ESSAYS & COMMENTARIES ON COLLEGE SPORTS REFORM

October 2004 – October 2005

By Frank G. Splitt

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The opinions, assumptions, and conclusions presented in these essays and commentaries are entirely those of the author and not Northwestern University.

PREFACE

Skip Rozin's column, "The Brutal Truth About College Sports" [The Wall Street Journal, Leisure & Arts, Sept. 15, 2005], focused needed public attention on a serious problem in America's system of higher education – the mess in big-time college sports. He calls attention to the Drake Group's Congressional Initiative and to Rep. Jan Schakowsky's March 17, 2005, remarks in the Congressional Record. The related Sept. 24, *Letters to the Editor*, aptly headlined, "Can Colleges Control the NCAA Beast?," led to my letter of Oct. 5, "Who Wants to Tackle Biggest Man on Campus?."

Can colleges control the NCAA beast? The answer, plain and simple, is no -- so too with the Knight Foundation Commission on Intercollegiate Athletics. 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 – driven by a storm of protest about economic impact and assorted tradition-based arguments by trustees/regents, boosters, alumni, and rabid fans. Most tenured faculty members seem too busy to work for reform – doing research and/or shunning involvement in controversial nonacademic affairs – while almost all untenured faculty members are too busy working to get tenure.

Unfortunately, with the NCAA's apparently successful co-option of the Knight Commission on Intercollegiate Athletics, there is now nobody responsible for oversight, let alone the control, of big-time college sports. The NCAA has exploited college athletes, provided weak rules enforcement, shown a lack of concern with regard to violence by college athletes (and the connection of this violence to the use of performance enhancing drugs), become expert at resisting true reform, and shrouded its nefarious conduct in a veil of secrecy – protected by the Buckley Amendment to the Family Educational Rights and Privacy Act – all while operating as a nonprofit institution of higher education.

Also, America's love affair with sports, its high tolerance for misbehavior by its heroes, inconsistent government policies, and the money, has helped bring us today's highly commercialized, college-sports, entertainment business … a horrific mess characterized by seemingly unrestrained growth in spending with a corresponding desperate, death-spiral-like need for additional revenues.

Over the past two years, Linda Bensel-Meyers, Jon Ericson, Dave Ridpath, Murray Sperber, and I, have been working to get the Drake Group "story" on paper at *The Chronicle of Higher Education* and on the Web at *InsideHigherEd.com* and *CollegeAthleticsClips.com.* Our aim has been to provide the Group's position and proposals on the above issues for easy availability to all concerned parties. These parties include the media, the Knight Commission, and members of Congress where the Group is working a grassroots, quid-pro-quo initiative encompassing disclosure and related financial mechanisms that would restore academic and financial integrity in our institutions of higher education.

The following collection of essays and commentaries in combination with my previous essays titled, *Reclaiming Academic Primacy in Higher Education* and *The Faculty- Driven Movement to Reform Big-Time College Sports*, tell most of the story outlined above. Highly recommended for further reading is the paperback edition of Jim Duderstadt's book, *Intercollegiate Athletics and the American University*, Dave Ridpath's article, "The Way it Ought to Be in College Sports," and Matt Salzwedel's and Jon Ericson's article, "Cleaning Up Buckley: How The Family Educational Rights and Privacy Act Shields Academic Corruption In College Athletics." Details on these and other references are provided on pages 20 and. 33.

Frank G. Splitt
Star Lake, WI

October 22, 2005

The Economics of College Sports

THE CHRONICLE OF HIGHER EDUCATION LETTERS
From the issue dated October 22, 2004

Kudos to Jennifer Jacobson for a nice piece of work on Robert H. Frank's recent report for the Knight Foundation Commission on Intercollegiate Athletics ("Winning Sports Teams Have Little Effect on Colleges, Report Says," The Chronicle, September 17).

Sad to say, the impact of the study's findings will probably be minimal. Why? The presidents, chancellors, trustees, and financial folks at most colleges with big-time sports programs already know or should know what's going on, as do their boosters.

Creative accounting can be used to tell any story a college wants to tell. That's why athletics departments should be required to employ a standard system of accounting that includes capital expenditures and is subject to public financial audits.

Painful though it may be, the only way that would happen is through government intervention. The National Collegiate Athletic Association will certainly not opt for unilateral disarmament. Congress should use the tax-exempt status of NCAA programs to force the NCAA and its members to pay serious attention to reform and enforcement, as well as to tell the truth about their financial and academic operations.

An in-depth IRS audit would be the NCAA cartel's worst nightmare, with the potential to fully expose its Achilles' heel -- the extremely weak educational basis for the current financial structure of big-time college sports. Such an audit would not only force major reform, but would provide unassailable cover for reform-minded university presidents and governing boards as well.

Another approach could be revising the Buckley Amendment, so that institutional misbehavior could be exposed via the publication of information about the academic courses that athletes take, as well as their choices of professors and majors. The resulting changes would eventually ensure that college athletes get a legitimate education.

Congress should work for full disclosure by cleaning up the Buckley Amendment and calling for an IRS audit of the NCAA. Together with intensive scrutiny by the media, those efforts could surmount the formidable barriers that have thus far shielded intercollegiate athletics from serious reform.

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The Blatant Hypocrisy in Big-time College Sports

Comment posted January 21, 2005, on InsideHigherEd.com

Murray Sperber, ["Myles to Go at the NCAA," Inside Higher Education, January 20, 2005], does a neat job describing the blatant hypocrisy of the NCAA and its cartel of universities and colleges. He correctly informs us that Brand's job has been to change the public perception of the NCAA -- speaking constantly in public about the need for NCAA reform, backing various "reform initiatives," and most recently appointing a committee of college presidents to study the finances of sports programs.

Concerning Brand's latest initiative, the Knight Foundation, and the NCAA itself have organized similar groups of presidents with comparable missions periodically over the past 25 years without any notable success, save for the Presidential Coalition for Athletics Reform (PCAR), organized by Tulane President Scott Cowen. PCAR successfully lobbied to get non-BCS schools a bigger slice of the BCS pie.

A sportswriter friend once told me: "Here's the bottom-line problem with college sports reform: The buck stops nowhere." I agree. That is why The Drake Group (http://www.thedrakegroup.org/), a faculty-driven movement to reform college sports, has been directed toward stimulating governmental intervention with the help of the media.

It appears that the buck has no place to stop but at the Congress. First Congress might first take a look at what is transpiring all across the out-of-control, commercialized-college-sports-entertainment industry and then launch a comprehensive and coordinated set of hearings followed by an investigation of the NCAA and its cartel of member schools -- spanning:

1. Privacy law that shrouds many nefarious practices and violations in secrecy,

2. Not-for-profit IRS Tax Code status that provides monetary fuel for the continued growth and corruption of big-time college sports,

3. Lax judicial oversight re: antitrust and due process, and

4. The use of PEDs and stimulants -- BALCO-like products and beyond.

Murray also does a neat job of describing why it has been difficult of late for The Drake Group to perform its Toto-like mission of exposing the Wizard of the Oz Land of the NCAA and the blatant hypocrisy of big-time college sports. The issues have been teed up. Perhaps we will see the press take up the cause -- illuminating issues that have thus far eluded serious consideration by (college) presidential panels, the media and the Congress. I believe the press can hit a home run on this story -- I urge the media to take a swing.

Finally, I truly believe that with decisive leadership and recognition that they are part of the problem, the Congress can work to improve the system for the sake of our athletes, teachers, fans, and entire educational system. Together with intensive scrutiny by the media, those efforts could surmount the formidable barriers that have thus far shielded intercollegiate athletics from serious reform.

Why the U. S. Should Intervene in College Sports

Posted February 16, 2005, on InsideHigherEd.com

The problems in big-time college sports -- the phony admission standards, the booster payoffs, the exploitation of athletes -- are so self-evident that recounting them in-depth isn't worth the time and space. And given the recalcitrance of the people and groups most in a position to fix the situation -- college presidents and the National Collegiate Athletic Association -- there's hardly a point in laying out the standard solutions.

Instead, the Drake Group, a coalition of professors concerned about the impact of big-time sports programs on their institutions, believe the time has come (once again) for the government to take some relatively minor steps that could have a big impact on public awareness of the problems. That, in turn, could crank up the heat on the NCAA and others to address the problems head-on.

The government could do two things to improve the transparency of college sports and give the public a truer picture of what really happens: alter the federal privacy law commonly known as the Buckley Amendment to allow better reporting of the academic success (or failure) of college teams and athletes, and conduct an honest Internal Revenue Service study of the favorable tax treatment of the commercial activities of college athletics departments.

The Buckley Amendment. This 1972 law formally known as the Family Educational Rights and Privacy Act is an unwitting collaborator in the effort to hide the truth about the problems in college sports. It not only allows evidence of academic corruption and shenanigans in big-time college sports to be hidden from real public scrutiny, but also permits the NCAA and schools to release student information that is to their advantage -- exploiting and controlling their athletes while only releasing news favorable to themselves.

In "Cleaning Up Buckley: How The Family Educational Rights and Privacy Act Shields Academic Corruption In College Athletics," their recent article in the *Wisconsin Law Review,* Matthew Salzwedel and Jon Ericson suggest simple changes that would permit an appropriate level of disclosure under the law. The authors' proposed mechanism would be to modify the language of the Buckley law (or related regulations) in a way that would allow colleges to release upon request information about the academic records of members of student groups such as athletic teams sufficient in number to protect the privacy of individual students.

These changes would lead to exposure of institutional misbehavior via publication of information about the academic courses that athletes take, as well as their choice of professors and academic majors. Over time, the changes would work to ensure that college athletes are getting a legitimate college education. But changes to the Buckley Amendment require governmental intervention. To this end, the Drake Group made a formal request for a review of the amendment to LeRoy S. Rooker, director of the U.S. Department of Education's Family Policy Compliance Office, which oversees enforcement of Buckley. In reply, Rooker said that only Congress could address our concerns, by amending the law. We have begun discussions with the heads of the appropriate Congressional committees to that end.

The tax status of college sports. The finances of big-time sports programs have spiraled out of control. That condition has been driven, in part, by the vast sums of money that flow into sports programs through "quid pro quo contributions" from boosters and the boom in the leasing of stadium skyboxes by corporations and other big-money contributors. Those trends are possible because the federal government weakly enforces its Unrelated Business Income Tax (UBIT) law,

which allows the government to tax the activities of a nonprofit organization that are not "substantially related" to the exempt purpose for which it was formed. Also, a 1999 IRS ruling allows boosters to deduct most of the donations they make to lease skyboxes, estimated to account for billions of dollars to Division I universities.

