes in the university's administration that are intent on guarding their financial henhouse.

Generally speaking, it is next to impossible for faculty to engage in reform efforts but there are exceptions, such as Professor Dowling and his colleagues that help keep the reform flame burning. The related work is really not the faculty members "day job" -- they were certainly not hired to worry about college sports. Also, the faculty will have to cope with their sports-crazed colleagues, alumni, boosters and other avid sports fans that are quick to forgive and forget popular athletes and coaches accused of serious crimes but will likely resent any intrusion into their entertainment venue.

Furthermore, most faculty members are likely too busy -- facing a 'time-crunch' problem as they struggle just to keep up with their day jobs. A serious time commitment to reform efforts would be unimaginable for most faculty members. The problem points to the question of faculty overload that was not considered at the October 15, 2007, Knight Commission Faculty Summit.[6]

On the other hand, college sports are the day job for the, coaches and their staffs, athletic directors and administrators, NCAA officials and staffers, as well as a wide variety of derivative business employees who make their living in this domain. Also to be considered are governors as well as state and federal legislators eager to please rather than displease their devout-sports-fan constituents.[7] Taken together, these folks comprise a large cohort of the potentially endangered species of foxes. These defenders have much to lose if their "empires" are downsized, while those working for change realize little more than the psychic income associated with doing the "right thing" at great costs in terms of personal time, vilification and the potential for retribution among other tribulations.[8]

With that said, here are a few general, context-setting bullet points that relate to the fight by the Rutgers 1000 and others to reclaim academic primacy at their university:

- America's future position as a global economic and academic leader is compromised by its obsessive sport's culture. College sports are not only embedded in our national culture, but they seem to be hard-wired into our genetic structure as well – stemming from our prehistoric zest for the chase and kill as well as for today's winning of the “games” and the “prize.” This cultural problem not only distracts the attention of college and university officials from the burning issues of our time, but also lies at the root of the decline toward the total prostitution of their colleges and universities in a seeming desperate quest for more money, power, and prestige.
- Unbounded hypocrisy undermines the credibility of these school officials as they preside over their segment of a seeming race to the bottom of academic standards and the dumbing down of America's K-Undergraduate education infrastructure.[9] Apparently these officials are either unwilling or unable to work seriously to restore academic primacy and integrity to their institutions and to the whole of higher education.
- In many, if not most, instances, college athletes’ participate in an alternative educational experience that is not part of the school’s serious academic life, but rather a customized pseudo-academic experience engineered by academic support center staff members who work at the behest of the school’s athletic department to maintain the eligibility of the school’s athletes.
- The college sports entertainment business continues to exploit college athletes, provide weak rules enforcement, show a lack of concern with regard to violence by college athletes and the connection of violence to the use of performance enhancing drugs, while it limits access to higher education by real students and shrouds its conduct in a veil of secrecy – taking inappropriate, if not illegitimate, refuge in the privacy provisions of the Buckley Amendment to the Family Educational Rights and Privacy Act (FERPA).
- The college sports entertainment business has been under congressional scrutiny. On Oct. 2, 2006, former Rep. Bill Thomas (R-CA), the past Chairman of the House

Committee on Ways & Means, initiated inquiries into the tax-exempt business of college sports by sending NCAA President Myles Brand a sharply-worded letter – asking why the NCAA and its member institutions should maintain the tax-exempt status of their sports programs. The Thomas letter triggered a powerful issue-amplifying column by nationally syndicated columnist George Will as well as a host of supporting editorials and columns in the national media that continue to this day.

- Senator Chuck Grassley (R-IA), the former Chairman of the Senate Finance Committee and now its Ranking Minority Member, has taken up the cause. The primary aim of his effort is to have taxpayer subsidies for college athletics programs benefit the public at large. A spin-off benefit would be to obtain a significant increase in the level of transparency and accountability at the NCAA.-- helping to minimize academic corruption that enables institutions of higher education to field competitive teams so that they can garner financial, PR, and other rewards associated with college sports.[10]
- The recent four-part PBS Nightly Business Report (NBR) on "The 'business' of college football" touted the upside 'business' benefits associated with college football - overlooking significant downside academic problems – a.k.a. the Hard-Rock-Candy-Mountain spin by the Rutgers 1000. Unwittingly, the PBS series carried the hallmarks of an NCAA promotion piece.[11] Its emphasis on benefits came across as a response to congressional scrutiny of the NCAA and the numerous articles in the national media that suggest that now is the time for the Congress to do something about the hypocrisy and pervasive fraud in big-time college sports that tends to warp the academic mission of America's colleges and universities.
- A relevant transcript excerpt involving Jeff Yastine, a Nightly Business Report Correspondent, and Rep. Cliff Stearns (R-FL), the former chair and now Ranking Member of the House Committee on Energy and Commerce Subcommittee on Commerce, Trade, and Consumer Protection:

YASTINE: College football -- It's supposed to be about what happens on the field. But these days, it's also about what happens in the halls of Congress where the topic of coaches' salaries -- like the reported \$4 million a year Nick Saban will make at the University of Alabama -- is coming under scrutiny. Lawmakers like Cliff Stearns of Florida say you won't see legislation, but congressional hearings on the subject are a possibility. STEARNS: Here we are in 2007, we're paying coaches \$2.5 million plus endorsements plus TV programs and things like that. What's it going to be in 10 years? And the money that is so prodigious -- what effect is that going to have on the motivation of the university? Is it a spiraling competitive race, almost like an arms race with these universities?

