

Truth, Justice, and Reform in Collegiate Athletics

Our guest author serves up what he thinks is wrong with the sports culture and the sports entertainment businesses in America.

By Frank G. Splitt, The Drake Group, 12-02-10

*Critics who have decried football's negative impact on higher Education ... have mostly been dismissed as pencil-necked elites.
-- Robert Lipsyte*

Here's more grist for the collegiate athletics reform mill ... a mill that does not appear to be working at grinding anywhere, certainly not in Washington at either the U.S. Department of Education or in the U.S. Congress. The first 'load' comes in the form of Kelly Whiteside's *USA TODAY* cover story about Auburn University quarterback Cam Newton.[1] After being arrested in Florida in 2008 on charges of buying a stolen computer, he was suspended by coach Urban Meyer. The charges were dropped last December when Newton completed a pretrial intervention program. Allegations of three instances of academic fraud during his time at Florida also recently surfaced. Two weeks ago, the quarterback declined to directly address the academic claim.

NCAA President Mark Emmert said the NCAA has to resist the impulse to act hastily (in cases like Newton's). "You're dealing with young people's careers and education. You're dealing with institutional reputations. You're dealing with a process that is, by its very nature, complicated, we have to get it right." [2] To be sure, the NCAA got it right in the sense that its vested interests were protected by ruling that Newton can play without restrictions.[3] As they say: "The show must go on." Like the papacy in Rome, the NCAA in Indianapolis answers to no earthly power, least of all the powers that be in Washington subsidizing the cartel's corrupt sports entertainment businesses with favorable tax policies. Who then is there to challenge NCAA rulings or the word of its president?

The second load of grist contains the 40th Anniversary issue of *Chicago Magazine* that pays tribute to Chicago by calling out 40 inspiring people, places, and ideas that make the city special. Included in the list of 40 things to love about the city is Derrick Rose who cheated on his entrance exams to the University of Memphis. The NCAA instituted sanctions against Memphis that required the school to vacate the entire season during which Rose played. He was punished with a multi-million-dollar contract with his hometown Chicago Bulls.

Newton and Rose could be poster boys for a good deal of what is wrong with the sports culture and the sports entertainment businesses in America. These businesses aggressively market their product to each of us and not only act to satisfy the insatiable appetite of the American public for near 24/7 entertainment, but also distract us from the pain of these hard times and the all too apparent diminishing status of America on the world stage. The NCAA can't (or won't) fix it.[4] The referenced *Washington Post* story sets the stage for Robert Lipsyte's *USA TODAY* opinion piece that applies equally well to college football.[5]

"Saving football from itself, à la Teddy (Roosevelt in 1905), might seem frivolous in these hard times, with 9% unemployment, two wars and a new divided Congress. Circumstances today are far different than they were for Teddy. So, unless or until it seems clear that the professional leagues cannot regulate themselves (as in the case when Congress got involved in baseball and steroids), the responsibility must to fall to each of us," says Lipsyte.

Lipsyte's "pencil-necked" elites have little if any company, so exactly who constitutes the "us" who would be willing and able to take on requisite responsibility? Perhaps to get a better sense of 'what's going on,'

it's time to read/reread "Death Puts Focus on College Athletics,"[6] as well as the comment on Mike Hall's *Wall Street Journal* Letter, "Are Rome's Last Days a Distant Mirror for America?"[7]

Barbara Tuchman has said: "Telling the truth about a given condition is absolutely requisite to any possibility of reforming it." It may very well be that the only hope for truth, justice, and reform in collegiate athletics will be via the courts, as in the March 10, 2010, Consolidated Amended Class Action Complaint captioned *In re NCAA Student-Athlete Name & likeness Licensing Litigation* in the District Court for the Northern District of California.[8]