An in-depth IRS audit could turn this economic tide and fully expose the NCAA cartel's Achilles' heel -- the extremely weak educational basis for the current financial structure of big-time college sports. This would not only force very major reform, but provide unassailable "cover" for reform-minded university presidents and governing boards as well.

A recent development suggests that this may be more than a longshot. At a House subcommittee hearing last fall to review proposed changes in NCAA rules in response to the recruiting scandal at the University of Colorado at Boulder in 2003, the subcommittee chair, Rep. Cliff Stearns (R-Fla.) mentioned a possible motivational tool for Congress to get what it wants: the tax-exempt status of NCAA programs. He said: "They all benefit from the tax code, raking in millions of dollars through the commercialization of sports. If we went to their not-for-profit status, that would change this dramatically, if they did not come up with a policy here." These remarks spawn hope that the NCAA and its members will have to tell the truth about its financial operations.

Why the need for government intervention? At this time, no person or organization has the resources -- time, energy and money -- which are required to mount and coordinate a "full scale" national effort to restore integrity to higher education. It is unlikely that the NCAA would willingly give up its tenuous affiliation with higher education and the millions of dollars in tax benefits stemming from its nonprofit status -- no matter how bad college sports-related scandals may become, how appropriate any one a number of reform measures may be, or how intense the urging of the Knight Commission or other groups pushing for change. What the NCAA does so well is avoid substantive change by creating the illusion of serious reform.

Simply stated, the NCAA and its cartel have just too many disincentives to clean up their own houses -- setting the stage for endless debate. Nothing of consequence ever happens in this realm and that's why a push from the government is necessary. It has worked before, with graduation rates and with a 1992 amendment to Buckley allowing disclosure of student records for the purpose of law enforcement.

In the face of public apathy and an already full agenda, the challenge to Congress is to find the time to do the right thing and clean up the mess in college sports. It can begin by "cleaning up Buckley" and calling for an IRS audit of the NCAA cartel. When buttressed by compelling arguments for change and intensive scrutiny by the news media, these efforts can surmount the formidable barriers that have thus far shielded intercollegiate athletics from serious reform.

Why the NCAA's latest reform measures won't work

Comment posted March 15, 2005, on InsideHigherEd.com

The hubbub about the pitiful graduation rates for most of the teams participating in last and this year's March Madness focuses more attention on the athletes than on the academic corruption that enables intercollegiate athletics to operate as it does — driven by greed and hypocrisy — and where horrific misdeeds are treated like speeding violations; it's only wrong when you get caught. One is led to wonder about the nature and extent of the complicity of the NCAA, school presidents, administrations, and faculties in this corruption. Just how do they get away with it? One of the ways is to create the illusion of serious reform.

In "Preserving the Audience: The NCAA and the APR," [Inside Higher Ed (IHE), March 14, 2005], John Lombardi provides us with valuable background and insights into this kind of illusion — via the NCAA's latest effort to put students into their so-called "student athletes" by unveiling what has been called the most aggressive athletic-reform measures in decades. Here's why the NCAA's latest reform measures won't work.

As Lombardi tells us, the NCAA's measures are based on what they call Academic Performance Rates (APRs) that were developed to insure that college athletes are students in legitimate pursuit of a college degree and Graduation Rates (GRs). The latter must be disclosed by virtue of a federal statutory requirement, but are a poor metric for gauging academic outcomes with respect to big-time college athletes and for exposing academic complicity, see Lombardi, "Missing the Mark: Graduation Rates and University Performance," [IHE, February 14, 2005]. They are one of the weak links in the NCAA's incentives-disincentives process that is supposed to hold institutions and individual sports programs accountable.

In "Myles to Go at the NCAA " [IHE, January 20, 2005], Murray Sperber says: "The real value of the new NCAA reforms is impossible to ascertain: Some are terrifically complicated and will require lawyers to untangle; some are so vague that no one can even find the knots, nevermind untangle them. Other new rules seem prone to the law of unintended consequences." For the sake of argument, let's assume that the NCAA's APR/GR-based system is letter perfect with all of the knots identified and untangled.

Clearly, without proper safeguards, the NCAA's APR and GR requirements at some schools can do more harm than good, since more pressure will be put 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. Thus, a number of questions come immediately to mind.

1. Who is going to vouch for class attendance records, the academic integrity of the instructors, the validity of "special-study" courses where class attendance is not required and where opportunities for plagiarism and the use of surrogates abound?

2. Who will be responsible for assuring that the athletes are on accredited-degree tracks as opposed to non-accredited, "degree-factory" tracts where everyone who signs up for an array of fluff courses graduates?

3. Who will be responsible for policing the entire system, guarding against: academic fraud, the pressure put upon faculty to change grades or just pass athletes no matter what, and coaches that stuff their squads with a cohort of athletes that value academics as well as their sport, but don't see much, if any, conference-level game time?

4. Who will police for abuse of the Americans with Disabilities Act to certify some academically challenged athletes as "learning disabled" in order to waive them from academic requirements?

5. Who will provide requisite safeguards and sign off on the veracity and quality of the report?

According to the NCAA, the answer to all of these questions is the college or university submitting the APR and GR report. So the fox will be in charge of guarding the henhouse while the NCAA will be left to making "deals" to calm potentially troubled waters — for example, by prescribing weak loss-of-scholarship penalties and by "waiving" no-bowl-play penalties for schools threatening litigation.

Way back in the first century, Juvenal, perhaps exasperated by the illogical workings of Roman authorities, asked a rhetorical question, "Quis custodiet ipsos custodes?" Today, we in the Drake Group are disheartened, and, perhaps, just as exasperated as Juvenal by the workings of the NCAA. We pose the same question in plain English, "Who shall guard the guardians?"

According to NCAA President Myles Brand, the NCAA cannot serve as a policeman, basically saying: It's up to the schools to police themselves and it is cynical to think they can't be trusted to do the job. Well, isn't that just how big-time college sports got to be in such a horrific mess in the first place?

The NCAA has not provided their president with a mandate and the means to affect really serious reform. Put another way, he has not been empowered to emulate baseball's first commissioner Judge Kenesaw Mountain Landis who took control of major league baseball when its integrity was in question — restoring integrity by banning eight members of the 1919 Chicago Black Sox.

Whether he realizes it or not, the well intentioned and highly paid Brand provides a much needed academic face for the NCAA and would never be allowed to put in place any measure that would really work to downgrade the quasi-professional quality of big-time college sports, its perceived entertainment value, and revenue producing ability. The real power in the NCAA has always been with Athletic Directors and Coaches — in effect, the NCAA President serves as their "Million Dollar Baby."

Can you imagine football coaches at the BCS Conferences or the basketball coaches vying for berths at March Madness having to field teams composed of bonafide students that can play a fairly good game of football or basketball, as opposed to semiprofessional athlete-entertainers that (for the most part) must pretend to be students? And from where would the NFL and NBA draft their players?

The NCAA is now using a 24/7, full-court press — attempting to convince skeptics, a.k.a. cynics, that their latest athletic-reform measures will improve the academic performance of their exploited athlete-entertainers. In the meantime, the folks at the Academic Support Centers at big time colleges are scrambling to tune up, or, retool, their current eligibility-ensuring tactics to meet the revised NCAA requirements. Their jobs depend on it!

Some academic irregularities will still be reported by whistleblowers and should come as no surprise to anyone familiar with investigations of college athletics programs. Walter Byers, executive director of the NCAA from 1951 to 1987, has told how, coaches, athletic directors, presidents and conference commissioners who attempt to enforce the rules are treated as if they are out-of-touch — not living in the real world. Tough enforcement matters are left to a woefully understaffed NCAA infractions committee that operates with threats of expensive lawsuits by litigious-minded universities and other accused offenders.

The bottom line is that the NCAA's "most aggressive athletic-reform measures in decades" are all about smoke-screening the corruption that permeates big-time college athletics so as to protect their big-money revenue stream and their not-for-profit status while the culture of the big-time sports entertainment business is corrupting higher education in America. The old saying, "It's not important whether you win or lose, it's how you play the game," has now morphed into "The only important thing is winning and how well you game the academic system so you can still play."

Publishing APRs and GRs would not be a complete waste of time since they not only would provide a hook for the press to hang a truth-telling story that can be easily understood by the general public, but would force schools to pay some attention to their academic mission. They represent an imperfect tool that can be improved upon once a foothold has been secured for a transition into transparency via disclosure of more meaningful information. Without transparency there will never be serious and enforceable reform.

The general public is incredibly gifted at ferreting out hypocrisy. It will not take them long to see the NCAA's latest academic-reform measures as a responsibility-shifting, cover-up tactic — an affront to their intelligence. If the NCAA were really serious about reform, it would ban athletics-department-controlled academic-support centers that function to game the academic system. True reform will only occur when concerned faculty demand that college sports be mainstreamed into the university and realigned with academic values, and when public bodies such as governing boards, state government, and federal government cease the special treatment that shields intercollegiate athletics from the rules that govern the rest of higher education. It could happen, but just don't bet on it.

Congress of the United States

House of Representatives
Washington, DC 20515-1309

Extension of Remarks
Representative Janice D. Schakowsky (D-IL)
March 17, 2005

Mr. Speaker, I rise today to call attention to the work of Dr. Frank Splitt, a McCormick Faculty Fellow at Northwestern University. As a member of The Drake Group, Dr. Splitt has worked to bring attention to the need for reform in college athletics. I would like to submit this article, "Why Congress Should Review Policies that Facilitate the Growth and Corruption of Big-Time College Sports" for the review f my colleagues. I hope that during this session of Congress, we can begin to work to improve the system for the sake of our athletes, teachers, fans, and entire educational system.

"Why Congress Should Review Policies that Facilitate the Growth and Corruption of Big-Time College Sports" by Dr. Frank Splitt

Despite many wakeup calls and warnings over the years, the situation with big-time college sports is much worse than many could ever have imagined. Two questions loom large: What's going on? And, where are the people who are willing to speak the truth about the academic corruption spawned by the college-sports entertainment colossus and to do something about it? To find the answer to the first question, one need only look at the usual suspect -- money. Big money, together with greed, avid sports fans, an apathetic public, and governmental policies make college sports a lucrative and growing tax-free business enterprise. Key enablers for the continuing growth of this business are higher education professionals in a state of denial over the unflattering reality of academic corruption, a relatively ineffectual NCAA, and facilitating government policies involving privacy law and the subsidy of athletic departments and favorable tax treatment of related projects.

