

Scoreboard, Baby Notwithstanding

. . . . Things do not bode well for college sports reform in Washington.

By Frank Splitt, The Drake Group, 9-23-10

*Colleges have managed to get themselves involved in a dirty and subversive business.
– Paul Gallico, Farewell to Sport, 1937*

The facts and allegations contained in revelatory books like Paul Gallico's classic, *Farewell to Sport*, and Ken Armstrong's and Nick Perry's story of college football, crime and complicity in their book, *Scoreboard, Baby*, seem to have little if any impact on the powers that be in Washington who give every indication of being asleep at the switch.¹

PROLOGUE

When writing his *Wall Street Journal Main Street* column, "Giving Lousy Teachers the Boot,"² William McGurn e-mailed a spokesman for Education Secretary Arne Duncan asking if the Obama Administration supported the decision of Michelle Rhee, the chancellor for the District of Columbia schools, to fire teachers for scoring too low on a teacher evaluation that measured their performance against student achievement.

The answer came back that "we have not weighed in on D.C. specifically but we support the use of student achievement as one factor in teacher evaluation." When asked if he could say that meant Secretary Duncan supports Ms. Rhee, the answer was "No," because "we do not know the facts." Two emails later, the clarification: "This is basically a staffing decision executing on their new labor agreement—something that is happening all across America—which is a local issue."

McGurn then wrote: "So goes the Obama administration. On the one hand, it deserves credit for contributing to a climate that challenges the status quo and supports certain initiatives. On the other hand, when a brave reformer such as Ms. Rhee actually makes a tough decision, it can be shy with the backup. The good news is that Ms. Rhee isn't waiting for it."

DISAPPOINTING RESPONSE

The lack of strong support from Education Secretary Duncan for Ms. Rhee was disappointing to say the very least. It got me to thinking about the hope inspired by Secretary Duncan's critical remarks at the 2010 NCAA convention this past January and then the reasoning behind his support of the Knight Commission's latest toothless recommendations for reforming intercollegiate athletics—just what was he thinking? Is Secretary Duncan really serious about college sports reform?

The latter question is likely on the minds of the Drakes as well as other reform-minded organizations and individuals. Will Secretary Duncan provide the leadership to change America's dysfunctional system of higher education the mission of which has been hijacked by the sports entertainment industry, or, will he continue to flag problems but only provide feeble, virtually useless responses?

WASHINGTON ASLEEP AT THE SWITCH

A recent sardonic piece in the *Journal* said: "The more Mr. Obama and his White House team practice their putting strokes, the less time they'd have to pass more stimulus, overregulate more industries, or raise more taxes. The economy would recover more rapidly with less political handling. So by all means,

swing away, Mr. President. Work on that jump shot, polish your short game, practice your fly cast mending. Then watch GDP and your approval ratings rise."³ Apparently, this was a pickup on a tone-deaf White House that consistently panders to sports fans.⁴⁻⁶

And it's not only the White House that is sleeping at the switch. "Critics, especially those on the left, have denounced the Senate in recent weeks as dysfunctional and dismissed it as broken." So wrote Naffali Bendavid.⁷ It is unlikely that Bendavid had any knowledge of the culpability of the Congress as well as the White House and the Department of Education in the perpetuation of the myth of collegiate amateurism that is centered on the NCAA's so-called student-athlete. This false claim is the fraudulent basis for the tax-exempt college sports entertainment industry.⁸⁻⁹ The NCAA co-opted Knight Commission aids and abets the myth of collegiate amateurism that is used as camouflage for monopoly practice.

Members of Congress are reluctant to provide Senator Chuck Grassley support in follow-up efforts to have the NCAA justify its tax-exempt status. For example, Charlie Rangel dropped the 2007 handoff from Bill Thomas (his predecessor as chair of the House Committee on Ways and Means) involving his inquiry into the NCAA's tax-exempt status.

