The Evolution of the Drake Group as a Major Force in Collegiate Athletic Reform

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(Edited by Brian Porter)

In 1999, I received a call from Jon Ericson, a professor and former provost at Drake University, inviting me to participate in a conference on corruption in college sports. His idea was to assemble a group of scholars, authors, and activists to attend a two day conference on how to end corruption in big-time college sports. The goal was not to create another NCAA with its ponderous bureaucracy. Instead, the goal was to produce “a ringing manifesto” for change and send it out to every faculty senate in the country for action.

As one might expect, the first day of the conference turned into a bar room brawl. No one physically attacked anyone else, but I thought it might happen. To quote Jay Weiner, who covered the conference for the Minneapolis Star Tribune, the more the critics and faculty debated and sought solutions, the more the details became devilish and their directions became fuzzy.” However, even though debates on specific issues raged, agreement began to emerge that faculty themselves often aid and abet corruption by tolerating gut courses, inflating grades, and making a wide variety of academic compromises to keep athletes eligible.

In the evening of the first day of the conference, I returned to my room and decided to make a proposal the next day to create a national organization of faculty and others whose mission would be to defend academic integrity. I could not call the new organization the Drake Group because Jon Ericson was opposed to yet another formal organization with officers, strategic plans, and bureaucratic red tape. The name I came up with was the National Association of Faculty for Collegiate Athletic Reform (NAFCAR).
The next day, I made the proposal, which was seconded by Bill Dowling from Rutgers University. The motion was carried unanimously.

The second meeting of the group that Jon Ericson invited to the Drake University meetings was held in Colorado Springs on November 10 and 11, 2000. The name was changed from NAFCAR to the Drake Group. Jon Ericson, the man who had spoken out vociferously against the creation of yet another reform organization, became the Drake Group’s first director, and developed Bylaws for the Group. The use of the term director was later changed to president. The Drake Group was the only organization in the country looking at college sports from the faculty perspective rather than that of the NCAA.

Not only has the Drake Group supported educational best practices for athletes, but it has been an advocate for faculty who have been attacked or vilified for merely doing their jobs. For instance, when Linda Bensel-Myers, a professor at the University of Tennessee, reported academic fraud in the football program to the administration, she was told to “let the matter drop.” Several members of the Drake Group, led by Jon Ericson, actually spent a couple of days on the Tennessee campus talking with faculty and attending a faculty Senate meeting. As I saw it, the lack of support from her colleagues was criminal. She ultimately had to leave Tennessee for a faculty position elsewhere.

At the Drake Group conference in Chicago in 2003, Bensel-Meyers agreed to serve as director of the Drake Group. After our yearly meeting, some Drakes spent the evening in a local bar thinking of creative ways to get our message out. After a couple of drinks, Bensel-Myers came up with a brilliant idea. She suggested that we hold a protest
demonstration in San Antonio, the site of the NCAA’s 2004 Final Four. This sounded like a great idea. So, we made signs listing our four major proposals, traveled to San Antonio, and walked back and forth in front of the Hyatt Hotel, where the Division I basketball coaches were staying.

Washington Post writer Liz Clarke described us as “graying university professors trying to sell something radical amid the basketball crazed marketplace that has sprouted up around the NCAA Final Four. The product they are pushing? Education.” The protest was a great success. NCAA President Myles Brand wrote a column in the New York Times saying the Drakes were “incorrigible cynics who wanted to end university support for intercollegiate athletics.” Drake Group member Bruce Svare compared our protest to a Michael Moore documentary. At one point I saw him, picket sign in hand, chasing Syracuse coach Jim Boeheim to get his views on five-year no cut scholarships.

In the years that followed, the Drake Group did the kinds of things needed to be a functioning organization, most of which can be found in a management textbook. We wrote our mission statement, which was “to defend academic integrity in higher education from the corrosive aspects of big-time college sports,” did an analysis of the organization’s strengths, weaknesses, opportunities, and threats, and applied for and received our 501-c-4 status. In other words, we did everything that Jon Ericson originally opposed. We also got a tremendous boost from the University of New Haven, whose president gave the Drake Group “in residence” status, just as it had done for the Orchestra New England when that group needed office space. In the early days, the university let the Drake Group use its Communications Department to send out press releases. The Communications Department helped us design newsletters and brochures. One of the
members of the university’s board of directors took time from his law firm to help us attain nonprofit status. Slowly, the Drake membership began to grow, as did money from membership dues. A friend who was a graphic designer created the Drake Group logo that still appears on our documents and website.