The Drake Group (TDG), a grass-roots faculty organization, provides a partial answer to the second question. It works on the premise that college sports aren't themselves evil, but rather, it's the related academic corruption that should be exposed and eliminated. TDG has sponsored the publication of two papers on college-sports reform, "Reclaiming Academic Primacy in Higher Education," and a sequel, "The Faculty-Driven Movement to Reform Big-Time College Sports,"

see www.ece.northwestern.edu/EXTERNAL/Splitt/. The first paper served as another wakeup call to university presidents, trustees, administrators and faculties. The sequel focused on a TDG initiative to help restore academic integrity by working to change the Family Educational Rights and Privacy of 1974 (FERPA) -- also known as the Buckley Amendment.

As an unintended consequence of the Buckley Amendment, evidence of academic corruption and shenanigans in big-time college sports are hidden from real public scrutiny and the NCAA and schools (via waivers) can exploit and control their athletes while only releasing news favorable to themselves.

In their Wisconsin Law Review article, "Cleaning Up Buckley: How The Family Educational Rights and Privacy Act Shields Academic Corruption In College Athletics," Matthew Salzwedel and Jon Ericson make a compelling case for simple changes that would permit an appropriate level of disclosure. It is my view that those changes would lead to exposure of institutional misbehavior via publication of information about the academic courses that athletes take, as well as their choice of professors and academic majors. Over time, that disclosure would work to ensure that college athletes are getting a legitimate college education.

Changes to the Buckley Amendment require governmental intervention. TDG made a formal request for a review of the amendment to LeRoy S. Rooker, Director of the U.S. Department of Education Family Policy Compliance Office. In his response, Director Rooker stated that TDG's concerns were largely those that can only be addressed by Congress. Follow up with the chairs of the appropriate Congressional Committees has been initiated by TDG.

It should be clear that, no matter how bad college sports related scandals may become, how appropriate any one of a number of reform measures may be, or, how intense the urging of the Knight Commission, there is little likelihood that these kinds of measures would be adopted on a voluntary basis. The reason is simple: Universal adoption would likely prove to be successful in curbing the rampant excesses of the college sports and level the playing field, but put at risk the big, tax-free money flow into the NCAA cartel. Substantive reform measures all seem to make sense to the reform minded, but not to those that are to be reformed -- setting the stage for endless debate. Nothing of consequence happens.

The NCAA's proposed reforms in the wake of the University of Colorado-Boulder recruiting scandal came under critical review at a House Energy and Commerce subcommittee on May 18, 2004. That hearing, titled "Supporting Our Intercollegiate Student-Athletes: Proposed NCAA Reforms" was called to examine the NCAA response to the recruiting practices and polices of intercollegiate athletics. The Subcommittee expressed concern that some of the NCAA's new proposals don't go far enough and mentioned a possible motivational tool for Congress to get what it wants: the tax-exempt status of NCAA programs. Those remarks spawn hope that the NCAA and its members will be forced to pay serious attention to reform and enforcement as well as tell the truth about their financial operations.

With a public now fatigued with terrorist related threats and numbed by grievous wrongdoing, scandals, and cover ups in their financial and political worlds, the challenge for Congress is to take on the tasks of working for disclosure via "cleaning up Buckley" - penetrating the closed society of higher education and its "See no evil, Speak no evil, Hear no evil," modus operandi - and calling for an IRS audit of the NCAA cartel. When buttressed by compelling arguments for reform and intensive scrutiny by the media, these efforts can surmount the formidable barriers that have thus far shielded intercollegiate athletics from serious reform.

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Clara Lovett

Posted March 30, 2005, on InsideHigherEd.com

It was sad to see the unexpected end of AAHE, but even more so the loss of President Lovett's bully pulpit. Lovett, a true leader in higher education, had the courage to speak out on important but "touchy" issues. Here is her commentary on "Reclaiming Academic Primacy in Higher Education," a brief on working for reform in Intercollegiate Athletics and Engineering Education:

"The most recent reincarnations of the original Knight Commission on collegiate athletics are evidence that hope continues to triumph over experience. For nearly twenty years, campus presidents, chancellors, and some trustees have not only fought abuse within the system but have also accepted more responsibility than in the past for oversight of the system – teams and coaches, athletic directors, boosters, and the indispensable vendors and sponsors.

The welcome changes in oversight have not, however, reformed a bankrupt system; they have merely shortened several presidential tenures. It is time for other stakeholders to weigh in, if nothing else to give a hand to reform-minded presidents. Frank Splitt makes a strong case for faculty action in this arena. His proposed remedy to a long-standing and worsening problem in higher education is well worth trying. And why not? Nothing else thus far has worked." – Clara Lovett, President, American Association for Higher Education, president emerita of Northern Arizona University

What Congress can do about the mess in college sports

Posted 8 May 05 on CollegeAthleticsClips.com

ON APRIL 10, 2004, a Chicago Tribune editorial claimed that "NCAA exploitation of student athletes is a national scandal, especially for black athletes." Similarly, a March 18, 2005, New York Times editorial, "Exploitation at the Big Dance," described March as a nirvana for college basketball fans, thanks to the nail-biting, double-overtime excitement of the National Collegiate Athletic Association tournament—known as The Big Dance.

The Times editorial went on to say: "But only a handful of these players are skilled enough to land lucrative professional contracts. The rest will end up back on the streets—many without diplomas or decent jobs—once their playing days are over and the colleges they attended have no more use for them."

According to the New York Times, the NCAA took its most substantial step yet to correct this injustice when it passed a package of reforms under which Division I colleges that fail to keep athletes on track to graduation could lose scholarship slots. The step is indeed substantial for the NCAA. However, it will likely do little to correct the exploitation of college athletes. Why so?

As discussed in "Why the NCAA's latest reform measures won't work," [InsideHigherEd.com, March 14, 2005, an appended comment on John Lombardi's Preserving the Audience: The NCAA and the APR], the universities will be left to police themselves—the fox will be in charge of guarding the henhouse. Isn't that just how big-time college sports got to be in such a horrific mess in the first place?

University presidents and provosts will have to refine the art of looking the other way lest they be booed and hissed, burned in effigy, or simply fired by their boards. Wasn't it Kipling who wrote: "But I'd shut my eyes in the sentry box, So I didn't see nothin' wrong?"

In the meantime, the NCAA will be left to self-promotion via the media and meetings, and making "deals" to calm potentially troubled waters—for example, by prescribing absurdly weak loss-of-scholarship penalties and by "waiving" no-bowl-play penalties for schools threatening litigation. All of this causes the NCAA's call for reform to ring hollow.

The NCAA could have added a degree of credibility to its reform effort by advocating for academic integrity and disclosure, not only by endorsing the Drake Group's call to Congress for clarification of the Buckley Amendment—so schools can no longer claim Buckley prohibits disclosure—but by lobbying Congress as well. The sole purpose of the Buckley Amendment was to protect the privacy of individuals, and not that of groups such as athletic teams.

Also, the NCAA could have modified the wording of the waiver it requires college athletes to sign as a prerequisite to participation in athletics—to allow public disclosure of the classes they take, their professors, and attendance records.

In any case, once disclosure is achieved, the Congress, the Department of Education, the media, faculty, and other concerned parties can exercise oversight on the efficacy of the NCAA's highly touted reform process. Since disclosure would not be in the vested self-interest of the commercialized, college sports entertainment business, it would come as no surprise to see the NCAA lobby against disclosure to protect the privacy of their so called "student athletes."

Without disclosure and external oversight there will be no serious reform, only a veil of secrecy shrouding a continuing national scandal that is characterized by exploitation of college athletes, academic corruption, and distortion of the mission of our institutions of higher education … institutions that are beholden to the out-of-control sports business.

And that tees up a critical question: Without disclosure and external oversight, how can the Congress ever know that athletes are really students receiving a bonafide, rather than a "pretend" college education? Without an unequivocal and verifiable answer to this question—indicating that athletes are progressing on accredited-degree tracks as opposed to athletic department sponsored workarounds such as non-accredited, "degree-factory" tracts where everyone who signs up for an array of fluff courses graduates—there appears to be no rational basis for the NCAA cartel's tax-exempt status as not-for-profit institutions of higher education.

The connection between disclosure and the basis for the NCAA's favorable tax treatment by the IRS should be clear. The educational mission of higher education is at risk so long as its institutions are beholden to the huge amounts of money associated with running big-time, quasi-professional sports programs. The fact that these institutions have an extremely weak, if not fraudulent, basis for their not-for-profit status compounds the risk for the higher education enterprise.

So, besides "cleaning up Buckley," what can Congress do to help resolve this accountability problem, to assure itself that college athletes are real students, as well as address other issues that lie at the root of the current mess in big-time college sports?

Simply this, make the continuation of the current nonprofit IRS status of the NCAA and its cartel of colleges and universities contingent on meeting requirements that will ensure that college athletes are indeed legitimate, degree-seeking students—a quid pro quo.

Many would say that a government quid pro quo with the NCAA and its member schools is long overdue. It was suggested by Congressman Stearns at a House subcommittee hearing last fall to review proposed changes in NCAA rules in response to the recruiting scandal at the University of Colorado at Boulder in 2003. So it is certainly not a new idea, but an idea whose time has come.

A list of reform measures can be found at the end of the many books and articles on the subject of reform. However, no matter how appropriate any one of a number of these reform measures may be, or how bad college sports related scandals may become, or how intense the urging of the Knight Commission, there is little likelihood that these kinds of measures would ever be adopted on a voluntary basis because their adoption would put at risk the big, tax-free money flow into the NCAA cartel.

The following requirements are suggested for consideration by the Congress. They are requirements that would need to be satisfied by the NCAA cartel in order to maintain the tax-exempt status of its programs.

1. Disclosure of courses taken by athletic teams, the average grades for all students in those courses, and the names of advisors and professors who teach those courses;

2. Restoration of first-year ineligibility for freshmen with expansion to include transfer athletes;

3. Restoration of multiyear athletic scholarships—five-year, need-based, scholarships that can't be revoked because of injury or poor performance;

4. Realization of a 2.0 grade-point average, quarter-by-quarter or semester-by-semester, in accredited, degree-track courses, to gain and maintain eligibility for participation by an athlete;

5. Employment of a standard uniform system of accounting by athletic departments that includes capital expenditures and is subject to public financial audits;

6. Relocation and divestiture of control of academic counseling and support services for athletes. Such services must be the same for all students and in no way under the influence of the athletic department;

7. Reduction of the number of athletic events that infringe on student class time, with class attendance made a priority over athletics participation—including game scheduling that won't force athletes to miss classes.

Failure to implement and comply with these corrective measures over a reasonable amount of time should put the NCAA and/or individual institutions at risk of losing their nonprofit status. Once implemented, evidence of a continuation of existing patterns of fraud, continued efforts by universities and colleges to circumvent the intent of these reform measures, or, retaliation against whistleblowers, should garner severe penalties—two strikes and you're out! In addition to the loss of not-for-profit IRS tax classification, penalties reflecting contempt of Congress should be of such severity as to make the risk of noncompliance not even worth thinking about.