INSIGHTS FROM SOME RECENT BOOKS

In addition to *Scoreboard, Baby*, discussed in a previous essay,¹⁰ there are three other revelatory books that bear reading by those interested in the future well being of higher education in America, especially in the Department of Education. These books provide deep insights into the problems with higher education in America. Taken together, they emphasize the fact that what is needed is strong leadership and the audacity to change a corrupt and dysfunctional system that is currently subsidized by American taxpayers via the federal government.

o *Varsity Green: A Behind the Scenes Look at Culture and Corruption in College Athletics* by Mark Yost who decries the hypocrisy and corruption that permeates big-time college sports and how sports have come to negatively impact America's youth.

o *Higher Education?: How Colleges Are Wasting Our Money and Failing Our Kids---and What We Can Do About It* by Andrew Hacker and Claudia Dreifus was reviewed by Mark Bauerlein, author of *The Dumbest Generation; How the Digital Age Stupefies Young Americans and Jeopardizes Our Future* who says: "Higher education may be heading for a reckoning."¹¹

o *The Five-Year Party: How Colleges Have Given Up on Educating Your Child and What You Can Do About It* by Craig Brandon was reviewed by Melanie Kirkpatrick, a former deputy editor of the WSJ's editorial page was critical of Brandon's ideas for policy reform but concluded by saying: "Repealing FERPA (Family Education Rights and Privacy Act) might be the best place to start: The adults who pay the bills need to know what is happening to their kids on campus." So too should taxpayers, members of Congress, and officials at the Department of Education."¹²

UNRESOLVED PROBLEMS

Unfortunately, the higher education enterprise and its sports entertainment businesses thrive on secrecy, self reporting, self policing, and maintaining the overall status quo. Therefore, reform or getting FERPA repealed—even amended—will not only be fought by school administrators and trustees, but by the NCAA as well. Experience has shown that well intended recommendations for improvement, challenges to do better, and polite talk about cleaning up their act will go unheeded.

Like the Knight Commission, the Department of Education is now able to define and talk about some of the problems in collegiate athletics but is not able to or chooses not to deal with these problems in a forthright and meaningful manner. Simply stated, the Department of Education is not up to walking their talk. Problems go unresolved and fester since no one is really up to dealing with them for fear of triggering a calamity of one sort or another.

It would appear that the best bet for serious reform lies in the federal lawsuit against the NCAA catalyzed by Sonny Vaccaro.¹³ That's the approach advocated by Walt Byers some 15 years ago. Byers, who

served as the NCAA's executive director from 1951 to 1987, went so far as to say: "Prosecutors and the courts, with the support of the public, should use antitrust laws to break up the collegiate cartel."¹⁴

However, as good as Vaccaro's approach may be, don't be surprised if—a la HP's ousted CEO Mark Hurd—the NCAA opts to settle out of court to short circuit disclosure of potentially embarrassing evidence.¹⁵ Here the evidence would relate not only to the hypocrisy, lies, and deception practiced by colleges to employ cheap athletic labor under the guise of a college-based, academically oriented activity, but also to the lowering of academic standards and the irresponsible spending on athletics by these colleges.

According to Ken Armstrong's interview statement in Golden's *Inside Higher Ed* story,¹ Mark Emmert, the NCAA's new president,¹⁶ was disturbed by their stories in *The Seattle Times*, saying: "You can win, and you can win properly. ... You do not have to give up your values to be competitive in sports." That's easy to say but hard to do in the college sports entertainment business as most school presidents can attest. Emmert will now face up to the problems inherent in managing two unrelated—some would say mutually exclusive—objectives of academic integrity and professional athletic prowess. This, while satisfying the desire of the NCAA's member schools for wins without compromising ethical, disciplinary, moral and academic values.

Currently, Emmert is girding for upcoming legal battles with a legal staff of his own choosing. No doubt he is aiming to hire lawyers on par with the high-profile team leading the federal antitrust lawsuit brought by former college athletes.¹⁷

CONCLUDING REMARKS

In summary, it appears that the NCAA has no reason to fear scrutiny or corrective action brought on by the federal government. Little did Paul Gallico realize that colleges would not only come to be characterized by a culture of corruption, but their sports entertainment businesses would come to be subsidized by our federal government as well.

What is needed is strong leadership and the audacity to change a corrupt and dysfunctional system, but will our country ever get this change? The answer is certainly not with President Obama pandering to sports fans, with members of Congress reluctant to provide Senator Grassley support in his follow-up effort to have the NCAA justify its tax-exempt status, and with the absence of strong action-oriented leadership at the Department of Education. Revelatory books like *Scoreboard, Baby* notwithstanding, things do not bode well for college sports reform in Washington.