As the infrastructure of the Drake Group began to fall into place, its members became very outspoken in the mass media about corruption in college sport. Not only did they publish in academic journals and write books; but they were constantly expressing their views in outlets such as the *New York Times, The Los Angeles Times, Inside Higher Education, The Chronicle of Higher Education*, and many others. Drake members regularly appeared on television shows like *ESPN, The McNeal Leher Report, CNN, The Big Ten Network*, and *Outside the lines*.

In 2011, Drake Group President, Kadence Otto, made a decision that would ultimately transform the Drake Group into one of the most influential college sport reform groups in the country. She asked Donna Lopiano to join the Drake Group Advisory Board. Lopiano had been named “One of the Ten Most Powerful Women in Sports” by *Fox Sports*. The *Sporting News* had listed her as “one of the most Influential People in sports.” She had served as the Chief Executive Officer of the Women’s sports Foundation (WSF). When asked, Lopiano said she would be glad to serve. Until this day, I view the decision to bring her on board as one of the Drake Group’s smartest decisions.

I stepped up to my new position as the Drake Group President in the fall semester of 2012. While working on my course outlines, and preparing for the fall semester, I received a phone call that was to change my approach to athletic reform and The Drake Group’s approach to ending the rampant corruption of college sports. On the other end of
the line was none other than Donna Lopiano. After a short conversation, Donna asked me if I would meet her for lunch at a Chinese restaurant in downtown New Haven. I told her that I would be delighted to talk with her.

Donna got right to the point. She asked if the Drake Group would be interested in working on a piece of legislation called the College Athlete Protection Act, (CAP Act). The goal of the CAP Act was to defend college athletes’ educational and legal rights. I knew that the Drake Group would be interested in this project. I invited Donna and Andrew Zimbalist, an economist from Smith College, to talk with the Drakes about taking the lead on this project. The answer was yes, and over the next six months, Executive Committee members and members of a working group produced a final product.

Most members of the Drake Group’s executive committee supported the CAP Act’s inclusion of limited antitrust exemptions that would allow the cutting of coaches’ outrageous salaries and limit the construction of palatial dormitories for athletes’ use only. A smaller number of executive board members, however, thought that the CAP Act was a plot to strengthen the NCAA’s argument that college athletes, such as Ed O’Bannon (who at the time was suing the NCAA on antitrust grounds) are merely amateurs whose compensation should be limited to educational expenses. I could feel the tension within the Drake Group.

The CAP Act did not support college sport as employment, but it was difficult to see the CAP Act as exploitative. Included in the benefits provided by the CAP Act were extensive health care, medical benefits and injury insurance for athletes, with no cost to parents, neurological baseline assessments and monitoring related to
concussions, full cost of attendance (COA) in the NCAA’s most competitive division, an athletes’ rights advocate who would provide independent legal advise to college athletes at no cost regarding the application of NCAA, and due process rights.

There would be an academic trust fund for athletes who wish to pursue a post-graduate degree or return to college if they have yet to receive their degree. Athletes would be able to profit from the sale of their names, images, and likenesses (NILs) by engaging in commercial activities such as modeling, product endorsements, and similar enterprises. The NCAA would have no control over these activities. These are just a few of the proposals for enhancing athlete’s rights that were imbedded in the CAP Act. When the Act was made public, it was immediately discussed and debated in the mass media. Both the Chronicle of Education and Inside Higher Education rushed to release articles on the CAP ACT.

Even though I had supported labor unions for big-time college sports in my younger years and worked with the National Football League Players Association in a federally funded project called the Center for Athletes Rights and Education (CARE), I was convinced that the educational opportunities and other opportunities offered by the CAP Act exceeded the compensation offered by some sort of salary system. The Drakes looked to Congress to bring about major reform.