Finally, the Drake Group works on the premise that college sports aren't themselves evil, but rather, it's the related academic corruption that should be exposed and eliminated. We respectfully remind college and university administrations, boards, boosters, fans, the media, and government officials, that education and maintaining academic integrity, not sports, should be the university's top priority and that athletics departments should not be setting the agenda for, or, imposing the values of the entertainment industry on their institutions.

As Dr. Brenda Bredemeier, a sports psychologist at the University of Missouri-St. Louis, stated in her keynote address at the Drake Group's 2005 Annual Meeting, "Sports can be used to develop knowledge and practical skills related to competition, character and citizenship. Implementation of the Drake Group proposals, especially a reform of the scholarship system, will go a long way toward enhancing academic integrity in college sports." But, she added, regulatory reform alone will not be enough, "We must articulate to our colleagues…that sports have a place within the educational mission of the university."

Hopefully, the quid-pro-quo strategy discussed in this and previous essays, will begin to gain traction in various Congressional committees to help get what Congress wants and what the higher education enterprize desperately needs—a cleanup of the mess in college sports.

Expanding Commercialism in College Sports: Where is the Outrage?

Posted 8 May 05 on CollegeAthleticsClip.com.

Ed.-It was quite an essay that appeared in Myles Brand's name in the Chicago Tribune a month ago. Mr. Brand set the table by writing – and this is a quote – "I want to argue that college sports needs more commercial dollars, not fewer." Mr. Splitt's response to Mr. Brand's comments on commercialism is among the more eloquent of the many submissions to College Athletics Clips.

There has been a noticeable lack of critical coverage in the national press concerning the current mess in big-time college sports and its broader societal implications. This regrettable situation was made all the more evident by the lack of reaction to NCAA President Myles Brand's remarks in his April 6, 2005, Chicago Tribune Commentary, "Show colleges the money," and the April 11, 2005, posting of his remarks on CollegeAthleticsClips.Com.

Brand argued to correct what he termed the mistaken belief of "cynics and radical reformers" that commercialism is ruining college sports—saying more commercialism is needed, not less. In effect, Brand attempted to make the case for expanding the wayward ways of the commercialized college sports entertainment business while he set the stage for the NCAA's recent announcement of it's decision to expand the college football season to 12 games—this despite the opposition of coaches, players, faculty senates, and the Knight Commission on Intercollegiate Athletics.

Also, the use of steroids in high schools, middle schools, and professional sports has received fairly widespread press coverage, but there has been little if any questioning of the prevalence of steroids in big-time college sports programs, either by the press, or by the Congress. In any case, more commercialism and money, academic corruption, soaring rhetoric about cosmetic reforms, inadequate enforcement, and blatant hypocrisy are apparently in. Real student-athletes and serious reform are out. Where is the outrage? And, what's really going on?

First of all, Brand's views are not unexpected as they come from the former president of Indiana University who now receives in the neighborhood of one million dollars in total annual compensation to place an academic face on the NCAA's core business—overseeing quasi-professional sports programs that serve, in effect, as "minor league" franchises for the NFL and the NBA.Views diametrically opposed to Brand's were expressed by Jim Duderstadt, University of Michigan President Emeritus, when he concluded the Epilogue to the paperback edition of his book, Intercollegiate Athletics and the American University, by saying: "The American university is simply too important to the future of our nation to be threatened by the ever increasing commercialization, professionalization, and corruption of intercollegiate athletics."

In his Foreword to "The Faculty-Driven Movement to Reform Big-Time College Sports," Duderstadt went on to say: "The serious damage big-time college sports causes to higher education is painfully apparent to academic leaders, elected public officials, the sports press, and a growing fraction of the public. Yet greed, fanatic sports fans, an apathetic public, and inconsistent government policies allow this commercially driven enterprise to grow unchecked."

Duderstadt is certainly not alone with opposing views. For example, Father Theodore Hesburgh, CSC, University of Notre Dame President Emeritus, expressed similar views in his Foreword to "Reclaiming Academic Primacy in Higher Education" as has Derek Bok, the 300th Anniversary

University Professor and former President at Harvard University, in his penetrating book, Universities in the Marketplace: The Commercialization of Higher Education.

We in the Drake Group, a grassroots faculty organization whose mission is to help faculty and staff defend academic integrity in the face of the burgeoning college sport industry, wholeheartedly endorse the views of Duderstadt, Hesburgh, and Bok—believing the educational mission of higher education is at risk so long as its institutions are beholden to the huge amounts of money associated with big-time college sports. The hijacking of the academic mission of higher education—replacing it with an athletic mission that is better suited to the commercial needs of the entertainment industry—should be near the top of the list of problems to be addressed on a national level.

We respectfully remind college and university administrations, boards, boosters, fans, the media, and government officials, that education and maintaining academic integrity, not sports, should be the university's number-one priority; and, athletic departments and the NCAA should not be setting the agenda for, or, imposing the values of the entertainment industry on our colleges and universities.

We believe that it is only by confronting the hypocrisy of the big-time college sports entertainment business that its stranglehold on our institutions of higher education can be overcome. It is a demanding challenge, an impossible one without help from others, particularly the media and the government.

However, there are signs of progress. For example, on March 17, 2005, Representative Jan Schakowsky placed an article titled, "Why Congress Should Review Policies that Facilitate the Growth and Corruption of Big-Time College Sports," in the Congressional Record for the review of her colleagues. She expressed the hope that "during this session of Congress, we can begin to work to improve the system for the sake of our athletes, teachers, fans, and entire educational system." [*Ed.-Rep. Schakowsky's remarks are attached below*.]

The intent of the article was to outline a strategy to surmount the formidable barriers that have thus far shielded intercollegiate athletics from serious reform. It paved the way for two Drake Group recommendations to the Congress. First, that it work for disclosure—to penetrate the closed society of higher education and its "See no evil, Speak no evil, Hear no evil," modus operandi. And second, that Congress make the continuation of the NCAA's nonprofit status contingent upon the implementation of specific reform measures that would assure that college athletes are really students—ultimately leading to a reduction, rather than an expansion of commercialism in college sports.

Ed.-The opinions, assumptions and conclusions presented above are entirely and exclusively those of the author. These are NOT the opinions of College Athletics Clips, and we make no endorsement thereof..

Ed.-The following are remarks presented by Illinois Congresswoman Janice Schakowsky during a House session. (See page 8).

Lines Between the NCAA and the Knight Commission Now Blurred -- So Isn't It Time for Congress to Step In?

Posted June !6, 2005 on CollegeAthleticsClips.com

INTRODUCTION -- Thomas K. Hearn Jr., President, Wake Forest University and Chair of the Knight Foundation, Commission on Intercollegiate Athletics, Hodding Carter III, President and CEO, John S. and James L. Knight Foundation, and other members of the Knight Commission, met on May 23, 2005, in Washington, DC, to discuss, among other things, the future of intercollegiate athletics.

Included on the agenda were discussions with NCAA President Myles Brand, commissioners from the ACC, Big 10, SEC and other major conferences, experts on capital and operating expenditures in college athletics, and members of the NCAA Presidential Task Force on the Future of Intercollegiate Athletics. Peter Orszag, director of Competition Policy Associates and chief researcher for the recently released NCAA/Mellon Foundation study on capital costs provided the Knight Commission members with an update on operating and capital expenditures associated with collegiate athletics. There followed a meeting with officials from the Association of Governing Boards of Universities and Colleges (AGB) concerning the response to AGB's "Statement on Board Responsibilities for Intercollegiate Athletics."

Several reports on the meeting appeared in the media the next day. Inside Higher Ed Editor Doug Lederman's Views Column [1], was especially noteworthy. It prompted an immediate comment, "Co-opting the Knight Commission," that is appended to Lederman's column on InsideHigherEd.com. This essay expands on that comment.

BACKGROUND -- Some 15 years ago, when big-time college sports were veering out of control, the Knight Foundation Commission on Intercollegiate Athletics, led by the presidents of the University of North Carolina and Notre Dame, William C. Friday and the Reverend Theodore M. Hesburgh, CSC, had a clear mission -- putting pressure on the NCAA to clean up its own act before Congress stepped in to do it for them.

The Knight Commission's stated goal was "to study and report on reform efforts that recognize and emphasize academic values in a climate in which commercialization of college sports often overshadowed the underlying goals of higher education, and to continue to monitor and report on progress in increasing presidential control, academic integrity, financial integrity and independent certification of athletics programs." The Knight Commission had a significant impact -- helping to motivate a series of changes in the NCAA's academic and other rules over the ensuing years. However, the beat goes on.

When I reviewed the Knight Commission's media advisory for the May 23, meeting, I was puzzled by the selection of participants who, for all or the most part, are defenders of the status quo -- those who stand to profit the most from a Knight Commission and public buy-in of their present practices -- and an apparent absence of anyone who would be willing to speak out about what's really going on in the seemingly out-of-control world of big-time intercollegiate athletics.

Since Hearn, the Knight Commission's new leader, stood out among college presidents as one of the most vocal and passionate proponents for meaningful change in big-time college sports during the 1980s and early 1990s, there was no reason to expect any significant change in the Knight Commission's mission.

Based on press reports, it now seems that the Knight Commission lacks the power to put brakes on the expanding commercialization of the college sports business promoted by Brand who has argued to correct what he termed the mistaken belief of "cynics and radical reformers" that

commercialism is ruining college sports -- saying more commercialism is needed, not less [2]. (See an opposing view at CollegeAthleticsClips.com, including Congresswoman Jan Schakowsky's appended remarks for the Congressional Record [3]). Worse yet, the Knight Commission appears to be at risk of being co-opted by the multibillion dollar college sports entertainment colossus led by the NCAA. But we are getting way ahead of the story, so back to the meeting.

THE MEETING AND SOME SURPRISES -- The Wall Street Journal Op-Ed, "A Numbers Game," stated that the most surprising figures to come out of the meeting were not on graduation (rates), but on what some call an "arms race" [Review and Outlook, p W15, May 27, 2005]. The Op-Ed pointed out that spending on college athletics has been growing four times faster than overall university spending while not providing the universities much bang for their bucks.

Now here is what was initially surprising to me. As Lederman opined, the Knight Commission seems to be searching for its appropriate role at a time of transition. An "era" wherein Hearn believes there is a "marked change in the atmosphere" at the NCAA, now led by Myles Brand, a former college president himself. Apparently, this belief has been fortified by Brand's claims that the NCAA is making great progress on some issues central to the commission, particularly on the comparatively poor academic progress athletes in football and, especially, basketball. Hearn's belief is perplexing given the many strong contrarian views on Brand's claims that, for example, have been expressed by Murray Sperber [4, 5], John Lombardi [6] and the author [6, Comment].