August 25, 2010

AFTERWORD

*I was over my quixotic ways of fighting windmills.
I adopted the approach of Sancho Panza, Don Quixote's faithful squire.
Now I just laughed at our stupidity, viewing the war and its ironies in dark, sardonic humor.*
—Michael Franzak, USMC, Lt. Col. (Ret.), *A NIGHTMARE'S PRAYER:
A Marine Harrier Pilot's War in Afghanistan*, Threshold Editions (2010)

GETTING THE WORD TO THE DEPARTMENT OF EDUCATION

The foregoing essay along with more recently published material, formed the basis for several messages sent to Education Secretary Arne Duncan's key staffers. This was a continuation of The Drake Group's 6-year effort to heighten the awareness of Department of Education officials to the negative impact of professionalized and highly commercialized college sports on America's system of higher education and consequently on the nation's ability to maintain its preeminent position as a world leader. Requests were made to have the messages brought to the Secretary's personal attention. The essence of these messages is as follows:

BAD BEHAVIOR EVERYWHERE

*SCOREBOARD, BABY*¹⁸ provided the Drakes and other reform-minded organizations, as well as the general public with a real eye-opening account of bad behavior in a big-time college athletics program. Sadly, bad behavior in athletic programs can be found everywhere to one degree or another. The book like Paul Gallico's classic, *FAREWELL TO SPORT*, is replete with disturbing facts and allegations. The authors tell an equally disturbing story of college football, crime and complicity—exposing a community's collective convoluted values.

Lest Secretary Duncan still believes that bad behavior—including academic and various other forms of corruption—is limited to a few bad actors as the NCAA, its member institutions, and its apologists would lead him to believe, Mark Yost tells what's really going on, saying "Mr. (Reggie) Bush and the University of Southern California aren't the first rule-breakers. College athletics has been rife with scandals and shady dealings since the day it started....The problem is not with the kids who play prep, high-school and college sports, but with the adults. But with each one of these scandals, we learn that it is the parents, coaches, agents, athletic directors and college presidents who are the problem."¹⁹ While he was at it, Yost could have also mentioned the recent scandals at the University of Michigan, the University of North Carolina, Auburn University, Florida State University, Jackson State University, and Binghamton University.

A day after North Carolina's stunning announcement of possible academic fraud in its football program, former University of North Carolina system president William Friday, a founding co-chair of the Knight Commission on Intercollegiate Athletics, repeated his long-held stance that commercialization is ruining college sports, saying: "I am an alumnus of the place, I spent 45 years working in it. Therefore I love it dearly. I don't like to see commercialization come in and tear down the basic and fundamental reason we and other universities exist, and that's the academic enterprise itself. And that's what we've got to correct. And the time is now....It's just time for the trustees and the chancellors and presidents of these universities to say, 'Enough is enough.'"²⁰

To further emphasize the point, consider a personalized rephrasing of the opening paragraph from Secretary Duncan's remarks at the 2010 NCAA Convention this past January,²¹ to wit:

The needless tragedy of big-time college basketball and football today is that the large number of bad actors is tainting everyone—the universities that continue to hire and pay wildly-inflated salaries to renegade coaches, the college presidents who turn a blind eye to academic corruption and recruiting abuses. The tragedy also reveals the National Collegiate Athletic Association as a secretive organization that not only exploits college athletes, but also exploits the sport's culture of the American public—manifested by its passion for intercollegiate sports entertainment—to make oceans of money for its prostituted schools. This tainting of college sports is unnecessary because intercollegiate sports has the potential to serve an invaluable role on campus—I know they did for me, my college teammates, and my colleagues in The Drake Group.

A DIRTY AND SUBVERSIVE BUSINESS

As noted previously, Gallico said "Colleges have managed to get themselves involved in a dirty and subversive business." The tale of this business is one of multiple dimensions and has been told in many revelatory books.²² Over the years, these books, reports, essays, and sporadic news stories have had little if any impact on the powers that be in Washington.

Members of Congress and presidential administrations overlook the fact that there are numerous communities and universities throughout the nation where deep investigative reporting would unearth similar problems and societal passion for intercollegiate sports as described by Armstrong and Perry. Their narrative could serve as a fitting metaphor for the crime, complicity, and twisted values associated with professionalized college sports in America with a one-to-one mapping of the book's cast of local characters, organizations, and citizens onto corresponding entities on the national scene.

