

# Congress grills commissioners: A need to do more

*a CLIPS GUEST COMMENTARY*

*Our guest author makes a call for oversight of college athletics by Congress and not the NCAA – which he says has conflicting interests as promoter and enforcer.*

*By Frank G. Splitt*

**THE FEBRUARY 27, 2008**, hearing on "Drugs in Sports: Compromising the Health of Athletes and Undermining the Integrity of Competition" held by the House Subcommittee on Commerce, Trade, and Consumer Protection was covered by the *Associated Press*. Its story, "Congress grills commissioners on steroids issue," was published the next day.<sup>1</sup>

The following lines from the *AP* story were noteworthy:

- As big as Wednesday's hearing was.... it was upstaged by news from another panel. The Committee on Oversight and Government Reform asked in a letter to the Justice Department to investigate whether Roger Clemens lied under oath when he denied using steroids and human growth hormone at a Feb. 5 sworn deposition and at a Feb. 13 hearing.
- All tried to persuade skeptical lawmakers that their respective leagues had taken steps to thwart steroids use and were anxiously awaiting a dependable way to detect human growth hormone, preferably through a urine test and not a blood test.
- "In spite of the fact that they want to pronounce that they have it under control, I still think that it's not fully under control," said the subcommittee's chairman, Rep. Bobby Rush, D-Ill. "And we have to do more."

Notably missing from the story was any mention of testimony by members of Panel II that included Myles Brand, President, National Collegiate Athletics Association, and Robert Kanaby, Executive Director, National Federation of State High School Associations.<sup>2</sup>

It is truly unfortunate that cheating in professional sports seems to be getting all of the media's attention even though the drug culture in college and high school athletics embraces more athletes and can have more devastating physical and emotional long-term impacts. Nowhere is Congressman Rush's remark more applicable than to college and high school athletics.

For example, consider college athletics and its 'oversight' by the NCAA that has conflicting interests as promoter and enforcer. Its president serves as an academic front for their college sports entertainment business—unwittingly (but effectively) providing cover for cheating in college athletics.<sup>3</sup> This cheating spans academic corruption and the likely widespread use of performance-enhancing drugs.

Cheating not only keeps academically disadvantaged college athletes eligible to play, but also enhances athletic performance. Having a former university president give 'we-have-it-under-control' testimony, defend the NCAA's contrived student-athlete charade, and its illusory reform measures, is a highly valued service—evidenced by the fact that, during his 5-years in office, the NCAA president has been compensated over \$4-million.

A Salt Lake Tribune article, "Broken college system lets drug cheats slip through the cracks," discusses issues that apply equally well to college and high school athletics. Your special attention is called to the following remarks by Charles Yesalis, a professor emeritus at Penn State University, who was quoted in the article:

*The college testing system is disastrously flawed and needs to be administered openly and independently. Administrators and fans are suffering from denial and apathy if they believe performance-enhancing drugs are not a problem in major college sports. It has been ignored at the college level by the same government officials--from the president on down--who have shown some aggressiveness on this matter at the professional and international levels.*

Notwithstanding the above, committee members were assured that the NCAA has a rigorous testing regime in place. The articulate Dr. Brand gave the committee members the old razzle-dazzle—reminiscent of Richard Gere's performance in the Academy Award winning movie, *Chicago*, as Billy Flynn, the town's slickest lawyer with a talent for turning notorious defendants into local legends.

It is the fervent hope of The Drake Group that the House Subcommittee on Commerce, Trade, and Consumer Protection will follow up on their hearing as well as on the recent work of the House Committee on Ways and Means and the Senate Finance Committee.

A good first step would be a hearing on cheating in college athletics that not only makes cheating in professional sports pale by comparison, but also has more serious long-term consequences.<sup>5</sup> Committee members should be able to penetrate the razzle-dazzle with the help of testimony from Dr. Yesalis and others—resulting in recommendations for more intense scrutiny re: the efficacy of the NCAA's drug-testing program as well as a demand for more transparency and accountability in the operation of the NCAA and the athletic programs at its member institutions.

As Congressman Rush said: *We have to do more.*

## NOTES

1. *Associated Press*, "Congress grills commissioners on steroids issue," *The Daily Herald*, Feb. 28, 2008, <http://www.dailyherald.com/story/?id=143644>

2. *The Wall Street Journal* ignored this hearing altogether—but published a story by Evan Perez captioned "Lawmakers Seek Probe of Clemens' Testimony."

3. See "Cheating in College Athletics: Presidential Oversight Notwithstanding," <http://thedrakegroup.org/splittessays.html>

4. Carlisle, Nate, and Lewis, Michael C., "Broken college system lets drug cheats slip through the cracks: For doper athletes, the chances of getting busted are small," *The Salt Lake Tribune*, Nov. 18, 2008, [http://www.sltrib.com/ci\\_7482021?IADID=Search-www.sltrib.com-www.sltrib.com](http://www.sltrib.com/ci_7482021?IADID=Search-www.sltrib.com-www.sltrib.com)

5. Beyond the physical and emotional damage done to America's youth by the use of steroids and other performance-enhancing drugs, there is the compromise of the academic missions of its institutions of higher education that is rooted in academic corruption.

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*Mr. Splitt's commentary was written on 2-29-08 and posted on Clips on 3-1-08, with the author's permission.*

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