Nevertheless, the Knight Commission members made clear that they see the commission collaborating with, rather than challenging, the NCAA. Hearn's statement, "We are seeking to put ourselves in a place where we could be maximally useful to the plans that the NCAA has," was worrisome to say the least. So too were Lederman's comments on the Knight Commission's relatively upbeat assessment of the current status of big-time college sports and the fact that several Knight Commission members joined Big-10 Commissioner, Jim Delaney in self-congratulations.

Delaney hinted at a co-option of the Knight Commission with his call for "incremental change" -- rather than "seismic, earthquake-like" reform -- and a collaborative role for the Knight Commission, "more like a think tank with ideas and concepts." Brand apparently took it upon himself to blur the lines by co-opting the Knight Commission when he said: "Because we have a robust reform movement, this (the Knight Commission) can become a group that supports and is actively engaged in supporting that movement, while still raising hard questions when necessary."

Brand went on to say the commission could play a useful role both in taking on those groups that actively oppose efforts to rein in the excesses of big-time sports and in providing a more realistic and balanced counterpoint to faculty critics like the Drake Group, which the NCAA president has termed "radical" with a goal of "dislodging intercollegiate athletics from higher education." Here it should be recognized that an important part of Brand's high-paying job is to exploit his academic credentials to neutralize opposition to NCAA actions and positions -- using co-option as a primary tactic.

WHO IS RUNNING THE SHOW? -- Sad to say it is becoming increasingly apparent that the Knight Commission is being used as a tool of the NCAA cartel. Perhaps the commission has already been co-opted by the NCAA as the above remarks suggest. The experience of the NCAA's well-intentioned tripartite alliance partners -- the Coalition for Intercollegiate Athletics (COIA) and the Association of Governing Boards (AGB) -- would be worth reviewing in this regard.

The commission meetings now seem to have devolved to the point where they are used as a platform for NCAA PR messages and a forum for their "top brass" -- with no "room" for critical review and comments. In the end, with the exception of commission member Carol Cartwright, president of Kent State University, who seemed to recognize danger, the Knight Commission has

apparently bought into the NCAA's "robust reform" story -- abandoning its independent watchdog role that is so critical to serious reform.

All of this should not have been surprising when you consider the huge amount of money and high-paying jobs that would be at risk if the representatives of the NCAA cartel were not penultimate masters of the illusion of reform and progress. They are all highly talented professionals who are very good at their jobs -- managing quasi-professional sports programs that serve, in effect, as "minor league" franchises for the NFL and the NBA, while echoing the NCAA's oxymoronic storyline about "student athletes."

Still, it is difficult to believe that none of the Knight Commissioners questioned the NCAA's management plan for their highly touted "robust," but inherently weak, reform initiative. Not only is it characterized by weak penalties for infractions, but also, according to John Evans, a member of the NCAA Committee on Academic Performance, it is based on "the presumption that institutional data on academic progress of student-athletes are accurate and valid." (See his May 13, 2005, counterpoint, "Measuring Athlete's Academic Progress," to Sperber [5], in The Chronicle Review.) Put another way, the NCAA's strategy is to avoid accountability -- putting the burden on the institutions who want to field competitive (hopefully winning) teams, but have the most to lose by being honest -- forcing these institutions to stretch the "rules" of academic integrity to the limit, or, simply cheat and lie in a "catch-me-if-you-can" tactic.

The root question is this: Will the Knight Commission presume that institutional data on academic progress of student-athletes are accurate and valid? It is my view that it certainly will if Myles Brand has his way -- earning an "A" from his NCAA bosses to add to the A grade he already has from the Knight Commission. (See Steve Wieberg's Q&A, Thomas Hearn Talks About the Future of College Sports, [USA Today, May 19, 2005].)

On the other hand, there is little likelihood that the Senate Finance Committee, the House Subcommittee on Commerce, Trade, and Consumer Protection, the House Committee on Government Reform, or any other congressional committee would base a continuation of the NCAA's tax exempt status on the presumption that institutional data on academic progress of student-athletes are accurate and valid. The situation literally screams for disclosure and verification by independent organizations with 'Sarbanes-Oxley'- like academic audits of suspect schools and really severe penalties for infractions. The NCAA cartel has no one else to blame but itself for creating the need for such strong countermeasures.

WHERE ARE THE PRESIDENTS? -- More than ever I am convinced that many university presidents and their governing boards sacrificed academic integrity when, over the years, they made what amounts to a Faustian-like bargain with the entertainment industry to tap into a huge source of money. As Jim Duderstadt, President Emeritus of the University of Michigan, stated in his "Epilogue" [7], university presidents are caught between a rock and a hard place on collegiate athletics reform.

So don't expect a sitting president to take a strong leadership position on reform related issues that could have a potential negative impact on sports entertainment revenues. Nobody wants to be in the position of the sheriff -- played by Gary Cooper -- in the metaphoric 1952-movie classic, High Noon.

It would take a tremendous amount of courage for a university president sitting on the NCAA Division I Board of Directors, or its Presidential Task Force on the Future of Intercollegiate Athletics, or on the Knight Commission, to buck the "system." It's certainly a lot less stressful and much less career threatening to go along to get along in the "real world."

A sportswriter friend once told me that "the trouble with reforming big-time college sports is that the buck stops nowhere." But he wasn't quite right. All indications point to the fact that it is now time for government intervention -- for the Congress to step in to force the NCAA to really clean

up its act [3, 8] and move collegiate athletics to where it ought to be [9]. And then there are faculty.

THE DRAKE GROUP OF "RADICALS" -- The Drake Group [10] is a grassroots faculty organization whose mission is to help faculty and staff defend academic integrity in the face of the burgeoning college sport industry. It wholeheartedly endorses the views of former university presidents James Duderstadt, Theodore Hesburgh, and Derek Bok -- believing the educational mission of higher education is at risk so long as its institutions are beholden to the huge amounts of money associated with big-time college sports. For an example of these views, see Duderstadt's "Epilogue" [7].

The Drake Group works on the (hardly radical) premise that college sports aren't themselves evil, but rather, it's the related academic corruption that should be exposed and eliminated -- believing that it is only by confronting the hypocrisy of the big-time college sports entertainment business that its stranglehold on our institutions of higher education can be overcome. It is a demanding challenge, an impossible one without help from others, particularly the media, and the government.

An independent Knight Commission, capable of serving as a credible watchdog over intercollegiate athletics, rather than a "working buddy" of the NCAA, could help beyond measure -- asking the really hard questions and raising critical issues. The Knight Foundation deserves no less from its Commission on Intercollegiate Athletics. The future of intercollegiate athletics is at stake.

Since NCAA President Myles Brand continues to label the Drake Group as radicals, it is well to remind him, his NCAA colleagues, college and university administrations, boards, boosters, fans, the media, and government officials, that education and maintaining academic integrity, not sports, should be the university's number-one priority; and, athletic departments and the NCAA should not be setting the agenda for, or, imposing the values of the entertainment industry on our colleges and universities, and, for that matter, on the Knight Commission.

STEROIDS: BEGINNING TO GET CONGRESS TO STEP IN -- As was made clear in Diann Burns' May 19, 2005, Special Report [11], many young men and women continue to be exploited for their free labor then turned out with no degree and no meaningful improvement in their life skills -- a very real human tragedy and a national scandal. Academic disclosure is a way to stop this exploitation -- having the power to gain widespread support via a visceral connection with the public and Congress, especially if it is related to the use of performance enhancing drugs and stimulants in college and high school sports programs.

Congressional legislation pending in both the House and the Senate could trigger government oversight of drug testing in college sports. For example, H.R. 2565, sponsored by Rep. Tom Davis (R-VA) and Rep. Henry Waxman (D-CA.) of the House Committee on Government Reform, contains a provision that directs the Government Accountability Office to study the use of performance enhancing drugs by college athletes and the policies of college sports associations and individual athletics departments [12].

Most certainly, hearings on the applicability of H.R. 1862, the Drug Free Sports Act of 2005, to NCAA programs would gain public attention. Proposed by Chairman Rep. Cliff Stearn (R-FL) and Ranking Member Rep. Jan Schakowsky (D-IL) of the House Subcommittee on Commerce, Trade, and Consumer Protection, H.R. 1862 sets a minimum standard to which the (professional) leagues should adhere. "In order to clean up sports, level the playing field, and send a clear message to our young athletes – the junior high, high school, and college students – that performance enhancing drugs should not be an option," said Schakowsky at the May 25, markup. Even rabid fans come to care about their players -- fans that really don't understand just how many of their beloved players end up as overly bulked and used-up entertainers, to be discarded at the end of their eligibility -- this, while the administrators and coaches in the NCAA cartel's

college sports entertainment business make much more than comfortable livings. If the Drake Group "radicals" and the media don't work to expose what's happening to these young people, and if the Congress doesn't work to stop it, who will? The Congress can put the NCAA cartel on notice that with the huge revenues stemming from its not-for-profit college sports business, comes a commensurate level of responsibility and accountability.

CLOSING REMARKS -- The Drake Group remains steadfast in its resolve to continue working to catalyze serious reform in intercollegiate athletics. It will press on with its congressional initiative on disclosure while continuing its effort to have Congress enforce a quid pro quo -- making the continuation of the NCAA's nonprofit status contingent upon the implementation of specific reform measures that would assure that college athletes are verifiably legitimate, degree-seeking students [13].

I would encourage members of the Knight Commission and other parties concerned with the future of intercollegiate athletics to give thoughtful consideration to the information contained in the cited Web-based references -- hopefully before the next Knight Commission meeting in October 2005. Also, valuable insights can be obtained from Princeton Professor Harry Frankfurt's timely, best-selling book, On Bull----, [Princeton University Press, January 2005].

Finally, I have been reminded once again of Barbara Tuchman's wise words: "Telling the truth about a given condition is absolutely requisite to any possibility of reforming it." No truth, no reform -- no matter how high the rhetoric soars and how well publicized claims of progress may be.

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2. Brand, Myles, "Show colleges the money" <http://www.collegeathleticsclips.com/archives/000509.html>
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Frank Splitt on Commercialized College Sports

Posted on I-AA.com July 11, 2005, 21:48

Mark Alesia's column, "NCAA panel to examine path of college sports," provides an insight into the blatant hypocrisy in big-time college sports [Indianapolis Star, June 11, 2005, www.indystar.com/apps/pbcsdll/article?AID=/20050611/SPORTS/506110469/1004/SPORTS]. In the first line of his column Alesia says: "The chairman of a committee of school presidents looking at the future of college sports ended the group's first meeting Friday by pledging to seek input from numerous sources, although at least one doesn't appear to be welcome." The "one" Alesia refers to is The Drake Group (TDG).