SILENCE IS NOT ALWAYS GOLDEN

Looking the other way and declining to act on abundant evidence of widespread wrongdoing is commonly seen to be the best way to keep your job as an elected official, as a government or a college

administrator, or as a journalist. Likewise, appalling silence and indifference can be expected from non-sports-addicted university faculty, students, and parents, as well as from 'good-citizen' taxpayers across America.

As has been said many times, all it takes for evil to triumph is that good people do nothing. At the very least, silence when the truth is made known is not golden. It means complicity in enabling the professionalization and uncontrolled commercialization of college sports with its hypocrisy, lies, greed, exploitation, and corruption. Unchallenged acceptance of the word of NCAA and conference officials and their apologists on college sports reform is also being complicit.²³⁻²⁵

Since there is much in our colleges and universities that is already amiss,²⁶ the depth of sports related problems and the passionate intensity of sports fans could very well be predictive of the decline and eventual fall of higher education in America from its position of world leadership. The unspoken consensus thinking in Washington appears to be 'let sleeping dogs lie'.

The lack of government and public outrage over the crime, corruption, and complicity related to big-time college football and men's basketball programs is mind boggling—highlighting public apathy and the force of America's sports culture as well. It also highlights the fact that bad behavior isn't possible unless otherwise good people not only allow it to happen, but also enable it to happen. It's an indication that the collective effort of The Drake Group, as well as other reform-minded organizations and individuals to raise public awareness about the negative impact on higher education in America isn't working as yet. But there are other avenues of reform.

SCHOOLS TREAT TAX BREAKS AS ENTITLEMENTS

President Barack Obama created the bipartisan National Commission on Fiscal Responsibility and Reform to recommend ways to tackle the skyrocketing U.S. budget deficit. The commission co-chairmen are former Sen. Alan Simpson and former White House chief of staff Erskine Bowles who is departing as the chancellor for the University of North Carolina System. It was reported that the chairmen said their commission will work to develop a bipartisan consensus on the precise nature of the nation's fiscal problems and the range of solutions that could be implemented to fix these problems.²⁷

Simpson said the recent economic crisis may allow for consideration of budget reforms that were politically unacceptable when earlier budget commissions were convened: "Everything is on the table." With that in mind, it has been recommended that the commission give thoughtful consideration to questioning the justification for the tax breaks available to the NCAA cartel of colleges and universities that treat these tax breaks as entitlements; see related background comments that were stimulated by the efforts of Senator Grassley and his Senate Finance Committee staff who have led an effort to rein-in the abuse of the federal tax code by non-profits.²⁸ Unfortunately, politicians are reluctant to question the NCAA for fear of losing votes—putting a real damper on hopes for a political solution.

JUST WHAT WOULD IT TAKE?

Recently, a close friend (a former high-level executive at Ford and a lifelong University of Michigan fan) said he read my last few essays and e-mail messages. Like so many others, he came to the conclusion that I must not be over my quixotic ways of fighting windmills, saying unless and until the NCAA cartel is shaken by a catastrophic event nothing significant will ever happen in the way of college sports reform because there is so much money involved. I suggested an event—a Chinese takeover of California's public college and university system but soon thought this to be a non-starter. The American public would not care so long as the UCLA and UC-Berkeley could still field competitive football and basketball teams for their entertainment pleasure.

The slow but sure decline of America's educational system will continue, unless and until the Congress restrains the growth of the professionalized college sports entertainment industry by forcing the NCAA and its member schools to comply with their tax-exempt purpose of keeping sports as "an integral part of

the educational program and the athlete as an integral part of the student body”—requiring measures of transparency, accountability and oversight that are adequate to this task. Since these measures strike at the very core of an enterprise built on myths and falsehoods that are best shrouded in secrecy, they would be strongly resisted by the NCAA, which would admit nothing and deny everything, but obfuscate and litigate if need be.

Just what would it take to launch such a process of serious reform? A call to action via an exposé of America's higher education system that has been hijacked by the college sports entertainment industry would seem apropos. A documentary akin to Michael Moore's *Sicko* or, better yet, Davis Guggenheim's *Waiting for "Superman"* (a call to action for America's public schools) could provide an appropriate wake-up call. It might even embarrass NCAA, school, and government officials, and so stimulate corrective action, that is, if any of these officials are still capable of being embarrassed.