- The last thing the NCAA, the Knight Commission, and school officials, want to experience is a congressional hearing on transparency and accountability aimed at making the college sports business prove that it deserves its tax-exempt status. Why? Because such a hearing would likely expose institutional misbehavior via disclosure of the grades of athletes, the courses they take, and the faculty who teach the courses.
- It is institutional misbehavior that enables the NCAA to continue its 'student-athlete' ruse – a fraud perpetrated on American taxpayers. To be sure, a congressional

hearing would be fought aggressively by the NCAA and its member institutions since protecting the tax-exempt revenues of their sports entertainment businesses is in their vital interest. Not only that, but taking on the NCAA would require not only great political courage, but also a strong bipartisan effort -- not likely in the near future when 2008 election politics are muddying the waters. Although it is to be expected that Senator Grassley's strong effort to have the NCAA justify its tax-exempt status will see tough sledding in the near term, there is reason for cautious optimism that, over time, the Congress will act responsibly.

The Rutgers 1000 represents a truly exceptional campus happening – profiling great courage on the part of faculty members, students, alumni, and other supporters as they continue to fight to get priorities right at their institution. In fact it is so exceptional that it is not expected that this kind of fight will be repeated at other schools unless a similar set of circumstances arises and exactly the right kind of leadership emerges. Put another way, the Rutgers 1000 effort is unique and is unlikely to catalyze similar grass-root efforts on other big-time campuses. Not only would opposition be strong, but there would likely be a paucity of the ‘right stuff’ on campus in terms human and other resources.

In the end, without federal intervention, the commercialism and corruption in big-time college sports will only grow worse as the schools adopt counter measures to foil or circumvent the NCAA’s pathetically weak reform and enforcement measures and as the Knight Commission continues to work with the NCAA to avoid close congressional scrutiny – providing it with cover while both the Commission and the NCAA dance far from the edges of serious reform.

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The opinions, intimations, conclusions and inferences contained within this commentary are solely those of the author; they do not reflect the opinions or endorsement of College Athletics Clips.

NOTES

1. Lederman, Doug, "Creating a Ruckus at Rutgers (Again)," *Inside Higher Ed*, Nov. 21, 2007. This essay is based on the author's Nov. 25, 2007, comment on Lederman's article. Both pieces can be accessed at <http://insidehighered.com/news/2007/11/21/rutgers>.

2. For a detailed view into the situation at Rutgers, see Professor William C. Dowling's book, "Confessions of a Spoilsport: My Life and Hard Times Fighting Sports Corruption at an Old Eastern University," The Pennsylvania State University Press, University Park, PA, 2007. The story behind the book is given in an article, "Confessions of a Spoilsport," based on Lederman's interview of Dowling at <http://www.insidehighered.com/news/2007/08/27/dowling> and in Samuel Freedman's "To the Victors at Rutgers Also Goes the 'Spoilsport'" at http://www.nytimes.com/2007/09/26/education/26education.html_r=2&oref=slogin&oref=slogin.
3. This quote is an excerpt from Professor Katz's commentary on "RECLAIMING ACADEMIC PRIMACY IN HIGHER EDUCATION," http://thedrakegroup.org/Splitt_Reclaiming_Academic_Primary.pdf
4. Dowling, William C., "College Sports: Faut-il légaliser la prostitution?," *Academic Questions*, 2001, www.rci.rutgers.edu/~wcd/prostitu.htm.
5. McCormick, Robert A. and Amy C., "The Myth of the Student-Athlete: The College Athlete as Employee," *Washington Law Review*, Vol. 81, pp. 71-157, 2006, Available at SSRN: <http://ssrn.com/abstract=893059>
6. Splitt, Frank G., "On the Faculty Role in College Sports Oversight," http://thedrakegroup.org/Splitt_Faculty_Role_in_College_Sports_Oversight.pdf, "An Afterword," http://thedrakegroup.org/Splitt_Faculty_Role_Afterword.pdf
7. As an example of the pressure on elected government officials, consider this: After being lobbied by University of Wisconsin Athletic Director Barry Alvarez, an Assembly committee recently voted, 11-0, to exempt payments for seat licenses, sold by the UW for football and men's basketball, necessary to gain preferential seating at college sporting events. No member of the Wisconsin Legislature would risk voting for a tax on their UW Badgers and expect to long remain in office -- no matter how justified the tax. That's just how it is in football-loving Wisconsin that is actually low key relative to some of our Southern states where football is either on par with, or, handily trumps religious fervor. Countless examples exist in other states where football and basketball heroes, both coaches and players, overshadow Nobel Laureates and other award-winning scientists and engineers.
8. To get a sense of "vilification and the potential for retribution" see Dowling's discussion of Linda Bensel-Meyers' experience at the University of Tennessee in *Confessions of a Spoilsport*, [2], pp. 113-117, and the author's experience at Northwestern University in "A Statement on Academic Retaliation," http://thedrakegroup.org/Splitt_Statement_on_Academic_Retaliation.pdf
9. This is roughly akin to America's neglect of its physical infrastructure from roads and bridges to power grids. In *Confessions of a Spoilsport*, Dowling addresses academic deterioration in higher education. For K-12, here's an instructive scenario from Illinois, reported by Emily Krone in her Nov. 25, 2007, *Daily Herald* article "Chapter 10: Only 1 in 5 graduates college ready." Based on a review of ACT College Readiness reports from 36 nearby high school districts, it was found that just 21 percent of seniors leave high school ready for college or the workplace. One administrator said their graduates would be ready for college if they entered high school at grade level and they would be at that level if they came into first grade with requisite level
10. For more on congressional scrutiny of the NCAA, see "Reclaiming Academic Primacy in Higher Education: The Revised IRS Form 990 Can Accelerate the Process," http://www.thedrakegroup.org/Splitt_Reclaiming_Academic_Primary_IRS.pdf
11. Transcripts for the PBS series, "The Business of College Football," are posted at URL http://www.pbs.org/nbr/site/features/special/college-football_home/