To be sure the presidents have no need to invite anyone from TDG to their meetings. Welcome or not, all they have to do is read what we have to say. But don't expect a sitting president to take a strong leadership position on reform related issues that could have a potential negative impact on sports entertainment revenues. Nobody wants to be in the position of the sheriff -- played by Gary Cooper -- in the metaphoric 1952-movie classic, *High Noon*.

Over the past two years, Linda Bensel-Meyers, Jon Ericson, Dave Ridpath, Murray Sperber, and I have been working to get the TDG "story" on paper at *The Chronicle of Higher Education* and on the Web at *InsideHigherEd.com* and *CollegeAthleticsClips.com.* Our aim has been to provide the TDG position on various issues for easy availability to all concerned parties -- including members of the NCAA President's Panel, the Knight Commission, and the Congress.

For example, in writing the essay, "Lines Between NCAA & Knight Commission Now Blurred" <http://www.collegeathleticsclips.com/archives/000594.html>, particular attention was directed toward the essay's references. When taken together with the Salzwedel-Ericson WISCONSIN LAW REVIEW Article, "Cleaning Up Buckley: How The Family Educational Rights and Privacy Act Shields Academic Corruption In College Athletics," and the essays, *"Reclaiming Academic Primacy in Higher Education" and "The Faculty-Driven Movement to Reform Big-Time College Sports,"* they provide a fairly comprehensive source of readily accessible information on government policies that facilitate the growth and corruption of big-time college sports and what Congress can do about it

Also, TDG Executive Director Dave Ridpath and I, as well as other members of TDG, have made a strong effort to get our message across to members of Congress with some measure of success as Bob Gilbert noted in his syndicated column for July 1, 2005:

"If the coaches, athletics directors and presidents of big-time football colleges aren't concerned about the U.S. Congress' proposed sports legislation, they're too dumb to hold those positions. A House committee this week approved bills that would create a U.S. Boxing Commission and set minimum rules for steroid-testing and penalties for professional sports. Dr. Frank Splitt of Northwestern University is spearheading an effort to bring to Congress' attention the corruption in college athletics. And an increasing number of congressmen are listening. Division I college football has nothing to do with education and everything to do with high-dollar entertainment."

FYI, appended is a "heads-up" copy of my latest TDG essay, "Putting College Sports Reform 'On Steroids'," --scheduled for posting on *CollegeAthleticClips.com* early next week. Widespread distribution to members of Congress by TDG is planned

As you must know, TDG is a miniscule organization relative to the NCAA. Nevertheless, we will persist in our "right-makes-might," trimtab-like effort to catalyze change -- focusing on disclosure

and the restoration of academic and financial integrity in our institutions of higher learning. There is still much more hard work to do. We need all the help we can get. That is why truth-telling articles are so much appreciated by all of us in TDG.

Putting College Sports Reform 'On Steroids'

Posted on CollegeAthleticsClips.com on 17 July 05

INTRODUCTION—While writing the essay, “Lines Between NCAA & Knight Commission Now Blurred—Time for Congress to Step In?,” [1], I often thought about the numerous articles and books that have been published on intercollegiate athletics in recent years. Many of these publications covered the horrific “goings on” in this sector of our higher education enterprise.

I also thought it odd—really almost unbelievable—that one must bear in mind that many Americans, including some of our political leaders and members of the media, seem wholly unconcerned with the growing commercialism in college sports—the loss of academic and financial integrity at some of our institutions of higher learning, the exploitation of college athletes, the violent behavior of many of these athletes, the inherent hypocrisy of the NCAA’s oxymoronic “student-athlete,” and the NCAA’s cosmetic reform efforts—all allowed to flourish by virtue of a lack of close oversight by an independent “watchdog” organization, the government, or, persistent, close scrutiny by the media.

There is no cry from the public to put an end to the excesses and corruption of college sports, nor will there be. Who really cares?

James Michener provides us with an insight into our national obsession with college sports in his 1976, best seller, SPORTS IN AMERICA. With reference to injuries and fatalities in high school and college football, Michener put the reason for the lack of public reaction this way: ”... because every society decides what it is willing to pay for its entertainment, and if football injuries and deaths do not markedly exceed the present rate, they will not be considered excessive…. Football has been so enshrined as a spectator sport…that it would be impossible for revisionists to alter it without protests of an almost revolutionary character.”

Protests aside, this essay examines an issue that could get the public to care enough to demand Congressional intervention in college sports.

CONSEQUENCES OF APATHY—The public’s “don’t-care” attitude with respect to the “win-at-any-cost” operating strategy that is employed by colleges to compete successfully in big-time, revenue-producing sports is a major concern. The American public needs to better understand the long-term consequences of our nation’s obsessive behavior with respect to college-sports-based entertainment as well as our government’s policies that enable big-time college sports to thrive as a business.

These consequences include, but are not limited to: the loss of integrity in our institutions of higher education, the loss of public tax revenues, the loss of American “brain jobs” jobs to foreign competitors, and the ultimate erosion of American industrial competitiveness via the dumbing-down of our education system, not to mention an increasing reliance, by ever younger athletes, on performance enhancing drugs.

What a high price to pay for sports entertainment and the prevalence of the “beer-and-circus” campus party scenes connected to big-time intercollegiate athletic events and their effect upon many undergraduates at large, public research universities.

All of this is to be contrasted with the obsession of America's foreign competitors with high quality education at all levels, especially in science and mathematics. Not only are many of our K-12 students being taught science and math by unqualified teachers with weak curricula, but there is apparently little public appreciation for the significance of these shortcomings as well as their future impact on the competitive strength and economic well being of our nation. In China, it is considered a patriotic duty to study STEMS, Science, Technology, Engineering, and Mathematics.

In America, it is Sports that are cool while STEMs are considered to be nerdy/geeky at best by the general public.

INTERRELATED PROBLEMS—Apparently, most people do not accept the fact that there are systemic problems in big-time college sports … interrelated problems with serious long-term consequences for the future of our nation. The hijacking of the academic mission of higher education—replacing it with an athletic mission that is better suited to the needs of the sports entertainment industry—tops the list of problems.

Efforts to initiate serious reform are ignored, belittled, considered naive, or, hopeless, because of the huge revenue streams that are dependent on maintaining the status quo. Problems do not get banner headlines even though they are having a profound negative impact on the scholarship-seeking, pro-career-aspiring young athletes of America, as well as on the educational institutions they represent.

Related stories just don't sell newspapers, or capture prime time on TV—the May 19, 2005, Diann Burns special report on "Players Left Behind?," [2], and the March 14, 2005, PBS NewsHour segment "College Athletes Face New Academic Rules," [3], are notable exceptions.

In some quarters, where the need for reform is grudgingly accepted, one finds a belief that the NCAA is doing a great job of exposing and punishing academic fraud, for example, see Steve Wieberg's column, "Knight Commission's Hearn touts academic reform," [4].

It is my view that this belief holds not because there is an abundance of supporting evidence, or, a lack of many signs to the contrary, but because of a lack of intellectual honesty stemming from an avoidance of the truth. Once again we are reminded of Barbara Tuchman's dictum: "Telling the truth about a given condition is absolutely requisite to any possibility of reforming it."

As was made clear in Diann Burns' Special Report, many young men and women continue to be exploited for their free labor then turned out with no degree and no meaningful improvement in their life skills—a very real human tragedy and a national scandal.

WANTED: A VISCERAL CONNECTION—Disclosure with restoration of academic and financial integrity at our institutions of higher education is a way to stop this exploitation of college athletes as well as the growing commercialization of college sports. Without disclosure there will never be serious and enforceable reform.

However, the lack of "sunshine"—disclosure—at our institutions of higher learning is not a bell-ringing issue. Simply put, it does not have the power to gain widespread attention and support in and of itself. To gain public and congressional support, disclosure must be connected with a more visceral issue. So what's a more visceral, issue-related connection?

What about money? Despite studies that show that, on balance, pumping more money into athletics via scholarships, coaching salaries, and facilities, does not increase winning rates or bring in more donations, the "arms race" continues—requiring colleges to raise ever more money just to sustain athletics programs.

To keep up with the increased financial demands, colleges have not only increased contributions from their general funds, but have resorted to extortion-like seat taxes and student athletic fees (taxes).

This should certainly raise the ire of alumni, students, and parents. Also, the NCAA's tenuous affiliation with higher education and the millions of dollars in tax benefits—stemming from its not-for-profit status—should illuminate the Congress' radar screen.

An in-depth IRS audit was thought to be the NCAA cartel's worst nightmare because of the extremely weak educational basis for the current financial structure of big-time college sports—exposing the fact that college athletes are not verifiably, legitimate degree-seeking college students. Unfortunately, for the reform minded, institutional fundraising tactics and the NCAA's weakly based nonprofit status have yet to provide a visceral connection with the public and Congress.

PUTTING COLLEGE SPORTS REFORM 'ON STEROIDS'—Thankfully, there is another issue that has attention-getting power—STEROIDS—the use of performance enhancing, but potentially 'roid-rage inducing drugs. Such usage in professional sports programs has gained public and congressional attention over the last few years, with recent focus on the development of minimum-detectable drugs. See "Senate Hearing Reveals Greater Steroid Use," [5], and Gary Wadler's "Welcome to the Pharmacology Olympics," [6]. Testing and penalties associated with the use of performance-enhancing and recreational drugs by college athletes have evolved. But so have the drugs.

Congresswoman Jan Schakowsky (D-IL), Ranking Minority Member of the House Subcommittee on Commerce, Trade, and Consumer Protection, when speaking to MLB's Bud Selig and Don Fehr at a subcommittee meeting this spring, sounded amazed that some people still can't see the relationship between drug abuse in pro sports and use among kids, saying: "If we don't stop use of performance-enhancing drugs in pro sports, we're not going to be able to stop it, not just in college and high schools, but we're also (going to be) seeing it in junior highs."

OPENING THE DOOR FOR CONGRESSIONAL SCRUTINY—Notwithstanding anecdotal evidence such as in "Tall Tales of Jacking Up in the Pac Northwest," [7], and "Cheerleaders, Linebackers And Running Backs Turn To Steroids For Strength," [8], college athletic programs have been noticeably absent from Congressional debates over performance-enhancing drugs. That is about to change.

As reported by Doug Lederman, "A Steroid Bill Snags Colleges," [9], and Welch Suggs, "Bills in Congress Could Lead to Federal Role in Testing College Athletes for Drugs," [10], new legislation pending in both the House of Representatives and the Senate, could trigger government oversight of drug testing in college sports.