Absent a serious effort at corrective action, reform-minded organizations and individuals are likely to adopt the approach of Don Quixote's faithful squire Sancho Panza as did Mike Franzak when confronted with frustrating restrictive rules of engagement—while supporting American ground troops near the Pakistani border—and just laugh at our dysfunctional schools and government, viewing the battle against academic corruption, exploitation, crime, and complicity in college athletics with all of its ironies in dark, sardonic humor.

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NOTES

1. This essay was prompted by Serena Golden's August 20, 2010, Inside Higher Ed story and related comments, see "Scoreboard, Baby" at <http://www.insidehighered.com/news/2010/08/20/scoreboard>. The essay is based on The Drake Group's Open Letters to the President and His Administration (<http://thedrakegroup.org/Obama.pdf> and <http://thedrakegroup.org/Obama2.pdf>) as well as on numerous messages to the U.S. Department of Education and to members of Congress. The aim of recent messages was not only to make the recipients aware of the problems in collegiate athletics and higher education via highlighting the publication of books discussed herein, but to also appeal for leadership in college sports reform by the U.S. Department of Education.
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3. Editors, "Swing Away, Mr. President," Wall Street Journal, REVIEW & OUTLOOK, August 13, 2010
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7. Bendavid, Naftali, "How to Fix a Dysfunctional Senate: Cut 98 Senators," The Wall Street Journal, U.S. News, page A4, August 13, 2010.
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15. Worthen, Ben and Lubin, Joann S., "Hurd Deal Inflamed Board," The Wall Street Journal, page 1, August 16, 2010.
16. Splitt, Frank G., "The NCAA and Its New President: An Afterword," http://www.thedrakegroup.org/Splitt_NCAA_New_President_Afterword.pdf.
17. Sander, Libby, "Changes Afoot at the NCAA," The Chronicle of Higher Education, August 16, 2010, <http://chronicle.com/blogPost/Changes-Afoot-at-the-NCAA/26>
18. Ken Armstrong's and Nick Perry's book, *SCOREBOARD, BABY*, (University of Nebraska Press, 2010) was based on their *Seattle Times* story, "Victory and Ruin," <http://seattletimes.nwsour.com/html/victoryandruin/>
19. Yost, Mark, "Schools for Scandals," The Wall Street Journal, September 14, 2010.
20. Tysiak, Ken, "Friday wants changes," Raleigh News & Observer, August 28, 2010, <http://www.newsobserver.com/2010/08/28/651632/friday-wants-changes.html>
21. Duncan, Arne, "Let's Clean Up College Basketball and Football," <http://www.ed.gov/blog/2010/01/lets-clean-up-college-basketball-and-football/>, January 16, 2010. The specific quote:
The needless tragedy of big-time college basketball and football today is that a small number of bad actors are tainting everyone—the universities that continue to hire and pay wildly-inflated salaries to renegade coaches, the college presidents who turn a blind eye to recruiting abuses, and the image of the National Collegiate Athletic Association itself. This tainting of college sports is unnecessary because intercollegiate sports ordinarily serve an invaluable role on campus—I know they did for me and my sister; both of us played intercollegiate basketball and went on to play for several years overseas after graduating for college.
22. Revelatory Book List: James Michner's *SPORTS IN AMERICA*, Walt Byers' *UNSPORTSMANLIKE CONDUCT*, Allen Sack's and Ellen Staurowsky's *COLLEGE ATHLETES FOR HIRE*, Murray Sperber's *SHAKE DOWN THE THUNDER, ONWARD TO VICTORY*, and *BEER AND CIRCUS*, Rick Telander's *THE HUNDRED YARD LIE*, John Thelin's *GAMES COLLEGES PLAY*, Andy Zimbalist's *UNPAID PROFESSIONALS*, Jim Duderstadt's *INTERCOLLEGIATE ATHLETICS AND THE AMERICAN UNIVERSITY*, Don Yaeger's and Doug Looney's *UNDER THE TARNISHED DOME*, Allen Sack's *COUNTERFEIT AMATEURS*, John Gerdy's *SPORTS: THE ALL AMERICAN ADDICTION* and *AIRBALL*, William Dowling's *CONFESSIONS OF A SPOILSPORT*, Mike Oriard's *BOWLED OVER*, and Mark Yost's *VARSITY GREEN*.
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