In May of 2014, I found myself and several other Drake group members (including Donna Lopiano and Gerald Gurney) in a closed door meeting with Secretary of Education Arne Duncan in Washington. The main agenda item was to discuss the creation of a presidential commission on college sport as a predicate to realizing legislation such as the CAP Act. The Secretary indicated that “President Obama was very
interested in this idea.” Donna Lopiano and the press coverage of the CAP ACT were clearly opening doors for the Drake Group. *New York Times* writer Ben Straus quoted me as saying “these issues deserve careful study, and that’s tough to do unless you have access to finances the federal government can get.”

As the years passed, Drake Group membership increased, and the Drake Group webpage became more sophisticated. Donna Lopiano, having been a non-profit CEO at the Women’s Sports Foundation, worked with Sally Dear-Healy to obtain a data base to maintain Drake member/donor records. Board members contributed old lists and a membership development standing committee was established as Drake’s fundraising vehicle.

As membership grew, The Drake Group decided to lobby for Congressional legislation that would result in significant reform of intercollegiate athletics. To that end, we asked all Drake Group members to visit the local district offices of their Representatives to personally ask them to support a given piece of legislation. In its first attempt to use this strategy, the Bill in question was a U.S. President’s Commission on Collegiate Athletic Reform (H.R. 2731). The Bill was sponsored by Representative Charles Dent from Pennsylvania and several co-sponsors.

Dent was off to a good start, but in order for the Committee to bring the Bill to the floor of the House for a vote, more members of Congress were needed to sign on as co-sponsors. In line with Drake Group strategy, its members visited the local district offices of their representative to personally ask them to sign on as a cosponsor of Dent’s Bill. A significant number of Drake Group members succeeded in talking with their representative, but a much larger number spoke with his or her legislative aide. Not only
did my representative, Rosa Delauro, agree to meet with me, but she agreed to be a co-sponsor.

My excitement was short lived, however, because within a week or so, Representative Dent announced that he would resign from Congress. Dent, a moderate Republican, had emerged as a top critic of newly elected president Donald Trump. Dent’s resignation dealt a serious blow to the Drake Group’s first effort to look to Congress to protect the well-being of college athletes and to provide much needed reforms such as those in the Drake Group’s CAP ACT.

The year after Dent left office, the Drake Group gave its full support to a bipartisan bill introduced by representatives Shalala and Spano that would establish a blue ribbon Commission to examine the need for intercollegiate athletic reform. Again Drake Group members as well as their friends, relatives, and anyone else interested in fighting corruption in collegiate athletics was asked to contact their congressperson and ask him/her to co-sponsor H.R. 5528. Over 100 were able to get some kind of response, but Representative Shalala lost her seat in 2021.

When I made my motion to create an activist organization at the 1999 conference at Drake University, I never dreamed that the Drake Group would be lobbying for sports reform bills that are now taken seriously by leaders in Congress. In August of 2020, U.S. Senators Cory Booker, Richard, Blumenthal, Christopher Murphy, Kirten Gillibrand, Ron Wyden, Mazie Hirono and Kamala Harris issued a “College Bill of Rights” statement that sought to advance justice and opportunity for college athletes.

On September 8, 2020, The Drake Group proposed a College Athletes Rights and Protection Act (CARPA) to accomplish the promises made in the “College Athletes Bill
of Rights” statement issued by the ten U.S. Senators. The full text of the College Athletes Rights and Protection Act can be found on the Drake Group website along with other Drake Group proposals. In recent years, the Drake Group has attracted men and women with considerable expertise in sports law.

One of the most important proposals made by the Drake Group was to allow college athletes to sell their names, images, and likenesses (NILs) on the open market. This idea was first proposed by the Drake Group in 2012 as part of its CAP Act. Not until 2021 did the NCAA announce a plan to allow athletes to make endorsement deals. Meanwhile, the Drake Group is sharing its detailed position paper on NILs with the offices of Senators Blumenthal, Booker, and Cantwell who are likely to include some of our ideas in their proposal. Over the past 22 years, the Drake Group has become an important think-tank for those committed to defending higher education from the corrosive aspects of big-time college sport.

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