For example, H.R. 2565, sponsored by Chairman Rep. Tom Davis (R-VA) and Ranking Minority Member Rep. Henry Waxman (D-CA.) of the House Committee on Government Reform, contains a provision that directs the Government Accountability Office to study the use of performance enhancing drugs by college athletes and the policies of college sports associations and individual athletics departments.

Most certainly, hearings on the applicability of H.R. 1862, the Drug Free Sports Act of 2005, to NCAA programs would gain public attention. Proposed by Chairman Rep. Cliff Stearns (R-FL) and Rep. Schakowsky of the House Subcommittee on Commerce, Trade, and Consumer Protection, H.R. 1862 sets a minimum standard to which the (professional) leagues should adhere. "In order to clean up sports, level the playing field, and send a clear message to our young athletes—the junior high, high school, and college students—that performance enhancing drugs should not be an option," said Schakowsky at the May 25, markup [11].

GOING FORWARD—We are indeed living in the "wink-and-nudge" world of big-time college sports where casting a blind eye is the modus operandi—a world wherein many critical questions are unanswered, some simply ignored—not even asked. Here are but four (prompted in part by a professor at one of our major research universities):

1. Have there been any epidemiological studies on high school football players with playing weights in excess of 250 lbs. to (a) determine whether or not their bulk was steroid related and (b) examine their long-term future health prospects? In any given year, an investigation would likely find thousands of high school seniors in this group, most of whom have bulked up in the hope of gaining an athletic scholarship.

2. Has anyone examined the playing rosters of college teams where many players go beyond 300 lbs.—looking at the same types of questions as above? A very small percentage of these players (5%?) will go on to a career where this size is of any advantage. What happens to the other 95% of these people who have worked hard to become extraordinarily large? How does their health compare to that of the general population?

3. Has consideration been given to nationwide regulations on what dietary supplements coaches can give athletes, or, to a requirement that coaches be certified in performance enhancing drug education, or, that the granting of an athletic scholarship be based on a contractual agreement that the scholarship will be voided by the athlete's use of steroids?

4. Why hasn't the Congress demanded accountability from the NCAA and its member schools if it is going to continue to provide them with a nonprofit tax status—requiring them to provide verification that their athletes are really legitimate, drug-free, nonviolent, college students? Even rabid fans come to care about their players—fans that really don't understand just how many of their beloved players end up as overly bulked, violent, and used-up entertainers, to be discarded at the end of their eligibility—this, while the administrators and coaches in the NCAA cartel's college sports entertainment business make much more than comfortable livings.

If organizations, like the Drake Group and the National Coalition Against Violent Athletes, and the media, don't work to expose what's happening to these young people (and their victims), and if the Congress doesn't work to stop it, who will?

CONCLUDING REMARKS—With a public now fatigued with terrorist related threats and numbed by grievous wrongdoing, scandals, and cover ups in their financial and political worlds, it would be a wonder to find members of Congress willing to take on the task of championing serious reform in college sports—risking the wrath of their usually apathetic constituents.

Nevertheless, we of the Drake Group look to see a light bulb turn on over the entire Congress and the Department of Education—illuminating the fact that all of the "goings on" in the world of sports are interrelated and that steroid use in professional sports is only the tip of an enormous iceberg of societal/cultural problems. These problems span athletic and other programs at K-12 schools and at our institutions of higher learning—putting our nation's future at risk.

Sadly, it may very well be that political third-rail-like issues surrounding college sports reform are really too hot to handle for the Congress. But, you never know what can happen, especially after seeing the door-opening work of Reps. Stearns, Schakowsky, Davis, and Waxman.

Most certainly, the Congress can put the NCAA cartel on notice that with the huge revenues stemming from its not-for-profit college sports business, comes a commensurate level of responsibility and accountability. Besides the steroid issue, the mere threat of revoking the NCAA's favorable tax status, or antitrust hearings, are powerful motivating tools that can be used by the Congress to bring about serious reform in college sports.

AFTERWORD—One can only imagine the negative long-term, economic and PR impacts on Northwestern University of Todd Lighty's Chicago Tribune, July 12, 2005, headline story, "NU willing to pay $16 million," [12]. However, the story provides a visceral, human connection and a clear look below the "tip of the iceberg" as well.

These kinds of economic and PR impacts were not accounted for in sponsored studies by the NCAA and the Knight Commission on the economics of college sports. Nor were these impacts mentioned in the Wall Street Journal Op-Ed, "A Numbers Game," that stated that the most surprising figures to come out of the recent meeting of the Knight Commission were not on graduation (rates), but on what some call an "arms race"—pointing out that spending on college athletics has been growing four times faster than overall university spending while not providing the universities much bang for their bucks, [Review and Outlook, p W15, May 27, 2005].

As Lighty stated in his story, Northwestern contends that Rashidi Wheeler had taken two banned supplements containing ephedra – a stimulant once used by dieters and athletes – and that the ephedra triggered an irregular heartbeat that killed him on Aug. 3, 2001.

Lighty further reported that Northwestern wants to avoid a lengthy, expensive trial and the potential for weeks of bad publicity, trying to reach an out-of-court settlement with Wheeler's family—to avoid "testimony about players' widespread use of banned performance-enhancing supplements; vivid images from videotapes showing Northwestern staff members continuing the preseason practice even as Wheeler lay on the ground dying; and evidence of an alleged cover-up involving a university doctor who burned Wheeler's medical records days after the player's death."

However, not mentioned in the story, but what should be of real concern to the public and other institutions of higher education, is that Northwestern University is one of the few schools that has made a concerted effort to get its intercollegiate athletics program absolutely "right"—developing a model for excellence in intercollegiate athletics. To the best of my knowledge, its program is about as good as it gets in big-time college sports where many schools operate on the margins of academic and financial integrity to begin and keep winning at any cost.

Unfortunately, as ironic and as sad as it may be, it appears that Northwestern could be forced to suffer the consequences of the Faustian-like bargain made by it and other schools—participating in the NCAA's 'big-money,' entertainment business, with all of its intrinsic and high-impact, attracted negatives, such as drugs and gambling.

The schools have chosen to "cash-in" on what they believed to be easy money—rationalizing their position with NCAA and booster arguments along the way. There is a lesson here: No matter how hard you try and how good you get at 'playing the game,' there are still horrific downsides to the NCAA's sports entertainment business. By its very nature, it's a high-risk business!

As University of Michigan President Emeritus, Jim Duderstadt, has said, "There was little justification for the American university to mount and sustain big-time football and basketball programs at their current commercial and professional level simply to satisfy the public desire for entertainment and pursue the commercial goals of the marketplace," see "An Epilogue to the Paperback Edition of Intercollegiate Athletics and the American University" [13]. But, that does not mean that the schools will be willing to change—to do their homework and rethink their positions—no matter the risk of Colorado-like scandals or multimillion dollar lawsuits.

Perhaps as a matter of enlightened self interest, some of these schools will begin to see that, all things considered, participation in the NCAA's highly commercialized form of college athletics is a losing proposition. Hopefully, they will go on to get serious about prioritizing academics over athletics as well as supporting meaningful reform.

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LETTERS

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Shrinking STEMS

MOUNT PROSPECT -- Kudos to Alan Artner for his commentary, Growing older versus growing up, [Arts & Entertainment, Sept. 4]. Artner's premise about how audiences for the more serious arts continue to get smaller can be applied to many things – ranging from the small class sizes at adult education centers to the public's apparent lack of interest in STEMs (science, technology, engineering and mathematics).

It seems that only in America can we find a general public that views sports as super cool while STEMs are considered to be nerdy/geeky at best. Worse yet, greed, fanatic sports fans, an apathetic public and inconsistent government policies allow the commercially driven college sports enterprise to grow unchecked. Most certainly, "growing older no longer means growing up" all but guarantees an expanding set of fun-loving consumers for college sports and other sectors of the entertainment business.

-- Frank G. Splitt

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LETTERS TO THE EDITOR

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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.

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College Sports Reform: Beyond the Knight Commission

INTRODUCTION – This essay is a follow up to a previous essay, “Lines Between NCAA & Knight Commission Now Blurred – Time for Congress to Step In?,” [1]. It was prompted by Skip Rozin's Sept. 15, 2005, Wall Street Journal column, "The Brutal Truth About College Sports," [2]. Rozin provided an excellent summary of the mess in big-time college sports – calling attention to the Drake Group's Congressional Initiative [3] and to Rep. Jan Schakowsky’s March 17, 2005, remarks in the Congressional Record [4]. Another prompt came from the related Sept. 24, *Letters to the Editor* [5] – headlined, "Can Colleges Control the NCAA Beast?” – that, in turn, led to my letter of October 5, headlined, “Who Wants to Tackle Biggest Man on Campus?,” [6].

Can colleges control the NCAA beast? The answer, plain and simple, is no -- so too with the Knight Foundation Commission on Intercollegiate Athletics. Here's why and what The Drake Group is doing about it.

BACKGROUND – Creed Black, who created the Knight Foundation Commission on Intercollegiate Athletics, served as president of the John S. and James L. Knight Foundation from 1988 to 1997. Before joining the Foundation, Black was publisher of the Lexington Herald-Leader when it won a Pulitzer Prize in 1986 for exposing corruption in the University of Kentucky basketball program. This scandal and a national poll -- showing that most people believed college sports were out of control – apparently motivated him to form the Commission in 1989 with the mission of recommending reforms "that emphasized academic values in an arena where commercialization . . . often overshadowed the underlying goals of higher education." The first Commission was co-chaired by two former university presidents, Bill Friday from the University of North Carolina and Fr. Ted Hesburgh from the University of Notre Dame.

The Commission had an auspicious beginning – producing the first of two informative reports in 1991, "Keeping Faith with the Student-Athlete." The recommendations in this well-intended report were based on the assumption that by strengthening the presidents' hands in control of the NCAA, college sports could be brought under control. So the report called for more presidential authority in the NCAA and in college sports – asking that this authority be directed toward academic integrity, fiscal integrity and a certification program for athletic departments. Unfortunately, it is now apparent that the commercial pressures were simply too powerful for the presidents to resist.

The second report, "A Call to Action," was published in 2001. It applauded changes in the NCAA but reiterated the Commission's belief that sports threaten to overwhelm the university – saying: "We must report that the threat has grown rather than diminished." Rick Telander, described the extent of the corruption in college sports and the weak nature of the second report in a scathing article in the Chicago Sun-Times [7]. No doubt, the composition of the commission – consisting not only of sitting university presidents (who are reluctant to engage in controversy), but also past NCAA executives and athletes – blocked any strong recommendations.