NOTES

1. Whiteside, Kelly, "Questions about QB threaten a dream season," USA TODAY, http://www.usatoday.com/printedition/news/20101123/1aauburn23_cv.art.htm.
2. Sander, Libby, "NCAA Will Not Rush to Judgment on Cam Newton, Emmert Says," *The Chronicle of Higher Education*, November 19, 2010, <http://chronicle.com/blogs/players/ncaa-will-not-rush-to-judgment-on-cam-newton-emmert-says/27788>
3. Editors, *Inside Higher Ed*, "Newton, Heisman Favorite, Ruled Eligible by NCAA," *Inside Higher Ed*, December 2, 2010, <http://www.insidehighered.com/news/2010/12/02/qt#244796>
4. Hamilton, Tracee, "College football is broken, and the NCAA can't fix it," *Washington Post*, Nov. 26, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/11/25/AR2010112502828_pf.html
5. Lipsyte, Robert, "Only we can save the NFL from itself," USA TODAY, November 23, 2010, http://www.usatoday.com/news/opinion/forum/2010-11-23-column23_ST_N.htm
6. Splitt, Frank G., "Death Puts Focus on College Athletics," http://thedrakegroup.org/Splitt_Focus.pdf
7. _____, Comment on "Are Rome's Last Days a Distant Mirror for America?," *The Wall Street Journal*, Letters, November 23, 2010, <http://online.wsj.com/article/SB10001424052748704312504575619143718091672.html#articleTabs%3Darticle>

In "Are Rome's Last Days a Distant Mirror for America?" Mike Hall writes: "Citizens of Rome demanded that emperors provide subsidized food, public entertainment and public building (infrastructure) projects." From public education and big-time college sports entertainment perspectives my short answer is "you bet."

A longer answer comes from "America's Failing Education System: It Can Still Be Fixed," (http://thedrakegroup.org/Splitt_Failing.pdf) that asks: Are We Rome? and Why does America have a failing education system?

It's because corrective action for the failing system has all too often required political will and abundant courage to change the status quo. Unfortunately, politicians of all stripes and levels have avoided getting in front of issues when there was no political capital to be gained—and possibly much to be lost, for example, loss of donations and loss of political office. So major issues have gone unresolved or ignored while the public is distracted from glum news about crises of the day such as terrorism, economic uncertainty, and pandemics, by games of all sorts—once again prompting the question: Are we Rome?

In his classic 2000 book, *Beer and Circus: How Big-Time College Sports Is Crippling Undergraduate Education*, Murray Sperber coined the term beer-and circus—a takeoff on the political, bread-and-games strategy of early Roman emperors aimed at distracting the populace from foreign and domestic policy failures—saying it is the best description he has found for the party scene connected to big-time intercollegiate athletic events and its effect on many undergraduates at large public research universities.

Jared Diamond's 2005 book, *Collapse: How Societies Choose to Fail or Succeed*, along with Cullen Murphy's 2007 book, *Are We Rome?: The Fall of an Empire and the Fate of America?*, and Adrian Goldsworthy's recently published book, *How Rome Fell*, provide a more expansive view of the circumstances and behavior patterns preceding the decline of powerful government states and nations that apply to failing education systems as well.

Apparently, the afore-listed books and the 1983 National Commission on Excellence in Education (NCEE) report, *A Nation at Risk*, have been no match for the formidable economic, political, and legal forces that have been mustered to defend the status quo. When coupled with extant greed, corruption, incompetence, deceit, and denial, these forces have impeded significant corrective action in America's educational system—this, no matter how eloquent and lofty-sounding the warnings, pleas and rhetoric about the need for change.

8. Stippich, Kristal S. and Otto, Kadence A., "Carrying a Good Joke Too Far? An Analysis of the Enforceability of Student-Athlete Consent to Use of Name and Likeness," *Journal of Legal Aspects of Sport*, Vol. 20, No. 2. Summer 2010. Accessible at LexisNexis.com: <https://litigationessentials.lexisnexis.com/webcd/app?action=DocumentDisplay&crawlid=1&doctype=cite&docid=20+J.+Legal+Aspects+Of+Sport+151&srctype=smi&srcid=3B15&key=14b98de17d8523812fe10607fc1ebf6a>