Nonetheless, over the years, the prestigious, well-funded, Commission has become the brand name associated with the ‘go-to’ organization for college sports reform. In 2004, Bill Friday, then the Commission chair, told the Congress that the Commission has done even more in the form of changes that have given college presidents control of the NCAA, and academic reforms – including new standards for initial eligibility and progress toward a degree with a system to penalize teams that do poorly in the classroom starting in 2005.

All the above was done by the Commission while spending $5+ million in the process. Unfortunately, there has been little, if any impact on the expansion of commercialism in college sports and the changes touted by the Commission and the NCAA ring hollow, [8,9] – disappointing progress to say the least. But it is even more disappointing to see that the

Commission continues to state the obvious, that the situation in college sports has got to be changed, while not facing up to the fact that it has now become part of the problem.

The Commission does not provide harsh criticism of NCAA activities when appropriate, does not endorse common sense reform proposals made by others, such as The Drake Group and the National Coalition Against Violent Athletes, and does not appeal to Congress for help with legislation to control the NCAA. How can this be? This is precisely the question addressed in this essay.

THE SITUATION – The NCAA has exploited college athletes, provided weak rules enforcement, shown a lack of concern with regard to violence by college athletes (and the connection of this violence to the use of performance enhancing drugs), become expert at resisting true reform, and shrouded its nefarious practices in a veil of secrecy – exploiting the vaguely written Buckley Amendment to the Family Educational Rights and Privacy Act (FERPA) to undermine FERPA's intention. And in the midst of all this, the NCAA maintains a nonprofit IRS status as an institution of higher education. The situation might best be described as good for expanding commercialism in college sports, but a travesty of social responsibility re: higher education, college athletes, and victims of athlete-related violence.

Also, America's love affair with sports, its high tolerance for misbehavior by its heroes, inconsistent government policies, and the ocean of tax-free money, has helped bring us today's highly commercialized, college-sports, entertainment business. It's a horrific mess characterized by seemingly unrestrained growth in spending with a corresponding desperate, death-spiral-like, need for more revenues to finance the 'arms race' and 'stadium wars' between NCAA cartel members [10].

Unfortunately, with the NCAA's apparently successful co-option of the Commission, there is now nobody responsible for oversight, let alone the control, of what former Tufts University Provost, Sol Gittleman, has called the billion-dollar beast in Indianapolis, [5].

What about faculty? Most tenured faculty members seem too busy to work for reform – doing research and/or shunning involvement in controversial nonacademic affairs – while almost all untenured faculty members are too busy working to get tenure. Also to be noted is that the (faculty) Coalition on Intercollegiate Athletics and the Association of Governing Boards both work in cooperation with the NCAA as part of a tripartite alliance. The implication of working together with the NCAA will become more apparent as we discuss a similar situation with the Commission.

COMMISSION MISSION KILLERS – For the reform minded, it's a most discouraging story. It is discouraging because recent years have seen so much time and money wasted on window dressing while the Commission provides aid and comfort to the NCAA. This outcome is a consequence of a fundamental flaw in the Commission's organizational structure. One could not have come up with a structure better suited to helping to expand commercialism in college sports. The "battle" was really lost from the get-go. Here's why:

Not only was the Commission launched with no actual authority, but it had two built-in mission killers as well:

1. Exclusiveness – The Commission is not inclusive as it is composed mostly of college presidents, who along with the NCAA have the most to lose if the Commission's mission is accomplished and there appears to be no place on the Commission for other points of view, i.e., members who would advocate for true reform, asking hard questions along the way.

2. Susceptibility to co-option by the NCAA – The Commission made it clear that it did not seek to bring down the NCAA, but rather work with it – making it vulnerable to its eventual co-option.

CONSEQUENCES – The first mission killer reflects founder Black's initial guidance: that the commission needed to be built around people, who not only knew what the problems were, but were in a position to deal with them as well. Little did he suspect that, as members of the NCAA cartel, the way the presidents would deal with real problems would be to stifle related reforms – treating true reform measures as unrealistic, bulldozer-and-ax solutions proposed by radicals. What real choice do they have?

Presidents cannot stand up to lead an effort to change the status quo in any meaningful way – by advocating true reform – without risking termination driven by a storm of protest about economic impact and assorted tradition-based arguments by trustees/regents, boosters, alumni, and rabid fans. Presidents are pressured by their boards and boosters to approve costly football and basketball palaces, athletic scholarships, exorbitant coaches' salaries, professional-class training facilities, eligibility centers, and more. They are then under pressure to approve extortion-like seat taxes, an extension of the football season by the addition of a 12th game, and other revenue-enhancing mechanisms to help service the incurred debt. So it is no wonder that presidents serve on the Commission as well as on NCAA boards and committees as 'foxes' guarding a money-filled henhouse.

They also serve as a part of the NCAA's spin team – recommended by the NCAA's Deloitte consultants – that works to mitigate reputational risk to the NCAA, such as that posed by the aforementioned Rozin column. See, for instance, the accentuate-the-positive-ignore-the-negative, letter to the editor by Mark Murray, president of Grand Valley State University, [5].

Re: the second mission killer, in recent years the NCAA under the leadership of its president, Myles Brand, has developed a very cozy relationship with the Commission. To my mind, the Commission has now become a PR instrument of the NCAA cartel – providing a forum for their executives and a platform for self-promotion. As an assembly of insider university officials and distinguished, as well as prominent outsiders, it now works to help protect the vast sums of nonprofit revenues for members of the cartel.

The Commission seems to have abandoned its "watchdog" mission as it works in cooperation with the NCAA. Also, the Commission seems to lack passion concerning its mission and appears to be satisfied with mediocre "results" and less – steadfast in its belief that working through presidents and with the NCAA is the best way to reform college sports. Simply put, it has become a well-orchestrated charade funded by the John S. and James L. Knight Foundation. The university related folks knowingly participate to protect their share of the pie, while the distinguished (but likely uninformed and perhaps easily misled) outsiders participate unknowingly.

One can't help but wonder what the Foundation's founding Knight brothers would think of all of this. An obvious question looms large: *Why is it that the Foundation's trustees do not see that their Commission is no longer furthering the Knight brother's ideals of service to the community and their uncommon devotion to the common welfare, and do something about it?*

THE DRAKE WAY – As noted in Rozin's column, The Drake Group has bypassed the NCAA. It has refused overtures "to work together." Considering the economic and political power of the NCAA cartel, it brings to mind a picture of The Drake Group as Sisyphus rolling the 'Reform stone' up the growing mountain of mess in college sports. The weight of the task underscores the Group's vital need for help from the media and the importance of clarity in its message if it is to engage the Congress in a grand challenge – reclaiming academic integrity in higher education.

With the help of informed members of the media, the structure and dynamics of Commission meetings should lay bare the reality of the Commission's co-option by the NCAA and that the Knight Commission's mission continues to be diluted by members who will strongly resist any effort to tame the commercialism of college sports. However, sharp questions by the press could lead to a real breakthrough – intervention by the Knight Foundation Trustees.

Although highly unlikely, one can hope that such an intervention would lead to a basic restructuring of the Commission so that it is not only independent of the NCAA, but is principle based – aiming to do the right thing for college sports AND the long-term welfare of higher education. This would require the appointment of well-informed members who have no vested interest in the status quo or are susceptible to influence by others who benefit from the status quo. Also, they must be able to recognize and be willing to speak the truth about the significant issues associated with the overly commercialized college-sports business and be willing to serve. This too appears to be highly unlikely. So, what can be done?

The Drake Group is now working on a grassroots, quid-pro-quo based initiative [3], wherein specified requirements would need to be satisfied by the NCAA cartel in order to maintain the tax-exempt status of its programs. The initiative begins with disclosure. Without disclosure and external oversight there will be no serious reform, only a veil of secrecy shrouding a continuing national scandal. Without disclosure and external oversight, Congress can never know whether athletes are really students progressing on accredited-degree tracks, or pretend students – progressing via clever athletic department sponsored workarounds. Without unequivocal and verifiable knowledge to discern the difference, there appears to be no rational basis for the NCAA's IRS status as a nonprofit institution of higher education.

Once disclosure is achieved, the Congress, the Department of Education, the media, faculty, and other concerned parties can exercise oversight. Therefore, The Drake Group is asking Congress to make the continuation of the current nonprofit IRS status of the NCAA and its cartel of colleges and universities contingent on meeting requirements that will ensure that college athletes are indeed legitimate, degree-seeking students—a quid pro quo.

It is the considered opinion of The Drake Group that the NCAA is really not that concerned about sporadic press coverage that poses a risk to its reputation. They either shrug it off, or in the case of Skip Rozin's column, employ the quick-response tactics recommended by their Deloitte consultants. On the other hand, ongoing, intense coverage, especially coverage in areas that can pique the interest of Congress, would really strike great fear in Indianapolis. It is precisely this kind of press coverage that The Drake Group is working to stimulate with our congressional initiative. Our aim is to make members of Congress aware of the impact of not resolving the complex, interrelated problems surrounding the unrestrained expansion of commercialism in intercollegiate athletics.

Finally, over the past two years, we have been guided by key insights gained from the epilogue to the paperback edition of Jim Duderstadt's book, *Intercollegiate Athletics and the American University: A University President's Perspective"* [11]. Members of The Drake Group have been working to get the Group's "story" on paper at *The Chronicle of Higher Education* and on the Web at *InsideHigherEd.com* and *CollegeAthleticsClips.Com,* [1, 3, 4, 12-19]. Our aim has been to provide The Drake Group's position and proposals on college-sports issues for easy availability to all concerned parties – including the media, the Knight Commission, and, of course, members of Congress.

"*If we can't be goaded or reasoned into doing the right thing, maybe we can be shamed into it. Embarrassment may be as good a prod as logic. I hope it is*." – **Rick Telander**

CONCLUDING REMARKS – The Drake Group remains steadfast in its belief that a multi-pronged congressional investigation of the NCAA is what is required to achieve a breakthrough in college-sports reform. The fact that the NCAA is still recognized as a nonprofit institution of higher education appears to be a form of IRS-approved tax fraud – involving billions of dollars – certainly should be of interest to Senator Grassley's Senate Finance Committee. Senators John McCain and Jim Bunning, as well as Reps. Cliff Stearns, Tom Davis, and Henry Waxman, should soon see that the Congress also needs to crackdown on the use of performance-enhancing drugs in intercollegiate, and high school athletics – the steroid problem and related violence goes well beyond MLB and other professional athletes serving as role models for America's children.

It is our hope that the quid pro quo strategy will begin to gain traction in various congressional committees to help get what Congress wants and what the higher education enterprise desperately needs—a cleanup of the mess in college sports.

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The opinions, assumptions, and conclusions presented in these essays and commentaries are entirely those of the author and not Northwestern University.